

Regular Council Meeting
to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, February 6, 2018
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**

6.1	Minutes of the January 23, 2018 Regular Council Meeting	1-5	Adopt
6.2	Minutes of the January 23, 2018 Public Hearing	6-7	Receive
7. **Committee and Board Reports**

7.1	Official Community Plan Task Force Minutes of June 5, 2017 <i>Staff Recommendation: THAT Council receive the minutes of the Official Community Plan Task Force meeting of June 5, 2017.</i>	8-9	
7.2	Agriculture Advisory Committee Minutes of November 14, 2017 <i>Staff Recommendation: THAT Council receive the draft minutes of the Agriculture Advisory Committee meeting of November 14, 2017.</i>	10-12	
7.3	Economic Development & Prosperity Task Force Minutes of January 11, 2018 <i>Staff Recommendation: THAT Council receive the draft minutes of the Economic Development & Prosperity Task Force meeting of January 11, 2018.</i>	13-15	
7.4	Penticton Creek Restoration Committee Minutes of January 19, 2018 <i>Staff Recommendation: THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of January 19, 2018.</i>	16-18	
7.5	Heritage and Museum Committee Minutes of January 30, 2018 <i>Staff Recommendation: THAT Council receive the draft minutes of the Heritage and Museum Committee meeting of January 30, 2018.</i>	19-21	

8. **Correspondence**

9. **Staff Reports:**

- DFC 9.1 Emergency Operations Centre (EOC) Grant 22-23
Staff Recommendation: THAT Council support the application for grant funding from UBCM for Emergency Operations Centre costs for equipment, supplies, & training for the City of Penticton Emergency Operations Centre.
- CO 9.2 Southern Interior Local Government Association (SILGA): 2018 Resolutions 24-25
Staff Recommendation: WHEREAS Local Government has become reliant on use of information technologies including the internet, wireless technology and smart devices to advance communications and citizen services and create operational efficiencies;
- AND WHEREAS protection of privacy and security of digital and physical assets and services is critical to local government in a situation where rapidly evolving technology poses significant risk of theft and damage to hardware, software and information;*
- NOW THEREFORE be it resolved that Province of British Columbia establish a program that supports local government and provides grant resources for information technology security audits and information technology security system upgrades.*
- BA 9.3 Fees and Charges Amendment Bylaw No. 2018-10 26-43
Staff Recommendation: THAT Council give first, second, and third reading to "Fees and Charges Amendment Bylaw No. 2018-10".
- DDS 9.4 Economic Development - 2018-2022 Strategic Plan 44-75
Staff Recommendation: THAT Council support the 2018-2022 Economic Development Strategic Plan.
- LA 9.5 City Land Disposition Policy 76-85
Staff Recommendation: THAT Council provide Staff with direction on the following issues identified in the proposed "City Land Disposition Policy" at the January 23, 2018 Council meeting by selecting from the following options under A) and B):
- A) *Replace the clause:*
"If significant issues are identified, the request will be declined at the staff level. Staff may advise the proponent of any viable alternatives or alternative processes that could be followed."
- With:*
- Option 1
If a proposal is deemed non-viable based on Staff vetting, the request will be declined at the staff level. Staff will advise the proponent of any viable alternative parcels and provide alternative processes that could be followed. Should the proponent not be satisfied with the staff decision the proponent may appeal the Staff decision to the CAO and if not satisfactorily resolved by the CAO, through an appeal to Council; OR
- Option 2
If a proposal is deemed non-viable based on Staff vetting, the request will be brought forward to Council recommending a decline of the offer; OR
- Option 3
That Council direct Staff to modify the clause with wording of their choosing.
- B) *Choose one of the following options to determine the level of flexibility Council will have in sending proposals for public engagement:*

Option 1

Once initial negotiations are complete, Council **may** choose to proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.

Option 2

Once initial negotiations are complete, Council **shall** proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.

AND THAT Council approve the City Land Disposition Policy to be dated February 6, 2018 as modified by the above noted direction to be dated February 6, 2018; AND FURTHER THAT Council repeal the Land Sale Policy dated December 8, 1998.

- GMI 9.6 Asset Management Building to the Standards 86-91
Staff Recommendation: THAT future engineering projects reflect the reduced road widths and sidewalk elimination as per the standard referred to in this staff report dated February 6, 2018;
AND THAT Council direct staff to include the savings reflected by road width reductions and sidewalk elimination in the next update of the Asset Management Investment Plan;
AND FURTHER THAT residents be educated during the design phase with respect to the Asset Management Issues, adopted standards, mitigation measures and the possibility of a 100% resident funded Local Area Service charge should they want the wider street and sidewalks on both sides.
- MEU 9.7 Electric Utility Services Bylaw No. 2017-44 92-153
Subdivision and Development Amendment Bylaw No. 2018-08
Fees and Charges Amendment Bylaw No. 2018-09
Staff Recommendation: THAT Council give second reading as amended and third reading to the "Electric Utility Services Bylaw No. 2017-44";
AND THAT Council give first, second and third reading to the "Subdivision and Development Amendment Bylaw No. 2018-08" which is a Bylaw to amend the "Subdivision and Development Bylaw No. 2004-81" as it pertains to Net Metering;
AND THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2018-09" which is a Bylaw to amend the "Fees and Charges Bylaw No. 2014-07" as it pertains to Appendix 7 – Electricity;
AND THAT Council direct staff to forward the "Electric Utility Services Bylaw No. 2017-44" to the Minister of Municipal Affairs and Housing for approval.
- LA 9.8 City Owned Land Project Update 154-162
Staff Recommendation: THAT Council receive the report dated February 6, 2018 titled "City Owned Land Project Update" into the record.

10. **Public Question Period**

11. **Recess to In-Camera Meeting**

Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
 - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;
- 90 (2) (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

12. **Reconvene the Regular Council Meeting at 6:00 p.m.**

13. **Reconsideration of Bylaws and Permits:**

13.1	Zoning Amendment Bylaw No. 2017-59 Re: 342 & 346 Van Horne Street	163-164	Adopt
13.2	Street Naming (The Ridge) Bylaw No. 2017-80	165-166	Adopt

14. **Land Matters:**

DDS	<p>14.1 Development Variance Permit PL2017-8115 Re: 249/257 Scott Avenue</p> <p><u>Staff Recommendation:</u> THAT Council approve "Development Variance Permit PL2017-8115" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 16905, located at 249 Scott Avenue and for Parcel B (Plan B837) of Lot 3 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 582, located at 257 Scott Avenue, a permit to waive the visitor parking requirements and to reduce the minimum amenity space from 20m² to 0m²; AND THAT approval of "Development Variance Permit PL2017-8115" be conditional on the following:</p> <ul style="list-style-type: none"> • That the developer entering into a Housing Agreement with the City of Penticton requiring participation in the South Okanagan Brain Injury Society (SOSBIS) landlord partnership program or other eligible similar program for four units within the building for a minimum of 20 years; • That the two lots be consolidated; <p>AND THAT staff be directed to prepare a Housing Agreement Bylaw for the subject property; AND FURTHER THAT staff be directed to issue "Development Variance Permit PL2017-8115" after registration of the Housing Agreement.</p>	167-179	Del/Sub
PM	<p>14.2 Development Permit PL2018-8153 Re: 108, 114, 120, 126 and 136 Ellis Street</p> <p><u>Staff Recommendation:</u> THAT Council approve "Development Permit PL2018-8153", a permit to for a six (6) storey, 48 unit, residential building with two (2) live work units and ground floor commercial uses on Lots 2 – 6, Bock 12, District Lot 202, Similkameen Division Yale District, Plan 479, located at 120 Ellis Street (108, 114, 120, 126 and 136 Ellis Street); AND THAT as a condition of approval the five lots are to be consolidated prior to building permit issuance; AND THAT staff are directed to issue the permit; AND FURTHER THAT Council with their authority under Section 507 of the Local Government Act, dealing with excess and extended services, require the construction of the full width of the lane to tie into the new portion of lane leading from Westminster Avenue.</p>	180-199	
DDS	<p>14.3 Zoning Amendment Bylaw No. 2018-04 Development Variance Permit PL2017-8121 Development Permit PL2017-8122 Re: 799 Martin Street</p> <p><u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2018-04", a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the February 20, 2018 Public</p>	200-223	

Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-04", a 1.0m road dedication along the east property line (Martin Street) is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2017-8120" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit to reduce the minimum north interior side yard of a principal building from 4.5m to 3.9m, to reduce the minimum rear yard from 6.0m to 4.4m and to increase the maximum hard surfacing of a lot from 60% to 71%, be heard at the February 20, 2018 Public Hearing.; AND THAT Council consider "DVP PL2017-8121" following the adoption of "Zoning Amendment Bylaw No. 2018-04";

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-04," approve "Development Permit PL2017-8122" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit that allows for the construction of a nine-unit townhouse development.

DDS 14.4 Official Community Plan Amendment Bylaw No. 2018-05 224-254
Zoning Amendment Bylaw No. 2018-06

Development Variance Permit PL2017-8099

Development Permit PL2017-8100

Re: 240 Riverside Drive, 251 Wylie Street, 1140 Burnaby Avenue

Staff Recommendation: THAT prior to consideration of "OCP Amendment Bylaw No. 2018-05" and in accordance with Section 475 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation; AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from TC (Tourist Commercial) to MR (Medium Density Residential); AND THAT "Official Community Plan Amendment Bylaw No. 2018-05" be introduced, read a first time and forwarded to the February 20, 2018 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2018-06", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from CT1(Tourist Commercial) and CT2(Campground Commercial) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 20, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-06" the following conditions are met:

- The subject lots are consolidated and registered with the Land Title Office;
- A 5m X 5m road dedication on the corner of Wylie and Burnaby be registered with the Land Title Office;

AND THAT, in accordance with section 211(1)(b) of the Community Charter, staff bring forward a Local Area Service for street improvements to parts of Burnaby Ave, Wylie St and Riverside Drive;

AND THAT, in accordance with section 507 of the Local Government Act, if the Local Area Service bylaw fails, Council require the developer to construct the full width of Wylie Street, Burnaby Avenue and Riverside Drive as per Attachment "H".

THAT delegations and submissions for "Development Variance Permit PL2017-8099" include Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District

Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street, a permit varying the following provisions of Zoning Bylaw 2017-08:

- *decrease the front yard setback from 3m to 1.5m*
- *decrease the rear yard setback from 6m to 3m*
- *decrease the exterior yard setback from 4.5m to 1.5m*

be heard at the February 20, 2018 Public Hearing;

AND THAT Council consider "DVP PL2017-8099" following the adoption of "Zoning Amendment Bylaw No. 2018-06"; AND THAT Council consider "DP PL2017-8100" following the adoption of "Zoning Amendment Bylaw No. 2018-06".

15. **Notice of Motion**
16. **Business Arising**
17. **Council Round Table**
18. **Public Question Period**
19. **Adjournment**

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, January 23, 2018
at 1:00 p.m.

- Present:** Mayor Jakubeit
Councillor Picton
Councillor Sentes
Councillor Martin
Councillor Sayeed
Councillor Watt
- Absent:** Councillor Konanz
- Staff:** Peter Weeber, Chief Administrative Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Dana Schmidt, Corporate Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 1:01 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

16/2018

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on January 23, 2018 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the January 9, 2018 Regular Council Meeting

17/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the January 9, 2018 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

5. Committee and Board Reports

5.1 Parks & Recreation Master Plan Steering Committee Minutes of October 26, 2017

18/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Parks & Recreation Master Plan Steering Committee meeting of October 26, 2017.

CARRIED UNANIMOUSLY

5.2 Development Services Advisory Committee Minutes of December 1, 2017

19/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Development Services Advisory Committee meeting of December 1, 2017.

CARRIED UNANIMOUSLY

5.3 Official Community Plan Task Force Minutes of January 3, 2018

20/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Official Community Plan Task Force meeting of January 3, 2018.

CARRIED UNANIMOUSLY

5.4 Community Revitalization Select Committee Minutes of January 9, 2018

21/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Community Revitalization Select Committee meeting of January 9, 2018.

CARRIED UNANIMOUSLY

6. Correspondence

7. Staff Reports:

7.1 Feedback: Electric Utility Services Bylaw

22/2018

It was MOVED and SECONDED

THAT Council direct staff to consolidate the "Residential/Special Service" and the "Residential" definitions in the Electric Utility Services Bylaw No. 2017-44;
AND THAT Rate Code 15 be removed from the Fees and Charges Bylaw No. 2014-07.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

THAT net metering connection costs remain as proposed in the Electric Utility Services Bylaw No. 2017-44;
AND THAT the rate the Electric Utility purchases excess energy from Net Metered Customers remain as proposed in the Electric Utility Services Bylaw No. 2017-44;
AND THAT Billing Net Metered Customers remain as proposed in the Electric Utility Services Bylaw No. 2017-44.

23/2018

It was MOVED and SECONDED

THAT connection cost are phased in over five years.

DEFEATED

Mayor Jakubeit, Councillors Sayeed, Watt, Sentes, Picton, Opposed

24/2018

It was MOVED and SECONDED

THAT net metering connection costs remain as proposed in the Electric Utility Services Bylaw No. 2017-44;

AND THAT the rate the Electric Utility purchases excess energy from Net Metered Customers remain as proposed in the Electric Utility Services Bylaw No. 2017-44;

AND THAT Billing Net Metered Customers remain as proposed in the Electric Utility Services Bylaw No. 2017-44.

CARRIED
Councillor Martin, Opposed

25/2018

It was MOVED and SECONDED

THAT Council direct staff to proceed with the proposed changes prior to further consideration of Electric Utility Services Bylaw No. 2017-44.

CARRIED
Mayor Jakubeit and Councillor Martin, Opposed

7.2 300 Block Main Street – Borrowing Resolution

26/2018

It was MOVED and SECONDED

THAT Council of the City of Penticton authorizes up to \$1,635,040 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of revitalizing the 300 block of Main Street in Penticton;

AND THAT the loan be repaid within five years, with no rights of renewal, with the annual principal and interest payments to be funded from the City of Penticton's Asset Sustainability Reserve.

CARRIED UNANIMOUSLY

7.3 Firefighting Service Level

27/2018

It was MOVED and SECONDED

THAT Council receive the report titled "Firefighting Service Level" for information recognizing that the City of Penticton Fire Department is a Full Service Operations Fire Department (career) with a component of Interior Operations Fire Department (auxiliary) in accordance with the British Columbia Fire Service Minimum Training Standards and the "Fire and Life Safety Bylaw No. 2004-57".

CARRIED UNANIMOUSLY

7.4 City Land Disposition Policy

It was MOVED and SECONDED

THAT Council approve the Land Disposition Policy as attached to the report dated January 23, 2018 titled "City Land Disposition Policy"; AND THAT Council repeal the Land Sale Policy dated December 8, 1998.

28/2018

It was MOVED and SECONDED

THAT Council defer the City Land Disposition Policy to the February 6, 2018 Regular Meeting of Council.

CARRIED
Councillor Martin and Picton, Opposed

7.5 Heritage Committee Re-Appointments

29/2018

It was MOVED and SECONDED

THAT Council appoint Heather Buzzell, Randy Manual, William Allen, Loraine Stephanson, Brad Hills, Shelley Clarke, Jessie Dunlop, Gerald Buzzell and Bob Parliament to the Heritage and Museum Committee for the 2018 term.

CARRIED UNANIMOUSLY

8. Public Question Period

9. Recess Meeting

Mayor Jakubeit recessed the meeting at 2:28 p.m.

10. Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.

The Regular Council Meeting reconvened at 6:03 p.m.

11. Reconsideration of Bylaws and Permits:

11.1 Zoning Amendment Bylaw No. 2018-02
Re: 237 Phoenix Avenue

30/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-02".

CARRIED UNANIMOUSLY

11.2 300 Block – Main Street Local Area Service Bylaw No. 2017-62

31/2018

It was MOVED and SECONDED

THAT Council adopt "300 Block – Main Street Local Area Service Bylaw No. 2017-62".

CARRIED UNANIMOUSLY

12. Land Matters:

12.1 Development Variance Permit PL2017-8118
Re: 1198 Government Street

Delegations/Submissions: No one spoke.

32/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2017-8118" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 39066, located at 1198 Government Street, a permit to reduce the minimum interior yard from 4.5m to 0m and to reduce the minimum rear yard when abutting a lane that abuts a residential zone from 6.0m to 3.0m; AND THAT staff be directed to issue "Development Variance Permit PL2017-8118."

CARRIED UNANIMOUSLY

12.2 Zoning Amendment Bylaw No. 2018-03
Re: 450 Martin Street (P2 Developments)

33/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-03", being a bylaw to rezone Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District and District Lot 202, Similkameen Division Yale District, Plan KAP90148, from CD1 Comprehensive Development Zone 1 (400 Martin Street) to C5 (Urban Centre Commercial) and to remove the CD1 from Zoning Bylaw 2017-08, be given first reading and be forwarded to the February 20, 2018 Public Hearing.

CARRIED UNANIMOUSLY

13. Notice of Motion

14. Business Arising

THAT Council reappoint Linda King, Connie Redknap, Ernie Ingles and Wesley Nickel to the Penticton Library Board for two years, ending December 31, 2019.

THAT Council appoint Tim Tweed to the Arts, Creative & Cultural Innovations Committee as the Penticton & District Community Arts Council representative for 2018.

15. Council Round Table

16. Public Question Period

17. Adjournment

34/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, January 23, 2018 at 6:17 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Public Hearing
City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, January 23, 2018
at 6:00 p.m.

Present: Mayor Jakubeit
Councillor Watt
Councillor Picton
Councillor Sentes
Councillor Martin
Councillor Sayeed

Absent: Councillor Konanz

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw No. 2018-02. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

2. "Zoning Amendment Bylaw No. 2018-02" (237 Phoenix Avenue)

The purpose of "Zoning Amendment Bylaw No. 2018-02" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 4, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 237 Phoenix Avenue from R1 (Large Lot Residential) to RD1 (Duplex Housing).

The applicant is proposing to construct a side-by-side duplex.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

DELEGATIONS

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2018-02" was terminated at 6:02 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Official Community Plan Task Force Meeting

held at City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.

Monday, June 5, 2017
at 5:30 p.m.

Present:	Andrew Jakubeit	Mayor
	Andre Martin	Councillor
	Brian Symonds	Member at Large
	Bruce Schoenne	Member at Large
	Dawn Russell	Penticton Indian Band Representative
	Denis O’Gorman	Member at Large
	Garrett Cruikshank	Member at Large
	Jill Bateman	Penticton Industrial Development Assn. Representative
	Jillian Tamblyn	Member at Large
	Kristi Estergaard	Interior Health Representative
	Randy Kowalchuk	Member at Large
	Randy Manuel	Member at Large
	Rhys Spencer	Member at Large
	Sharon Fletcher	Member at Large
	Suzanne Moccia	Chair and Member at Large
	Tracy Van Raes	Penticton & Wine Country Chamber of Commerce Representative
	Warren Sanders	Member at Large
	Wendy Hyer	School District No. 67 Representative
Staff:	Ben Johnson	Special Projects Manager
	Anthony Haddad	Director of Development Services
	Blake Laven	Planning Manager
	Sharon Thompson	Corporate Administrative Secretary

1. **Call to Order**

The Official Community Plan Task Force was called to order by the Chair at 5:45 p.m.

2. **Adoption of Agenda**

It was **Moved** and **Seconded**

THAT the Official Community Plan Task Force adopt the agenda for the meeting held on June 5, 2017 as circulated.

CARRIED UNANIMOUSLY

4.4 Engagement Feedback – Group Breakout Exercise

Task Force members were separated into five (5) groups and asked to brainstorm ideas around four questions posed during community engagement sessions. Emerging themes surfaced and discussion ensued with only two “surprises” identified, 1) that Penticton was considered by some to be multicultural and 2) the significant amount of social problems related to low income, crime, addiction and lack of opportunity. The four questions discussed were:

1. In 2045, Penticton will be.....
2. What do you LOVE about Penticton?
3. What are your HOPES for the future of Penticton?
4. What are your CONCERNS about the future of Penticton?

4.5 First Steps in Developing a Vision - Discussion

The Special Projects Manager reviewed the definition of a vision statement and shared a sampling of vision statements from various sources. Discussion, led by the Chair, resulted in the emergence of commonalities and the group was asked to bring their ideas to the next Task Force Committee meeting for consideration in creating a new City of Penticton Vision Statement.

5. Next Steps

In an effort to familiarize Committee members with the various areas of the City, it was suggested a “guided” bus tour prior to the next regular meeting would be beneficial. It was determined various zones should be considered, including cultural neighbourhoods, social and health agencies, agricultural and industrial areas and parks and recreation areas. The Special Projects Manager was tasked with organizing an evening bus tour and members will be notified once details are confirmed.

The next round of public engagement will be held in the fall and the Special Projects Manager asked Committee members to consider what form this might take. An OCP Expo or walking tours were two suggestions. Everyone was asked to give this some thought for future discussion.

6. Next Meeting

The next regular meeting of the Official Community Plan Task Force is TBD.

7. Adjournment

It was MOVED and SECONDED

THAT the Official Community Plan Task Force adjourn the meeting held on Monday, June 5, 2017 at 8:15 p.m.

CARRIED UNANIMOUSLY

Certified Correct:



Sharon Thompson
Corporate Administrative Secretary

Agriculture Advisory Committee Meeting

held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Tuesday, November 14, 2017
at 3:30 p.m.

- Present:** Rod King, Acting Chair
Fritz Hollenbach, Member at Large
Darshan Jassar, Member at Large
Charlie Utz, Member at Large
Chris Harp, Member at Large
Rod Hollett, Member at Large
- Staff:** Blake Laven, Planning Manager
Randy Houle, Planner 1
Ben Johnson, Special Projects Manager
Lorraine Witowski, Committee Secretary
- Guests:** Celeste Barlow and Martin Collins, Planners, Okanagan Region
Agriculture Land Commission

1. **Call to Order**

The Agriculture Advisory Committee was called to order by the Acting Chair at 3:35 p.m.

2. **Appointment of Committee Chair & Vice Chair**

It was MOVED and SECONDED

THAT Rod King be appointed as Chair and Fritz Hollenback as Vice-Chair for the Agriculture Advisory Committee for the 2017-2018 term.

CARRIED UNANIMOUSLY

3. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on November 14, 2017 as amended (refer to Item 5.4).

CARRIED UNANIMOUSLY

4. Adoption of Minutes

It was **MOVED** and **SECONDED**

THAT the Agriculture Advisory Committee adopt the minutes of the May 25, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

5. New Business

5.3 Official Community Plan Review Update – Ben Johnson

The Special Projects Manager provided an update on the Official Community Plan review and upcoming workshops including the next public engagement event 'PENTALKTON' happening on November 22 at the Community Centre. Members were invited and encouraged to attend.

The Special Projects Manager commented he will be engaging this committee on specific issues in the new year with respect to the OCP review.

Ben Johnson left the meeting at 3:45 p.m.

5.1 Proposed 20 Room Hotel on Agricultural Property – Winery – Len Fox and Tony Holler

The Planning Manager provided an overview of the proposed 20 room hotel adjacent to the Poplar Grove winery including photos of the subject property and drawings of the proposed high end boutique hotel.

Tony Holler, the applicant, provided background information on the subject property, further details of the proposal and rationale for the project noting the property has never been used for agriculture purposes. It was noted the hotel would be built into the sloped landscape. Staff commented a portion of the property is in the ALR. Mr. Holler stated the property would need to be rezoned to commercial to allow for the operation of a hotel. Discussion and questions followed.

It was generally agreed by the committee that the proposal was well suited for that specific property and would be beneficial to the wine industry. Mr. Holler agreed to bring additional details of the project to a future meeting.

5.2 2885 Valleyview Road

The Planner 1 provided an overview of the original application for the property for a site-specific rezoning to allow for agri-tourism accommodation by converting the existing single family dwelling to an agri-tourism accommodation and build a new single family dwelling. Staff noted the ALC has since stated is not acceptable. The applicants have revised their application and are now proposing to build ten (10) seasonal accommodations on the property.

The owners/applicants provided their rationale for the application. Staff commented this revised proposal does follow ALC guidelines and is an allowable use and will require a site-specific zoning amendment by the City. Discussion and questions followed. It was suggested the impact on agriculture be minimized with respect to the location of the seasonal accommodation.

5.4 ALC Decision Update

The Planning Manager provided an update on past recommendations and subdivision applications for 190 Middle Bench Road and 295 Upper Bench Road stating that both applications were denied by the Agriculture Land Commission.

6. Delegation

6.1 Agriculture Land Commission Update

Celeste Barlow and Martin Collins, Planners, Okanagan Region provided an update on the Agricultural Land Commission's recent regulatory changes for agri-tourism accommodation, wineries, carriage houses, different home changes and highlighted two major changes for gatherings for events noting they have been limited to ten events per year, per property and distilleries and breweries are now regulated the same as the wineries. There is a new policy regarding lots smaller than two acres. Discussion and questions followed.

Martin Collins provided an update on staffing and noted that the ALC is working towards better enforcement and compliance. They are also meeting with the RDOS to discuss issues. The committee was advised there will be a consultation period in March and members were encouraged to participate.

7. Terms of Reference

The 2017-2018 Terms of Reference were received for information.

8. Next Meeting

The next scheduled meeting of the Agriculture Advisory Committee to be determined.

9. Adjournment

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee adjourn the meeting held on Tuesday, November 14, 2017 at 5:10 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Witowski
Corporate Committee Secretary

Economic Development & Prosperity Task Force Meeting

Held at the City of Penticton
171 Main Street, Penticton, B.C.

Thursday, January 11, 2018
at 8:00 a.m.

Present: Mayor Andrew Jakubeit, Chair
Councillor Helena Konanz
Andy Oakes
Danielle Robinson
Jason Cox
Kirk Marleau
Paulette Rennie
Stephen Noton

Staff: Anthony Haddad, Director of Development Services
Jennifer Vincent, Economic Development Specialist
Sharon Thompson, Recording Secretary

Guests: Colin O'Leary, O'Leary and Associates Ltd.
Hugh McClelland, Baird McClelland Inc., Economic Development Consultant
Larry Olson

1. **Call to order**

The Economic Development & Prosperity Task Force was called to order by the Mayor at 8:03 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the agenda dated January 11, 2018 as amended – item 5.1 changed to read New Committee Member.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the minutes of the October 19, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. **OCP Update**

The Engagement Officer explained the next phase of community engagement on the Official Community Plan. There will be a three day public ExpOCP January 18-20. She noted this is an opportunity to influence the future direction of the city and gave an overview of the sessions planned on a variety of topics including Economic Development, Housing, Transportation, Sustainability & Environment, Arts, Culture & Heritage, Agriculture and Parks & Recreation. Task Force members were invited to attend the special Committee Night January 17 and were encouraged to invite friends, family and colleagues from their networks to participate in the public sessions.

The Director Development Services advised there would be a session specifically on Economic Development.

5. **Business Arising from Prior Meetings**

5.1 **New Committee Member**

The Chair advised that as a result of the resignation of Mark Melissen, staff is considering possible replacement candidates. All were encouraged to suggest someone they know might have an interest (or skill set) in becoming a member of the task force. It was noted that more than one candidate may be considered.

5.2 **Proposed Economic Development Strategic Plan 2018-2022**

The Director of Development Services began by thanking everyone for their participation in the 2-day Strategic Planning session held at the end of October and, in addition to the committee, included Council, staff and community stakeholders.

The Director of Development Services presented the 2018-2022 Economic Development Strategic Plan and distributed the most recent version of the draft document. He explained that the goals of the Key Result Areas (KRAs): 1. Communication, 2. Collaboration, 3. Retention and Expansion, 4. Attraction and 5. Organizational Excellence, which should align with the six Council priorities, are intended to give clear direction to staff and Council committees to support them in successfully accomplishing the goals set out in the 5-year plan.

8:26 a.m. Andy Oakes joined the meeting in progress.

The Director Development Services reviewed each KRA in detail explaining strategic goals, actions, anticipated results and the expected timeline. Estimated budget allocations and operational plan timelines were reviewed and discussed.

The Economic Development Specialist and the Economic Development Consultant guided further discussion and provided updates of research findings and other related development activities. Discussion continued and Task Force members were encouraged to share their ideas, ask questions and provide direction on the Plan going forward.

The Director Development Services noted the Plan will be presented to Council for endorsement in February.

9:15 a.m. Councillor Konanz departed.

Updates from the Economic Development Specialist:

- The City of Penticton has been nominated for the Small Business BC Open for Business Award for our Economic Improvement Zones. The awards ceremony will be held in Vancouver February 23, 2018.
- The City has submitted an application for the Smart Cities Challenge, a pan-Canadian competition to communities of all sizes which encourages communities to adopt a smart cities approach to improve the lives of their residents through innovation, data and connected technology.
- The City of Penticton was invited to be featured in the Winter issue of 'Input Magazine' published by the Real Estate Institute of BC. The 3,000-word article highlights recent development activity, downtown revitalization, economic development initiatives and the planning around the Official Community Plan process. The story is featured on the front cover and is the centrepiece of the magazine. To read the full article, click on the link:
<https://www.flipgorilla.com/p/25308031877121828/show#/25308031877121828/0>

5.0 New Business

There was no new business.

6.0 Next Meeting

The next scheduled meeting of the Economic Development & Prosperity Task Force will be decided depending on the results of a Doodle Poll.

7.0 Adjournment

It was **MOVED** and **SECONDED** that the Economic Development & Prosperity Task Force adjourn at 9:34 a.m.

Certified Correct:

Sharon Thompson
Committee Secretary

Penticton Creek Restoration Committee Meeting

Held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Friday, January 19, 2018
at 9:00 a.m.

- Present:** Helena Konanz, Councillor
Bryn White, South Okanagan Similkameen Conservation Program, Chair
Bill Wickett, Penticton Fly Fishers Association Representative
Bruce McFarlane, Regional Water Engineer, Min. of FLNRO Representative
Hillary Ward, Province of BC Fisheries, Min. of FLNRO Representative
Paul Askey, Freshwater Fisheries Society of BC Representative
Joe Enns, Okanagan Nation Alliance Representative
- Staff:** Mitch Moroziuk, General Manager of Infrastructure
Ian Chapman, City Engineer
Lorraine Witowski, Committee Secretary
- Guests:** Yi Li, Regional Hydrologist, Ministry of Forests, Lands and Natural Resources
Dwight Shanner, Aarde Environmental Ltd.

1. **Call to Order**

The Penticton Creek Restoration Committee was called to order by the Chair at 9:04 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adopt the agenda for the meeting held on January 19, 2018 as circulated.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adopt the minutes of the November 24, 2017 meeting as amended.

CARRIED UNANIMOUSLY

4. New Business

4.1 Official Community Plan Update

The Chair provided an overview of the Official Community Plan review process commenting it is the driver for the City of Penticton's vision and goals and noted this committee has an opportunity to provide recommendations. Roundtable discussion followed and important key points were highlighted as follows:

- City streams should be viewed as a natural asset and included in the asset management plan;
- Both creeks and foreshore are valuable assets – increase protection and education on water courses and foreshore to help community understand their value;
- Improve water course development permit provisions, setbacks, enforcement and education on stewardship of riparian areas;
- Include policy direction related to protection of sensitive areas for current and future land use designations;
- Identify areas that can be purchased;
- Update environmental and watercourse development permit designations through mapping;
- Provide ecological and financial incentive zones;
- Development application information areas to trigger additional information required;
- Provide terms and guidance for Environmental Assessments required in conjunction with development permit;
- Encourage ongoing consultation with the Penticton Indian Band and Okanagan First Nations; Engagement should start early so all parties can work together.

Councillor Helena Konanz arrived at the meeting at 9:58 a.m.

4.2 Vernon Creek Freshet 2017 Lessons

The Province of BC Fisheries, Min. of FLNRO representative reviewed the issues and damages that occurred to the Upper Vernon Creek flume from the 2017 spring flood noting due to the damages sustained to the flume, high ground water levels occurred throughout the summer and there are still on-going issues with septic systems downstream. A temporary water bypass pipe has since been installed. The representative further noted Kelowna has received funds through the provincial Disaster Financial Assistance program for the replacement of the flume with a rock cascade-pool-riffle natural (lined) channel to meet the current standards.

4.3 Update on Freshet 2017 Repair Works – Penticton Creek and Ellis Creek

The City Engineer commented the application has been submitted to the Disaster Financial Assistance program. The total claim came in just under \$4 million for repairs to waterfront works and walls, walkways and parking areas including six specific claims, three claims for Penticton Creek and three claims for Ellis Creek. The Penticton Creek consists of sixteen individual projects that include removing wood debris, failed concrete slabs, holes and structure cracks. Nine projects are urgently needed and should be done before the next freshet, and four to be completed during the 2018 fish window. Three projects will be deferred to 2019. The Ellis Creek consists of three projects that include the removal of up to one metre of deposited material before the 2018 freshet and restoration work to address the severe erosion upstream of Dartmouth Road.

The City Engineer reported detail design work for Penticton Creek is still ongoing and staff are working with the consultants to submit applications for the work to be undertaken. Discussion and questions followed.

Mitch Moroziuk left the meeting at 10:27 p.m.

A question was raised if there will be some public communications on repairs works in creeks. Staff commented they will be setting that up to provide information to the public on the works.

5. **Business Arising from Prior Meetings**

5.1 Penticton Creek Lower 3A Project Tendering Process and Timing

The City Engineer reported there is one final technical item to be addressed and once addressed, the permit should be forthcoming. Staff will issue the tender within the next month or two.

6. **Council Outcome**

The Chair confirmed the recommendations made by the committee at the November 24, 2017 meeting were adopted by Council and they are working on scheduling a date to present the master plan to the Penticton Indian Band Council. City Council also approved expanding the scope of this committee to include Ellis creek restoration initiatives.

7. **Next Meeting**

The next scheduled meeting of the Penticton Creek Restoration Committee is Friday, February 16, 2018.

8. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adjourn the meeting held on Friday, January 19, 2018 at 10:34 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Witowski
Committee Secretary

Minutes

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penticton.ca

Heritage & Museum Committee Meeting

held in Committee Room A at
City Hall, 171 Main Street
Tuesday, January 30, 2018
at 8:45 a.m.

Present: Judy Sentes, Councillor
Bill Allen, Chair
Randy Manuel, Vice-Chair
Heather Buzzell, Penticton Library Representative
Brad Hillis, Leir House Representative
Lorraine Stephanson, Member at Large
Gerald Buzzell, Member at Large

Staff: Dennis Oomen, Museum Manager
Bregje Kozak, Director - Recreation and Facilities

1. Call to Order

The Heritage & Museum Committee was called to order by the Acting Chair at 8:47a.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Heritage & Museum Committee adopt the agenda for the meeting held on January 30, 2018.

CARRIED UNANIMOUSLY

3. Committee Member Introductions

Roundtable introductions were done by members and staff.

4. New Business

4.1 Committee Overview

Staff provided an outline of the committee structure. The terms of reference indicate that the committee has (9) voting members including (7) organization representatives and (2) community members at large. There are several organizational representative spots that haven't been filled and committee members would like to ensure there is as much

representation as possible from interested groups. There is also interest to have more than (2) members at large.

ACTION: The Chair of the committee will reach out to the PIB, SS Sicamous and OK College to determine if any additional representatives are interested in filling the open seats.

4.2 Terms of Reference Review

The Terms of Reference were reviewed and circulated.

4.3 Street Naming Request

By-law No. 2017-80 was presented to the committee regarding proposed street names for the new roads created by the subdivision of Lot 1, District Lot 2710, Similkameen Division Yale district, Plan KAP21103, located at 1830 Ridgedale Drive (The Ridge) as follows:

- Antler Drive
- Deer Crescent
- Elk Street
- Fawn Court

It was MOVED and SECONDED

THAT the Heritage & Museum Committee recommend that Council endorse street naming request for 'The Ridge' as noted in Bylaw No. 2017-80.

CARRIED UNANIMOUSLY

4.4 Robins Family

Lois Robins was a founding member of the Peach Festival and her family has requested that Robins name is added to the street naming list. This request will be deferred to the next meeting when the committee will discuss the process for reviewing the street naming list.

4.5 Street Naming List

The existing street naming list requires review every two years. The last review was completed on March 17, 2016 and will need to be reviewed again in 2018. Committee members to review list prior to next meeting for discussion.

4.6 Leir House Federal Heritage Designation

Bill Allen and Randy Manuel would like to pursue Federal Heritage Designation for the Leir House. Bill provided preliminary documentation regarding the overall process and timelines, and indicated that he would take the lead on this initiative. Brad Hillis offered to assist with this project. The committee discussed and members would like a better understanding of the opportunities associated with a federal heritage designation prior to making a decision on whether to pursue this. Bill to send out links to relevant documentation for review by committee members prior to next meeting.

ACTION: The Chair of the committee will send out the preliminary documentation for review by members prior to the next meeting.

5. **Appointment of Committee Chair and Vice-Chair**

The committee discussed and appointed the Chair and Vice-chair.

It was MOVED and SECONDED

THAT Bill Allen be appointed Chair and Randy Manuel be appointed Vice-Chair for the Heritage & Museum Committee for the 2018 term.

CARRIED UNANIMOUSLY

6. **Next Meeting**

The next scheduled meeting of the Heritage & Museum Committee is Tuesday, February 27, 2018 at 8:45 a.m.

7. **Adjournment**

It was MOVED and SECONDED that the Heritage & Museum Committee adjourns the meeting held on Tuesday, January 30, 2018 at 10:03 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Bregje Kozak
Director, Recreation and Facilities

Council Report

penticton.ca

Date: February 6, 2018 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Chris Forster, Deputy Fire Chief & Emergency Planning Coordinator

Subject: **Emergency Operations Centre (EOC) Grant**

Staff Recommendation

THAT Council support the application for grant funding from UBCM for Emergency Operations Centre costs for equipment, supplies, & training for the City of Penticton Emergency Operations Centre.

Background

Under the *Emergency Program Act*, municipalities, First Nation communities and regional districts are responsible for responding to emergencies in their area.

Over the past two years, the fire department has developed an Emergency Operations Centre (EOC) for the City of Penticton in order to coordinate emergency response and recovery actions. The EOC supports emergency response personnel in the field and coordinates all official communications regarding the emergency.

This funding will allow for the improvement and capacity of the City of Penticton EOC for increased preparedness and ability to respond to emergency incidents.

Financial implication

The Community Emergency Preparedness Fund (CEPF) is a suite of funding programs intended to enhance the resiliency of local governments and their residents in responding to emergencies. Funding is provided by the Province of BC and is administered by Union of BC Municipalities (UBCM).

The grant funding can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$25,000.00.

- UBCM Grant Contribution \$25,000.00
- City of Penticton Contribution \$ 7,500.00 (Staff time in-kind)

Eligible Activities & Expenditures

Eligible costs are direct costs that are approved by the CEPF Evaluation Committee, properly and reasonably incurred, and paid by the applicant to carry out eligible activities. Eligible costs can only be incurred from the date of application submission until the final report is submitted.

Eligible activities must be cost-effective and may include:

- Purchase of equipment & supplies to maintain or improve EOCs;
- Training and exercises to increase EOC capacity;
- Establishing public emergency communications systems or programs.

The following expenditures are also eligible provided they relate directly to the eligible activities identified above:

- Consultant costs;
- Applicant staff and administration costs;
- Public information costs.

A completed submission was submitted on January 19, 2018 pending the approval of the Council Resolution.

Deny/Refer Recommendations

Should Council determine that additional information is required, it may refer requests back to Staff for additional research.

Respectfully submitted,

Chris Forster
Deputy Fire Chief
Emergency Planning Coordinator

Approvals

Chief Administrative Officer PW

Council Report

penticton.ca

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Dana Schmidt, Corporate Officer

File No: 390-20

Subject: Southern Interior Local Government Association (SILGA): 2018 Resolutions

Staff Recommendation

WHEREAS Local Government has become reliant on use of information technologies including the internet, wireless technology and smart devices to advance communications and citizen services and create operational efficiencies;

AND WHEREAS protection of privacy and security of digital and physical assets and services is critical to local government in a situation where rapidly evolving technology poses significant risk of theft and damage to hardware, software and information;

NOW THEREFORE be it resolved that Province of British Columbia establish a program that supports local government and provides grant resources for information technology security audits and information technology security system upgrades.

Strategic priority objective

With the advancement of technology, cyber security has become paramount to good governance.

Analysis

Every online connection is associated with security risk, and as the city's use of technology advances, the risks increase. To provide fundamental services such as water, sewer and electricity the City relies on information technologies to efficiently manage and maintain them. On top of this, the City hold records with personal information that we are required by law to protect.

Given the potential damage that could result from a security breach, local governments need to conduct security audits to mitigate risk. Security audits are costly and the risk remediation identified is urgent and can be very costly, well beyond an annual budget allocation.

The province has recently taken the initiative, through the Corporate Supply Arrangement, to identify service providers for public sector entities for:

- Incident handling
- Incident response
- Digital forensics
- Data recovery
- Vulnerability assessment
- Penetration testing

Identifying resources is helpful, however, monetary assistance may be necessary. A provincial grant program to assist with IT security audits and critical remediation is imperative to safeguarding our citizen's assets and services.

Respectfully submitted,

Dana Schmidt
Corporate Officer

Approvals

Director	CAO
LD	PW

Council Report

penticton.ca

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Wesley Renaud, Budget Analyst
Subject: **Fees and Charges Amendment Bylaw No. 2018-10**

File No: 1715-02

Staff Recommendation

THAT Council give first, second, and third reading to "Fees and Charges Amendment Bylaw No. 2018-10".

Background

Fees and Charges Amendment Bylaw No. 2017-52 was adopted in August 2017. This bylaw set fees and charges for the 2018 year, with the bulk of the rate changes occurring either on January 1, 2018 or April 1, 2018. In anticipation of the 2018 fees & charges coming into effect on April 1, 2018, departmental staff undertook a final review of their respective rates. Fees and Charges Amendment Bylaw No. 2018-10 reflects the minor updates to the City of Penticton's Fees and Charges Bylaw as a result of this review.

Financial implication

As provided for in the *Community Charter*, fees and charges are used to recover the cost of services provided as an alternative to property taxation. The fees and charges take into account market rates, cost recovery where possible, and any *Community Charter* restrictions.

Analysis of changes

Appendix 1: Administrative Rates

Added interest rate charge on Accounts Receivable in arrears of 2% per month in accordance with the City's Accounts Receivable Policy.

Removed freedom of information line item as the rate is set by the Province.

Appendix 16: Meeting/Activity Room Rentals

Adjusted Library/Museum Auditorium rental for Local Private users to \$29.30 to recognize the same 3% increase as other users.

Appendix 17: Museum

Removed Library/Museum Auditorium rentals from this appendix as they are already covered in appendix 16.

Appendix 21: Pool

Leisure Pool rates adjusted to remove non-regular rates and add regular rates to be consistent with other pool rate structures.

Appendix 28: Vending


Skaha Prime Beach and Park Vending Fee increased \$25 to \$1,325 to reflect the value of the prime location.

Added Sudbury Beach Shack rental fee of \$1,500 to align with beach vending application.

Removed reference to double spot rentals as all spots are charged on a 10 x 10 basis. Removed reference to two year license to use and added reference to a three year license to use as per Council resolution 598/2017.

Attachment A – Fees and Charges Amendment Bylaw No. 2018-10

Respectfully submitted,



Wes Renaud
Budget Analyst

Approvals

Chief Financial Officer <i>JWB</i>	Chief Administrative Officer PW
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The Corporation of the City of Penticton

Bylaw No. 2018-10

A bylaw to amend the Fees and Charges Bylaw No. 2014-07

WHEREAS the Council of the City of Penticton has adopted a Fees and Charges Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Fees and Charges Bylaw No. 2014-07";

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2018-10".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by deleting and replacing the following appendices in their entirety:

- Appendix 1 – Administrative Rates
- Appendix 16 – Meeting Rooms/Activity Spaces
- Appendix 17 – Museum
- Appendix 21 – Pool/Aquatics
- Appendix 28 – Vending Fees

2.2 Appendices 1, 16, 17, 21, 28 attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2018

READ A SECOND time this day of , 2018

READ A THIRD time this day of , 2018

ADOPTED this day of , 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Appendix 1

ADMINISTRATIVE RATES		2017	2018
1	Historical Information Search (per hour, 1 hour minimum)	\$35.00	\$35.00
2	Mortgage Roll Register (hard or electronic copy) - price per folio*	\$10.00	\$10.00
3	N.S.F. Cheques	\$30.00	\$30.00
4	Manual Tax Search - written*	\$30.00	\$30.00
5	Manual Tax Search - verbal*	\$10.00	\$10.00
6	Online Tax Search - per tax roll*	\$10.00	\$10.00
7	Online Tax Search - per utility account*	\$10.00	\$10.00
7.1	Monthly Billing/Postage Fee for Electric and Water Bills*	\$1.00	\$1.00
7.2	Freedom of Information requests fees shall be as prescribed by BC Reg 155-2012 as amended or replaced from time to time	Actual Costs	Actual Costs
7.3	Commercial Freedom of Information Request Minimum Fee (all commercial request except Media)	\$20.00	\$20.00
7.4	Interest rate on Accounts Receivable in arrears		2% per Month

Transferring payments

8	Account Transfer (first time - fee waived)	\$25.00	\$25.00
9	Refund overpayment (excludes final overpaid utility accounts)	\$25.00	\$25.00

10	Photocopying (black and white) - per page (letter and legal)*	\$0.30	\$0.30
11	Photocopying (black and white) - per page (ledger)*	\$0.50	\$0.50
12	Photocopying (colour) - per page (letter and legal)*	\$1.00	\$1.00
13	Photocopying (colour) - per page (ledger)*	\$1.25	\$1.25

* GST applicable

Appendix 16

Meeting Rooms/Activity Spaces	Effective April 1, 2017	Effective April 1, 2018
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Community Centre/McLaren Arena Meeting Room

Non Profit/Local/ Regular

Child/Youth	\$11.22	\$11.56
Adult	\$11.22	\$11.56
Non School District 67 Schools*	\$8.42	\$8.67

Local Private	\$14.19	\$14.61
Local Commercial	\$24.84	\$25.58
Non-Resident	\$35.48	\$36.54

Community Centre Large Meeting Room

Note: Meeting Room #4, Meeting Room #7, and Combined #2 & #3 Rate is 1.75X Meeting Room Rate

Non Profit/Local/ Regular

Child/Youth	\$19.64	\$20.22
Adult	\$19.64	\$20.22
Non School District 67 Schools*	\$14.73	\$15.17

Local Private	\$24.99	\$25.74
Local Commercial	\$43.46	\$44.77
Non-Resident	\$62.08	\$63.94

Community Centre Conference Room

Note: Conference Room Rate is 75% X Meeting Room Rate

Non Profit/Local/ Regular

Child/Youth	\$8.42	\$8.67
Adult	\$8.42	\$8.67
Non School District 67 Schools*	\$6.31	\$6.50

Local Private	\$10.64	\$10.96
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Appendix 16

Meeting Rooms/Activity Spaces	Effective April 1, 2017	Effective April 1, 2018
Local Commercial	\$18.63	\$19.18
Non-Resident	\$26.60	\$27.40

Library/Museum Auditorium

Note - Security premium of \$10.50 added to base rates. To be increased by CPI.

Non Profit/Local/ Regular

Child/Youth	\$17.45	\$17.98
Adult	\$24.50	\$25.24
Non School District 67 Schools*	\$13.09	\$13.48

Local Private	\$28.45	\$29.30
Local Commercial	\$50.50	\$52.02
Non-Resident	\$72.15	\$74.32

Activity Spaces

Community Centre Dance Studio

Non Profit/Local/ Regular

Child/Youth	\$19.64	\$20.22
Adult	\$19.64	\$20.22
Non School District 67 Schools*	\$14.73	\$15.17

Local Private	\$24.84	\$25.58
Local Commercial	\$43.46	\$44.77
Non-Resident	\$62.08	\$63.94

Community Centre Gymnasium

Non Profit/Local/ Regular

Child/Youth	\$17.16	\$17.67
Adult	\$35.55	\$36.61
Non School District 67 Schools*	\$12.86	\$13.25

Appendix 16

Meeting Rooms/Activity Spaces	Effective April 1, 2017	Effective April 1, 2018
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Local Private	\$47.40	\$48.82
Local Commercial	\$82.95	\$85.43
Non-Resident	\$118.49	\$122.05

Community Centre 1/2 Gymnasium

Note: 1/2 Gymnasium Rate 66.7% X Gymnasium Rate

Non Profit/Local/ Regular

Child/Youth	\$11.44	\$11.79
Adult	\$23.72	\$24.43
Non School District 67 Schools*	\$8.59	\$8.85

Local Private	\$31.62	\$32.57
Local Commercial	\$55.32	\$56.98
Non-Resident	\$79.04	\$81.41

Non School District 67 Schools* are defined as grade schools (K-12) located within City of Penticton boundaries and Penticton Indian Band lands.

The Non School District 67 Schools rates are applicable during school hours.

Appendix 17

MUSEUM	Effective April 1, 2017	Effective April 1, 2018
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Museum Exhibits

Entrance Fee	By Donation - suggested donations: Adult \$2.00, Child \$1.00	By Donation - suggested donations: Adult \$2.00, Child \$1.00
Exhibit Openings	By Donation - suggested donations: Adult \$2.00, Child \$1.00	By Donation - suggested donations: Adult \$2.00, Child \$1.00

Museum Programs

School & group visits (guided)

Public & Private schools - per student	\$3.00	\$3.00
- maximum per group	\$52.50	\$52.50
Service Groups, Clubs & Societies - per person	\$3.00	\$3.00
- maximum per group	\$52.50	\$52.50
School & group visits (self-guided) - per student	\$1.05	\$1.05
- per adult	\$3.00	\$3.00

Curator Kid Program

Curator Kid Yearly Membership - individuals	\$21.00	\$21.00
- per family	\$52.50	\$52.50
Curator Kid Programs - drop-in; non-members - per child	\$5.25	\$5.25
- per family	\$21.00	\$21.00
Curator Kid Programs - offsite	Cost dependent on activities	Cost dependent on activities
Curator Kid Programs - summer specials - per child	\$5.25	\$5.25
- per family	\$21.00	\$21.00

Adult Programs

Onsite - Museum	\$25/per person + Supplies	\$25/per person + Supplies
Offsite - Smith Works / Outdoor	\$25 min.; activity dependent	\$25 min.; activity dependent

Appendix 17

MUSEUM	Effective April 1, 2017	Effective April 1, 2018
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Lectures

Brown Bag - per person	admission by donation	admission by donation
Custom Guest	Cost dependent on lecture	Cost dependent on lecture

Archives

Self-guided research	By donation - suggested min. \$10/ph	By donation - suggested min. \$10/ph
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Staff-assisted research

Non-commercial clients - first 30 minutes	Free	Free
- each additional hour	\$26.25	\$26.25
Commercial clients (first 90 minutes) - per hour	\$52.50	\$52.50
(every additional 60 minutes) - per hour	\$31.50	\$31.50

Photograph Reproductions (Print format)

From existing digital file (up to 8x10 only)	\$5.25	\$5.25
Outsource (paper type and size dependent)	Actual Cost	Actual Cost
From negative or print, requiring scanning (up to 8x10 only)	\$9.40	\$9.40
Outsource (paper type and size dependent)	Actual Cost	Actual Cost

Photographic reproductions (digital format only - 300dpi jpg)

By email	\$10.50	\$10.50
By mail (+ disc) plus postage	\$15.75	\$15.75

Non-photographic reproductions (maps, plans, manuscripts)

From existing digital file - In House (up to 32" only)	\$10.50	\$10.50
Outsource (paper type and size dependent)	Actual Cost	Actual Cost
From negative or print, requiring scanning - In House (up to 32" only)	\$16.75	\$16.75
Outsource (paper type and size dependent)	Actual Cost	Actual Cost

Publication & Commercial Fees (supplement)

Print, negative or digital copies for : Reports, calendars, brochures, magazines, newsletter, websites - per image	\$10.50	\$10.50
Print, negative or digital copies for : Books, films, videos - per image	\$21.00	\$21.00

Appendix 17

MUSEUM	Effective April 1, 2017	Effective April 1, 2018
Print, negative or digital copies for : Postcards, T-shirts, mugs etc. merchandise - per image	\$52.50	\$52.50
Photocopy Fees (black and white only)	see Administration services for fee	see Administration services for fee
Archival Supplies (boxes, tissue, encapsulation etc.)	Retail price plus 35%	Retail price plus 35%

Gift shop

Books & other Publications	Retail suggested price; minimum 35% markup	Retail suggested price; minimum 35% markup
Souvenirs & crafts	Wholesale price plus 35%	Wholesale price plus 35%
Photographic posters & postcard books	Style and format dependent	Style and format dependent

Museum Curatorial Services & Presentations

On-site consultation	By donation (suggested: \$35/ph)	By donation (suggested: \$35/ph)
Off-site consultation	By donation (suggested: \$35/ph plus travel)	By donation (suggested: \$35/ph plus travel)

Library/Museum Auditorium

See Appendix 16 for these rates.

Non Profit/Local/ Regular

Child/Youth	\$17.45	\$17.80
Adult	\$24.50	\$24.99
Non School District 67 Schools	\$13.09	\$13.35

Non Profit/Local/ Non-Regular

Child/Youth	\$20.15	\$20.55
Adult	\$28.85	\$29.42
Non-School District 67 Schools	\$15.11	\$15.41
Local Private	\$28.86	\$29.43
Local Commercial	\$50.50	\$51.51
Non-Resident	\$72.15	\$73.60

Appendix 21

POOL/AQUATICS	Effective April 1,2017	Effective April 1,2018
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Note: Lifeguard/Instructor wages + 5% Admin Fee to be added to rental rate when appropriate
1 Lane (minimum 3 lane rental required for booking unless special permission)

Non Profit/Local/~~Regular~~

Child/Youth	\$5.17	\$5.33
Adult	\$12.24	\$12.61

Non Profit/Local/~~Non-Regular~~

Child/Youth	\$8.82	remove
Adult	\$15.49	remove

Local Private	\$15.49	\$15.96
Local Commercial	\$27.09	\$27.90
Non-Resident	\$38.70	\$39.86

3 Lanes

Non Profit/Local/~~Regular~~

Child/Youth	\$15.51	\$15.82
Adult	\$36.71	\$37.44

Non Profit/Local/~~Non-Regular~~

Child/Youth	\$26.47	remove
Adult	\$46.46	remove

Local Private	\$46.46	\$47.85
Local Commercial	\$81.27	\$83.71
Non-Resident	\$116.12	\$119.60

**4 Lanes to a Maximum of 13 Lanes Multiply # of
Lanes X 1 Lane Rate**

Appendix 21

Appendix 21		
POOL/AQUATICS	Effective April 1,2017	Effective April 1,2018

Leisure Pool

Note: Leisure Pool Rate is 7 Lane Rate

Non Profit/Local/-Regular		
Child/Youth	\$36.20	\$37.29
Adult	\$85.65	\$88.22
Non Profit/Local/ Non-Regular		
Child/Youth	\$61.75	remove
Adult	\$108.43	remove
Local Private	\$108.43	\$111.68
Local Commercial	\$189.66	\$195.35
Non-Resident	\$270.95	\$279.08

Full Aquatic Facility

Note: Full Aquatic Facility Rate is 15 Lane Rate

Non Profit/Local/-Regular

Child/Youth	\$77.55	\$79.88
Adult	\$183.52	\$189.02

Non Profit/Local/~~Non-Regular~~

Child/Youth	\$132.32	remove
Adult	\$232.35	remove

Local Private	\$232.35	\$239.32
Local Commercial	\$406.40	\$418.59
Non-Resident	\$580.61	\$598.03

Appendix 21

POOL/AQUATICS	Effective April 1,2017	Effective April 1,2018
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**Public Swimming
Single Admission**

Preschool	\$1.19	\$1.19
Child	\$4.05	\$4.05
Youth	\$5.00	\$5.00
Adult	\$5.95	\$5.95
Senior	\$5.00	\$5.00
Super Senior	\$4.05	\$4.05
Family	\$15.24	\$15.24

10 Tickets

Preschool	\$10.48	\$10.48
Child	\$36.19	\$36.19
Youth	\$44.76	\$44.76
Adult	\$53.33	\$53.33
Senior	\$44.76	\$44.76
Super Senior	\$36.19	\$36.19
Family	\$137.14	\$137.14

1 Month

Preschool	\$10.48	\$10.48
Child	\$36.19	\$36.19
Youth	\$44.76	\$44.76
Adult	\$53.33	\$53.33
Senior	\$44.76	\$44.76
Super Senior	\$36.19	\$36.19
Family	\$137.14	\$137.14

Appendix 21

POOL/AQUATICS	Effective April 1,2017	Effective April 1,2018
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3 Months

Preschool	\$25.71	\$25.71
Child	\$89.52	\$89.52
Youth	\$99.05	\$99.05
Adult	\$139.05	\$139.05
Senior	\$99.05	\$99.05
Super Senior	\$89.52	\$89.52
Family	\$329.52	\$329.52

6 Months

Preschool	\$47.62	\$47.62
Child	\$159.05	\$159.05
Youth	\$179.05	\$179.05
Adult	\$239.05	\$239.05
Senior	\$179.05	\$179.05
Super Senior	\$159.05	\$159.05
Family	\$599.05	\$599.05

12 Month Annual Pass

Preschool	\$72.38	\$72.38
Child	\$249.52	\$249.52
Youth	\$279.05	\$279.05
Adult	\$379.05	\$379.05
Senior	\$279.05	\$279.05
Super Senior	\$249.52	\$249.52
Family	\$929.52	\$929.52

Appendix 21

POOL/AQUATICS	Effective April 1,2017	Effective April 1,2018
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Fitness Room/Pool Combined

Single Admission

Youth	\$7.38	\$7.38
Adult	\$10.24	\$10.24
Senior	\$7.38	\$7.38
Super Senior	\$6.43	\$6.43

10 Tickets

Youth	\$65.71	\$65.71
Adult	\$91.43	\$91.43
Senior	\$65.71	\$65.71
Super Senior	\$57.14	\$57.14

1 Month

Youth	\$65.71	\$65.71
Adult	\$91.43	\$91.43
Senior	\$65.71	\$65.71
Super Senior	\$57.14	\$57.14

3 Months

Youth	\$173.33	\$173.33
Adult	\$234.29	\$234.29
Senior	\$173.33	\$173.33
Super Senior	\$141.90	\$141.90

6 Months

Youth	\$304.76	\$304.76
Adult	\$406.67	\$406.67
Senior	\$304.76	\$304.76
Super Senior	\$243.81	\$243.81

Appendix 21

Appendix 21		
POOL/AQUATICS	Effective April 1,2017	Effective April 1,2018

12 Month Annual Pass

Youth	\$479.05	\$479.05
Adult	\$641.90	\$641.90
Senior	\$479.05	\$479.05
Super Senior	\$386.67	\$386.67

FITNESS ROOM / PUBLIC SWIMMING DAY PASS - Admission Rates

Single Admission

Youth	\$10.95	\$10.95
Adult	\$14.76	\$14.76
Senior	\$10.95	\$10.95
Super Senior	\$9.05	\$9.05
Agency Activity Pass - Annual	\$599.05	\$599.05
Access Passes	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room	Eligible Persons with disabilities: 25% off 10 Ticket, 1, 3, 6, 12, month passes for pool and fitness room

Appendix 21

POOL/AQUATICS	Effective April 1,2017	Effective April 1,2018
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CLINIC RATES

Weekly Pool

Senior	\$12.38	\$12.38
Adult	\$14.76	\$14.76

Weekly Fitness/Pool

Senior	\$18.10	\$18.10
Adult	\$25.24	\$25.24

Monthly Pool

Senior	\$33.81	\$33.81
Adult	\$40.24	\$40.24

Monthly Fitness/Pool

Senior	\$49.29	\$49.29
Adult	\$68.57	\$68.57

10 Ticket Pool

Senior	\$36.19	\$36.19
Adult	\$42.86	\$42.86

Fitness/Pool 10 Ticket

Senior	\$52.38	\$52.38
Adult	\$73.33	\$73.33

Appendix 28

VENDING FEES	2017	2018
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Park, Beach and Street Vending Fees

One Year Permits (Victoria Day - Labour Day weekends)

Price per 10'x10' spot annually (~~double spots or two year licence times 2~~) (3 year terms available, rate adjusted annually by CPI)

Beach and Park Vending Fee (annually) 10'*10' Okanagan Prime Plus	\$1,550.00	\$1,550.00
Beach and Park Vending Fee (annually) 10'*10' Okanagan Prime	\$1,400.00	\$1,400.00
Beach and Park Vending Fee (annually) 10'*10' Okanagan Secondary	\$1,325.00	\$1,325.00
Beach and Park Vending Fee (annually) 10'*10' Skaha Prime	\$1,300.00	\$1,325.00
Beach and Park Vending Fee (annually) 10'*10' Skaha Secondary	\$1,300.00	\$1,300.00
Sudbury Beach Shack	\$1,500.00	\$1,500.00

Street Vending Fees

One Year Permit 6' x 12'	\$1,325.00	\$1,325.00
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Motorized and Non-Motorized Mobile Vending (Victoria Day - Labour Day weekends)

Seasonal Motorized Mobile Vending Fee	\$1,880.00	\$1,880.00
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Council Report

penticton.ca

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

File No: 6520-20

Subject: Economic Development – 2018-2022 Strategic Plan

Staff Recommendation

THAT Council support the 2018-2022 Economic Development Strategic Plan.

Strategic Priority

Economic Vitality – Economic Development and Development Services supports the creation of a vibrant economy through:

- The development of business and investment friendly policies, processes and initiatives;
- Developing policy that supports business development, attracts investment and diversifies our economy; and
- Investing in the development of strategic partnerships locally, regionally with First Nations, governments, industry and the business community.

Background

The reorganization of Economic Development into the Development Services Division took place throughout the middle of 2017 and over the past six months staff have worked to achieve alignment within the structure of Development Services. The integration has allowed for a closer relationship to respond to and meet the business community's needs and set the direction for long term success. The following provides a summary of the actions taken over the past six months:

- **Completion of a review of the existing Economic Development budget and projects** to find efficiencies and priorities for the remainder of the 2017 calendar year. Efficiencies were identified by working collaboratively with the staff over multiple facilitated sessions to identify priorities and focus on a longer term goals.
- **The Business Leader Conversation Event** started the process of engaging the business community as well as community partners with the goal to work towards a collaborative approach of Economic Development. This was the first community outreach initiative which very publically recognized that in order for the Economic Development Department to realize success, we need the business community's voice and participation.

- **Penticton launched their first Business Retention and Expansion Survey.** A Business Retention and Expansion Survey (BR&E Survey) is a fundamental tool used by economic development professionals to reach out and connect with the local business community. It collects valuable information while at the same time identifies key priorities for the Economic Development Department directly from the Business Community. Results from the BR&E Survey have been used during the strategic planning session for the Economic Development Department. By mid-January 2018, the 100 surveys were been completed.
- **The newly formed Economic Development & Prosperity Task Force was convened** and has been regularly engaged (monthly meetings). The start of this process has been a focus on bringing this committee up to speed with current initiatives, involvement in the Strategic Planning Sessions and support for the proposed Economic Development Strategy.
- **Continuation of Strategic Platforms**
 - *Penticton Works:* www.pentictonworks.ca/, was set up by the Economic Development team in 2016 to raise awareness of Penticton and its unique lifestyle attractions to be front of mind for savvy virtual workers. Research has shown that content generated by and about virtual workers is the most compelling for the target market and under the supervision of Economic Development we have a local team of virtual workers undertaking such actions.
 - *Start Here Okanagan:* Launched in May, the website is a portal for people considering moving to Penticton & the region and also a job board: www.starthereokanagan.com. It is a direct action coming out of the strategic goals identified in the 2016 Labour Market Report. Start Here Okanagan is a regional partnership, driven by City of Penticton, with supporting partnerships: Summerland, Penticton & Wine Country Chamber of Commerce, Community Futures, SOICS, YMCA of Okanagan/Work BC.
- **Approval of the 2018 Economic Development Budget** was given by Council as part of the 2018 budget process. The investment in the department set the scene for the development and implementation of the 5 Year Strategic Plan.

Economic Development Strategic Plan

A group of community leaders participated in the strategic planning process for the City of Penticton's Economic Development Department in November 2017. This group consisted of the City's Mayor and Council; members of the Economic Development & Prosperity Task Force; Travel Penticton; Penticton Chamber of Commerce, Penticton Industrial Development Association, Downtown Penticton Association, Community Futures and the staff of the Economic Development and Development Services Department.

Prior to the strategic planning sessions being held, group members individually submitted feedback to a survey that helped determine areas requiring some in-depth attention. Their input also identified current challenges and upcoming opportunities for the Economic Development Department. All this data pinpointed the Key Result Areas (KRA's) to be addressed over the next five years.

Key Result Areas are the categories for the Strategic Goals. These goals give clear direction to staff and their committees so they can successfully accomplish the Strategic Plan within the five-year time span.

The Key Result Areas (KRA's) identified by community leaders for January 2018 through December 2022 are:

1. *Communication* – Developing key messaging and reporting to our internal and external stakeholders.
2. *Collaboration* – Identifying strategic partnerships and working towards common goals.
3. *Retention and Expansion* – Focusing on businesses currently within the community.
4. *Attraction* – Focusing on bringing businesses, investment and labour to Penticton.
5. *Organizational Excellence* – Continually improving the economic development department.

During the planning sessions, the group formulated Strategic Goals that relate to each KRA. The intention of the goals was to give well-defined direction to staff, the Task Force and Council with regards to actions to be undertaken within Economic Development over the lifetime of the strategy. Strategic Goals within each KRA have been developed and are to be achieved by year end 2022. The Operational Plan, developed by staff, supports this Strategic Plan and identifies the detailed actions required to achieve these Strategic Goals. Quarterly updates on the Operational Plan from the Director of Development Services and Economic Development staff will be required by City Council and the Economic Development & Prosperity Task Force.

The five-year Strategic Plan is to be reviewed and refreshed annually and a copy of the completed 5 Year Strategic Plan is provided in Attachment A.

2018 Operational Plan

A subsequent one-year Operational Plan was developed by staff for goal execution, commencing in Q1 2018. Progress reports will be provided to Mayor and Council by the Director of Development Services on a quarterly basis with an annual summary report at year end. The Operational Plan will be renewed annually in preparation for the new fiscal year.

The community have asked for greater accountability and improved information with regards to economic development initiatives and the first year's operational plan will deliver greater clarity around the role of economic development and the importance it plays in community development. At its meeting on January 11th, 2018, staff presented the proposed plan to the Economic Development and Prosperity Task Force and support was received for the direction the strategy is moving in. On a monthly basis, staff will be working with the Task Force on implementation of the strategy, providing for a robust feedback mechanism to the plan's implementation. Complete details of the 2018 Operation Plan are provide in Attachment A.

Economic Development, In Our Community, In Action

In addition to the development of the Strategic Plan, staff in economic development have been working towards a number of initiatives over recent months. As well as the work to continue the Penticton Works and Start Here Okanagan Platforms, the following initiatives have been undertaken in the latter part of 2017 and early 2018.

- [Input Magazine for the Real Estate Institute of BC](#)
In December 2017, the Economic Development team had the opportunity to promote the work the City is doing in the Fall Input Magazine for the Real Estate Institute of BC. The City contributed an article around recent development activity, downtown revitalization, economic development initiatives and the planning around the Official Community Plan process. It's a great story and the City managed to get the front page and centrepiece of the publication, which gets sent throughout

British Columbia's real estate and development industries. A copy of the City's portion of the publication is provided in Attachment B.

- Our Businesses are Leaders

In January 2018, Penticton was fortunate to have local businesses nominated for a Small Business BC Award. The Small Business BC Awards recognizes the contributions and achievements of BC small business owners – entrepreneurs in communities across the Province. The following businesses were nominated and the made it to the top five finalists in there award category.

- People's Choice Category – Duffy Baker Construction Corp.
- Innovation Category – Winecrush

Over the coming months, as directed by the Economic Development Strategic Plan, staff will be working to profile these and more businesses in the community, not only within our boundary, but beyond.

- Small Business BC – Open for Business Award Submission

In addition to the businesses outlined above, the City of Penticton was nominated for an Open for Business Award, as part of the Small Business BC Awards. As part of the submission, the City's Economic Investment Zone policy was highlighted as an innovative policy initiative promoting how our small business community have benefited from the work completed. Highlighted in the application was how an innovative policy change has encouraged our business community to grow, reinvest in our community and support the long term sustainability of our City.

Communities nominated in the large community' category (populations greater than 25,000) for the Open for Business Awards included the Cities of Abbotsford, Chilliwack, Burnaby, Campbell River, Prince George, Delta, Maple Ridge, Surrey, West Kelowna, Vernon, Kamloops, New Westminster, Kelowna, Port Moody and Langley.

We are pleased to announce that the City of Penticton was named a finalist in the Large Community Category, where the winners will be announced on February 23rd 2018.

- Business Licence Summary for 2017

In Fall of 2017, Council were presented with an update on the increase in business licence activity within the City. It was great to see the positive trend in the majority of licence types within the City, and at the end of 2017, this positive trend has continued with over 500 new business licences issued for the entire year.

As Council and the community will see in Economic Development's upcoming Q1 Report and ongoing communications, more positive messaging about how incredible our community is and those that make it tick will be a major theme of the work Economic Development commits to moving forward.

Attachments

Attachment A – 2018-2022 Economic Development Strategic Plan

Attachment B – Fall Input Magazine – “City of Penticton: Smart Planning and Community Design bring Opportunity and Investment”

Respectfully submitted,

Anthony Haddad
Director of Development Services

Approvals

Director <i>AH</i>	CAO PW
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Attachment A

2018-2022 Economic Development Strategic Plan

[..\2017\Strategic Planning\Strategic Plan Document\Final Final\Penticton EcDev Jan28 - high resolution.pdf](#)

Attachment B

Fall Input Magazine

“City of Penticton: Smart Planning and Community Design bring Opportunity and Investment”

[N:\city\RMS\6400-6999 PLANNING\6750 Economic Development\6750-20 Projects\2017\Advertising\REIBC\InputMagazine-PentictonArticle-Excerpt.pdf](#)

ECONOMIC DEVELOPMENT

Strategic Plan 2018 - 2022





CITY OF PENTICTON - ECONOMIC DEVELOPMENT STRATEGY | 2018 - 2022

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City of Penticton

www.penticton.ca

info@penticton.ca

171 Main St. | Penticton, BC | V2A 5A9

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OUR MANDATE

To foster economic vitality within the City of Penticton



WHO WE ARE

The City of Penticton's Economic Development Department falls under the umbrella of Development Services, which is led by the Director of Development Services. The department currently has one full-time staff member and one regular contractor. The Director of Development Services reports to the Chief Administrative Officer (CAO) and to City Council. The Economic Development Department is guided by the Economic Development & Prosperity Task

Force which consists of voting members appointed by City Council for a one-year term. The Task Force is comprised of business members, community partners and City Councillors and their mandate is to assist Mayor and Council and the Penticton business community to create a healthy, sustainable and dynamic economy. The Task Force also provides recommendations on matters referred by Council.

EXECUTIVE SUMMARY

A group of community leaders was selected to participate in the strategic planning process for the City of Penticton's Economic Development Department. This group consisted of the city's Mayor and Council; members of the Economic Development & Prosperity Task Force; Travel Penticton; Penticton Chamber of Commerce, Penticton Industrial Development Association, Downtown Penticton Association, Community Futures and the staff of the Economic Development and Development Services Department. Together, they have created the following 2018-2022 Strategic Plan.

Prior to the strategic planning sessions in November 2017, group members individually submitted feedback to a survey that helped determine areas requiring some in-depth attention. Their input also identified current challenges and upcoming opportunities for the Economic Development Department.

All this data pinpointed the Key Result Areas (KRA's) to be addressed over the next five years.

In their session, the group formulated Strategic Goals that relate to each KRA. These goals give well-defined direction to staff and their staff committees.

The five-year Strategic Plan is to be reviewed and refreshed annually. A new five-year Strategic Plan will be developed for January 2023 through December 2027.

A subsequent one-year Operational Plan was developed by staff for goal execution, commencing in January 2018. Progress reports will be provided to Mayor and Council by the Director of Development Services on a quarterly basis with an annual summary report at year end. The Operational Plan will be renewed annually in preparation for the new fiscal year.

KEY RESULT AREAS

Key Result Areas are the categories for the Strategic Goals. These goals give clear direction to staff and their committees so they can successfully accomplish the Strategic Plan within the five-year time span.

The Key Result Areas (KRA's) identified by community leaders for January 2018 through December 2022 are:

- › Communication
- › Collaboration
- › Retention and Expansion
- › Attraction Communication
- › Organizational Excellence

STRATEGIC GOALS

Strategic Goals within each KRA have been developed and are to be achieved by year end 2022, unless otherwise stated. The Operational Plan, developed by staff, supports this Strategic Plan and identifies the detailed actions required to achieve these Strategic Goals. Quarterly updates on the Operational Plan from the Director of Development Services are required by City Council and the Economic Development & Prosperity Task Force.

KRA 1. Communication

Developing key messaging and reporting to our internal and external stakeholders.

GOALS:

- 1.1 Develop a clear communication strategy.
- 1.2 Facilitate communication between community partners and internal City departments.
- 1.3 Foster active communication between businesses and the economic development department.
- 1.4 Create, collect and disseminate simplified data and information for the business community.

KRA 2. Collaboration

Identifying strategic partnerships and working towards common goals.

GOALS:

- 2.1 Foster a collaborative working relationship with regional, provincial and federal agencies and organizations.
- 2.2 Work collaboratively with other community partners to explore Penticton's identity.
- 2.3 Collaborate with the City and stakeholders to ensure plans, processes and policies support the growth of Penticton's economy.
- 2.4 Foster a collaborative working relationship with the Penticton Indian Band for the mutual prosperity of both communities.
- 2.5 Facilitate collaboration and knowledge-sharing with both external and internal stakeholders to foster economic vitality.

KRA 3. Retention and Expansion

Focusing on businesses currently within the community.

GOALS:

- 3.1 Develop and implement a plan to foster an environment that further develops priority industry clusters.
- 3.1 Provide business succession support.
- 3.3 Foster an environment that supports innovation, entrepreneurial thinking and entrepreneurial businesses.

KRA 4. Attraction

Focusing on bringing businesses, investment and labour to Penticton.

GOALS:

- 4.1 Develop and implement a plan to foster an environment that attracts new ventures in priority industry clusters.
- 4.2 Develop and implement a plan to attract and retain skilled workers.

KRA 5. Organizational Excellence

Continually improving the economic development department.

GOALS:

- 5.1 Work to continually improve department and staff performance and report results.
- 5.2 Achieve and report key deliverables based on and informing the operational plan.

2018 OPERATIONAL PLAN SUMMARY

KRA 1. COMMUNICATION

Developing key messaging and reporting to our internal and external stakeholders.

Communication is critical to the long term success of Economic Development in the community. Increased awareness of economic development initiatives and enhancements to the communications coming out of the department will contribute towards long term improvements. A major priority focus in 2018 for economic development will be investing in enhancing communication within the community and increasing awareness of the key drivers of our local economy, including business success stories. In addition, it will be a key goal to ensure that useful and current local data, studies, reports, and business resources are readily available to our business community, site selectors, and potential relocating businesses through a

new economic development website.

The community have asked for greater accountability and improved information with regards to economic development initiatives and the first year's Communications operational plan will deliver greater clarity around the role of economic development and the importance it plays in community development.

Operational Goals for 2018

The activities and inputs into the Communication aspects of Economic Development in Penticton described here contribute to the following Operational Goals within the Economic Development Operational Plan for 2018. See **Table 1** below.

Goal	Action	Result	Timeline
1.1 Develop a clear communications strategy	Communication Strategy Development	Creation of Communication Strategy	Q1 2018
	Website Creation	Creation of Economic Development Website	Q3 2018
	Business Highlights	Quarterly Highlights Package	Ongoing 2018
1.2 Facilitate communication between community partners and internal City departments	Internal Communications	Twice monthly team meetings	Ongoing 2018
	External communication	Number of stakeholders contacted	Ongoing 2018
1.3 Foster active communication between business and the economic development department	Business Climate survey	Completion of Business Climate Survey	Q2 2018
	Communications / Exposure	5-10 Existing Industry Events	Ongoing 2018
1.4 Create, collect and disseminate simplified data and information for the business community	Business Climate Survey completion and data output	Completion of Business Climate Survey	Q2 2018 & ongoing

Table 1 | Communication - Operations Goals for 2018

KRA 2. COLLABORATION

Identifying strategic partnerships and working towards common goals.

The first year's operation plan will focus on bringing together community organizations and partners to improve the exchange of information and awareness of each other's priorities. It will be important to ensure that there is no unnecessary duplication or conflicts existing within each organizations area of focus so that priorities can be supported and strengthened.

Development of existing relationships will focus on enhancing partnerships in the community, and with strategic organizations at regional, provincial, and federal levels. The creation of new partnerships will provide focus in joint areas of interest that will contribute to moving the community towards a common goal. Communicating in advance of decisions being

made that may impact other parties will be a focus of these collaborative efforts.

The development and enhancement of relationships in 2018 is important to set the scene for long term collaboration and success in all areas of our community and is critical to building trust in the economic development team.

Operational Goals for 2018

The activities and inputs into the Collaboration aspects of Economic Development in Penticton described here contribute to the following Operational Goals within the Economic Development Operational Plan for 2018. See **Table 2** below.

Goal	Action	Result	Timeline
2.1 Foster a collaborative working relationship with regional, provincial and federal agencies and organizations	Governmental Relationships	Creation of public sector stakeholder map	Q1 2018
2.2 Work collaboratively with other community partners to explore Penticton's identify	Stakeholder Engagement	Partnership Agreement	Q2 2018
2.3 Collaborate with City and stakeholders to ensure plans, processes and policies support the growth of Penticton's economy.	Process Improvement	Number of Recommendations	Ongoing 2018
	Economic Investment Zone Bylaw Review	Adoption of new bylaw	Q2 2018
2.4 Foster a collaborative working relationship with the Penticton Indian Band for the mutual prosperity of both communities	PIB Economic Development Relationship	Report on meetings	Q2 2018
2.5 Facilitate collaboration and knowledge-sharing with both external and internal stakeholder to foster economic vitality	Operational Partnership Agreement	Completion of Agreement	Q2 2018
	Welcoming Community	Number of activity	Ongoing 2018

Table 2 | Collaboration - Operations Goals for 2018

KRA 3. RETENTION AND EXPANSION

Focusing on businesses currently within the community.

An important element of any City's economic vitality and fiscal sustainability is a healthy business community that includes both existing active businesses plus opportunities for new businesses to establish. Business retention and expansion focuses primarily on the existing businesses in and around the City and is concerned that those existing businesses are able to function successfully day to day, be able to

seize opportunities for growth, and stay located in the City as long term economic contributors.

Research has shown that when the existing business community functions effectively in this way it can be responsible for between 60% and 80% of new employment in the community and contribute significantly to the stability and growth in economic activity on an on-going basis.

Economic Development's role in business retention and expansion is:

- › To understand what the businesses and business clusters in the City are; what their economic contribution to the City is; and what are their issues and needs in order to continue to be viable economic contributors.
- › To be connected to the business community such that arising challenges and opportunities can be addressed quickly in such capacity as the City is able to offer.
- › To inform City Council and other policy makers, as well as businesses and the community, of businesses' contributions to, and needs from, the community so that the community and policy makers can make informed decisions about policy and matters that will affect existing businesses.
- › To prioritize and undertake support programs and policy reviews that will support the operations and growth of the City's existing businesses to the over-all benefit of the community.

To understand the City's business mix, contributions and needs, the Economic Development Department uses a number of tools and resources. These include:

- › A current Business Climate Survey involving in person interviews and on-line questionnaires concerning business matters from approximately one hundred Penticton businesses from all different sectors.
- › The annual Business Walk program of meeting with selected businesses in the City annually to get input on business and economic issues.
- › Relationships with business organizations and industry groups.
- › Consultation with the City Economic Development & Prosperity Task Force.
- › Census and other third party economic data available for the City and region.
- › Specific research and programs providing insight into Penticton's economic mix.
- › A current and ongoing attention to provincial, national, and international economic development trends and projections.

An example of research being utilized is the South Okanagan Foreign Direct Investment Strategy report completed in 2016:

- › This research and report was commissioned by Penticton Economic Development working in conjunction with other communities and government agencies in the South Okanagan.
- › This report looked at what businesses and industry sectors were significant enough in

the local economy to be attractive to outside investment both currently, and in the short term future, with the understanding that being attractive to investment also indicated these being current strong business sectors.

- › This study identified the viticulture and wine industry as of immediate interest to investment and agriculture related technology, manufacturing, secondary food processing and the

development and production of bio products as being of interest to investment in the near future.

Penticton Works is an example of a program that has provided insight into a growing economic sector.

- › The Penticton Works program is online communications and marketing supported by the City to encourage online workers and companies to locate in Penticton. In its first years of operation this program has not only increased Penticton’s profile for in-flow of online workers and businesses, but has also helped to initially identify the significant extent of the existing online worker community in Penticton and has started to establish its economic impact and needs for sustainable growth.
- › The information provided through Penticton Works is also showing potential benefits for assisting in retaining residents who lose traditional jobs but wish to stay in the community to look at online working options, and for providing information about on-line opportunities for employment-seeking spouses of traditional workers in Penticton.

Operational Goals for 2018

The activities and inputs into the Retention and Expansion aspects of Economic Development in Penticton described here contribute to the following Operational Goals within the Economic Development Operational Plan for 2018. See **Table 3** below.

Goal	Action	Result	Timeline
3.1 Develop and implement a plan to foster an environment that further develops priority industry clusters	Priority Clusters – Retention & Expansion	Report to Council	Q3/Q4 2018
	Penticton Works Platform	Report to Council	Ongoing 2018
3.2 Provide business succession support	Succession Planning	Online Resources & Plan Development	Q3 2018
3.3 Foster an environment that supports innovation, entrepreneurial thinking and entrepreneurial businesses	Business Climate Survey	Completion of Business Climate Survey	Q2 2018
	Entrepreneurial Survey	Online directory completed	Q3 2018

Table 3 | Retention and Expansion - Operations Goals for 2018

KRA 4. ATTRACTION

Focusing on bringing businesses, investment and labour to Penticton.

Attraction of new businesses and investment, as well as necessary skilled workers, is significant to all City's economic vitality and fiscal sustainability. Skilled workers are necessary both for existing City businesses and their continued economic health and growth, as well as to provide staff for new business ventures and business investment in the area.

New business and investment attraction to the City is necessary because parts of the City's business community base will inevitably shrink in response to economic factors beyond the City's control and these must be replaced by new businesses and investment on an on-going basis to maintain vitality and sustainability.

The Economic Development Department's role in attraction of businesses, investment and labour is to:

- › Gather input from stakeholders, third party sources and research as to new or existing businesses that would fit economically in the City's business climate and provide economic benefits to the City and region.
- › Identify what the needs of those businesses and industries are to locate in the City and match those with existing or potential resources in the City.
- › Prioritize and engage in attraction efforts targeted to businesses and industry sectors with the most potential to locate in and benefit the City and area.

Economic development attraction efforts for business and investment are connected to the knowledge, policies and programs of the business retention and expansion programs of the City in that these provide insight into:

- › What business clusters in the City need, or could incorporate, new businesses within them.
- › What new businesses and industries are being created by economic or technology changes that would be an attractive fit with the particular characteristics of the City.
- › What businesses and clusters might be "sunset" industries within the City that economic or technological change is making redundant, and will need to be replaced or more valuably re-purposed.

An example of research being utilized is the South Okanagan Foreign Direct Investment Strategy report completed in 2016:

- › This research and report was commissioned by Penticton Economic Development working in conjunction with other communities and government agencies in the South Okanagan.
- › This study identified the viticulture and wine industry as of immediate interest to investment and agriculture related technology, manufacturing, secondary food processing and the development and production of bio products as being of interest to investment in the near future.
- › This report looked at what businesses and industry sectors were significant enough in the local economy to be attractive to outside investment both currently, and in the short term future, with the understanding that being attractive to investment also indicated these being current strong business sectors.



Remote working is a rapidly growing segment of the economy, representing a significant opportunity for Penticton.

Penticton Works is an example of a City program that is attracting a new economic sector.

- › The Penticton Works program is online communications and marketing supported by the City to encourage online workers and companies to locate in Penticton.
- › Online working (also known as remote working or formerly telecommuting) and online businesses are a rapidly growing segment of the North American economy.
- › In its first years of operation this program has increased Penticton's profile and attraction for in-flow of online workers and businesses.

StartHereOkanagan.com is an example of a program which has been developed from recommendations arising from specific local research to support attraction of a skilled workforce:

- › Recommendations from the 2016 Labour Market Study confirmed there were issues with filling skilled positions and indicated that employers wished there was better support for recruitment. It was clearly heard that local talent was not filling all of the available positions, and searching for personnel further afield was required. Action items identified included a regional centralized job board that promotes the benefits of living & working in the region as well as addressing spousal employment challenges. Employers stated that lack of access to skilled labour is seriously affecting growth options.
- › The StartHereOkanagan.com platform was built to address these recommendations. The platform enables employers to post jobs and create company profiles to showcase workplace culture to job seeking talent. In order to ensure the job board is robust, the software pulls all jobs in the South Okanagan from other verified listing services. The design of the platform was built around creating a modern and compelling interface for job seekers and those considering relocating. Partnerships with regional organizations, broadens the scope of the platform, bringing in information on entrepreneurship, skills training, immigrant support, and other neighbouring communities.
- › The platform provides an opportunity to gain detailed data and insights on trends in the labour market and is being marketed in Canadian locations which have historically shown strong interest in the South Okanagan: Toronto, London, Edmonton, Calgary, Lower Mainland, Vancouver & Victoria.
- › More than just a job board, the platform provides job seekers with a view to showcase the lifestyle and opportunities of the area. The platform takes a regional approach with the understanding that relocation for a family may result in residing in one community and working in another – that working collaboratively as a region can benefit all.
- › Targeted marketing considers age segmentation, interests, jobs skills, and web usage habits (such as whether they have already been looking at websites or events in our area, or recreational activities that have a strong following here).

Operational Goals for 2018

The activities and inputs into the Attraction aspects of Economic Development in Penticton described here contribute to the following Operational Goals within the Economic Development Operational Plan for 2018. See **Table 4** below.

Goal	Action	Result	Timeline
4.1 Develop and implement a plan to foster an environment that attracts new ventures in priority industry clusters	Priority Clusters Attraction	Report to Council	Q3/Q4 2018
	Penticton Works Platform	Report to Council	Ongoing 2018
	Start Here Okanagan Magazine	Distribution of Magazine	Q4 2018
4.2 Develop and implement a plan to attract and retain skilled workers	Start Here Okanagan Platform	Quarterly reporting of results	Ongoing 2018
	Penticton Works and Start Here Okanagan amalgamation	Website amalgamation	Q4 2018
	Trade shows	Exhibitor checklist	Q2 2018

Table 4 | Attraction - Operations Goals for 2018



KRA 5. ORGANIZATIONAL EXCELLENCE

Continually improving the economic development department.

The Economic Development team is committed to producing results for the community. The Strategic Planning sessions identified the need for greater accountability and the development of metrics in the workplan for the economic development team. They also identified the need for continual innovation and improvement in the work coming out of the department and ongoing investment in improving the department’s performance and knowledge.

Through increased accountability and result oriented actions, the team will provide regular updates to the community through the Economic Development & Prosperity Task Force and Council.

Operational Goals for 2018

The activities and inputs into the Organizational Excellence aspects of Economic Development in Penticton described here contribute to the following Operational Goals within the Economic Development Operational Plan for 2018. See **Table 5** below.

Goal	Action	Result	Timeline
5.1 Work to continually improve department and staff performance and report results	Process improvement	Implementation of recommendations	Ongoing 2018
	Professional Development & Conferences	Reporting of results	Q4 2018
5.2 Achieve and report key deliverables based on and information the operational plan	Performance Management	Report to Council	Q4 2018
	Quarterly and Annual Reporting	Report to Council	Ongoing 2018

Table 5 | Organizational Excellence - Operations Goals for 2018



Fostering economic vitality in our city

Anthony Haddad

Director of Development Services

250-490-2520

anthony.haddad@penticton.ca

Jennifer Vincent

Economic Development

250-490-2591

jennifer.vincent@penticton.ca

INPUT

LAND AND REAL ESTATE
ISSUES IN BRITISH COLUMBIA



Municipal Development
Penticton, Nanaimo, Surrey, Edmonton

INPUT

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Editor-in-Chief / Executive Officer

Brenda Southam, CAE

Managing Editor / Production

Uncover Editorial + Design uncovereditorial.ca

Advertising

Maggie Hill

Printing

Initial Print & Copy Center initialprint.com

Submissions and ideas, contact:

Brenda Southam

Tel: 604-685-3702 ext. 104 Toll-free: 1-800-667-2166

Fax: 604-685-1026 Email: info@reibc.org

Return undeliverable Canadian addresses to:

REIBC

1750-355 Burrard Street

Vancouver, BC V6C 2G8

View online: reibc.org

PRESIDENT'S MESSAGE



TROY ABROMAITIS, RI
 REIBC PRESIDENT

The coming year will be a momentous one for REIBC. We are continuing to implement our ambitious Strategic Plan, focusing on an employer engagement initiative that we see as enhancing member benefits, and digging further into the world of continuing education. These are inspiring projects to start with and they will keep us engaged with the strategy we still have ahead. We will make tremendous progress in this year.

This year we are not only focused on our members, but on the important impact our members make in the industry and community. I am both honored and excited to have the opportunity to serve as President of the Real Estate Institute of British Columbia for 2017-2018. I would like to thank the Board of Governors, Executive Officer Brenda Southam, the members, and staff.

We hope you enjoy this edition of *Input*. Thank you for your continuing support of REIBC and I look forward to hearing from you.



COVER: Colourful Front Street.

Credit: City of Penticton

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CITY OF PENTICTON:
SMART PLANNING AND
COMMUNITY DESIGN BRING
OPPORTUNITY
AND
INVESTMENT

Andrew Jakubeit



Often described as being in the heart of Okanagan wine country, the descriptors for the City of Penticton are changing as this vibrant, waterfront community—Penticton is buffered by lakes on its north and south ends—approaches planning with a smart and sensitive look at its downtown core, density, and development. Penticton is growing, developing, innovating, and revitalizing.

Growth is a key word for attracting and retaining residents, businesses, and an expanding community of remote workers who deliberately choose the South Okanagan lifestyle and the opportunity to “live here” and “work there.” Growth, though, comes with deliberate and thoughtful decisions on everything from housing to the local hospital.

BUSINESS IS GROWING

Charming shops, award-winning dining options, professional service providers, and a multitude of other businesses choose Penticton as a home base. Many make their way to the compact core at the north end of the city, famous for its seasonal outdoor markets as well as festivals and events that not only attract tourists, but also make it easy to enjoy living in a so-called “tourist town.” Personal stories often begin with how a visit or two to Penticton turned into a decision to set down roots and open the doors to opportunity.

One need only look at the increasing number of business licences to see how much Penticton has grown. Commercial business licences have increased by more than 525 from 2016 to 2017. Home-based services have increased by 100 in the same time period, as virtual workers make their way to Penticton and they, and others, embrace the freedom and flexibility of working for themselves. Seasonal work, inter-community businesses, and other categories all show increases. Late autumn typically heralds a slower season for startups in the city, but an average of four business licence applications continue to be submitted each day and the downtown core is showing signs of having the lowest commercial vacancy rates in years.

And as more people establish their homes and businesses, so does more development happen.

ACTIVE AND INNOVATIVE DEVELOPMENT

An increase in business and the staff that come with it naturally translates into an increase in development, and not just in office space and commercial buildings, but in housing, amenities, and more. The landscape and indeed the skyline of Penticton are changing.

Look up.... While cranes may not be the first thing that comes to mind when admiring the mountains and spectacular scenery, the \$325-million expansion of the Penticton Regional Hospital has attracted attention. A much-needed second tower grows a little higher every day and has received an unprecedented amount of community support. A healthy populous needs a place for health care, and Penticton has embraced the PRH expansion with open arms. New services and technology will mean less travel to larger centres, better and faster diagnostics, and more comfortable care overall. With the presence of the University of British Columbia Faculty of Medicine, the building is tied directly to the practical training of the next generation of health care professionals.

With growth also comes addressing the needs of families. The Penticton Campus of Okanagan College recently opened the doors to a new child care centre that, while on campus, is open to use by the wider community. Following on the heels of its LEED Platinum, environmentally innovative Jim Pattison Centre of Excellence, the child care centre has been planned as one of the greenest buildings of its kind in Canada, if not North America, and has engaged the college’s own students in green-building programs to work on it. Little Learners Academy child care centre will be the first commercial building in Canada to be built to Passive House standards, and the process of adapting these strict specifications to a commercial structure required extensive consultation with the leading Passive House experts in Europe. Not only will the young students attending this facility be learning in one of the most healthy, sustainable buildings, the programming is designed to offer care during days and evenings to support full- and part-time college students taking nighttime courses.



Above and right: Penticton Lakeside Resort.

And as far as visitors go, the new six-story tower at the Penticton Lakeside Resort is a triumph in sustainable wood architecture thanks to local innovative company Structurlam and its Cross-Laminate Technology. Next year, the Lakeside Resort will begin construction on a 15,000-square foot lakeview conference centre.

Other developments are following suit when it comes to sustainable building practices—not only a smart choice for the environment, but an economical one as well.

There's clearly a lot of confidence in Penticton's tourism market: 2018 will see ground-breakings for two new hotels centred around the South Okanagan Events Centre (SOEC), adding another 150 rooms to the accommodation inventory. The SOEC campus site is already impressive—home to a 5,600-seat arena, Okanagan Hockey School, BC Wine Information Centre, Travel Penticton Visitors Centre, Penticton Trade and Convention Centre, Memorial Arena, a curling rink, a multipurpose community centre, and the brand new Gateway Casinos facility. The 19-acre parcel of land lies alongside Highway 97 and regularly draws crowds for world-class entertainment.

LIVING WELL

But what about the residents?

It's hard to turn a corner in Penticton and not see new construction and the development of new neighbourhoods, both downtown and in the hills overlooking the city. Housing stock is a critical component of the city's development ambitions and Official Community Plan. It's no surprise that finding the right home in the right neighbourhood is a component of keeping citizens happy and engaged.

A variety of housing developments are underway in Penticton, from single-family homes to modern apartment, condo, and townhouse options, giving consideration to owners and renters, not to mention longer-term vacationers and even triathletes who spend extended time in the region to train for world-class athletic events.

There is much happening in urban development and the creation or revitalization of neighbourhoods. Between 2014 and 2017, more than 1,100 new residential units



There are many ways to invest in Penticton, and not just in the land. Investment here can certainly be tangible in real estate and development, but the possibilities to establish or grow a business, and create an incredible lifestyle for you and your family, are almost endless.

—Mayor Andrew Jakubeit

were created—a healthy mix of inventory throughout the housing continuum. In 2016, the construction values indicated by building permits were at record highs since before the 2008 crash, and 2017 is poised to improve on last year's numbers.

Looking from above the city on the east side, the Sendero Canyon subdivision of single-family and multi-family dwellings—over 200 lots—is close to being sold out, with another 110 lots coming online in late 2017, while just further south the Pineview area has 50 new residential units and looks over to another 42 units at Cedar Road. Heading to the south end of the city, Skaha Towers boasts 180 residential units and another 119 rental units are just a few blocks away.

Addressing affordability and the diversity of the Penticton population, several former hotel sites will be converted to transitional housing. The City of Penticton recently partnered with BC Housing in the development of a 52-unit affordable housing development in the downtown core.

And the downtown core, dotted with coffee shops, restaurants, breweries, and even a distillery, is attracting more Pentictonites to live, work, and walk to amenities downtown. A new urban winery is taking shape on the site of the old "PenMar" movie theatre, and it has uncovered stunning ceilings and a hidden infrastructure that will enable multiple purposes for wine aficionados, foodies, and arts and culture goers.

In terms of housing, developers have been densifying the area with modern urban townhouses, duplexes, and condos, creating a genuine and vibrant downtown culture. It'll be easy for residents to walk or bike just about anywhere, and plans for car-sharing are in the works for a New York-style residential building on Front Street—a self-proclaimed colourful shopping area a just a few blocks from Okanagan Lake and downtown parks.

In addition, the downtown periphery is already welcoming more than 70 new residential and rental units, increasing density around the downtown, while the city's urban villages just outside the south end of the downtown core have seen infill development, including 125



rental units, plus a development featuring 18 seniors-supported housing units.

Even more will come in 2018-2019 as urban village areas are developed and as more lots in the picturesque hills above the city are opened; this will include new construction at the Skaha Hills site managed by the Penticton Indian Band, overlooking Skaha Lake and next to wineries that surround this smaller lake that borders Penticton's south end.

REVITALIZATION IN THE DOWNTOWN CORE

Both business and residents are embracing an emerging downtown lifestyle of walking to work and shopping, or

adopting the virtual worker lifestyle: work at the home office, hit a nearby trail (such as the famous Kettle Valley Trail) for a bike or hike, and end the day at a café or wine bar.

The municipality works closely with the Downtown Penticton Association and others to plan improvements to the city's downtown, acknowledging that welcoming and vibrant cities, no matter their size, are culturally and economically impacted by thriving downtowns.

When it became clear that some of the underground services were reaching end-of-life, a project was undertaken to blend critical upgrades with a re-visioning of the downtown core. Consultation on streetscape improvement began back in 2012 and has included beautification,

As a developer and investor, we recognize the strategic planning Penticton is undergoing to build and expand a diverse community, with an eye on creating neighbourhoods that are vibrant and enjoyable for everyone. That means bringing together a range of residential options and commercial development, while supporting innovative ideas on design, inside and out. It's great to see these exciting changes coming downtown and we at Chase Valley are delighted to be a part of it.

—Trevor Caine, President, Chase Valley Group

enhanced outdoor seating and bike racks, and a lot of paint and polish to improve building facades. Now, in 2017, two blocks of Main Street have been overhauled to replace the water mains and servicing underneath. The biggest change to the landscape was a move to widen the sidewalks and create a more pedestrian-friendly experience, allowing for walkable exploration to admire street art—murals and a number of sculptures are visible around downtown and along the waterfront.

At the start of the revitalization process, when community members were asked, “What makes downtown great?”, common responses were the farmers’ market, outdoor concerts, xeriscaping, and heritage. Other prominent attributes of the downtown included shops, the beach, restaurants, the street, walking, and buildings. In answering the question, “What would you like to see downtown?”, the most significant word that emerged was “more”... more shops, more green space, more events, more pedestrian spaces, more public art, and the list goes on.

Now, in the next phases of downtown revitalization, diverse choices in residential options are coming downtown, and smart planning continues, block by block, with considerable consultation and ongoing reference to Penticton’s Official Community Plan. Many projects, ranging in size and scope, are contributing to revitalization, with short-, medium-, and long-term implementation. Density is a key word in revitalization.

Community engagement has been critical and has followed a number of principles: pedestrians first, creating a

healthy downtown, having a strong identity and character, and “making it real,” among others. The vision? Mobility, green, use and form, and infrastructure. Each piece of the vision has its own distinct layer, and each layer must interact and blend with the others. The green vision looks at enhancing the natural environment. Use and form looks at the character and design of parks, multi-level buildings, and the character of those buildings. In turn, “character areas” are part of smart planning, with areas designated as the civic district, entertainment district, and cultural district, each now taking shape with appropriate and thoughtful development to include affordable housing that increases the number of residents who make downtown Penticton their home.

THE EIZ PROGRAM

A key item for the City of Penticton is the implementation of economic investment zones. The Economic Investment Zone program is part of the City’s growth strategy. It focuses on growth in the downtown and employment centres—targeting specific uses that will have community-wide benefits. In a nutshell, bylaws have been introduced since 2010 to encourage development through exemptions to municipal taxes.

The EIZ program was first established when the City was facing low levels of development and had begun to focus on two main strategic areas for revitalization and enhancement: the downtown and the waterfront areas. The program was intended to stimulate building development and job creation in general as well as direct



It's an exciting time here as we see development in many areas and plan for the future of Penticton. There are not many places in the world like this city, and it is a great time to explore all of the diverse opportunities.

—Anthony Haddad, Director of Development Services



investment to specified areas of the city. By mid-2017, 40 projects had qualified for exemptions reaching approximately \$50 million in construction activity, and over 300 new jobs were tied to these developments. Of the 40 projects, 30% were new investments into the community.

A healthy portion of these projects support downtown revitalization with more downtown apartments and hotels, and with facade updates to both established and new businesses. Qualifying downtown projects for the exemptions have been projects supporting the goals for increased downtown vibrancy: two micro-breweries, one distillery, and a multi-cinema complex, to name a few. Others are near the downtown core, such as the new casino and wine information centre.

THE OCP

All of the development and real and perceived investment in people and infrastructure is ultimately driven by the City of Penticton's Official Community Plan, the roadmap for current and future planning. And, as with the steps to revitalize the downtown area, the OCP is driven by consultation and engagement with the community, including the Penticton Indian Band and the community of Naramata.

It's also data driven: planning must take into consideration the demographics of the Penticton metropolitan area from the average age and average household to employment and housing stock. On the latter, from 2011 to 2016 there has been a drop in Pentictonites living in single-detached houses, but increases across the board in row houses, duplexes, and apartments, clearly pointing to the need for densification and concepts such as cluster housing. And that's where development and construction is happening in the city.

The OCP is a living document and it is being reimagined through 2017 and 2018. The research phase has taken place. Visioning the values and aspirations began in the spring of this year. Ongoing as 2017 comes to a close:

identifying ideas and priorities that test the vision and policy areas that need to be drafted. Next? Refining those policies with an ultimate goal of a draft OCP in the summer of 2018. All of this is based on community—out-reach, conversations, analysis, and feedback.

Engagement throughout the OCP process has taken place in person (including at popular events) and online with a variety of stakeholder groups and citizens. High-schoolers, non-profit groups, seniors ... as many touch-points as possible have been a part of taking the pulse of Penticton. A task force is charged with providing input on the process.

We've asked, "What do you love about Penticton? What are your hopes for the future of Penticton and what are your concerns?" Hopes: affordable housing, environment, economy, and recreation. Concerns: safety, environment, employment, and engaging youth. The emerging themes: Penticton wants to be healthy, diverse, accessible, livable, affordable, and provide a good quality of life.

WHAT'S NEXT?

As the Official Community Plan takes shape, Penticton is eyeing an exciting future in the continued smart design of a vibrant city.

While citizens are asked, literally, to shape their city by contributing to conversations about the OCP, economic development is adding digital tools to its roster to attract new people and businesses to Penticton.

Start Here Okanagan is a new online portal inviting employers and job seekers to interact and connect with each other. Featured sectors, such as health care and trades, make it easier for those seeking employment to look for opportunities to work in Penticton and to address unique challenges like spousal employment (you've got a new job, now your partner needs one) and reveal what levels of education are being sought by employers in the region. Start Here Okanagan shows that there are big opportunities in a small city, with a nod to taking advantage of the energetic lifestyle in the South Okanagan. A central job board with a wide variety of postings drives the site and gives employers a new place to find workers.

For the more entrepreneurial, or those "digital nomads" who can work from anywhere, there is PentictonWorks, which seeks the virtual or remote worker as well as online businesses. Think telecommuters, satellite

workers, and home-based businesses. Predictions are that by 2025, 30% of workers in North America will be working in a virtual environment. Penticton offers the technology they need, from high-speed networks to support services and co-working, and research shows that in Canada, these workers are interested in smaller communities with a lower cost of living and access to all-year outdoor recreation. Penticton offers beaches, trails, rock climbing, skiing, and numerous world-class sports events.

There's already a number of virtual workers in Penticton, often tied to the growing tech sector in the Okanagan. Some say the Okanagan is "Napa North," with a tip to the wine industry, but it's also called "Silicon Valley North," with a nod to tech.

Penticton is a modern centre in which to live, work, and play, and investing in its future is a smart move whether you are starting a brick and mortar business, working via laptop from your condo overlooking the lakes and vineyards, or investing in the real estate and infrastructure needed to house, entertain, and employ those coming to the city.

The city bills itself as a vibrant waterfront community, and residents will surely repeat the meaning of the word Penticton—"a place to stay forever"—to anyone who visits. Many who come to the region as visitors recognize that the opportunities in Penticton, like the surrounding orchards, are ripe for the picking.

Photos provided by City of Penticton.



Council Report

penticton.ca

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Peter Wallace, Land Administrator
Subject: City Land Disposition Policy

File No: 3010-01

Staff Recommendation

THAT Council provide Staff with direction on the following issues identified in the proposed "City Land Disposition Policy" at the January 23, 2018 Council meeting by selecting from the following options under A) and B):

A) Replace the clause:

"If significant issues are identified, the request will be declined at the staff level. Staff may advise the proponent of any viable alternatives or alternative processes that could be followed."

With:

Option 1

If a proposal is deemed non-viable based on Staff vetting, the request will be declined at the staff level. Staff will advise the proponent of any viable alternative parcels and provide alternative processes that could be followed. Should the proponent not be satisfied with the staff decision the proponent may appeal the Staff decision to the CAO and if not satisfactorily resolved by the CAO, through an appeal to Council; OR

Option 2

If a proposal is deemed non-viable based on Staff vetting, the request will be brought forward to Council recommending a decline of the offer; OR

Option 3

That Council direct Staff to modify the clause with wording of their choosing.

B) Choose one of the following options to determine the level of flexibility Council will have in sending proposals for public engagement:

Option 1

Once initial negotiations are complete, Council **may** choose to proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.

Option 2

Once initial negotiations are complete, Council **shall** proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.

AND THAT Council approve the City Land Disposition Policy to be dated February 6, 2018 as modified by the above noted direction to be dated February 6, 2018;

AND FURTHER THAT Council repeal the Land Sale Policy dated December 8, 1998.

Background

At the January 23 Council reviewed the proposed Land Disposition Policy and directed staff to address two issues: staff vetting of unsolicited proposals, and the use of wording of "may" related to public engagement.

Issue 1 – Initial Staff vetting of Unsolicited Proposals

The intention of the initial Staff vetting in the policy is to eliminate the need for Council to deal with non-viable proposals.

To address Council’s concerns, Staff suggest changes to the original clause. Council is asked to choose one of the options presented under Staff Recommendation to provide a clear process.

Issue 2 – Public Engagement

In relation to the policy statement "Once initial negotiations are complete, Council (**may or shall**) choose to proceed with a public engagement process..."

The January 23 policy contained "may", at the recommendation of legal counsel, to provide flexibility to Council should a situation arise where it does not make sense for Council to direct the proposal through public engagement. Using may would allow Council the option to forego public engagement if circumstances warranted.

The Interpretation Act provides the following:

- **may** is to be construed as permissive and empowering;
- **shall** is to be construed as imperative" (necessary).

Regardless of option 1 or 2 in all cases the City will follow Section 26 of the Community charter and advertise of its intent to dispose of property.

Council is asked to direct staff to use "may" or "shall" regarding public engagement.

Attachments

Attachment A – Land Disposal Policy with options

Respectfully submitted,

Peter Wallace, Land Administrator

Approvals

Chief Financial Officer <i>L.B</i>	Chief Administrative Officer PW
----------------------------------------------	-------------------------------------------

ATTACHMENT A
Land Disposition Policy with Options

[Land disposition Policy with Options.docx](#)

Approval date:

Resolution No.:

Subject: City Land Disposition

Goal

To establish a fair, consistent and competitive process to manage the disposal of City owned lands. This policy will also serve to protect the community's interests while providing certainty to potential purchasers or lessees through established practice.

Legislative Authority

As required by Section 26 of the *Community Charter* the City is required to advertise its intent to dispose of property. Although this is the minimum requirement, the policy intends to go well beyond the legislative requirements and engage the community on potential properties that will be disposed.

Scope

This policy applies to any city owned real property considered for sale or lease greater than 5 years; with the following exceptions:

- Land zoned for park purposes;
- Dedicated parkland;
- Encroachments;
- Rights of way or Easements;
- Non-buildable properties;
- Properties acquired by non-profit organizations;
- Land with a restrictive grant, trust or covenant.

Policy

Determining Properties for Sale and Method of Disposal

Every two years or more frequently if necessary, Council, with recommendation from staff, will consider the disposal of city owned lands, taking into account:

- Future needs of the City;
- Economic climate and current market values;
- Needs and priorities of the community.

A list and map of potential non-core lands will be created and circulated through city departments for review and comment before providing an in-camera report to Council, which includes: properties not excluded through department vetting; recommendations; and in-house valuations.

Having evaluated the recommendations, Council will determine which properties move forward in the public engagement process.

Based on public engagement, a report will be prepared for consideration by committees with related interests.

E.g.: Downtown Commercial Property – committees such as Community Revitalization, Development Services, and Economic Development.

The committees will provide recommendations related to retaining or disposing of the properties and preferred potential uses.

In an open meeting Council, upon consideration of public engagement results and committee recommendations, may direct staff to:

- Rezone the property prior to disposal and/or;
- Proceed with a Request for Proposal (RFP);
- Proceed with an Expression of Interest (EOI);
- List the property for sale privately or with a Realtor;
- Retain the property.

If Council elects to dispose of the property, the City will publish notice (in consecutive weeks in a newspaper) of the proposed acquisition opportunity in accordance with the requirements of the *Community Charter*. The notice will describe the property, the nature and, if applicable, the term of the proposed disposition (for example, a purchase or a 30-year lease) and the process by which the property may be acquired.

Council meetings respecting evaluations and negotiations following an RFP, EOI, or listing will be held in-camera (where council is of the view that disclosure could reasonably be expected to harm the City's or proponent's interests). A public summary of the process and evaluations will be provided once the City is satisfied that no financial harm will come to the City or proponent due to the disclosure.

Unsolicited Offers for City Property

On occasion, the City receives unsolicited offers and expressions of interest for real property. Based on the initial expression of interest, (which at a minimum must include the location, purchase price and the proposed use) all departments that could potentially be impacted by the potential disposal of the land will vet the proposal to determine if there are issues with disposal of the property or the proposal. **If significant issues are identified, the request will be declined at the staff level. Staff may advise the proponent of any viable alternatives or alternative processes that could be followed.**

[Option 1 (the following would replace the clause highlighted in yellow)]

If a proposal is deemed non-viable based on Staff vetting, the request will be declined at the staff level. Staff will advise the proponent of any viable alternative parcels and provide alternative processes that could be followed. Should the proponent not be satisfied with the staff decision the proponent may appeal the Staff decision to the CAO and if not satisfactorily resolved by the CAO, through an appeal to Council; OR

Option 2

If a proposal is deemed non-viable based on Staff vetting, the request will be brought forward to Council recommending a decline of the offer; OR

Option 3

That Council direct Staff to modify the clause with wording of their choosing.

The proponent of an initial proposal that passes the initial vetting without objection will be provided with the Assessment Criteria (Attachment A) and invited to provide a formal written proposal which must:

- clearly outline the offer, proposal and intended use;
- demonstrate how the proposed development will comply with the Official Community Plan, Zoning Bylaw and how the proposal meets the specific points of the Assessment Criteria;
- outline the projected economic impact and/or benefits to the community;
- high-level concept drawings including at a minimum:
 - a site plan showing the location of the development on the parcel of land;
 - conceptual renderings of the proposed development;
- a detailed timeline for the development to occur, including any phasing required;
- staff may require additional information, depending on the location and impact on adjacent uses.

Upon receipt of a completed formal proposal, staff will complete a Council report, which will evaluate the proposal, provide market value estimate, evaluate the Assessment Criteria, and provide recommendations.

An open competitive process will be the standard approach for disposing of property. Staff will only recommend deviation from the competitive process if using the Assessment Criteria the proposal demonstrates unique and significant benefits that could not be provided by any other proponent.

The ultimate determination to proceed differently than a competitive process is at Council's discretion. Council may support the disposal of the specific property through a competitive process and the initial proponent will be invited to participate.

If the proposal delivers significant benefits that could not be provided by any other proponent and Council elects to proceed without a competitive process, Council may authorize staff to negotiate with the proponent. **Once initial negotiations are complete, Council may choose to proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.**

Option 1

Once initial negotiations are complete, Council may choose to proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.

Option 2

Once initial negotiations are complete, Council shall proceed with a public engagement process (the proponent will be required to participate), the results of which will be provided to applicable committees.

Following successful staff negotiations, and any engagement process and committee recommendations, the proposal will be brought back to Council for consideration as to whether to decline the proposal, direct staff to conduct further negotiations or authorize the City to enter into a contract of purchase and sale based on the initial negotiations.

Before the City enters into a contract of purchase and sale with the proponent, the City will publish notice (including in consecutive weeks in a newspaper) of the intended disposition in accordance with the requirements of the *Community Charter*. The notice must identify the property, the purchaser, the purchase price and the nature and term of the proposed disposition (for example a purchase or a 30-year lease). Following publication of the required notices, the City may execute the contract of purchase and sale.

Cost and Timelines of the Process for Unsolicited Offers

Costs for the proponent to prepare and provide the City with the necessary information related to this process shall be borne by the proponent. The proponent will also be required to pay any costs of estimating the market value of the property.

The City will expedite the review and approval of a proposal in a timely and efficient manner.

Appendix A: Proposal Assessment Criteria for Unsolicited Requests to Purchase City Owned Lands

Appendix B: Responsibilities

Previous Revisions

Revision date	Author
Land Sale 1998 (Res 793/1998)	

Certified Correct:

Corporate Officer

Appendix A:

Proposal Assessment Criteria for Unsolicited Requests to Purchase City Owned Lands

The Assessment Criteria shall ensure that:

- Clear desirable benefits are identified that directly address a clearly defined objective or Community need;
- The request reflects Council priorities;
- The request reflects the values and will of the Community as understood by the City;
- The purchase price (including any non-monetary consideration to be provided to the City) reflects estimated market value.

Demonstration of unique benefits:

- The proposal can only be delivered by the proponent, and possesses something that no other competitor can provide; i.e. the proponent owns adjacent property, possesses proprietary rights, etc.;
- Attributes, which may not necessarily stand alone as unique but, when combined, create a “unique” proposal. This may include innovative ideas, including financial arrangements or a unique ability to deliver a strategic outcome;
- The proposal delivers economic benefit for the City that would provide financial benefits/savings that would not otherwise be achieved;
- The request will deliver improved infrastructure and/or services to the Community;
- There is a demand for outcomes from the proposal.

Demonstration of City objectives:

- The proposed use of the land aligns with Council’s Priorities;
- The proposal will not conflict with identified potential uses for the surrounding properties;
- The proposal aligns with Council’s Vision for the City’s development and identified planning outcomes (OCP - public facilities, key services, short and long term accommodation commercial facilities, industrial facilities, open space, etc.);
- Alignment with the City’s Economic Development Strategy;
- Evidence of long term economic benefits to the Community;
- Provision of other investment opportunities;
- Evidence of local job creation (short term and long term);
- Consideration of any significant natural or environmental features;
- Consideration of any cultural significance;
- Identify and quantify risks for the City and community.

Appendix B:
Responsibilities

- LAND:** The Land Administrator shall be the initial contact for proponents and be the facilitator for progressing the proposal through the process.
- FINANCE:** Assist in any necessary financial analysis.
- DEVELOPMENT SERVICES:** To determine alignment to the OCP, Zoning Bylaw and the City's development priorities as well as economic development priorities.
- INFRASTRUCTURE:** Public Works, Parks, Engineering, Facilities to identify any operational needs, issues or potential future requirements for the property.
- PROCUREMENT:** To oversee RFP and EOI requests processes.

Council Report



Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure
Subject: **Asset Management Building to the Standards**

File No:

Recommendation:

THAT future engineering projects reflect the reduced road widths and sidewalk elimination as per the standard referred to in this staff report dated February 6, 2018;

AND THAT Council direct staff to include the savings reflected by road width reductions and sidewalk elimination in the next update of the Asset Management Investment Plan;

AND FURTHER THAT residents be educated during the design phase with respect to the Asset Management Issues, adopted standards, mitigation measures and the possibility of a 100% resident funded Local Area Service charge should they want the wider street and sidewalks on both sides.

Strategic priority objective

This project supports the Fiscal Sustainability Priority of undertaking asset management to ensure the sustainability of municipal infrastructure.

Background

In October of 2016 Urban Systems completed an Asset Management Investment Plan (AMIP) for the City.

One of the findings was the range of the Average Annual Life Cycle Investment required to have sustainable assets, see Figure 1

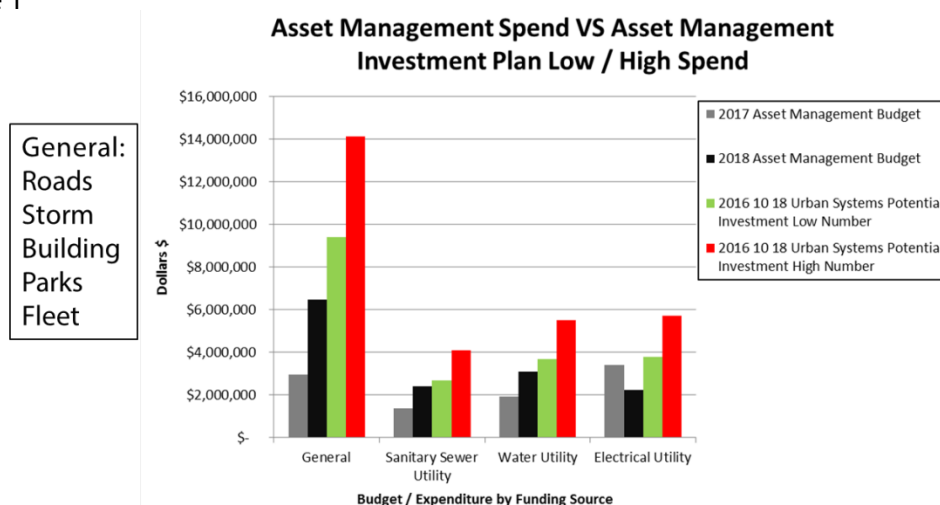


Figure 1 Asset Management Spend VS Asset Management Low / High Spend

To become sustainable the City needs to take steps to reduce the required expenditure and increase the available revenue. With respect to the road system Figure 2 illustrates that the City still needs to look at how to increase revenue and decrease expenditures. The City has been increasing taxes 1.1% per annum with the funds specifically targeted for asset management and will in 2018 look at adjusting Utility Rates to account for asset management.

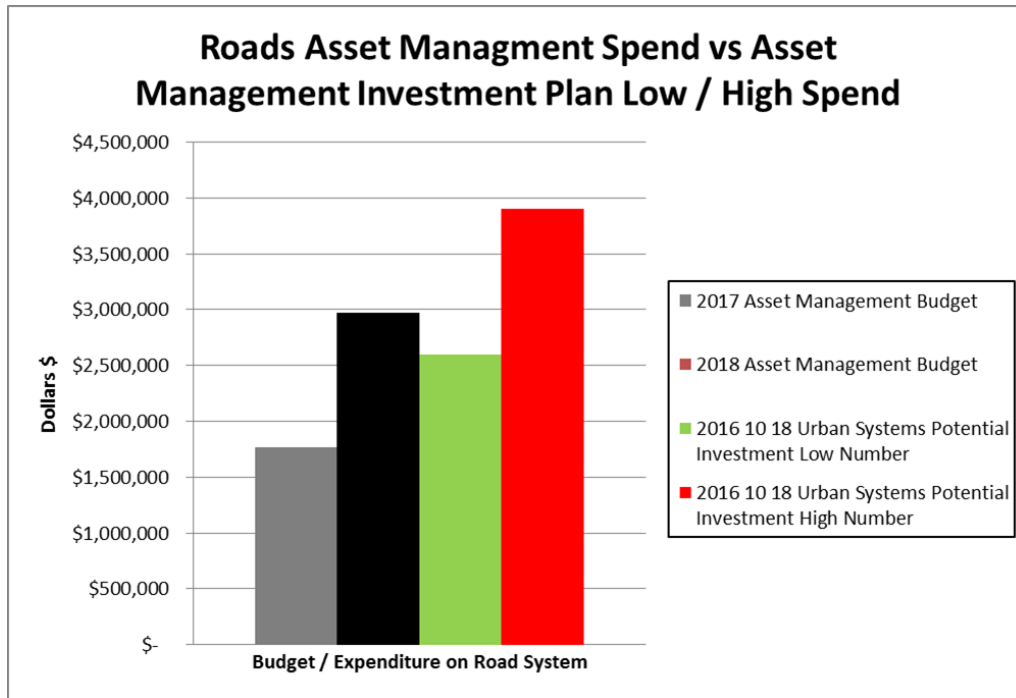


Figure 2 Roads Asset Management Spend VS Asset Management Low / High Spend

One of the Recommendations from the AMIP, LSR2, targeted specifically what we could do to reduce expenditures on the road system:

“Undertake a review of the road network inventory and determine the width reduction that could be achieved in non bus / truck route residential roads and how much that would reduce the annual required spend on road assets. Have it endorsed by council and update the AMIP.”

With the completion of the Roads Geographic Information System late in 2017 staff were able to undertake an investigation as to where it would be possible to build to the established standard instead of to what currently exists in an effort to reduce the average annual lifecycle spend on road assets.

The items examined were:

- Roads classified as residential, without a bus route, bike route, future bike route or truck route that are wider than the standard 8.5m as specified in Subdivision and Development Bylaw 2004-81.
- Roads classified as residential, that have sidewalks on two sides instead of one side as specified in Subdivision and Development Bylaw 2004-81.

It was determined that there were 63km of residential non-bus route, non-bike route, non-truck route roads that were wider than 8.5m, see Figure 3. The roads ranged from just wider than 8.5m to 20.6 m with the majority being between 8.5m and 12.5m as shown in Figure 4. Each road will be addressed during the detail design phase and in some cases a narrowing may not be able to be undertaken due to future development considerations.

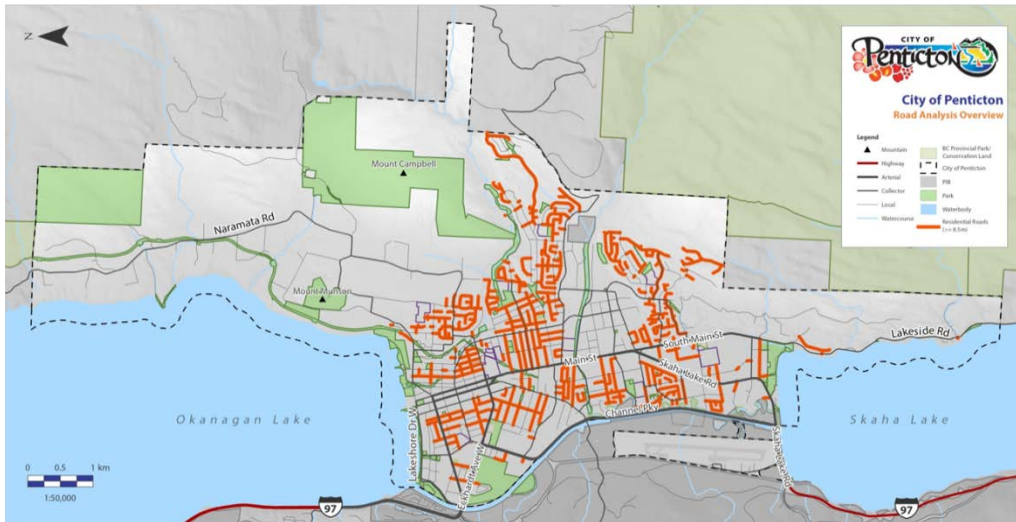


Figure 3 – Residential Non-Bus Route, Non-Bike Route, Non-Truck Route Roads Wider Than 8.5m

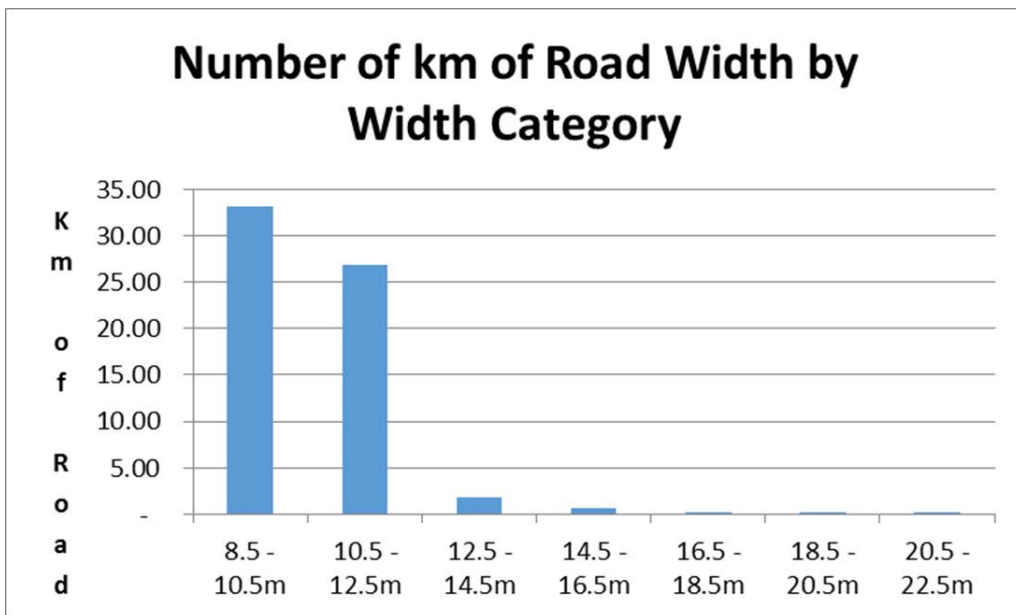


Figure 4 – Number of km by Width

It was determined that there were 32km of residential roads with sidewalk on both sides instead of the bylaw standard of sidewalk on one side, see Figure 5.

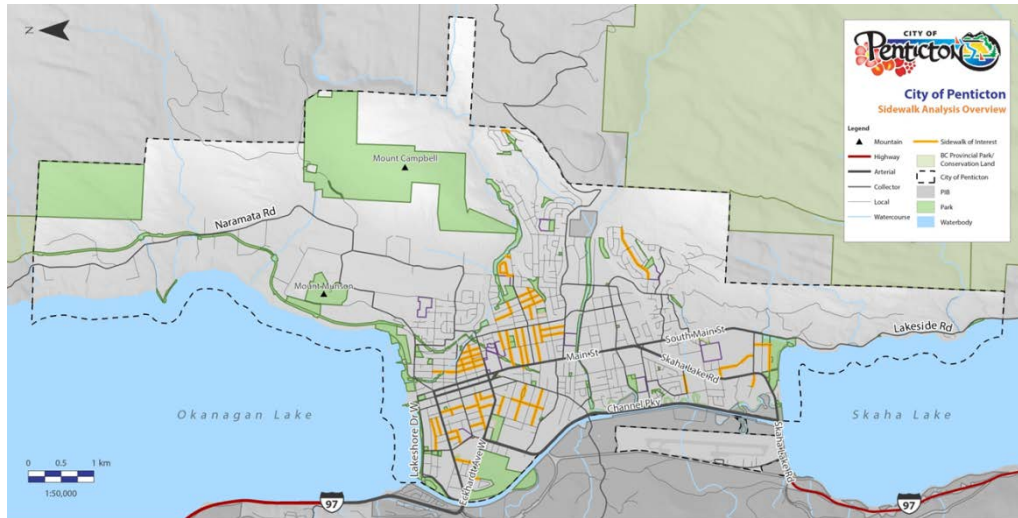


Figure 5 – Residential Roads with Sidewalk on Both Sides

Rebuilding to the standards set out in Subdivision and Development Bylaw 2004-81 instead of to what currently exists yields a cost savings. The first replacement cycle will see a cost savings realized from the reduced number of square meters of asphalt, concrete, gravels and subgrade preparation. The first replacement cycle will also see a new expenditure related to the installation of landscape materials. The second replacement cycle will reflect the full cost savings. Table 1 illustrates the potential Cycle 1 and Cycle 2 cost savings, expenses and net position. The replacement schedule will be determined on the basis of condition, risk, criticality and where we will get the best value for our money.

	Road Width Reduction		Sidewalk Elimination		Total	
	Cycle 1 Replacement	Cycle 2 Replacement	Cycle 1 Replacement	Cycle 2 Replacement	Cycle 1 Replacement	Cycle 2 Replacement
Savings	\$4,966,000	\$4,966,000	\$6,004,000	\$6,004,000	\$10,970,000	\$10,970,000
Expenses	\$4,729,000	\$0	\$1,921,000	\$0	\$6,650,000	\$0
Net	\$237,000	\$4,966,000	\$4,083,000	\$6,004,000	\$4,320,000	\$10,970,000

Table 1 – Potential Net Cost Savings

It will not be possible to achieve 100% of the savings identified in Table 1. During detail design there will inevitably be situations where it will be decided to maintain the road width or the sidewalk for reasons associated with access to future growth areas or changes to bus routes, truck routes or bike routes. These decisions will be made on a site specific basis at the time of design.

There are Other Factors to consider when building to the standard:

- Reduced Road width will restrict parking or driving lane widths
- Reduced Road width will make snow and ice control more challenging especially in the higher elevation areas
- Residents may not want to see a sidewalk removed from one side

- Residents may not want to take over the responsibility for the maintenance of the newly landscaped area
- Future development may require some roads remain wider

These Other Factors could be mitigated as follows:

- Through discussions with residents during the detail design phase, educate them with respect to:
 - Our Asset Management Issue
 - Why we are building the road to the adopted standard
 - What the cost savings are
 - The benefits to traffic calming caused by narrowing the street
 - What is required in terms of extra landscape maintenance
- Implementing on street parking restrictions
- In cases where residents want the increased road width and sidewalks on both sides offer it through a 100% resident funded Local Area Service charge
- Snow and Ice Control:
 - The City currently has 8.5 m wide roads in Residential Areas
 - Snow will have to be pushed more onto the boulevard
 - There will be road narrowing during major storm events, on-street parking may have to be restricted
 - Having a lower standard of Snow and Ice Control on residential roads is not out of the ordinary
 - Work these factors into public education

Financial implication

The City has the potential to save a large portion of the Net amounts as shown in Table 1 above. The specific roads and sidewalks will have to be entered into the AMIP to determine the exact impact on the Annual Average Life Cycle Investment. The Annual Average Life Cycle Investment for roads will decrease contributing to making our assets more sustainable.

Analysis

The endorsement of the staff recommendation will reduce the Annual Average Life Cycle Investment for Roads and will be a step in the direction of sustainability. The issues associated with moving in this direction can be explained to the public and mitigated during the design phase of engineering projects. In addition an alternative allowing residents to maintain their current road width and sidewalks on both sides is available through a 100% resident funded Local Area Service charge. In some cases some roads will not be narrowed in order to address future development concerns or anticipated changes to bus, truck or bus routes.

Not moving forward with the staff recommendation will not see movement in the direction of sustainability by building to the adopted standards.

Alternate recommendations

THAT Council provide alternate direction to staff.

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA

General Manager of Infrastructure

CAO	CFO
PW	<i>LWB</i>

Council Report

pentiction.ca

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Shawn Filice, Electric Utility Manager

File No:

Subject: Electric Utility Services Bylaw No. 2017-44

Staff Recommendation

THAT Council give second reading as amended and third reading to the "Electric Utility Services Bylaw No. 2017-44";

AND THAT Council give first, second and third reading to the "Subdivision and Development Amendment Bylaw No. 2018-08" which is a Bylaw to amend the "Subdivision and Development Bylaw No. 2004-81" as it pertains to Net Metering;

AND THAT Council give first, second and third reading to the "Fees and Charges Amendment Bylaw No. 2018-09" which is a Bylaw to amend the "Fees and Charges Bylaw No. 2014-07" as it pertains to Appendix 7 – Electricity;

AND THAT Council direct staff to forward the "Electric Utility Services Bylaw No. 2017-44" to the Minister of Municipal Affairs and Housing for approval.

Strategic priority objective

Good Governance: Provide Services that support quality of life, protect our health, enhance public safety, and promote economic and the social well-being of our community.

Background

On October 3, 2017 Council gave first reading to the "Electric Utility Services Bylaw No. 2017-44" and directed staff to consult with affected stakeholders and interested members of the community on the proposed electrical changes prior to second and third reading of the bylaw (See Attachment A).

On January 23, 2018, staff reported findings from the public consultation process to Council. Council directed staff to make changes to the bylaw prior to returning for second and third reading (See Attachment A).

The relevant changes contained in Bylaw No. 2017-44 are as follows:

1. Revised definitions of Residential and General Services;
2. All new services shall be metered except for Street lighting and Sentinel Lighting;

3. All new services and service upgrades shall be made Underground vs. Overhead. This is implied in the Subdivision and Development Bylaw 2004-81 but it is not explicitly stated. Below are examples where the Bylaw allows for variances from this requirement:
 - a. It is cost prohibitive for the Electric Utility to provide an Underground Service;
 - b. The work required on the Customers Premise is not practical (i.e. too complicated or complex)
4. Inclusion of Net Metering requirements:
 - a. Removal of 219 Covenant requirement;
 - b. Removal of Statutory Right of Way requirement;
 - c. City of Penticton will purchase excess energy at Wholesale NOT Retail energy rates;
 - d. Customers to pay 100% of the costs pertaining to Net Metering electrical services.
5. Identification of standard voltage and electrical service sizes the Penticton Electric Utility will provide and/or supply;
6. Clearer language for electrical servicing of strata developments;
7. Removal of the equivalent of a "latecomers fee" for electrical;
8. Exclusion of the airports lands from the Electrical Utility Service Area;

The relevant changes contained in the Subdivision and Development Amendment Bylaw No. 2018-08 are as follows:

1. Net Metering – Remove Section 7 from the Subdivision and Development Bylaw No. 2004-81.

The relevant changes contained in the Fees and Charges Amendment Bylaw No. 2018-09 are as follows:

1. Amend Appendix 7 of the Fees and Charges Bylaw No. 2014-07 to:
 - a. Remove Rate Code 15 – Residential/Special (aka Home Based Businesses);
 - b. Update Rate Code 55 – Housekeeping to reference the appropriate bylaw;
 - c. Net Metering – City of Penticton will purchase excess energy at Wholesale NOT Retail energy rates;
 - d. Net Metering – Customers will be responsible to pay all costs associated with the electrical servicing of Net Metering installations;
 - e. Introduce a Power Factor Surcharge;
 - f. Modify the "Electrical Service Payment Plan" to allow for the inclusion of costs for Net Metering (aka Micro-DR) installations.
 - g. Reduction of the minimum payment plan amount from \$5,000 to \$2,000.

Proposed Amendments to the Billing Policy:

1. Remove the definition of Bed and Breakfast facilities (See Attachment E)

Alternate recommendations

1. THAT Council send the Bylaw(s) back to staff for further research.

Attachments

Attachment A – Council Resolutions Electric Utility Services Bylaw No. 2017-44 - October 3, 2017 (536/2017); January 23, 2018 (22/2018, 24/ 2018 and 25/2018)

Attachment B - "Electric Utility Services Bylaw No. 2017-44"

Attachment C - "Subdivision and Development Amendment Bylaw No. 2018-08"


Attachment D - "Fees and Charges Amendment Bylaw No. 2018-09"

Attachment E - Proposed Amendments to the "Billing Policy"

Respectfully submitted,

Shawn Filice, MBA, P. Eng.
Manager, Electric Utility

Approvals

<p>General Manager of Infrastructure</p> 	<p>Chief Administrative Officer</p> <p>PW</p>
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ATTACHMENT A – COUNCIL RESOLUTIONS ELECTRIC UTILITY SERVICES BYLAW NO. 2017-44

October 3, 2017 Council Resolution (536/2017)

536/2017

It was MOVED and SECONDED

THAT Council give first reading to “Electric Utility Services Bylaw No. 2017-44”;

AND THAT Council direct staff to consult with the community on the proposed electrical changes prior to second and third reading of the bylaw.

CARRIED UNANIMOUSLY

January 23, 2018 Council Resolutions (22/2018, 24/2018 and 25/2018)

22/2018

It was MOVED and SECONDED

THAT Council direct staff to consolidate the “Residential/Special Service” and the “Residential” definitions in the Electric Utility Services Bylaw No. 2017-44;

AND THAT Rate Code 15 be removed from the Fees and Charges Bylaw No. 2014-07.

CARRIED UNANIMOUSLY

24/2018

It was MOVED and SECONDED

THAT net metering connection costs remain as proposed in the Electric Utility Services Bylaw No. 2017-44;

AND THAT the rate the Electric Utility purchases excess energy from Net Metered Customers remain as proposed in the Electric Utility Services Bylaw No. 2017-44;

AND THAT Billing Net Metered Customers remain as proposed in the Electric Utility Services Bylaw No. 2017-44.

CARRIED

Councilor Martin, Opposed

25/2018

It was MOVED and SECONDED

THAT Council direct staff to proceed with the proposed changes prior to further consideration of Electric Utility Services Bylaw No. 2017-44.

CARRIED

Mayor Jakubeit and Councilor Martin, Opposed

The Corporation of the City of Penticton

Bylaw No. 2017-44

A Bylaw to establish and regulate the Penticton Electric Utility Services.

WHEREAS the Council of the Corporation of the City of Penticton considers it desirable and expedient to maintain the municipal Service of an electric utility for the Penticton community and to make regulations, impose requirements, and prohibit in relation to the provision of this Electrical Service;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART 1 – TITLE

This Bylaw may be cited for all purposes as "Electric Utility Services Bylaw No. 2017-44".

PART 2 – DEFINITIONS

"**Ampere**" (A) means the unit used for the measurement of the flow of Electricity or Electric Current.

"**Apartment Building**" means a structure containing four or more Dwelling Units having access from an interior corridor system or common entrance.

"**Apparent Power**" means the total Power measured in kilovolt Amperes (kVA).

"**Applicant**" means a person who applies to the City for a new, upgraded, extension or change of Service.

"**Bill**" means the invoice produced by the City for the supply of Electrical Service to the Customer.

"**Billing Date**" means the date a Customer's Bill was prepared by the City and is as indicated on the Bill.

"**Billing Period**" means the period between Meter readings or the period of time which the Bill covers.

"**Bulk Meter**" means one Meter that measures all Electricity used in a building containing multiple Premises.

"**Chief Financial Officer**" means the person appointed to carry out the duties of the Chief Financial Officer as defined in the *Community Charter*.

"**City**" means the Corporation of the City of Penticton.

"**Collector**" means the municipal officer assigned the responsibility as Collector of taxes for the City.

"**Connected Load**" means the sum of all the individual electrical loads in the Customer's Premises.

"Consumption" means the amount of Electrical Energy in kilowatt-hours (kWh) as measured or estimated by the City over a given period of time.

"Corporate Officer" means the person appointed to carry out the duties of the Corporate Officer as defined in the *Community Charter*.

"Council" means the Council of the City.

"Current" means the flow of Electricity in a conductor wire(s) or cable(s) measured in Amperes (A).

"Customer" means any individual person, partnership or other entity, organization, corporation, firm or government agency, supplied with Electrical Service. Any Customer receiving Electrical Service from the City at more than one location or for more than one separately operated business shall be considered a separate Customer for each such location or for each such business.

"Customer's Equipment" means all that part of the Facilities on the Customer's side of the Point of Delivery except the Meter.

"Demand" means the rate at which Electric Energy is used in any instant or averaged over any designated period of time, measured in kilowatts (kW) or kilovolt Amperes (kVA).

"Disconnect" means a device, group of devices, or other means that will allow the conductors of a circuit to be Disconnected from their source of electrical supply.

"Distributed Resources" (DR) means sources of Electric Power that are not directly connected to a bulk Power transmission system. DR includes both generators and Energy storage technologies.

"Distribution System" means any network of Electricity that operates at a nominal Voltage of 50,000 V or less and distributes Electric Power between substations and the Point of Delivery.

"Dwelling Unit" means one or more rooms for the use of one or more persons as a housekeeping unit with cooking, eating, living, and sleeping facilities.

"Electric Utility Manager" means the person appointed as the Manager of the Penticton Electric Utility, or his or her designate, for the City.

"Electric(al) Code" means the *Canadian Electrical Code* (C22.1) and BC amendments.

"Electrical Energy" means Energy

"Electrical Service" means the provision of Electricity by the Penticton Electric Utility.

"Electrical Service Entrance" means an approved assembly consisting of an enclosure that can be locked or sealed, containing either fuses and a switch, or a circuit breaker, and of such design that it is possible to operate either the switch or circuit breaker to the open position by manual means when the box is closed.

"Electrical Room" means a room or space provided in a building to accommodate Electrical Service Equipment for the building including Customers' Equipment and Meters.

"**Electricity**" means either or both Demand and Energy, as the context requires.

"**Embedded Generator**" means an Electrical Generation Facility which is connected on the Customer side of the Point of Delivery to the Distribution System.

"**Energy**" means **Power multiplied by the length of time it used and** measured in kilowatt hours (kWh).

"**Facilities**" means Equipment or apparatus that has been designed, manufactured, built, constructed or installed to provide Electrical Service.

"**Fees and Charges Bylaw**" means the City's Fees and Charges Bylaw No. 2014-07.

"**General Manager of Infrastructure**" means the person appointed as the General Manager of Infrastructure.

"**General Service**" means a Service for business, commercial, industrial or institutional Premises, or manufacturing Facilities, and includes, but is not limited to, Services to the following:

- a) Farms which are distribution centers for items produced on that Farm or other farms;
- ~~b) Non-Owner occupied home based businesses;~~
- b) Residential subdivisions and Multi-unit Residential buildings and developments that are not individually Metered ~~including Multi-unit Residential buildings including Apartment Buildings, strata complexes condominium units, and townhouse complexes units and other buildings containing residential services;~~
- c) Auto courts, motels and hotels;
- d) Temporary Service to all buildings, mobile offices set up on a temporary basis while construction projects are underway, such Service to be removed when the construction project is complete;
- e) Any Service other than those specified under the definition of "Residential Service" ~~and/or "Residential/Special Service";~~
- f) Schools and educational facilities, hospitals and clinical Facilities, churches and halls, recreational establishments; and
- g) Irrigation systems.

"**Generation Facility**" means a Facility for generating Electricity or providing ancillary Services provided by the Electric Utility through the operation of a Distribution System, and includes any structures, Equipment or other things used for that purpose.

"**Horsepower**" (hp) means equivalent to 746 Watts.

"**House Meter**" means that portion of the Electrical Service in Premises with multiple Owners or Occupiers which is common to all Occupants, and includes parking lot lighting, sign Service, corridor and walkway lighting, hallway heating and cooling.

"Interconnection" means the result of the process of Electrically connecting a DR System in parallel to a Distribution System.

"Inverter" means a Power electronic device that converts direct Current Power into alternating Current Power.

"Joint Use Contact Agreement" means an agreement between Penticton Electric Utility and a public utility that has connected its works or Equipment to Penticton Electric Utility's Distribution System.

"kilovolt Ampere" (kVA) means the product of the effective Voltage (V) across the terminals of an Electric circuit by the effective Current (measured in Amperes (A)) through it, divided by 1,000.

"kilowatt" (kW) means 1,000 Watts (W).

"kilowatt hour" (kWh) is the measure of Electrical Energy generated, transmitted or Consumed over a specified period.

"Maximum Demand" means the greatest measured Demand averaged over a period of not more than 32 consecutive minutes during a Billing Period.

"Measurement Canada" is the Federal institution of Innovation, Science and Economic Development Canada. It is responsible for ensuring accuracy in the selling of measured goods, developing and enforcing the laws related to measurement accuracy, approving and inspecting measuring devices and investigating complaints of suspected inaccurate measurement.

"MegaWatt" (MW) means 1,000 kilowatts (kW).

"Meter" means any device used for measuring either or both the Demand and Consumption of Electricity.

"Meter Installation" means the Meter and, if so equipped, the instrument transformers, wiring, test links, fuses, lamps, loss of potential alarms, Meters, data recorders, telecommunication Equipment and spin-off data Facilities installed to measure Power past a Meter point, provide remote access to the Metered data and monitor the condition of the installed Equipment.

"Micro-Distributed Resource" (Micro-DR): means a DR with an operating output Voltage of 750 V or less.

"Micro-DR System" means the aggregate Micro-DR, Inverter(s), Interconnection system(s), control system(s), sensing device(s) or function(s), and protection devices and functions to the point of Micro-DR connection.

"Month" means a period of from twenty-seven (27) to thirty-five (35) consecutive days.

"Multi-unit Residential" means any detached building divided into three (3) or more Dwelling Units and may include shared entrances, exits and other essential facilities and services and Dwelling Units separated by common party walls, each with its own separate entrance or exit or three or more manufactured homes located on a parcel and suitable for year-round occupancy.

"Net Metering" means the use of a Net Metering System and billing practice that allows for the flow of Electricity both to and from the Customer through a single, bi-directional Meter.

"Net Metering System" means a facility for the production of Electric Energy that:

- a) Uses as its fuel, a source defined as a clean and renewable resource in the BC Energy Plan;
- b) Has a design capacity of not more than 50 kW;
- c) Is located on the Customer's Premises and is owned by a Customer;
- d) Is a Parallel Operation;
- e) Offsets part or all of a Customer's Electricity requirements per Billing Period; and
- f) May produce Electricity in excess of a Customer's Electricity requirements per Billing Period for sale to the Penticton Electric Utility.

"Occupier" has the meaning given to the term in the *Community Charter*.

"Outstanding Balance" means any monies owed to the City by a Customer for fees, rates, charges, penalties, interest, retrofit loans, payment plan arrangements or security deposits.

"Owner" has the meaning given to the term in the *Community Charter*.

"Parallel Operation" means the simultaneous energization of a Point of Delivery by the Distribution System and the Micro-DR System.

"Penticton Electric Utility" means the City's Electric Utility Department.

"Penticton Electric Utility's Equipment" means the Distribution System and Meters.

"Point of Delivery" the location at which the Service Connection is connected to the Metering Equipment or the Customer's Electrical Facilities, whichever is connected closest to the Distribution System.

"Power" means the **rate at which** Electrical Energy **is** generated, transmitted or consumed measured in kilowatts (kW), Real Power or kilovolt Amperes (kVA), Apparent Power.

"Power Factor" means the percentage determined by dividing the Customer's Demand measured in kilowatts (kW) by the same Demand measured in kilovolt-Amperes (kVA) (i.e. Real Power/Apparent Power or kW/kVA).

"Premises" means land, a building or a structure or a part of land, a building or structure or a combination of these used or occupied by a Customer.

"Primary Metered" means the Metering Installation is located on the Penticton Electric Utility's side (line side) of the Service Transformation Equipment.

"Primary Voltage" means a Voltage **exceeding** 750 volts (V) measured phase to phase.

"Real Power" means the Power component required to do real work, which is measured in kilowatts (kW).

"Regular Business Hours" means 7:00AM to 2:45PM Monday through Friday, excluding Statutory and Civic holidays.

"Residential Service" means a Service for a Dwelling Unit and includes a Service where an incidental portion of the Energy supplied through the Meter is used for a business.

~~**"Residential/Special Service"** means a Service for a Dwelling Unit where a small portion of the Energy supplied through the residential Meter is used for a business purpose.~~

"Safety Standards Act" means the Safety Standards Act. SBC 2003, c.39

"Secondary Metered" means the Meter Installation is located on the Customer's side (load side) of the Service Transformation Equipment.

"Secondary Voltage" means a Voltage of 750 volts (V) or less measured phase to phase.

"Service" means Electrical Facilities in use for the provision of Electricity as required to a Customer's Point of Delivery.

"Service Connection" means that part of the Penticton Electric Utility's distribution Facilities extending from the first attachment point on the Penticton Electric Utility's Distribution System to the Point of Delivery.

"Service Extension" means an addition to, or extension of the Penticton Electric Utility's Distribution System including an addition or extension on public or private property that is required to Service a new development or subdivision and which is capable of servicing land other than the land of new development or subdivision.

"Subdivision and Development Bylaw" means the City's Subdivision and Development Bylaw No. 2004-81.

"Technical Safety BC" formerly called BC Safety Authority, the body that administers the *Safety Standards Act of British Columbia*.

"Temporary Service" means an Electrical Service to Premises that is less than thirty (30) Meters in length over private property and is to provide Power for construction work only on the Premises and terminates within one (1) year.

"Transformation" means those items including switches, transformers, Metering, Equipment, cut-outs, fuses, surge arresters needed to provide the required Voltage, Current and Equipment protection at a particular point in the Electrical Distribution System.

"Un-metered Electrical Service" means a Service provided to a Customer that is not Metered and is billed based upon estimated Power usage.

"Underground Service" means an underground Electrical Service to a Customer, from a pole, pad-mount transformer or Service box and that is privately owned and maintained by the Customer and connected to the Customer's Premise at the Meter base via an underground conduit system.

"Voltage" (V) means the difference in Electrical potential between two points of an Electrical system measured in volts.

"Watt" (W) is the unit of measurement for the Power required to perform work at the rate of one joule per second.

PART 3 – SERVICE

3.1 Service Area

Council establishes the Electrical Service within the boundaries of the City except for the area shown as "excluded area" on the map in Schedule "A" and this Bylaw applies to all the lands within the City boundaries except for the area shown as "excluded area" on the map in Schedule "A".

3.2 Responsibilities

- a) The Electric Utility Manager is the head of the operational division of the Penticton Electric Utility and shall be responsible for:
 - i) The operation, maintenance, repair and upgrading of the Penticton Electric Utility;
 - ii) The management of all employees engaged in the operational division of the Penticton Electric Utility; and
 - iii) Ensuring that all records and information with respect to all new and existing Electrical Service Connections and Disconnections are accurately kept and reported to the administration division of the Penticton Electric Utility to facilitate proper charges and accounts for Electrical Services;
- b) The General Manager of Infrastructure is the head of the management division of the Penticton Electric Utility and shall be responsible for the overall management of the Penticton Electric Utility, including, but not limited to, such matters as labour relations, supervision of senior personnel and further to act as liaison between City Council and other divisions of the City;
- c) The Chief Financial Officer is the head of the administration division of the Penticton Electric Utility and shall be responsible for the:
 - i) Preparation, control and management of the administrative and financial records of the Penticton Electric Utility;
 - ii) Classification of electrical rates;

- iii) Collection of fees and charges for the provision of this Electrical Service; and
- iv) Filing and amending the Fees and Charges Bylaw; and
- d) The Corporate Officer is responsible for the preparation and filing at the Land Title Office of statutory rights of way, and the preparation of other agreements in relation to the Electrical Service.

PART 4 – PROVISION OF SERVICE

4.1 General Conditions

- a) The supply of Electrical Services shall be in accordance with this Bylaw;
- b) A person who desires an Electrical Service, or who uses or is required to apply for Electrical Service under this Bylaw, must complete an application on the form provided by the Penticton Electric Utility and submit it, along with applicable fees, to the Penticton Electric Utility; and
- c) The Penticton Electric Utility will not perform any work on Customer's Equipment except in respect of the Meter Installation. All work at a Customer's Premises must be completed by qualified personnel at the Customer's expense **in compliance with the *Safety Standards Act***; however, the Penticton Electric Utility may work on a Customer's Equipment to isolate Power for safety purposes or in accordance with other provisions in this Bylaw.

4.2 Electrical Service Classifications

a) Residential Service

For most residential uses, the Electrical Service will be 60 hertz, normally 200 amps single-phase 120/240 volts 3 wire or three-phase 120/208 volts, either 3 wire (network) or 4 wire. The Penticton Electric Utility shall determine the Voltage, phase(s) and Rate Code of the Residential Service Connection based on these variables;

Residential Service Rate Codes:

- A. Rate Code 10 - Residential: Includes detached Dwelling Units, one unit of a semi-detached duplex, triplex, or quadruplex with residential zoning; and separately Metered Dwelling Units within a strata building, town house complex or Apartment Building; **and**
- ~~B. Rate Code 15 Residential/Special Service: Includes Owner occupied home based businesses which include but are not limited to home occupations including bed and breakfast businesses, vacation rentals, secondary suites and carriage homes; and~~

- B. The City's Business Licence database will be used as a source of information for the determination of the applicable Rate Code

b) General Service

For all non-residential uses, the Electrical Service will be 60 hertz, single or three-phase at Secondary or Primary Voltage. The Penticton Electric Utility shall determine the Voltage, phase(s) and Rate Codes of the General Service Connection;

i) General Service Rate Codes:

- A. Rate Code 20 – General: Secondary Metered and City-Owned Transformation (Secondary Service Connection);
- B. Rate Code 25 – General: Primary Metered and City-Owned Transformation (Secondary Service Connection);
- C. Rate Code 30 – General: Secondary Metered and Customer-Owned Transformation (Primary Service Connection);
- D. Rate Code 35 – General: Primary Metered and Customer-Owned Transformation (Primary Service Connection); and
- E. Rate Code 45 - General - City Accounts

c) Un-metered Service

The Electrical Service will be 60 hertz, single-phase 120 volts 2 wire or 120/240 volts 3 wire. The Penticton Electric Utility shall determine the Voltage, phase(s) and Rate Code of the Un-metered Service Connection;

i) Un-metered Service Rate Codes:

- A. Rate Code 55 - Street Lighting and Other Un-metered Loads including lighting of public highways, streets and lanes, squares and parks, illuminated street signs and traffic signals

ii) Specifications for Customer-Owned Equipment

- A. Lighting loads will be connected to a control device such as a photoelectric eye so that the fixtures operate only from dusk to dawn;
- B. Lighting fixtures and lamp types must be of a design acceptable to the Electric Utility Manager;

- C. Customer-owned fixtures may be installed on suitable City poles by City crews at the Customer's expense based on actual cost of installation plus an administration charge; and
- D. Any maintenance of customer-owned Equipment by the City's crews will be at the Customer's expense.

4.3 Application for Electrical Service

- a) Applications for Electrical Service are required for any of the following:
 - i) Connection of a new Electrical Service;
 - ii) Change of Electrical Service location;
 - iii) Connection of a Micro-DR System;
 - iv) A new Customer locating to an existing Electrical Service;
 - v) Transfer of a Customer's account to another Premises;
 - vi) An increase in the Customer's Electrical load requirements; or
 - vii) An Electrical Service Extension
- b) As a condition of supplying or continuing to supply Electrical Service, the Applicant or Customer must pay the required connection fees and other charges established in the Fees and Charges Bylaw;
- c) The Customer must supply the Penticton Electric Utility with accurate information on their Electrical load requirements. The City shall not be responsible for any loss, cost or damages suffered by any Customer as a result of Electrical Service being provided based on inaccurate information;
- d) In the absence of an application for Electrical Service, the supply of Electricity by the Penticton Electric Utility to Premises shall be deemed a supply of Electricity to a Customer subject to terms and conditions of this Bylaw;
- e) The Penticton Electric Utility may refuse to approve an application for Electrical Service when any of the following conditions apply:
 - i) Penticton Electric Utility Facilities are not available to supply an Electrical Service;
 - ii) The Applicant's Facilities are not satisfactory to the Penticton Electric Utility or do not meet the minimum requirements of ~~the Safety Standards Act Technical Safety BC~~; and

- iii) The application for Electrical Service is for Premises that the Applicant occupies with another Occupant who has had the Electrical Service Disconnected for non-payment of an Outstanding Balance
- f) A Customer must not substantially increase his or her Connected Load without first obtaining approval from the Penticton Electric Utility under a separate application;
- g) A Customer must not use the Electrical Service or any part of it for any other purpose than that for which the application is made and must comply with this Bylaw and the Fees and Charges Bylaw;
- h) When there is a change in Ownership or tenancy on any existing Electrical Service Connection, the new Owner or Occupier who wishes to have the Service continued must submit an application for Electrical Service together with the applicable fees in accordance with this Bylaw and the Fees and Charges Bylaw;
- i) If the Outstanding Balance for any amount owing for an Electrical Service remains unpaid by December 31, the Outstanding Balance is a debt owing to the City, and among other remedies, may be collected in the same manner as for property taxes in arrears; and
- j) The utility account for an Electric Service to a Multi-unit building where a Bulk Meter is used, shall be maintained in the name of the Owner or Occupier of the Premises. Where there is a strata development involved, the account is to be maintained in the name of the Strata Corporation.

4.4 Maximum number of Electrical Services

- a) Unless otherwise authorized by the Penticton Electric Utility, the maximum number of Electrical Services per parcel is one; and
- b) In circumstances where two or more existing Electrical Services are installed to a parcel, and one Electrical Service is to be upgraded, the upgraded Electrical Service will incorporate or replace the existing Electrical Service.

PART 5 – DISCONNECTION OF ELECTRICAL SERVICE

5.1 Termination of Electrical Service by the Customer

If the Customer is relocating, or for any reason, no longer requires the Electrical Service, the Customer shall notify the City at least three (3) business days prior to the date the Electrical Service is no longer required or as otherwise provided in this Bylaw. Until the date the Electrical Service is no longer required as set out in the notice of termination, the Customer shall continue to be responsible for the costs of all Electrical Service supplied to the Premises unless and until the City receives an application for Electrical Service from a new Customer for

that Premises or confirmation from the City's Building Department that a demolition permit has been issued in relation to the Premises.

5.2 Non-Payment of Fees, Charges or Security Deposit

The Penticton Electric Utility may discontinue or limit the supply of Electricity to a Customer for non-payment of any fee, charge penalty or interest imposed under the provisions of this Bylaw or the Fees and Charges Bylaw.

5.3 Breach of Conditions

If the Electric Utility Manager considers that a Customer or an Owner or Occupier of a Premises has contravened this Bylaw or the Fees and Charges Bylaw, the Electric Utility Manager may, by written notice, inform the person of the contravention, and that, unless the contravention is remedied and compliance achieved within twenty-one (21) days from the date of the notice, the City may discontinue the Electrical Service subject to the following:

- a) A person subject to a notice under this section may make representations to Council by notifying the Corporate Officer in writing on or before the expiry of five (5) business days from the date the notice of discontinuance was received, that he or she wants a hearing before Council at the next meeting of Council;
- b) The Electrical Service of the person who has provided the notice in section 5.3(a) to the Corporate Officer will not be discontinued until after the hearing before Council;
- c) A person who has requested a hearing before Council under section 5.3(a) may make representations in written form or in person, or by way of a representative with respect to the contravention and notice;
- d) After providing an opportunity for the person to be heard and considering any submissions from that person and any evidence relevant to the matter, may confirm, vary or cancel the notice. The decision of Council is final, subject only to a review by a court of competent jurisdiction; and
- e) If the decision by Council following a hearing opportunity is to discontinue Service, the Electrical Service may be discontinued immediately thereafter, provided it is not before the expiry of the twenty-one (21) day notice period referred to in section 5.3.

5.4 Customer Request to Maintain Primary Voltage Connected Facilities

Where the Point of Delivery is at Primary Voltage, the Customer:

- a) Has the right to have the Electric Service Disconnected, for the purpose of maintaining privately owned Electrical Equipment by notifying the Electric Utility Manager, in writing, three (3) business days in advance of the maintenance work being scheduled. This notice is to include both the date and time the Service is to be disconnected; and

- b) Will be provided with one free Disconnect/reconnect for maintenance of the existing Service for each Point of Delivery each calendar year unless the Disconnection/reconnection of the Service is outside of Regular Business Hours, in which case the Disconnect/reconnect fee under the Fees and Charges Bylaw will apply.

5.5 Reconnection of Electrical Service

Any Electrical Service Disconnected under the provisions of sections 5.2, 5.3 or 5.4 of this Bylaw shall not be reconnected until the following conditions are met:

- a) In respect of disconnection under section 5.2 - when the Outstanding Balance has been paid in full, along with any fees and charges owing as a result of the Disconnection and reconnection of the Electrical Service;
- b) In respect of Disconnection under section 5.3 - when the breach has been remedied to the satisfaction of the Electric Utility Manager and any fees and charges for Disconnection and reconnection of the Electrical Service have been paid in full;
- c) If an Electrical Service has been Disconnected for any reason, for a period exceeding one-hundred and eighty (180) days, or the Electrical use within the Premises has changed substantially, or if the Service for Primary Metered Customers was Disconnected for maintenance purposes under section 5.4 above; an Electrical inspection by a qualified person **qualified in accordance with the *Safety Standards Act as set out by Technical Safety BC***, at the Customers' expense, may be required by the Penticton Electric Utility prior to reconnection of the Electrical Service; and
- d) Electrical Service reconnect fees will apply as established in the Fees and Charges Bylaw.

5.6 Suspension of Supply

Despite any other provisions of this Bylaw, the Penticton Electric Utility may cause the supply of Electricity to any Customer, to be suspended, without notice, if any of the following conditions apply:

- a) The Electrical Service at a Premises is hazardous or has the potential to create an imminent hazard to life or property;
- b) Repairs on or improvements to any of its Distribution System and Meters must be made;
- c) There is a shortage of supply of Electrical Energy;
- d) Suspension is necessary in the circumstances of a storm, fire, flood or other sudden emergency;

- e) There is fraudulent use of Electricity; or
- f) The Penticton Electric Utility is ordered by another authority having jurisdiction to suspend or terminate an Electrical Service.

PART 6 – CONDITIONS OF ELECTRICAL SERVICE

6.1 Electrical Service Regulations

Any person, installing, constructing, altering, repairing, upgrading or maintaining any Electrical Facilities in the Service Area shall do so according to the Service Regulations and Specifications outlined in Schedule "B" and subject to any requirements of the *Safety Standards Act of British Columbia*.

6.2 Access

- a) The Customer shall grant the City's employees or agents full access to the Customer's Equipment and the Penticton Electric Utility Equipment at all reasonable times for Meter reading and testing, removal, installation, Electrical Service inspections, maintenance, or repair;
- b) If ready access to the City's Facilities are denied or obstructed in any manner, including without limitation by the presence of animals, and the Customer takes no action to remedy the obstruction upon being advised by the City's employees or agents, Electrical Service to the Customer may be suspended by the Penticton Electric Utility and not reconnected until the obstruction is corrected and in these circumstances, section 5 of this Bylaw applies; and
- c) Where any of the Penticton Electric Utility's Equipment is located in Premises that are secured or locked, the following shall apply:
 - i) Access must be made available through the use of LSDA (Locksmith Dealers of America) keys;
 - ii) If the City's employee or agent deems it necessary, the Customer shall supply the City's employee or agent with keys, security codes or other means to access the area;
 - iii) The City shall accept keys only in circumstances where the City's employee or agent considers it convenient and necessary to have its Meters or Facilities in a common area; and
 - iv) The City's employees or agents are not obligated to accept custody of keys and the City retains the right, at its sole discretion, to require that its Meters or Facilities be located or relocated to an area the Penticton Electric Utility considers appropriate and where locks are not required.

6.3 Embedded Generation

- a) The City may permit Embedded, Standby and/or Micro-DR Generation Facilities in its Service Area, subject to the standards of the Penticton Electric Utility, the Electrical Code and the *Safety Standards Act of British Columbia*;
- b) Customers considering using Embedded Generation technology shall apply to the Electric Utility Manager and obtain approval in advance of the Penticton Electric Utility installing the bi-directional Meter;
- c) Standby (non-parallel):
 - i. The Customer may, at their own expense, install standby generation Facilities to provide Electrical Service in the event of a disruption of Electrical Service from the Penticton Electric Utility; and
 - ii. Without written approval for a variance from the Electric Utility Manager; standby Generation Facilities shall be installed so that they remain at all times Electrically isolated from the Penticton Electric Utility's Electrical System and shall be installed in such a way that it is not possible for the Generating Facilities to operate in parallel with the Penticton Electric Utility's Electrical System;
- d) Micro-DR (parallel):
 - i. The Customer may, at their own expense, install Micro-DR Facilities to generate their own Electricity to offset part or all of the Electric Energy provided by the Penticton Electric Utility subject to the following restrictions:
 - A. The output shall not exceed 750 volts; and
 - B. The size shall not exceed 50kW without written authorization from the Electric Utility Manager.
 - ii. A Customer who generates Electricity in excess of that Customer's Electrical requirements within a Billing Period shall be reimbursed for the Electricity that is provided to the Penticton Electric Utility during the Billing Period as measured by the bi-directional Meter in accordance with section 8.4 of this Bylaw and the Fees and Charges Bylaw;
 - iii. Micro-DR Generation Facilities must use as its fuel, a source defined as a clean and renewable resource in the BC Energy Plan. The fuel source must also comply with the City's Bylaws; and

- iv. The Micro-DR System must be Inverter based and meet the anti-islanding requirements of the Canadian Standards Association and Specifications outlined in Schedule "B"; and
- e) The Customer's Electrical Generating Facilities shall not be operated without the prior inspection and written approval of the Penticton Electric Utility, and the Micro-DR Facilities shall not be modified thereafter without the prior written approval of the Penticton Electric Utility.

PART 7 – METERING

7.1 Installation

Unless approved in writing by the Penticton Electric Utility, all Meter Installations necessary for measuring the Customer's use of Electricity will be installed by the Penticton Electric Utility and the entire cost of such Installations shall be paid for by the Customer. The Meter Installations shall remain the property of the Penticton Electric Utility and shall be maintained in accurate operating condition in accordance with the requirements of *Measurement Canada*. The Penticton Electric Utility, at its sole discretion subject to any Customer options provided in section 4 and Schedule "B" of this Bylaw, shall determine the type of Meter used.

7.2 Protection of Metering Equipment

The Customer shall exercise all reasonable diligence to protect the Meter Installation from damage or defacement and shall be responsible for any costs of repair or cleaning resulting from defacement or damage of the Meter Installation unless caused by the City's employees or agents.

7.3 Meter Connections by Penticton Electric Utility Only

The Penticton Electric Utility or its agents shall perform all connections, Disconnections of Electrical Service and Installation and repair of the Penticton Electric Utility's Meter Installation. All Meter Installations installed by the Penticton Electric Utility shall be sealed. No person shall break the seals or otherwise damage or tamper or interfere with the Meter Installation, or related Equipment.

7.4 Meter Testing

- a) The Penticton Electric Utility will test a Meter, for accuracy, in the following circumstances:
 - i) The Customer has made a request for a Meter test in writing; and
 - ii) The Customer has paid the required fee for a Meter test as established in the Fees and Charges Bylaw;

- b) If a Customer has satisfied the conditions in section 7.4(a), the Penticton Electric Utility will endeavour to:
 - i) Remove the Meter within ten (10) business days; and
 - ii) Apply to an accredited Meter inspector to have the Meter tested.
- c) After obtaining the results of a Meter test, the Penticton Electric Utility shall advise the Customer of the test results:
 - i) If the Meter failed to meet the Current Metering standards, the Meter test fee shall be refunded; and
 - ii) If the Meter failed to meet the allowable limits as set by the *Federal Weights and Measures Act* the City shall adjust the Customer's previous invoices in accordance with the *Federal Electricity and Gas Inspection Act*.

7.5 Metering and Meter Location

The Customer shall provide and maintain an Electrical Service Entrance and Meter Installation location approved by the Penticton Electric Utility and as established in Schedule "B".

7.6 Demand Metering

The Penticton Electric Utility may install a Meter that measures Demand for any Electrical Service it deems necessary based on:

- a) The Customer's Load requirements;
- b) The Penticton Electric Utility's estimate of Consumption; or
- c) The previous Consumption used at the Premises.

7.7 Un-metered Electrical Service

If an Un-metered Electrical Service exists, the Penticton Electric Utility, can estimate the Energy used for the Un-metered Electrical Service based on the Connected Load and hours of use. Any Customer served under this provision must promptly advise the Penticton Electric Utility within one business day of any changes in load or hours of use.

PART 8 – METER READING AND BILLING

8.1 Meter Reading Schedules

Meters will be read at the end of each Billing Period and the Penticton Electric Utility will read each Meter as close to the same day of the Month from the Billing Period in the previous Billing Period reading as practical.

8.2 Estimates of Meter Readings

If, for any reason, the City does not obtain a Meter reading, for a Billing Period, the Collector may estimate the Customer's Meter reading by using historical Consumption information from its records.

8.3 Record of Meter Readings

The Penticton Electric Utility will keep a record of all Meter readings which shall form the basis for determination of all amounts charged to the Customer for Electrical Service.

8.4 Rates for Electricity

The Customer shall pay for Electrical Service in accordance with the Customer's applicable Rate Code as specified in this Bylaw and the Fees and Charges Bylaw.

When paying Net Metered Customers for any excess Energy generated by the Customer, the Penticton Electric Utility shall use the applicable Energy rate as specified in the FortisBC Electric Tariff Schedule 40 as amended from time to time.

8.5 Prorated Billings

The Penticton Electric Utility may prorate the basic charges per day based upon the number of days of Service used in the Billing Period where the Service was used, connected, or cancelled.

8.6 Changes in Rates

If the rates charged to the Customer for Electrical Service change and the effective date of the change falls between two consecutive Meter readings, the Penticton Electric Utility may calculate the Billing on a prorated basis.

8.7 Sales taxes or other Assessments

The Customer, in addition to any payments for Electrical Service, shall pay to the City the amount of any sales taxes, other taxes, assessments or levies imposed by the taxing authority on any Electrical Service delivered to the Customer by the City.

8.8 Payments for Electrical Service

Once a Bill is issued, the following conditions apply to the Customer for payment:

- a) All accounts are due and payable within twenty-two (22) days of the Billing Date indicated on the Bill;
- b) Any Outstanding Balance due that remains on an account after twenty-two (22) days from the Billing Date shall be considered overdue;

- c) A late-payment penalty or prompt payment discount may be added to the account as per the Fees and Charges Bylaw;
- d) A dispute over the accuracy of a Meter reading or an estimated Meter reading shall not permit or excuse a Customer from the requirements for payment of a Bill or any other requirements under this Bylaw; and
- e) Any Outstanding Balance due that remains unpaid after twenty-two (22) days from the Billing Date may be recovered by the City using debt collection procedures.

8.9 Electrical Service for Customer's Use

Electrical Service supplied to a Customer shall be for the use of that Customer only and only for the purpose for which the Customer applied. A person must not re-meter, sub-meter or sell Electricity from an Electrical Service to others unless the Customer is charging a tenant for Electricity provided on the Customer's Premises and is charging the same price for the Electrical Service as the City charges the Customer.

PART 9 – LIABILITY & RESPONSIBILITIES MAINTENANCE, VOLTAGE AND SUPPLY

9.1 Voltage and Supply

The Penticton Electric Utility:

- a) Will supply nominal 60 hertz Alternating Electric Current to the Point of Delivery at the available phase and Voltage; and
- b) Shall determine the Voltage of the Electrical Service Connection in accordance with Schedule "B".

9.2 Quality of Supply

The Penticton Electric Utility does not guarantee the continued supply of its Voltage or frequency and is not responsible for damage caused by any variation from the standard nominal Voltage and frequency in Schedule "B" or from the CSA CAN3-C235-83 "Preferred Voltage levels for Alternating Current systems, 0 to 50,000V (2015)" standard; when occasioned by circumstances beyond the reasonable control.

9.3 No Guarantee of Supply

- a) The Penticton Electric Utility does not guarantee a constant supply of Electricity and is not responsible for any loss, injury, damage or expense caused by or resulting from any interruption, termination, failure or defect in the supply of Electricity, whether caused by the Penticton Electric Utility, its employees or agents, or otherwise;
- b) Planned Capital, Operating and Maintenance activities of the Penticton Electric Utility may require Power to be turned off or reduced to various Customers; this work will be

done during Regular Business Hours. Where a Customer requests such planned activities to be done outside of Regular Business Hours, then, the Customer shall pay the actual costs of the work;

- c) Customers requiring a higher degree of security than that of normal supply, including but not limited to, an uninterrupted source of Power supply or a supply completely free from fluctuation and disturbances, are responsible to provide their own Power supply (such as, UPS, back-up or standby Equipment) or Power conditioning Equipment. Customers may require special protective Equipment on their Premises to minimize the effect of momentary Power interruptions; and
- d) Customers requiring a three-phase supply should install protective apparatus to avoid damage to their Equipment, which may be caused by the interruption of one or more phases, or non-simultaneous switching of phases of the Penticton Electric Utility Distribution System.

9.4 No Customer shall cause damage to the Penticton Electric Utility's Equipment by:

- a) Making unauthorized alterations to the Facilities or additions which result in the Customer's Connected Load being above that approved by the City;
- b) Allowing the malfunction of the Customer's Electrical Equipment;
- c) Allowing trees, other vegetation or any other object on private property that interferes with the Penticton Electric Utility's Equipment;
- d) Causing or permitting damage or defacement of the Penticton Electric Utility Equipment or the Customer's Equipment; or
- e) Not complying with any provision of this Bylaw.

9.5 The Owner or Occupier of a building must pay for the cost of the decontamination and for replacement or repair of any and all of the Penticton Electric Utility's Equipment, as a result of an incident at or near the Owner or Occupant's building, where the Penticton Electric Utility's Equipment have been damaged or contaminated by a hazardous substance or dangerous good.

9.6 Where it is determined that a Customer has tampered or interfered with the Penticton Electric Utility's Equipment or otherwise used the Electrical Service in an unauthorized way, all costs incurred by the Penticton Electric Utility in repair, replacement, installation, reinstallation or other remedial action shall be a debt of the Customer owed to the City and if not paid by December 31st of that year may be recovered by the City including as if for property taxes in arrears.

9.7 The Customer must pay to the Penticton Electric Utility all costs, damages, or losses arising from the Customer exceeding its Demand limit, including without limitation, direct or

consequential costs, damages or losses arising from any penalty incurred by the Penticton Electric Utility for exceeding its Demand limit with the Penticton Electric Utility suppliers of Electricity.

9.8 Shared Property - Other Utilities

Electrical Services under this Bylaw may sometimes be provided by the Penticton Electric Utility via property and Electrical Services provided by or shared with other communication and electric utility providers. It is a condition of Service that any loss or damages, direct or indirect, which may be due to any interruption in or failure to provide Electrical Service are not recoverable from the Penticton Electric Utility.

9.9 Customer Responsibilities

The Customer or Occupier or Owner of the Premises must ensure that vegetation growing on its Premises is kept clear of Primary Voltage and Secondary Voltage lines. Three (3) Meters of clearance from Primary Voltage lines and one (1) Meter of clearance from Secondary Voltage lines must be maintained.

PART 10 – OFFENCES AND PENALTIES

10.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and to the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia). The penalties imposed under this sub-section are in addition to and are not a substitute for any other remedy to a violation of this Bylaw.

10.2 Each day a violation of the provisions of this Bylaw occurs or is permitted to exist shall constitute a separate offence.

PART 11 – SEVERABILITY

If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

PART 12 – GENERAL PROVISIONS

12.1 Notices

Any notices, direction or other instrument required to be given by the City or by the Customer under this Bylaw shall be deemed to have been received on the following dates:

- a) If sent by electronic mail or facsimile - on the next business day following the date of transmission; or
- b) If delivered by hand - on the next business day following the date of delivery.

12.2 Unpaid Fees or Charges

Where any unpaid fees or charges are added to the property taxes they shall thereafter accrue interest and be recoverable in the same manner as outstanding property taxes.

12.3 Schedules

Schedules "A" and "B" are attached to and form part of this Bylaw.

PART 13 – REPEAL

The Corporation of the City of Penticton Bylaw No. 2000-36, Bylaw No. 45, Bylaw No. 3794, and Bylaw No. 1277 together with all amendments thereto, is hereby repealed.

READ A FIRST time this	3 day of	October, 2017
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
RECEIVED the approval of the Minister of Municipal Affairs and Housing this	day of	, 2018
ADOPTED this	day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

SCHEDULE "A"

PENTICTON ELECTRIC UTILITY EXCLUDED AREA



SCHEDULE "B"

ELECTRICAL SERVICE REGULATIONS AND SPECIFICATIONS

DISTRIBUTION ACTIVITIES – GENERAL

B.1 Electrical Services, Inspections and Connections

- a) All single-phase temporary and new residential Electrical Services shall be 120/240 volt 3-wire;
- b) Unless otherwise approved by the Penticton Electric Utility, any new and upgraded Electrical Services shall be provided as an Underground Service, with the installation of ducts, foundations, Service boxes and pads built to the Current standards and specifications of the Penticton Electric Utility;
- c) All Multi-unit Residential Premises must be serviced by one Point of Delivery, which shall be placed in a location approved by the Penticton Electric Utility and as close to the point of supply as possible and not in an area where the Equipment could be exposed to dangerous or hazardous conditions;
- d) The Penticton Electric Utility shall own all Penticton Electric Utility Equipment and Facilities;
- e) All Customer's Equipment is owned by the Customer and shall be installed in a manner acceptable to the Penticton Electric Utility and ~~inspected and approved by~~ Technical Safety BC;
- f) When installing Penticton Electric Utility Equipment underground, duct banks shall be inspected and approved by the Penticton Electric Utility prior to the pouring of concrete and backfilling. The completed ducts must be brushed and mandrel tested by the contractor in the presence of the Penticton Electric Utility representative and shall be clear of all extraneous material. In the event that the ducts are blocked, the Customer will be responsible for clearing the ducts prior to the cable installations. Only qualified contractors having, at a minimum, an Underground Raceway ("UR") Field Safety Representative ("FSR") can oversee the installation of the ducts. The contractor must not make any connections to existing concrete duct banks, Service boxes, transformers, and manholes without permission and supervision from the Penticton Electric Utility;
- g) Overlap of Electrical Services – In certain situations where an existing Service is being upgraded or relocated, the Penticton Electric Utility may allow two Services to be energized for a period of up to fifteen (15) days to provide the Owner with adequate time to transfer all internal circuits to the new system. Prior to any overlap of Services, the Customer must obtain approval from the Penticton Electric Utility and Technical Safety BC. The Penticton Electric Utility reserves the right to disconnect the non-permanent Service should the fifteen (15) day overlap period be exceeded;

- h) Customer Equipment must not be extended across, under or over a street, lane, alley or other public or private space not owned by the Customer for the purpose of Servicing more than one Premise through one or more Meters; and
- i) It is the Customer's sole responsibility to acquire any easements or statutory rights of way required by the Penticton Electric Utility, to permit the installation of an Electrical Service to a Customer that are over real property not owned by the Customer. These easements or statutory rights of way must be registered in the Land Title Office prior to the installation of any Facilities and the Service being energized.

B.2 New and Upgraded Electrical Services:

Subject to section B.4 – "Notice Periods" of this Schedule, the Penticton Electric Utility will connect a new, or upgraded Electrical Service to the Owner's or Occupier's Premises, after receipt of:

- a) Payment of all connection and installation fees and charges;
- b) Technical Safety BC approval or a declaration that the work performed under the permit complies with the Safety Standards Act;
- c) Any other permits or approvals that may be required from the City or other levels of government;
- d) If required, a signed and registered statutory right of way in favour of the City; and
- e) A completed Service application and a Net Metering Interconnecting Agreement, where the Applicant has applied to install a Micro-DR System.

B.3 Load Increase and Notices:

- a) The Customer shall give the Penticton Electric Utility ten (10) days written notice of any load increase;
- b) The Penticton Electric Utility is not required to supply a Customer Electricity in excess of that previously agreed to by the Penticton Electric Utility; and
- c) The Customer is required to pay the cost of any alterations or upgrades to the Penticton Electric Utility's Facilities necessary to accommodate the Customer's increased Connected Load.

B.4 Notice Periods

An Applicant must provide notice in writing to the Penticton Electric Utility for new or upgraded Electrical Services or to install a Micro-DR System in accordance with the following notice periods:

- a) Residential Electrical Service - thirty (30) days;
- b) Multi-unit Residential; Business and Commercial Electrical Services – six (6) Months;
- c) Industrial Electrical Service – twelve (12) Months. The Penticton Electric Utility has an obligation to notify FortisBC in writing of any anticipated additional single Connected Load in excess of 5,000kVA whether it be a new Customer or increased Connected Load from an existing Customer;
- d) Micro-DR System – six (6) Months. The Customer must obtain approval of the Penticton Electric Utility of a Micro-DR System, in advance of purchasing or installing Micro-DR Equipment; and
- e) Back-Up Generator > 1MW in size – Minimum twenty-five (25) Months. The Penticton Electric Utility has an obligation to notify FortisBC of any proposed generation resources greater than 1MW in size not less than twenty-four (24) Months before the construction of such generation in order to allow FortisBC to assess the impact of such addition to FortisBC's supply capability.

B.5 Metering and Meter Location

- a) All Meters shall be installed by the Penticton Electric Utility, in a location approved by the Penticton Electric Utility;
- b) Meters shall be installed in locations that permit safe and unfettered access by employees or agents of the Penticton Electric Utility;
- c) The Penticton Electric Utility, at its sole discretion, may make exceptions to the general specifications for Meter Installations, where a standard location will cause design and installation difficulties, subject to the Meter remaining accessible to the Penticton Electric Utility at all times;
- d) The Penticton Electric Utility may require, at the Customer's expense, that the Customer relocate any Meter that is located in an area that cannot be conveniently accessed by the Penticton Electric Utility at all times, or is considered by the Penticton Electric Utility to be unsafe;
- e) The Penticton Electric Utility will supply and install a self-contained socket ~~type~~ Meter ~~type~~ for Metering up to and including 200 Amperes. The type of self-contained ~~socket~~ Meter ~~socket~~ for the main switch ratings and supply Voltages are prescribed in section B.6 of this Schedule;
- f) For all Electrical Services in excess of 200 Amperes, where pad-mount transformer Metering is not being used, the Customer shall supply and install:

- i) An instrument transformer cabinet as prescribed in section B.7 of this Schedule; and
 - ii) Conduit between the instrument transformer cabinet and the Meter base.
- g) Meter centers installed for individual Metering applications must meet the requirements of section B.8 of this Schedule;
- h) The Penticton Electric Utility requires a House Meter on Multi-unit Residential and commercial buildings where common loads such as lighting and heating exist;
- i) The Penticton Electric Utility will only allow individual Metering for Premises in Multi-unit buildings where each unit is assigned a civic address and provided the Multi-unit building is not served by a Bulk Meter;
- j) Where individual Metering is used in a Multi-unit building, the Owner of the real property being provided with the Electrical Service, shall identify each Customer's Metered Service by address or unit number with a permanent non-fading legible label. Units shall be numbered and a floor plan shall be mounted in a suitable manner in each Electrical Room, indicating the area to which each Service box supplies Power;
- k) The Customer or Owner of the Multi-unit building shall ensure that each Metered Service identifying label accurately identifies the civic address or unit number associated with each Meter;
- l) The Penticton Electric Utility may refuse connection of any Electrical Service built in a location not approved by the Penticton Electric Utility, or not built to the Electric Code;
- m) The Customer shall provide wiring and fittings, satisfactory to the Penticton Electric Utility and in accordance with the Electric Code for the installation of each Meter;
- n) In the case of damage to any Meter, the Penticton Electric Utility's cost of repairs or replacement and re-testing of the Meter will be Billed to the Owner or Occupier of the Premises; and
- o) Where an Electrical Meter cannot be reasonably accessed the Penticton Electric Utility will apply the following procedure:
- i) Penticton Electric Utility will mail a registered letter to either the Owner or Occupier of the Premises advising that disconnection of Service will take place if satisfactory access to the Meter is not established within five (5) days of the date of the letter;
 - ii) Penticton Electric Utility will disconnect the Service after the five (5) day period has expired if access to the Meter cannot be obtained by Penticton Electric Utility within the five (5) day period; and
 - iii) If a Service is disconnected under section B.5(o), reconnection of Service may occur only upon access to the Meter being provided and payment of the reconnection fee.

B.6 Self-Contained Meter Sockets/Bases

The following Meter Socket and Bases are required for Metering up to and including 200 Amperes for each of the four different combinations of Voltage, phase and number of wires set out below:

Voltage	Phase	Wire	Meter Socket* (See description below)	Maximum Service Switch Size Rating in Amperes (A)
120/240	1	3	a)	200
208/120	2	3	b)	200
208/120	3	4	c)	200
600/347	3	4	c)	200

*Meter Socket/Base Descriptions

- a) Four (4) jaw socket type square – 100A/200A Overhead and Underground;
- b) Five (5) jaw socket type with the "5" jaw at the 9 o'clock position, comes with #12AWG copper white wire from "5" jaw to an insulated neutral block in the Meter socket/base; and
- c) Seven (7) jaw socket type with the "7" jaw at the 6 o'clock position, comes with #12AWG copper white wire from the "7" jaw to an insulated neutral block in the Meter socket/base.

B.7 Instrument Transformer Cabinets

The following sizes of Instrument Transformer Cabinets are required for Electrical Service over 200 Amperes for each of the four different combinations of Voltage, phase, number of wires and Service size set out below:

Voltage	Phase	Wire	Service Size in Amperes	Instrument Transformer Cabinet (mm/in.)		
				Height	Width	Depth
120/240	1	3	201-600	610/24	610/24	254/10
208/120	3	4	201-600	760/30	760/30	254/10
208/120	3	4	601-1,600	915/36	915/36	915/36
600/347	3	4	201-2,000	915/36	915/36	915/36

B.8 Meter Centers

Meter Centers may be used for installations of 750 volts or less, provided they meet the following specifications:

- a) Side-hinged doors or panels shall be installed over all sections of the switchboard where the Penticton Electric Utility may be required to work, such as Un-metered sections and those sections containing breakers, switches and Meter mounting devices. Hinged doors or panels shall have provisions for sealing or padlocking in the closed position. Where bolts are used, they shall be of a captive knurled type. The hinged covers over breakers or switches shall be constructed so the covers cannot be opened when sealed or padlocked;
- b) Breakers or switch handles shall have provisions for sealing or padlocking in the "off" position;
- c) Meter mounting devices shall be wired or connected on the load side of the breakers or switches (Cold Metering);
- d) Each combination Meter socket and breaker panel shall have adequate space to show the Customer street address and unit number, if any;
- e) The center of the top row of Meter sockets shall not be more than 1.8 2m from the finished floor;
- f) The distance between horizontally or vertically adjacent Meter socket rims shall not be less than 150mm;
- g) The Meter mounting socket and sealing ring shall be acceptable to the Penticton Electric Utility; and
- h) Where a neutral is required, the Meter-mounting device shall have a pre-wired ungrounded neutral connection to the 5th or 7th terminal. The connection, if not made directly to the neutral bus, shall be not less than #12 AWG copper.

B.9 Pre-Payment for New, Upgraded Electrical Services or Service Extensions:

Pre-payment shall be required for any work performed by the Penticton Electric Utility for a new or upgraded Electrical Service application, as established in the Fees and Charges Bylaw, and the following conditions shall apply:

- a) For Jobs Requiring Payment of Flat Fee; and
 - i) The Customer or contractor must make payment prior to the Penticton Electric Utility crews being scheduled to complete assigned work.

- b) For Estimated Jobs Requiring Payment;
 - i) The cost amount calculated for pre-payment shall be based on the Penticton Electric Utility's estimated cost of materials, labour and Equipment to be supplied by the Penticton Electric Utility to upgrade or provide the Electrical Service plus an Administrative Fee as established in the Fees and Charges Bylaw;
 - ii) Transformer/Equipment Credits – Where the size of the existing Service is increased and will be supplied by Penticton Electric Utility owned transformer(s), the Customer may be credited the depreciated value of the existing Penticton Electric Utility owned transformer(s) or Equipment, if applicable. Where a Customer is serviced from a transformer/Equipment supplying multiple Customers, the transformer or Equipment credit will be a share of the depreciated value, based upon the number and capacity of Services connected to the transformer or Equipment. This credit will be incorporated into the estimate made to the Customer requesting connection, when applicable; and
 - iii) For estimated jobs, the Customer shall pay in a format deemed acceptable by the Chief Financial Officer and payment must be received in advance of the work being done.

B.10 Relocations

- a) Once the request for relocation of distribution plant has been reviewed, and if the relocation is feasible, the Customer shall pay the total relocation costs for labour, labour saving devices, materials and applicable overheads or as otherwise defined in existing legislation; and
- b) The Penticton Electric Utility will not move Facilities or structures over certain routes when the moving or disconnecting of the Distribution System is not feasible.

B.11 Service Extensions and Upgrades

Service Extensions and upgrades shall be made on the principle that the party causing the need for the extension or upgrade will pay for the cost of the extension or upgrade. A Customer or Applicant needing an extension or upgrade to an Electrical Service to their property or a development will pay the cost of the Distribution System upgrades needed to Electrically Service that property or development. Service Extensions shall be provided by the Penticton Electric Utility, its agents, or by the Customer's qualified contractor, built to the standards of the Penticton Electric Utility, and shall be subject to the following conditions:

- a) The Customer must pay for the costs of a Service Extension including but not limited to any fees outlined in the Fees and Charges Bylaw;

- b) The Applicant must **complete** supply the Penticton Electric Utility with all relevant information, including, but not limited to, all necessary easements, permits or statutory rights of way;
- c) Upon receipt of an application for a Service Extension, the Penticton Electric Utility will engineer and design the Extension or review a plan for approval by the Penticton Electric Utility provided by a professional engineer retained by the Applicant (hereinafter referred to as "the Design") and provide a quote of the estimated costs (hereinafter referred to as "the Estimate"). The Penticton Electric Utility, at its sole discretion, may require a legal survey, at the Applicant's expense, prior to commencing with any design;
- d) The cost of preparing the Design, including the costs of any revisions to the Design that are requested by the Applicant, will be included in the estimate;
- e) The Penticton Electric Utility may require that the Customer, at the Customer's sole expense, provide the Design. The Design must be completed by a professional engineer with experience in electrical design and submitted for review to the Penticton Electric Utility in an electronic format approved by the Penticton Electric Utility prior to issuance for construction. After any required revisions or corrections have been made by the Customer's designer, the Design may be approved for construction;
- f) Service Extensions must be constructed in accordance with the Design and in compliance with the Penticton Electric Utility's Overhead and Underground electrical distribution construction standards and material specifications;
- g) Prior to construction of a Service Extension or upgrade the Customer must pay in advance the estimated costs of the work;
- h) The Penticton Electric Utility shall determine the route or location of a Service Extension having regard to the City's future line extension or Distribution System development needs;
- i) The City shall supply the transformer, if required, Electrical Service conductor and Metering Equipment for a new Electrical Service as per the Fees and Charges Bylaw;
- j) Service Extensions shall normally be constructed underground, but may be constructed overhead where such construction is in accordance with the City's Distribution System plans and the extensions are subject to the following conditions:
 - i) The Customer shall be responsible for all civil work including the concrete encasement of ducts, foundations and pads associated with an underground facility;
 - ii) The facility shall be owned and maintained by the City; and
 - iii) It is the Customer's sole responsibility to obtain any easement or statutory right of way in favour of the City required by the City or others, to permit the installation of an Electrical

Service. These easements or statutory rights of way must be registered prior to the Service being energized.

- k) The Penticton Electric Utility shall own and maintain the Service Extension Facilities whether on public or private property;
- l) Where the Service Extension is on private property:
 - i) The Applicant may select the City or a qualified contractor, approved by the Penticton Electric Utility to construct the Service Extension to the standards of this Bylaw and the Penticton Electric Utility Construction Standards as amended from time to time;
 - ii) When the Applicant selects an authorized contractor to construct the Service Extension, the following conditions shall apply:
 - A. Prior to connection of the Service Extension to the Penticton Electric Utility's Distribution System, the Applicant shall pay to Penticton Electric Utility all costs of the Extension, including, but not limited to the costs and fees for design, engineering, surveying, permits, connection to the Penticton Electric Utility's Distribution System and inspection of the Service Extension; and
 - B. The Penticton Electric Utility may require a legal land survey of the location of the Service Extension, at the Applicant's expense, prior to connecting the Service Extension to the Penticton Electrical Utility's Distribution System.
 - iii) Prior to construction of the Service Extension, the Customer shall provide, to the satisfaction of Penticton Electric Utility, a statutory right of way in accordance with section B.12 of this Schedule.

B.12 Statutory Right of Way:

A statutory right of way is required when an Applicant requires part of the Electrical Service for which they have applied to be installed on property owned by someone other than the Applicant that is not public highway or the Electrical Service for that Applicant exceeds 30m in length.

Where the supply of Electrical Service to a Customer requires a statutory right of way to be granted in favour of the City the following conditions apply to the statutory right of way:

- a) A statutory right of way must be provided by the Customer at the sole expense of the Customer;
- b) The Customer is responsible for rights-of-way clearing costs;

- c) On request, the Customer shall deliver to the City documents in a form satisfactory to the Penticton Electric Utility in the required manner, granting any required statutory right of way to the City;
- d) A statutory right of way may be in the form of a blanket statutory right of way. The statutory right of way may contain a sketch plan or a legally surveyed statutory right of way. If the City prepares the blanket statutory right of way, documents costs will be paid for by the Customer;
- e) A surveyed statutory right of way must cover a minimum width of three (3) Meters on either side of the Penticton Electric Utility Facilities or works and provide ancillary access to the right of way;
- f) The Customer shall be responsible for obtaining a statutory right of way in the City's name, over other properties that may be necessary for the Penticton Electric Utility to provide Electrical Service to the Customer; and
- g) The property Owner is responsible for maintaining the right of way such that:
 - i) If overhead, the vegetation does not encroach closer than 3 Meters (10 feet) to the primary conductor and/or 1 Meter (3 feet) to the secondary conductors. Failure to maintain this safe clearance will result in Disconnection of the Electrical Supply as per section 5 of this Bylaw. All remediation costs will be borne by the Customer; and
 - ii) Heavy Equipment shall have road access to all poles and structures.

B.13 Back-Up Generators

- a) Customers with portable or permanently connected emergency generation capability used for emergency backup shall comply with all applicable criteria of the **Electric Code**. In particular, the Customer shall ensure that Customer's emergency generation does not parallel with the Penticton Electric Utility's Distribution System without a proper interface protection and does not adversely affect the Penticton Electric Utility's Distribution System; and
- b) Customers with permanently connected emergency generation Equipment shall notify the Penticton Electric Utility regarding the presence of such Equipment.

B.14 Nominal Secondary Supply Voltages: & Transformer Capacities

The Penticton Electric Utility reserves the right to determine the supply Voltage of all Electrical Service Connections.

The following are the supply Voltage standards:

- a) From pole mounted transformers:
 - i) Single-Phase - 120/240 volts, 3 wire, maximum 100kVA Transformation capacity (Max. 600 Ampere Service – protected at 500 Amperes);
 - ii) Three-Phase - 120/208 volts, 4 wire, maximum 150kVA Transformation capacity (Max. 400 Ampere Service); and
 - iii) Three-Phase - 347/600 volts, 4 wire, maximum 300kVA Transformation capacity (Max. 400 Ampere Service).
- b) From pad-mounted transformers:
 - i) Single-Phase - 120/240 volts, 3 wire, maximum 100kVA Transformation capacity (Max. 600 Ampere Service – protected at 500 Amperes);
 - ii) Three-Phase - 120/208 volts, 4 wire, maximum 750 kVA Transformation capacity (Max. 1,600 Ampere Service);
 - iii) Three-Phase - 347/600 volts, 4 wire, maximum 2,000 kVA Transformation capacity (Max. 2,000 Ampere Service); and
 - iv) Delta Services are prohibited.
- c) The City will not supply Transformation to a Customer from one Secondary Voltage to another Secondary Voltage;
- d) For loads or supply Voltages different from those listed in this section (e.g. 277/480 volts), the Penticton Electric Utility may require that a Customer supply their own Transformation Facilities and take Service at the available Primary Voltage; or supply their own Secondary Voltage conversion Transformation;
- e) All Facilities and Equipment to be connected to the City's Facilities must be in a condition that is approved by the Penticton Electric Utility. Installation must be carried out in a manner to ensure proper balancing of phases and circuits, and to ensure that the City's Equipment is not endangered or that no abnormal Voltage fluctuations are caused; and
- f) All three-phase, Facilities must be designed to prevent the load on the phase with the highest load exceeding that on the phase with the lowest load by more than ten (10%) percent.

B.15 Power Quality

- a) In response to a Customer Power quality concern, where the utilization of Electric Power affects the performance of Electrical Equipment, an investigative analysis will be performed to

identify the underlying cause. Depending on the circumstances, this may include review of relevant Power interruption data, trend analysis, and/or use of diagnostic measurement tools;

If the problem lies on the Customer side of the system, the Penticton Electric Utility may seek reimbursement from the Customer for the costs incurred in its investigation;

- b) If an undesirable system disturbance is being caused by the Customer's Equipment, the Customer will be required to cease operation of the Equipment until satisfactory remedial action has been taken. If the Customer does not take such action within a reasonable time, the Customer's supply of Power may be Disconnected;
- c) If the Penticton Electric Utility determines that Consumer's Equipment may be the source causing unacceptable harmonics, Voltage flicker or Voltage level on Penticton Electric Utility's Distribution System; the Customer shall assist the Penticton Electric Utility in its investigation by providing required Equipment information, relevant data and necessary access for monitoring the Equipment; and
- d) When Customers plan to install large motors over 500 Horsepower, they must contact the Penticton Electric Utility to ensure the existing or new Services are sized correctly and that the Distribution System can supply the required starting Current.

B.16 Power Factor

- a) Every Customer must regulate their load to maintain a Power Factor of not less than ninety (90%) percent;
- b) If Customers' Equipment results in a poor Power Factor (less than 90%), a Power Factor surcharge, as per the Fees and Charges Bylaw, may be applied and it is the Customer's responsibility to correct or improve the Power Factor;
- c) The surcharge shall be added to the Customer's Bill after the rates or minimum charges have been calculated and the surcharge will remain in effect until the Power Factor has been corrected; and
- d) Electrical Service shall not be provided to any Customer whose Load Power Factor is less than fifty (50%) percent.

B.17 Load Fluctuations:

- a) Every Customer must install and operate its motors, Micro-DR Systems, apparatus and other Electrical Equipment in a manner that will not cause fluctuations to the Penticton Electric Utility's line Voltage, or introduce any element into the Penticton Electric Utility's Distribution

System which, in the Penticton Electric Utility's opinion, disturbs or threatens to disturb its Distribution System or the property or Electrical Service of any other Customer; and

- b) The Penticton Electric Utility may require the Customer at the sole expense of the Customer, to provide Voltage regulation Equipment and controls if Voltage fluctuations are equal to or greater than ten percent. The Penticton Electric Utility may refuse to provide Electrical Service or may suspend Electrical Service to the Customer until such Equipment is provided.

B.18 Notice of System Interruptions

- a) The Penticton Electric Utility cannot guarantee a supply that is free from interruption;
- b) It is necessary to occasionally interrupt a Customer's supply to maintain or improve the Distribution System, or to provide new or upgraded Service to other Customers. Where a Customer requests such activities to be done outside Regular Business Hours, then the Customer shall pay the Penticton Electrical Utility costs of carrying out the planned activities outside Regular Business Hours as per the Fees and Charges Bylaw;
- c) The Penticton Electric Utility will endeavour to provide the Customer with reasonable advance notice, of Service interruption except in cases of extreme emergency, involving danger to life and limb, or impending severe Equipment damage;
- d) The Penticton Electric Utility will endeavour to notify Customers prior to interrupting the supply to an individual Service. Where work involves a small number of Customers, the Penticton Electric Utility will attempt to notify Customers prior to disconnection for maintenance or repairs to the specific Service;
- e) If an unsafe or hazardous condition is found to exist, or if the use of Electricity by apparatus, appliances, or other Equipment is found to be unsafe or damaging to the Penticton Electric Utility or the public, Service may be discontinued without notice;
- f) Planned interruption times may change due to inclement weather or other unforeseen conditions. The Penticton Electric Utility shall not be held liable in any manner for failure to provide such notice of planned interruptions or any changes in schedule for planned interruptions;
- g) Depending on the outage duration and the number of Customers affected, local media channels may be used along with the City's website to advise the general public of the outage;
- h) In an emergency, the Penticton Electric Utility has the right to Disconnect Customers in response to shortage of supply; until or while repairs are made to either or both Penticton Electric Utility and Customer owned Equipment;

- i) A Customer or Joint Use Contact Agreement party are obligated to comply with reasonable and appropriate instructions from the Penticton Electric Utility during unplanned outage or emergency situations;
- j) The Penticton Electric Utility provides an after-hours emergency phone number with on-call personnel to assist in the event of an unplanned Power outage. When Power is interrupted, the Customer should first ensure that failure is not due to failed protection devices (i.e. fuses or breakers) within the installation. If there is a partial Power failure, the Customer should obtain the Services of an electrical contractor to carry out necessary repairs. If, on examination, it appears that the Penticton Electric Utility's main source of supply has failed, the Customer should report these conditions at once to the Penticton Electric Utility; and
- k) Customers who require an uninterrupted source of Power for life support Equipment must provide their own Equipment for these purposes.

B.19 Single-Phase

For single-phase the following conditions for Metering and Meter location apply:

- a) 4 jaw socket type Meter bases are required and are to be supplied by the Customer. Round Meter bases are not permitted in accordance with section B.6 of this Schedule;
- b) Unless otherwise approved in writing by the Electric Utility Manager, the Meter socket shall be located on an outside wall, surface mounted with sufficient clearance from the surface finish material to allow easy access to the Meter locking ring, and be within one Meter of the corner nearest to the point of supply;
- c) The Meter shall be installed on the supply side of the Electrical Service Entrance;
- d) All Meter sockets shall be installed between 1.5 Meters and 1.8 ± Meters above final ground level to the center of the Meter;
- e) Meters shall not be installed in carports, breezeways or on decks or other similar areas;
- f) Residential Type Use – Multiple Meters; and
 - i) For Multi-unit Residential properties such as row housing, townhouses or condominium units, the Meter bases will normally be located outdoors and grouped in one common location where practical. Either "Gang Meter Base" installations or individual Meter base installations may be used depending upon the Penticton Electric Utility requirements; and
 - ii) In instances where the potential for Equipment damage or vandalism has occurred or is likely to occur with the outdoor location of the Meters, the Penticton Electric Utility may require the multiple Meter bases to be located indoors in an Electrical Room.

- g) Commercial Type Use – Multiple Meters;
 - i) For Multi-unit commercial-use properties with up to three(3) electric Meters, including a House Meter (maximum 2 Metered units) may be located outdoors using a Gang Meter base and supplied by a single stack;
 - ii) Where the number of Metered units supplied by a 200 Ampere main Service exceed two (2) Metered units; an Electrical Room having a main Service entrance disconnect switch installed ahead of the splitter trough and Meters will be required.
 - ~~iii) Where multiple Meters are supplied by one main Service and the Service capacity exceeds 200 Amperes; an Electrical Room having a main disconnect switch rated for the capacity of the main Service entrance will be required.~~

B.20 Three-Phase

Meters

- a) For three-phase, the following conditions for Metering and Meter locations apply:
 - i) Except in the instance of pad-mount Transformer Metering, the Meter shall be located on the load side of the Electrical Service Entrance for all Services ~~exceeding 300 volts;~~
 - ii) Where the supply is from a four (4) wire 600/347 volt system, Metering shall be four (4) wire. Where the Customer does not require a neutral, an appropriately sized ~~neutral grounded circuit conductor~~ meeting the requirements of the Electrical Code must be provided to all Meter cabinets or sockets. The neutral conductor is to be terminated in the socket (or cabinet) on an insulated neutral block and in accordance with the Electrical Code;
 - iii) Primary Metering - Materials and Equipment for Primary Voltage Metering installations are to be designed, supplied and installed by the Customer. The Designs shall be submitted to the Electric Utility Manager for review and approval prior to any materials being ordered. All costs are to be paid for by the Customer;
 - iv) Non-residential Meters ~~may be~~ located indoors ~~are~~ subject to the access provisions identified in section 6.2 of this Bylaw ~~If Meters are located outdoors, a Meter enclosure box or Meter base will be provided by the Penticton Electric Utility. Installation of the Meter enclosure box or Meter base will be by the Applicant;~~ and
 - v) The location of the Electrical Room shall be approved by the Electric Utility Manager
- b) 208/120V Single-Phase Network Metering;

- i) The Metering installation required for most Apartment Buildings is 208/120 volt "Network Type Metering" installed indoors. The Meters are 200 Ampere, two-phase three wire and 5-jaw self-contained Meters; and
 - ii) Apartment Buildings will normally consist of 12 units or more. For Apartment Buildings with four (4) floors or less including the basement; all Meters are to be in one location on the ground floor. This location will be the main Electrical Service Entrance room or Electrical Room. For Apartment Buildings with more than four (4) floors, additional load distribution rooms will be allowed but must be spaced at no less than every third floor. These rooms must be kept locked at all times and be used only for the purpose of housing electric Metering and Equipment related to the electric distribution within the building.
- c) For Services up to 200 Ampere three-phase 208/120 volt and 600/347 volt
- i) Section B.6 of this Schedule applies;
- d) For Services over 200 Ampere 208/120 volt and 600/347 volt
- i) A 13-jaw transformer type Meter is used and when pad-mount Metering is not being used; the Meter is to be installed inside a ~~cabinet located Meter enclosure box or a Meter base to be provided by the Penticton Electric Utility. Installation of the Meter enclosure box or Meter base will be by the Applicant~~ in an approved electrical room;
 - ii) Where instrument transformers ~~are required, they~~ are to be installed in ~~an the~~ instrument ~~Meter transformer~~ cabinet. The Customer is required to supply and install ~~the instrument transformer a-Meter~~ cabinet to contain all of the Penticton Electric Utility's Metering Equipment for the main switch ratings and supply Voltages listed in section B.7 of this Schedule;
 - iii) Where ~~instrument current~~ transformers are to be installed in the secondary bus of metal clad switchgear, the Penticton Electric Utility may request a copy of the shop drawings for review. In cases where the ~~instrument Current~~ transformers only Meter a portion of the metal clad switchgear, ~~a separate disconnect switches~~ must be installed ahead of the Metering ~~enclosure boxes or Meter bases compartment~~ so that the Service(s) can be de-energized without any interruption to the main Service supply; and
 - iv) A separate Meter ~~enclosure box or Meter base will cabinet-must~~ be supplied by the ~~Penticton Electric Utility~~ and installed by the Customer, located to the satisfaction of the Penticton Electric Utility and as close as possible to the instrument transformer ~~cabinet compartment~~. Generally, one revenue Meter only will be allowed. Additional revenue Meters will require authorization from the Electric Utility Manager.
- e) Point of Delivery - In the case of an Underground three-phase Service, the structures protecting the Service from vehicular damage including the bollards are to be maintained

by the Customer. The typical Point of Delivery on an Underground three-phase Service are the secondary spades of the pad-mounted transformer. Maintenance must be completed in co-ordination with the Penticton Electric Utility; and

- f) Primary Voltage Supplied Customers
 - i) The Customer is required to bring out a neutral conductor for connection to the system neutral. If not required for Customer's use, this neutral shall be terminated to the Customer's station ground system.
 - ii) The Customer is responsible to supply a point of attachment within a distance of 30 Meters from the property line, where an overhead Primary Voltage Service is provided. This point of attachment may be a Service pole or approved structure.
 - iii) As with all Services, the Penticton Electric Utility will not connect or energize the Customer's substation until:
 - A. A declaration has been received *in accordance with the Safety Standards Act; from the Technical Safety BC;*
 - B. The Penticton Electric Utility has inspected the Service;
 - C. The Customer has provided a pre-Service report to the Penticton Electric Utility that has been sealed by a Professional Engineer licensed in the Province of British Columbia; and
 - D. A Joint Operating Order has been signed by the Customer and the Penticton Electric Utility. A Joint Operating Order is a document that is used to describe the isolation points and safety procedures along with contact names and numbers of individuals responsible for operating the Customer Owned Equipment described in the Order.

B.21 Micro-DR Service Requirements

- a) The Penticton Electric Utility shall determine the number or capacity of Micro-DR units on any part of their Distribution System;
- b) The Penticton Electric Utility maintains the right to disconnect, without liability, the Micro-DR for any issues relating to safety and reliability;
- c) The Micro-DR Customer must apply to the Penticton Electric Utility using the appropriate "Net Metering" application form;
- d) The Micro-DR System must be located on the Customer's Premises;
- e) Installation of the Micro-DR System shall not commence until the Design has been approved by the Electric Utility Manager;

- f) Design Requirements: and
- i) The Micro-DR output is at 750 volts or less and the Micro-DR System is not larger than 50kW, without written approval from the Electric Utility Manager;
 - ii) The Micro-DR System must meet the anti-islanding requirements of CSA standard C22.2 No 107.1 and be capable of isolating the Net Metering System from the Penticton Electric Utility System;
 - iii) The design shall include a disconnect that:
 - A. Is CSA certified;
 - B. Meets the intent of Section 84 of the *Canadian Electric Code*;
 - C. Is accessible by the Penticton Electric Utility staff at all times;
 - D. Has a provision for locking in the open position; and
 - E. Provides a visual indication while in the open position; and
 - iv) The Micro-DR System must comply with CSA standard CAN/CSA-22.2 No. 257 Interconnecting Inverter-based Micro-Distributed Resources to Distribution Systems.
- g) Energization and Operational Requirements:
- i) The Micro-DR Owner may not commence Parallel Operation of its generating Equipment unit the completed installation has been inspected and final written approval has been given by the Electric Utility Manager;
 - ii) The following information and procedures must be provided and in place before a Micro-DR System will be allowed to be connected to the Penticton Electric Utility's System:
 - A. A complete set of specifications for the installation; including copies of the manufacturer's technical manuals and specifications for the proposed DR Equipment;
 - B. A complete set of single line diagrams and protection settings;
 - C. A complete set of **manufacturers'** commissioning procedures; and
 - D. An executed "Net Metering Interconnection Agreement".
 - iii) The Penticton Electric Utility maintains the right to inspect the Micro-DR Facilities with reasonable prior notice and at a reasonable time of day;
 - iv) The Interconnection of the Customer's generating Equipment with the Penticton Electric Utility's Distribution System shall not cause any reduction in the quality of Service being provided to other Customers;

- v) The Micro-DR System Owner will not be permitted to energize a circuit de-energized by the Penticton Electric Utility; and
- vi) The Micro-DR System Owner is responsible for commissioning **in accordance with the manufacturers' procedures** and periodic maintenance of the Interconnection Equipment. Commissioning and maintenance must be performed by competent personnel. A copy of the commissioning and maintenance test reports must be retained by the Micro-DR System Owner and made available to the Penticton Electric Utility upon request.

B.22 Subdivisions – Residential

Residential Subdivisions are required to comply with Electric Facilities requirements in the Subdivision and Development Bylaw, Section 00600 – Electrical in addition to all parts and Schedules of this Bylaw.

B.23 Subdivisions – Strata Developments

Strata developments will be electrically serviced Underground subject to the following:

- a) All of the Electrical Distribution Infrastructure including but not limited to concrete encased ducts, vaults, transformers, high Voltage cables, secondary distribution cables, Service boxes, electrical Meters, will be owned and maintained by the Penticton Electric Utility and must be installed in a statutory right of way in favour of the City over the strata lands including strata roadways;
- b) The Developer or Customer will own and maintain the Meter bases, the underground Service conductors between the Service boxes/transformers and the Meter bases, the street lighting and other conductors supplying Power to common areas such as roadway lighting, parking lot lighting, irrigation systems and security gates; and
- c) The Electrical Consumption for all privately owned street lighting along with any other common loads will be Metered by a House Meter.

Bylaw No. 2018-08

A Bylaw to Amend Subdivision and Development Bylaw No. 2004-81

WHEREAS the Council of the City of Penticton has adopted a Subdivision and Development Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Subdivision and Development Bylaw No. 2004-81;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Subdivision and Development Amendment Bylaw No. 2018-08".

2. **Amendment:**

2.1 Subdivision and Development Bylaw No. 2004-81 is hereby amended as follows:

Remove section 7.0 NET METERING AND INTERCONNECTION OF INVERTER BASED RESOURCES in its entirety from Schedule "G" DESIGN CRITERIA Section 00600 – ELECTRICAL.

READ A FIRST time this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
ADOPTED this	day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2018-09

A bylaw to amend the Fees and Charges Bylaw No. 2014-07

WHEREAS the Council of the City of Penticton has adopted a Fees and Charges Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Fees and Charges Bylaw No. 2014-07";

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2018-09".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by deleting and replacing the following appendix in its entirety:

- Appendix 7 – Electric

2.2 Appendix 7 attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2018

READ A SECOND time this day of , 2018

READ A THIRD time this day of , 2018

ADOPTED this day of , 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Appendix 7

ELECTRIC	2017	2018	2019	2020
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Utility Administration Rates

Utility credit references (current or recent account)	\$16.25	\$16.50
Archived account	\$28.00	\$29.00
Utility account history	\$16.25	\$16.50
Interest rate on delinquent utility accounts	10% per annum	10% per annum
Special electric meter reading	\$35.50	\$36.25
Special electric meter inspection fee	\$35.50	\$36.25

AMR OPT OUT

AMR Opt Out manual electric meter reading for an individual meter	\$13.00	\$19.25
AMR Opt Out manual combined electric and water meter reading for an individual for an individual meter read	\$14.00	\$20.25
AMR Opt Out manual electric meter reading for a meter bank installation	\$13.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter	\$19.25 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter
AMR Opt Out combined electric and water meter reading for a combined electric and water meter bank installation	\$15.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.	\$20.25 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.

Appendix 7				
ELECTRIC	2017	2018	2019	2020
AMR Opt Out electric meter use of a digital non radio frequency electric meter	\$150.00 per meter	\$153.00		
Utility application fee – next day service	\$41.50	\$42.25		
Utility application fee – same day service (accounts with combined electric and water)	\$93.00	\$94.50		
Utility application fee (electric only) same day service (accounts that only have electric services)	\$53.50	\$54.25		
Non-Payment: Electric disconnect and re-connect(during City Hall hours only)	\$71.00	\$72.50		
Non-Payment: Site visit without a disconnect (during City Hall hours only)	\$35.50	\$36.25		
Electrical disconnect or re-connect or site visit (cost per visit after hours with call-out)	\$417.00	\$423.50		
Electrical disconnect or reconnect or site visit (cost per visit during City Hall hours)	\$35.50	\$36.25		
Electrical disconnect or reconnect or site visit (cost per visit after hours without call-out)	\$71.00	\$72.50		
Illegal reconnection administration charge	\$275.00	\$275.00		
Utility fee - Leave on Authorized	\$12.00	\$12.00		
Electrical Disconnect and reconnect from pole	\$355.00	\$355.00		
Special Administration charge per service	\$27.50	\$27.50		

Appendix 7				
ELECTRIC	2017	2018	2019	2020

Electric Rates
Rate Code 10 - Residential

Basic Charge	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
Energy Charge	\$0.1284 per kwh for all consumption during the billing period	\$0.1284 per kwh for all consumption during the billing period	\$0.1337 per kwh for all consumption during the billing period	\$0.1392 per kwh for all consumption during the billing period

Rate Code 15 – Residential/Special Service

Basic Charge	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
Energy Charge	\$0.1474 per kwh for all consumption during the billing period	\$0.1474 per kwh for all consumption during the billing period	\$0.1534 per kwh for all consumption during the billing period	\$0.1597 per kwh for all consumption during the billing period

Rate Code 20 - General - Secondary metered and City owned Transformation

Basic Charge	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
Energy Charge: First 10,000 kwh per billing	\$0.1429 per kwh	\$0.1429 per kwh	\$0.1449 per kwh	\$0.1469 per kwh
Next 90,000 kwh per billing	\$0.1126 per kwh	\$0.1126 per kwh	\$0.1143 per kwh	\$0.1159 per kwh
Additional kwh per billing	\$0.0789 per kwh	\$0.0789 per kwh	\$0.0801 per kwh	\$0.0812 per kwh
Demand Charge	\$10.09 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.09 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.23 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.38 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months

Appendix 7

ELECTRIC	2017	2018	2019	2020
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Rate Code - 25, 30 and 35

Are subject to the same base rates for consumption and demand as set out in Rate Code 20 with the following discounts:

Primary Metering	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only
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Rate Code 25 - General - Primary metered and City owned Transformation

Basic Charge	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
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Energy Charge

First 10,000 kwh per billing	\$0.1408 per kwh	\$0.1408 per kwh	\$0.1427 per kwh	\$0.1447 per kwh
Next 90,000 kwh per billing	\$0.1109 per kwh	\$0.1109 per kwh	\$0.1126 per kwh	\$0.1142 per kwh
Additional kwh per billing	\$0.0777 per kwh	\$0.0777 per kwh	\$0.0789 per kwh	\$0.0800 per kwh

Demand Charge	\$9.93 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.93 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.08 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.23 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months
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Appendix 7

ELECTRIC	2017	2018	2019	2020
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Rate Code 30 - General - Secondary metered and customer owned Transformation

Basic Charge	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
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Energy Charge

First 10,000 kwh per billing	\$0.1429 per kwh	\$0.1429 per kwh	\$0.1449 per kwh	\$0.1469 per kwh
Next 90,000 kwh per billing	\$0.1126 per kwh	\$0.1126 per kwh	\$0.1143 per kwh	\$0.1159 per kwh
Additional kwh per billing	\$0.0789 per kwh	\$0.0789 per kwh	\$0.0801 per kwh	\$0.0812 per kwh

Demand Charge	\$9.18 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.18 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.31 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.45 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months
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Rate Code 35 - General - Primary metered and customer owned Transformation

Basic Charge	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
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Energy Charge

First 10,000 kwh per billing	\$0.1408 per kwh	\$0.1408 per kwh	\$0.1427 per kwh	\$0.1447 per kwh
Next 90,000 kwh per billing	\$0.1109 per kwh	\$0.1109 per kwh	\$0.1126 per kwh	\$0.1142 per kwh
Additional kwh per billing	\$0.0777 per kwh	\$0.0777 per kwh	\$0.0789 per kwh	\$0.0800 per kwh

Appendix 7				
ELECTRIC	2017	2018	2019	2020
Demand Charge	\$9.04 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.04 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.17 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.31 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months

Rate Code 45 - General - City Accounts

Energy Charge	\$0.0953 per kwh for all consumption	\$0.0953 per kwh for all consumption	\$0.1041 per kwh for all consumption	\$0.1137 per kwh for all consumption
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Rate Code 55 - Street Lighting, Traffic Lights & Other Un-metered Loads

Per fixture watt or volt ampere per billing subject to Section 3.b of Bylaw 2000-36 (Electrical Regulations) Bylaw No. 2017-44 (Electric Utility Services)	\$0.1071 per fixture watt or volt ampere per billing	\$0.1071 per fixture watt or volt ampere per billing	\$0.1174 per fixture watt or volt ampere per billing	\$0.1287 per fixture watt or volt ampere per billing
Per watt or volt ampere per billing based on equipment name plate data or customer information, or where data is insufficient, the City will determine by appropriate measurement and calculation what equipment watt or volt ampere loading shall be used for billing purposes.	\$0.2024 per watt	\$0.2024 per watt	\$0.2219 per watt	\$0.2432 per watt
Monthly minimum charge per fixture or service connection	\$18.14 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus

Appendix 7				
ELECTRIC	2017	2018	2019	2020

Net Metering (aka Mirco-DR)

Energy Credit—The City will apply a credit for the purchase of power from all City customers generating and transmitting power into the City electrical grid at the appropriate rate code that the City charges for power for the class of the said customer. Furthermore no additional City Fees related to electrical will be applied for participating in the Net Metering program. Customers will be responsible for all on-site costs of their Distribution Generation system including, but not limited to, design, permits, installation, repairs and maintenance.

When paying Net Metered Customers for any excess Energy generated by the Customer, the Penticton Electric Utility shall use the applicable Energy rate as specified in the FortisBC Electric Tariff Schedule 40 as amended from time to time. Customers will be responsible for all costs of their Distribution Generation System including, but not limited to, design, permits, installation, inspection fees, connection fees, repairs and maintenance.

Electrical Service Calls

Service Call – 1 stop (1 hr. max)	\$211.00	\$214.00
Service Call – 2 stops (1.5 hr. max)	\$316.00	\$321.00

Electrical Service Connections

Temporary Service Connection

1 Phase up to 200 amps	\$211.00	\$214.00
all except 1 phase up to 200 amps	Actual Cost	Actual Cost

Service Relocate

1 phase up to 200 amps	\$347.00	\$347.00
------------------------	----------	----------

Service Upgrade

1 phase over 200 amps	Actual Cost	Actual Cost
3 phase overhead and underground (all)	Actual Cost	Actual Cost

Service Connection

1 phase per unit (200 amps max -includes 1 meter) overhead and underground	\$388.00	\$390.00
Additional meters	Actual Cost	Actual Cost
1 phase overhead and underground over 200 amps	Actual Cost	Actual Cost
3 phase overhead and underground (all)	Actual Cost	Actual Cost

Appendix 7				
ELECTRIC	2017	2018	2019	2020
1-phase underground over 200 amps	Actual Cost	Actual Cost		
3-phase underground (all)	Actual Cost	Actual Cost		
Electrical Utility Ext. Agreement	Actual Cost	Actual Cost		
Primary Underground Cable	Actual Cost	Actual Cost		
Terminate and Energize underground - Per lot	Actual Cost	Actual Cost		
Installation of electrical poles, vaults, road-crossings, etc	Actual Cost	Actual Cost		
Electrical Call Out Rate	\$417.00	\$423.50		

Electrical Pole Contacts

Telus	As per Contract	As per Contract
Telus per Power Point Contact + Energy as per rate code 55 at appropriate rate code	As per Contract	As per Contract
Shaw Cable	As per Contract	As per Contract
Shaw Cable per Power Point Contact + Energy as per rate code 55 at appropriate rate code	As per Contract	As per Contract
Shaw WiFi	As per Contract	As per Contract
Recoverable Sign Installations	Actual Cost	Actual Cost

City Electrical Infrastructure²:

Due to the nature and timing of the various process's involved with the installation of electrical infrastructure a request for refund will be entertained at any time and will require evaluation as to the customer's and/or the Electric Utility's involvement, investment to date and further investment required to complete the works to a stage where they are deemed, by the Operations Manager of the Electrical Utility, to be safe for the public and the customer and have no negative effect on the electrical systems integrity or configuration. Calculation or determination of refund amounts will be completed by the General Manager of the Electrical Utility.

Appendix 7				
ELECTRIC	2017	2018	2019	2020

Notes:

Power Factor Surcharge	Power Factor	Surcharge
<p>a) Every Customer must regulate their load to maintain a Power Factor of not less than ninety (90%) percent.</p> <p>b) If customers have equipment or install equipment that results in poor power factor (less than 90%), a power factor surcharge, may be applied and it is the Customer's responsibility to install equipment to correct or improve power factor.</p> <p>c) The surcharge shall be added to the Customer's Bill after the rates or minimum charges have been calculated and the surcharge will remain in effect until the Penticton Electric Utility is satisfied that the Power Factor has been corrected.</p> <p>d) Electrical Service shall not be provided to any Customer whose Load Power Factor is less than fifty (50%) percent.</p>	Between 90% and 100%	Nil
	Between 88 % and 90%	2%
	Between 85% and 88%	4%
	Between 80% and 85%	9%
	Between 75% and 80%	16%
	Between 70% and 75%	24%
	Between 65% and 70%	34%
	Between 60% and 65%	44%
	Between 55% and 60%	57%
	Between 50% and 55%	72%
	Less than 50%	90% and electrical service may be disconnected

Appendix 7				
ELECTRIC	2017	2018	2019	2020

#1. Any applicable Federal or Provincial taxes are in addition to the above charges. A discount forfeit equal to 10% of the "current charges" (excluding Goods and Services Tax) will result if full payment of current charges is not received. a) on "residential ~~and residential/special services~~" (rate code 10 ~~and 15~~), on or before the expiration of fifteen (15) days after the date of the mailing of the invoices therefore. b) on all other services not included in the definition of "residential ~~or residential/special services~~" on or before the expiration of twenty-two (22) days after the date of the mailing of the invoices therefore, provided that when the said day falls on Saturday, Sunday, or holiday, the discount shall apply if payment is received on the next succeeding day which is not a holiday. In the event of a partial payment of the current charges on or before the discount date, a proportionate discount shall be allowed.

#2. Basic charges will be applicable to accounts that are disconnected from electric for seasonal or temporary purposes when the electric is being turned off at the account holders request but the account holder(s) is not altering.

#3. City Electrical Infrastructure is defined as: Any items related to the City of Penticton Electrical Utility distribution system including but not limited to primary duct and secondary duct, street lighting, power cables, transformers and associated appurtenances.

#4. All customers are eligible to access the "Electrical Service Payment Plan" for the installation of City Electrical Infrastructure ~~and/or customer owned Micro-DR equipment~~ that supplies power to their properties. The details of this program are summarized as follows:

- Payment Plan range: A customer can put a miminum amount of ~~\$5,000~~ \$2,000 up to a maximum amount of \$50,000 on a Payment Plan;
- Payment Plan terms: 5 year payback in equal monthly amounts on the Electric Utility Bill plus interest calualted at the Prime Interest Rate +0.5%; and
- The customer has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty.

Eligibility requirements:

- Must be for a new or an upgrade to an Electrical Service;
- Must be a City of Penticton Electric Utility customer;
- Must have a credit score of: 650 or greater for an individual, or less than 25 for a business;
- Must have a maximum of 19 City of Penticton Utility Credit Points;
- The customer must own both the land and building where the service is required;

~~- If Micro-DR, receipts must be submitted from the contractor performing the work; and~~

-Protection: Any defaults on the Payment Plan will be subject to the normal City of Penticton utility collection procedures, including service disconnect and ultimately transfer of outstanding amount to taxes. Any outstanding payment plan amounts must be paid in full upon sale of the property.

Approval date: December 7, 2015

Resolution No.: 582/2015

Subject: Billing Policy

Goal

To provide clarity and consistency on the billing policies of the Utilities Department.

Scope

To detail the policies surrounding billing.

Policy

BED AND BREAKFAST FACILITIES

1. ~~“Bed & Breakfast” operations, by definition, consist of single family dwellings offering overnight accommodation to the travelling public in no more than four sleeping rooms without cooking facilities where the room rate includes breakfast served on the premises.~~
2. ~~“B & B’s” fall into different categories based primarily on the number of sleeping rooms available and the number of guests accommodated. As a result, the electric rates charged vary based on similar factors. The applicable rates are as follows:~~
 - a. ~~Residential Rate Code 10—Will be charged on B & B’s that are limited to one available sleeping room accommodating no more than two guests.~~
 - b. ~~Residential/Special Rate Code 15—Will be charged on all other owner occupied B & B’s.~~
 - c. ~~Commercial Rate Code 20/25/30/35—Will be charged on all non owner occupied B & B’s.~~
 - i. ~~If a non owner occupied B & B were to contain a separately metered manager’s living quarters, then that service would be eligible for the Residential Rate Code 10.~~
3. ~~The City’s Business Licence database will be used as a source of information for the determination of which category and rate code is applicable to a B & B.~~
4. ~~Should a B & B change the nature of its operation or cease to operate as a B & B, the utility customer is responsible for providing notice in writing to the utility staff so that any resulting change in rate code can be effected.~~

CYCLE AND WALK SEQUENCE ASSIGNMENTS

5. The City's method of reading and billing utility accounts is based upon a structure of two distinct cycles known as "Cycle 030" and "Cycle 060". All accounts within Cycle 030 are billed on the last working day of each month whereas accounts in Cycle 060 are billed on the 15th of each month (where the 15th falls on a weekend or holiday, billings are mailed on the preceding workday).
6. Within each cycle, there is a further division of accounts into "routes", which serve as smaller, more manageable units of accounts. Within each route, the order of reading of meters is determined by assigning each account a five digit sequential identifier, which simply determines in what order an account will be read within a route. The route number together with the sequential identifier is known as the "walk sequence".
7. The initial assignment of a walk sequence, as well as any subsequent changes, is handled by the utility clerks in consultation with the meter reader and utility servicemen. Any changes within a route will effect what time of the month that a metered account is read whereas changes from one cycle to another will change a customer's billing and discount dates.
8. The organization of routes within cycles is primarily based on geographical considerations but other factors (such as any advantages from grouping types of accounts within a route, for example, City or school accounts) may also be considered.
9. The City is unable to accommodate a customer request to have their account switched from one cycle to another because of the impact on reading efficiency.

ESTIMATED BILLINGS

10. Electric and water meters are read and billed on a monthly basis and estimates will only be used where circumstances dictate. Any estimates used will be so identified on the bill.
11. City bylaws empower the Collector/Revenue Supervisor to estimate electric and water consumption and, in so doing, to consider any relevant history, circumstances or factors that may affect a customer's consumption. Every reasonable effort is made to arrive at a fair estimate of consumption.
12. No system of estimating can guarantee 100% accuracy. However, the City's system is designed to arrive at a reasonable estimate of consumption and is normally based on the "per diem" consumption for the account during the same period of time in the preceding year. Whether an estimate ends up being high or low, the customer's next billing based on an actual reading will normally correct any inaccuracies that may have resulted from the estimate.
13. Should a customer whose account has been estimated provide the City with a reliable reading that indicates the estimate used has resulted in a substantial over or under billing; the Collector/Revenue Supervisor may authorize a manual adjustment to the current billing rather than wait until the next regular billing.

FINAL BILLINGS

14. Because of the City's status as a municipal utility and the resulting liability of registered owners for all utility services supplied by the City to the property, every reasonable precaution is taken to insure that owners' exposure to loss is limited. As a result, signatures and proper identification is required to initiate and terminate services with the City.
15. Utility accounts are normally finalized by the City upon receipt of a signed authorization from the customer accompanied by appropriate ID. The most common authorization is an application for disconnection completed at City Hall and signed by the customer. If the customer is unable to attend City Hall in person, the application for disconnection is available on the public website, or can be emailed or faxed to the customer. The customer can then fax or email back a signed copy of the application with a copy of their ID. Telephone notification is not acceptable because of the lack of signature.
16. Accounts may also be finalized when a new occupant applies for service or when a registered owner certifies that an existing customer has vacated the premises. In the event of the death of a customer, the executor or, where there is no executor, the next of kin will be permitted to act on behalf of the deceased customer. Satisfactory documentation may be required.
17. When a customer's account is finalized, final readings are obtained on all electric and water metered services and the final billing is normally produced within five business days.
18. In the case of rental properties, where owners or their agents are required by the Residential Tenancy Act to return security deposits within 15 days, owners are asked to direct their tenants to provide them with a receipted final bill as proof of payment.
19. In accordance with Section 258 (1) & (2) of the *Community Charter*, final utility accounts that are due and payable by December 31st and remain unpaid as of that date, are subject to transfer to taxes in arrears on the benefitting property effective January 1st of the following year.

METER READINGS AND BILLINGS

20. Electric and water meters are read and billed on a monthly basis with estimates being used only where circumstances dictate and any estimates will be so identified on the bill. In addition to the regular monthly readings, actual readings will be obtained whenever a customer applies to have a service connected or disconnected in his/her name.
21. Should an accurate electric or water meter reading be unavailable due to meter failure, temporary inaccessibility or any other reason, the Collector/Revenue Supervisor may estimate consumption using the best available information.
22. Where water service is provided without a water meter being in place, the monthly basic charge is based on the size of the service and includes a built-in allowance for consumption (un-metered rate).

23. Access to both electric and water meters, during regular City working hours, is a requirement of service to any location. Whereas it is the City's preference to have open access to meters, circumstances exist where access must be made available through the use of LSDA (Locksmith Dealers of America) keys. In extenuating circumstances, the use of keys, padlocks or lock boxes (key vaults) may be used; such alternate access is to be reviewed with the on/off and meter reading staff and is subject to the approval of the Collector/Revenue Supervisor. Any costs associated with alternate access are to be borne by the customer and may be debited to the next billing on the account.
24. Customers are required to insure that meter access is not prevented or restricted due to:
- a. The storage of materials/vehicles,
 - b. The growth of bushes/plants, or
 - c. The presence of a pet in the access path to the meter (should a pet normally be contained within the access path, the customer must insure that the pet is alternately contained for three days before & after the normal reading date).
- Should a problem exist in this regard, the customer will be requested to correct the situation within a reasonable period of time, usually 7 to 10 days. Failure to comply may result in the disconnection of utility services until such time as the access problem is resolved and a reconnection charge has been paid.
25. A customer may request a re-read of an electric or water meter and such a request will be accommodated as soon as practical upon payment of the required fee. Should the re-read identify a reading error on the City's part; the re-read fee will be credited back to the customer.
26. A customer may also request a meter accuracy test with the applicable fee being refundable if the meter in question is found to be measuring outside the acceptable limits. A water meter test is conducted by City staff whereas an electric meter test is carried out by Measurement Canada, a division of the Government of Canada's Industry Canada's Weights and Measures.
27. The customer will exercise all reasonable diligence to protect the City's meters, key vaults, padlocks, etc. from damage or defacement and is responsible for any costs resulting from damage, defacement or theft.

Previous revisions

Approval Date: January 21, 2013
Council Resolution: 47/2013

Approval

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Peter Wallace, Land Administrator
Subject: **City Owned Land Project Update**

File No: 3010-01 (Special Proj.)

Staff Recommendation

THAT Council receive the report dated February 6, 2018 titled "City Owned Land Project Update" into the record.

Background

At the December 5, 2017, open Council meeting Councillor Martin made a Notice of Motion and the following resolution was passed:

THAT Council direct staff to prepare a detailed inventory of City owned lands for the February 6, 2018 Regular Council agenda;

AND THAT the following be identified in the inventory:

- Properties designated for future infrastructure needs;
- Dedicated Parkland;
- Properties currently zoned park;
- Properties identified for park expansion;
- Properties with development potential.

Staff provide the following update and status of the project:

The list of City owned land inventory completed in 2016 has been reviewed against Land Titles data and updated.

A spreadsheet was created that includes all properties. A map has also been created that includes the properties and the specific characteristics. In addition to the information requested by Council, the following information is also captured:

- adjacent property owners encroaching on City land;

- properties that are known to have covenants on title or are likely to have covenants restricting use;
- remnant properties that are of limited use, but may be desirable to the adjacent property owner;
- general comments relating to the individual properties.

This information is added to the City's GIS that will ultimately result in an interactive map. The City owned data set, while 95% complete, still requires work to define the characteristics of newly added parcels.

Numbers Break Down

A total of 565 titled parcels were identified. Of these:

- 333 are zoned as Park and 98 of these are also Dedicated as Park (dedicated includes those known to be dedicated through subdivision or covenant);
- 40 more parcels are identified by the OCP for park expansion (i.e. those having an OCP of Park but are not currently zoned Park);
- 138 parcels are currently used by the City (includes parcels with infrastructure including parking lots, but excludes parks that do not include structures or parking lots);
- 68 titled parcels are road. These lots were created for road widening when the Province controlled (owned) all roads. Now that the City controls the roads, these lots should be dedicated as road. Lands are working with surveyor and Land Titles to find an effective way to complete this task in a cost effective manner;
- 50 Parcels are identified as having development potential although many of these will have issues preventing development or require modification to facilitate development such as realignment of buried services, rezoning, consolidation or subdivision.

The number of parcels noted above exceeds the total number of parcels as many parcels fall in to more than one category. On the mapping only the most relevant characteristic is shown.

Next Steps

A "User friendly" interactive mapping package for Council review and input is scheduled in the GIS Strategy for 2018 -2019 and anticipated to be available by March 20, 2018.

The completion of *Properties Designated for Future Infrastructure* will be undertaken with input from all areas of the City and is expected to be completed and brought back to Council by June 5, 2018.

Attachments

Attachment A – City Owned Land Map

Attachment B – Specified Categories of City Owned Land

Respectfully submitted,

Peter Wallace, Land Administrator

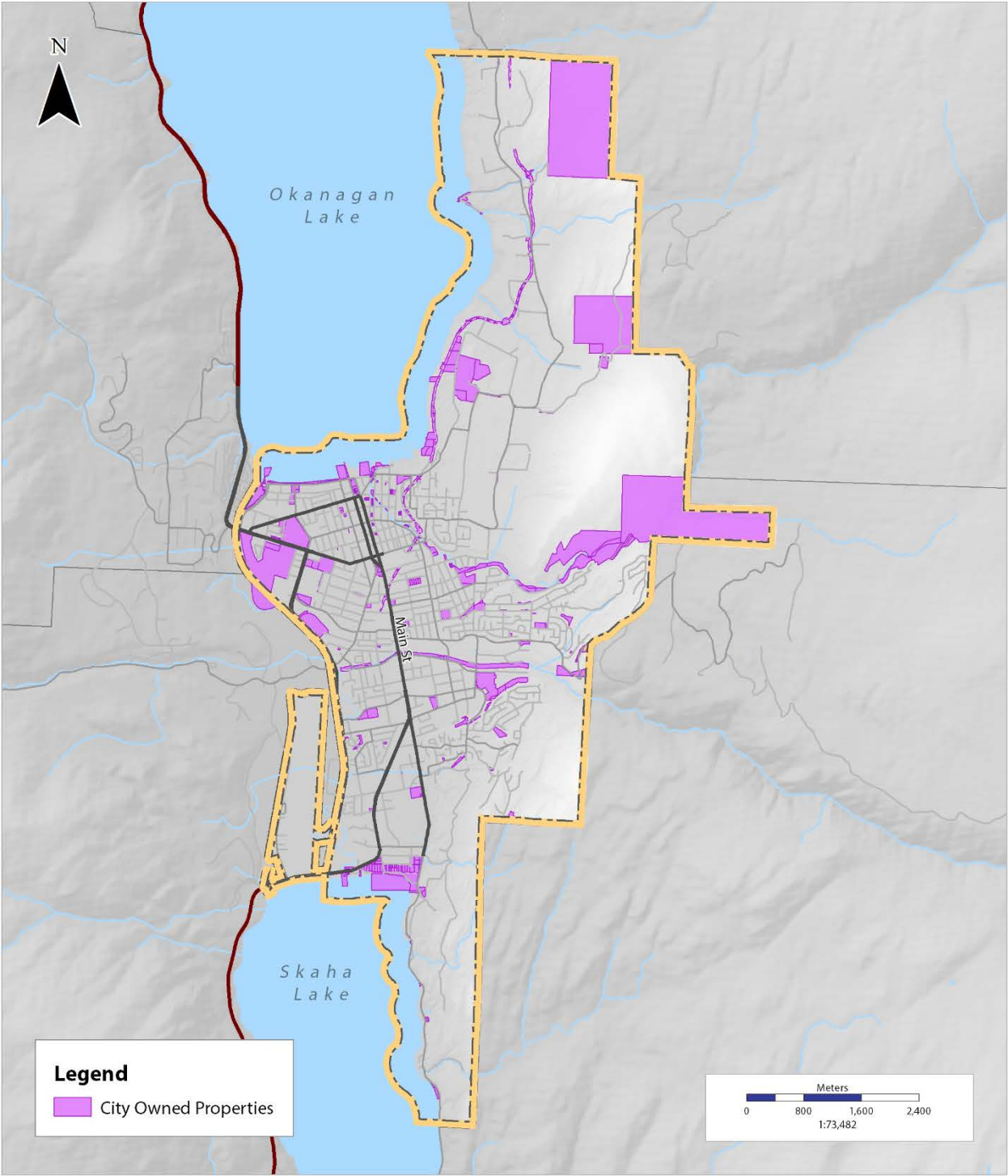
Approvals

Chief Financial Officer	CAO
<i>PWB</i>	PW



Attachment A

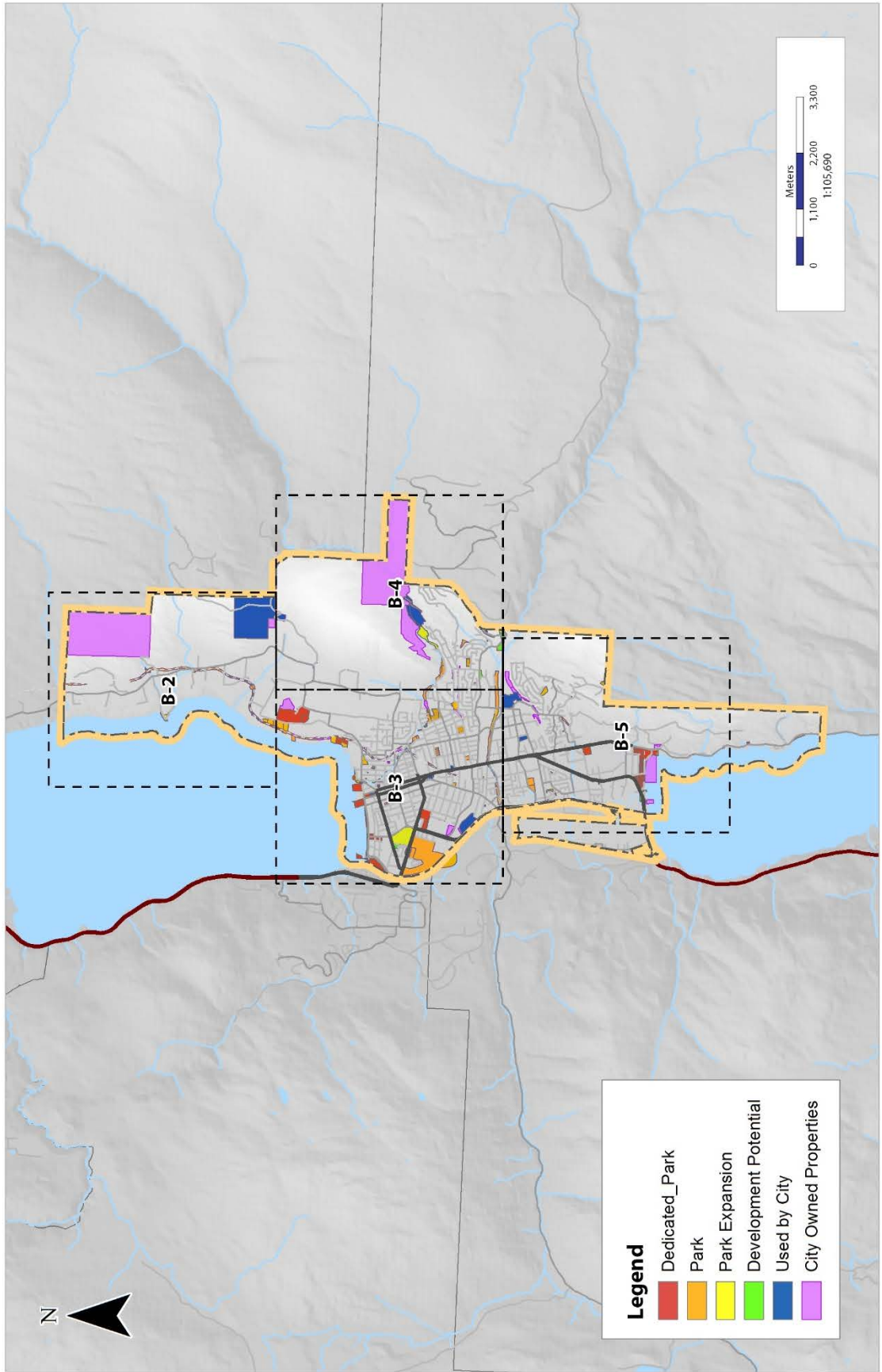
City Owned Land





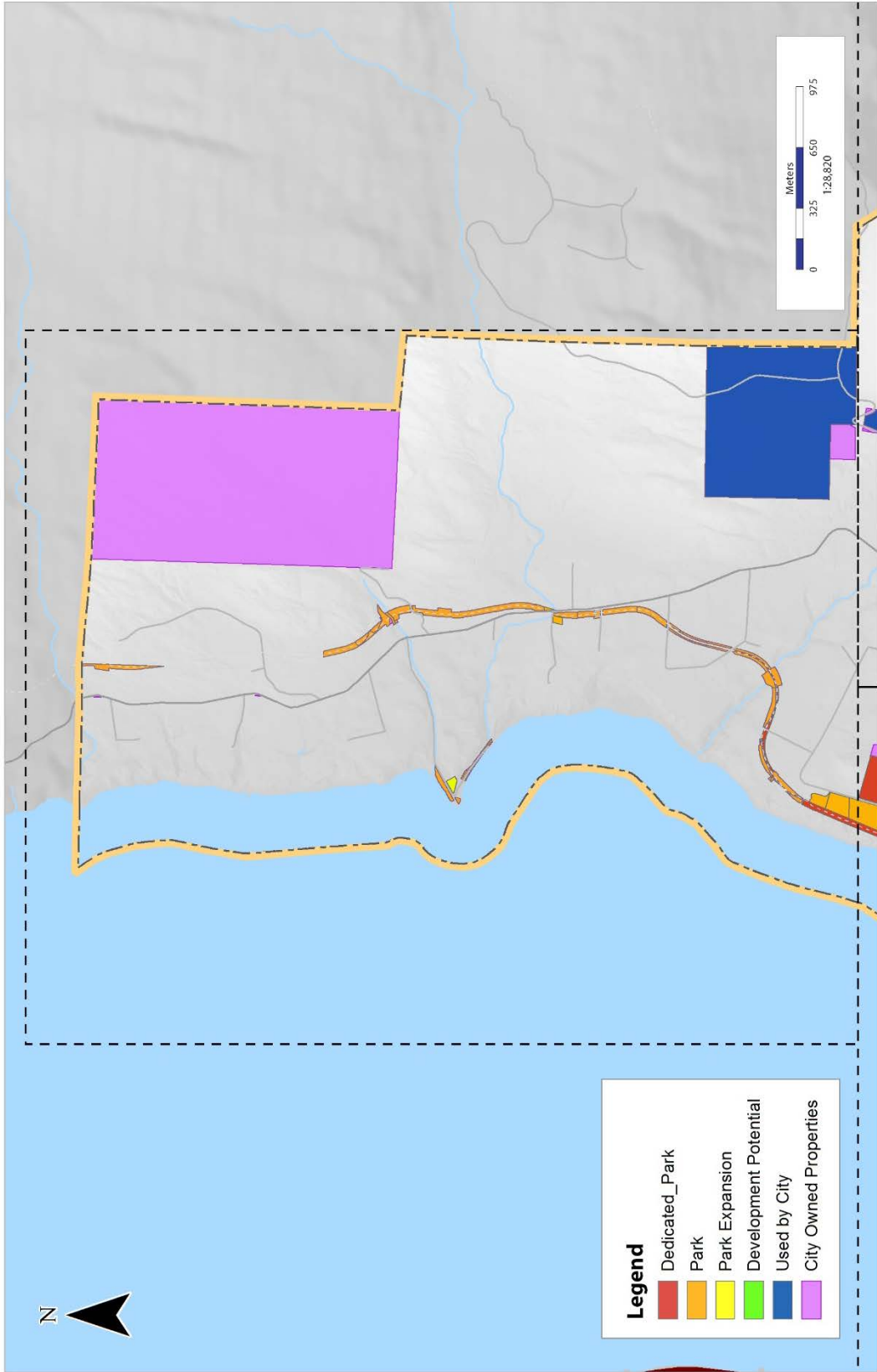
Attachment B

City Owned Land - Mapbook



Attachment B

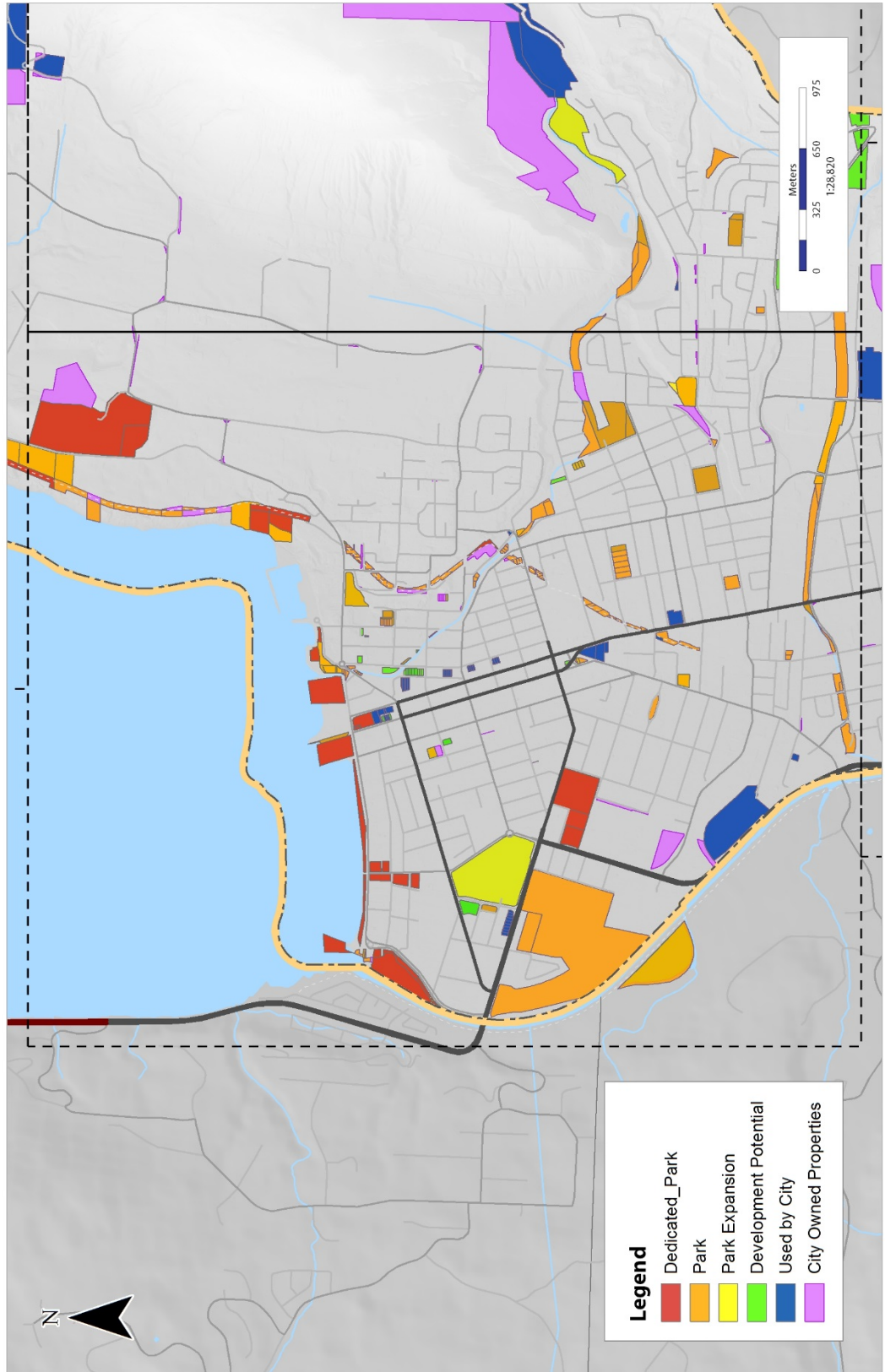
City Owned Land - Mapbook B-2



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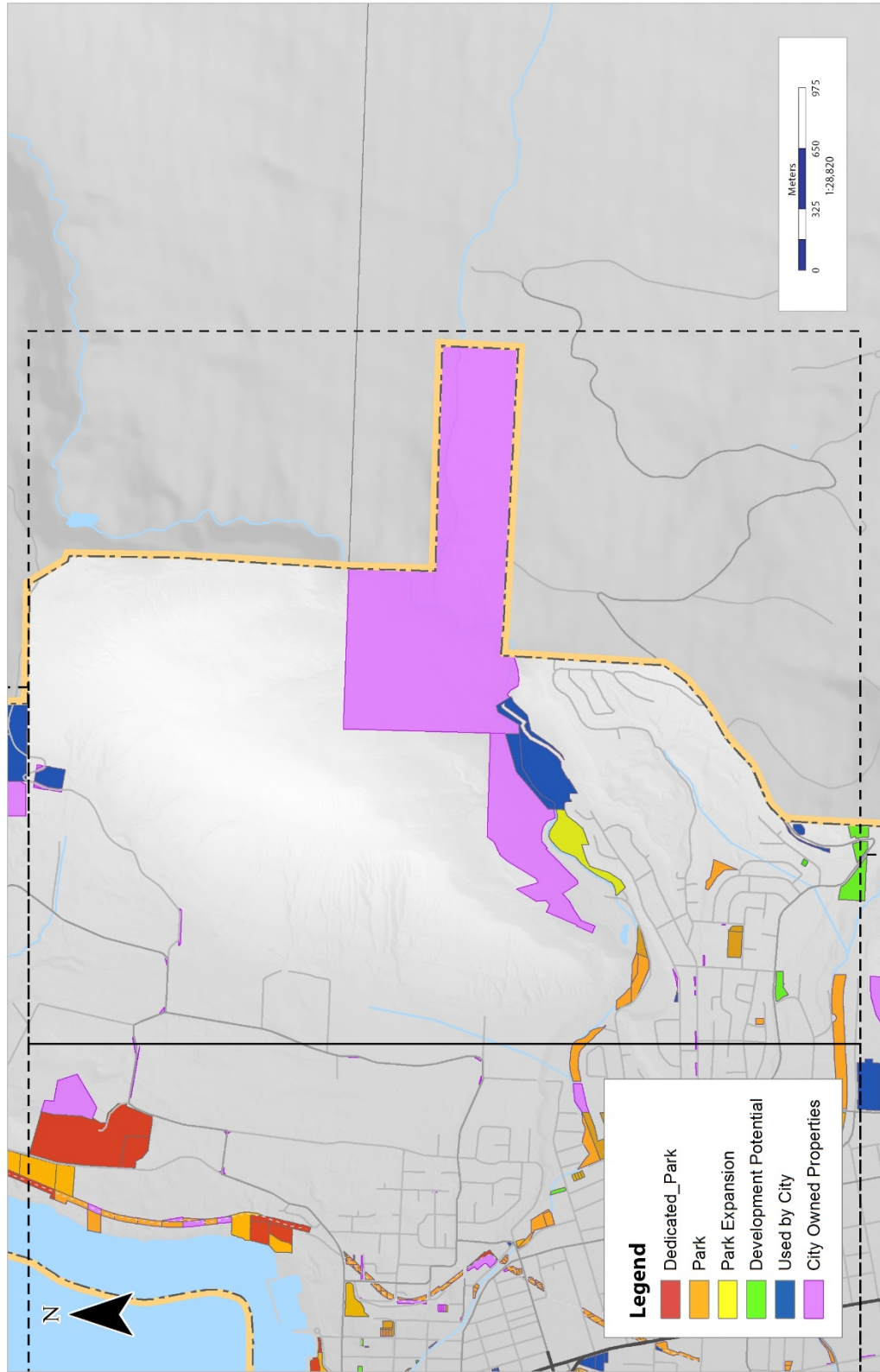
Attachment B

City Owned Land - Mapbook B-3



Attachment B

City Owned Land - Mapbook B-4



Legend

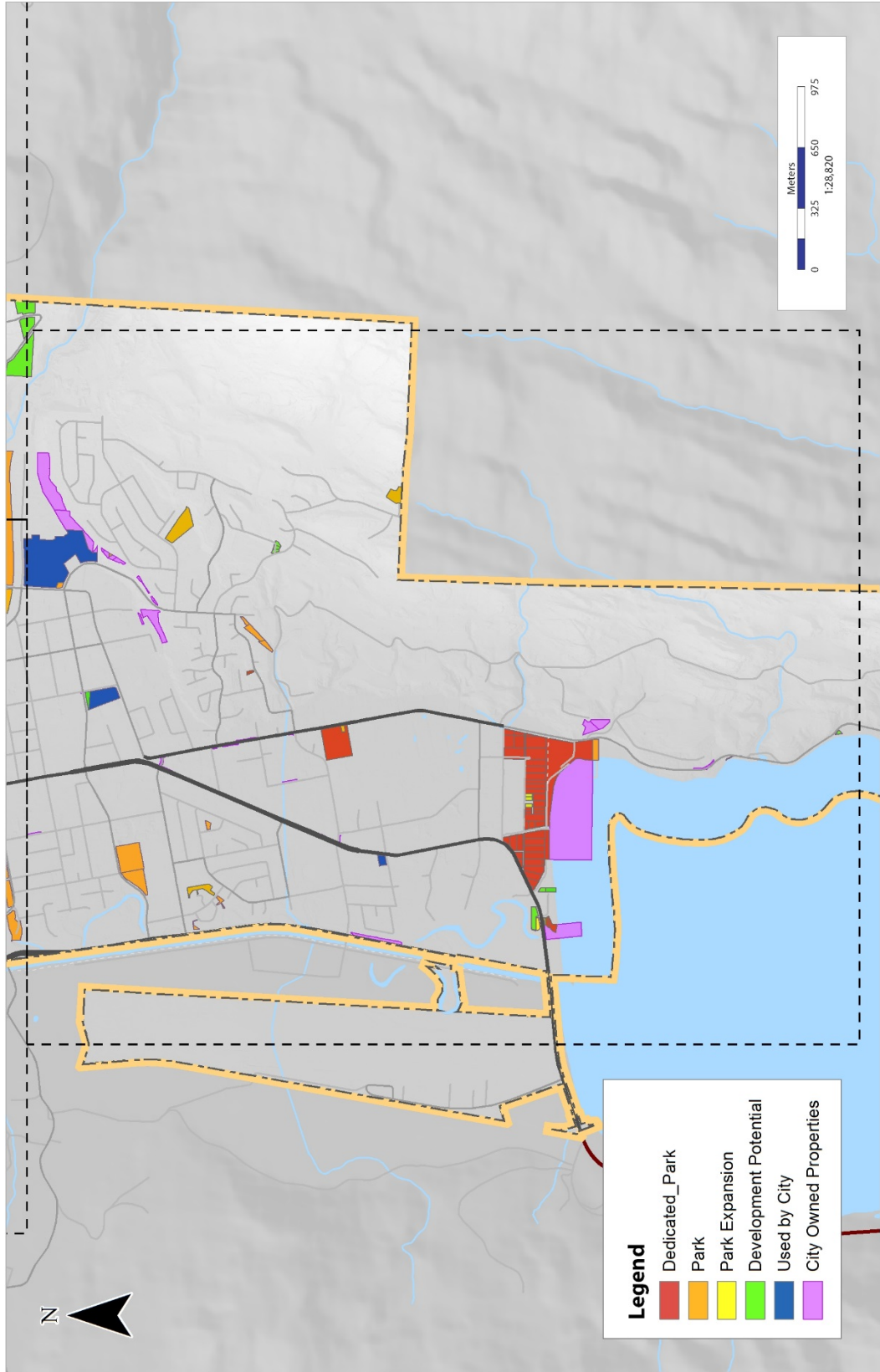
- Dedicated_Park
- Park
- Park Expansion
- Development Potential
- Used by City
- City Owned Properties



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Attachment B

City Owned Land - Mapbook B-5



Legend

- Dedicated_Park
- Park
- Park Expansion
- Development Potential
- Used by City
- City Owned Properties

Bylaw No. 2017-59

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2017-59".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 8, Block 29, District Lot 202, Similkameen Division Yale District Plan 479, located at 342 Van Horne Street, and the north ½ of Lot 9, Block 29, District Lot 202, Similkameen Division Yale District Plan 479, located at 346 Van Horne Street from RD2 (Duplex Housing: Lane) to RM5 (Urban Residential).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	5	day of	September, 2017
A PUBLIC HEARING was held this	19	day of	September, 2017
READ A SECOND time this	19	day of	September, 2017
READ A THIRD time this	19	day of	September, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 8 day of September, 2017 and the 13 day of September, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 342/346 Van Horne Street

From RD2 (Duplex Housing: Lane) to RM5 (Urban Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-59

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2017-80

A bylaw to name roads in the City of Penticton

BE IT RESOLVED THAT the Municipal Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This Bylaw may be cited as "Street Naming (The Ridge) Bylaw No. 2017-80".

2. Purpose:

i. That the City of Penticton name the new roads created by the subdivision of Lot 1, District Lot 2710, Similkameen Division Yale District, Plan KAP21103, located at 1830 Ridgedale Drive (The Ridge), the following names as shown on Schedule "A":

- "Antler Drive";
- "Deer Crescent";
- "Elk Street";
- "Fawn Court".

ii. Schedule "A" attached hereto forms part of this bylaw.

READ A FIRST time this 19 day of December, 2017

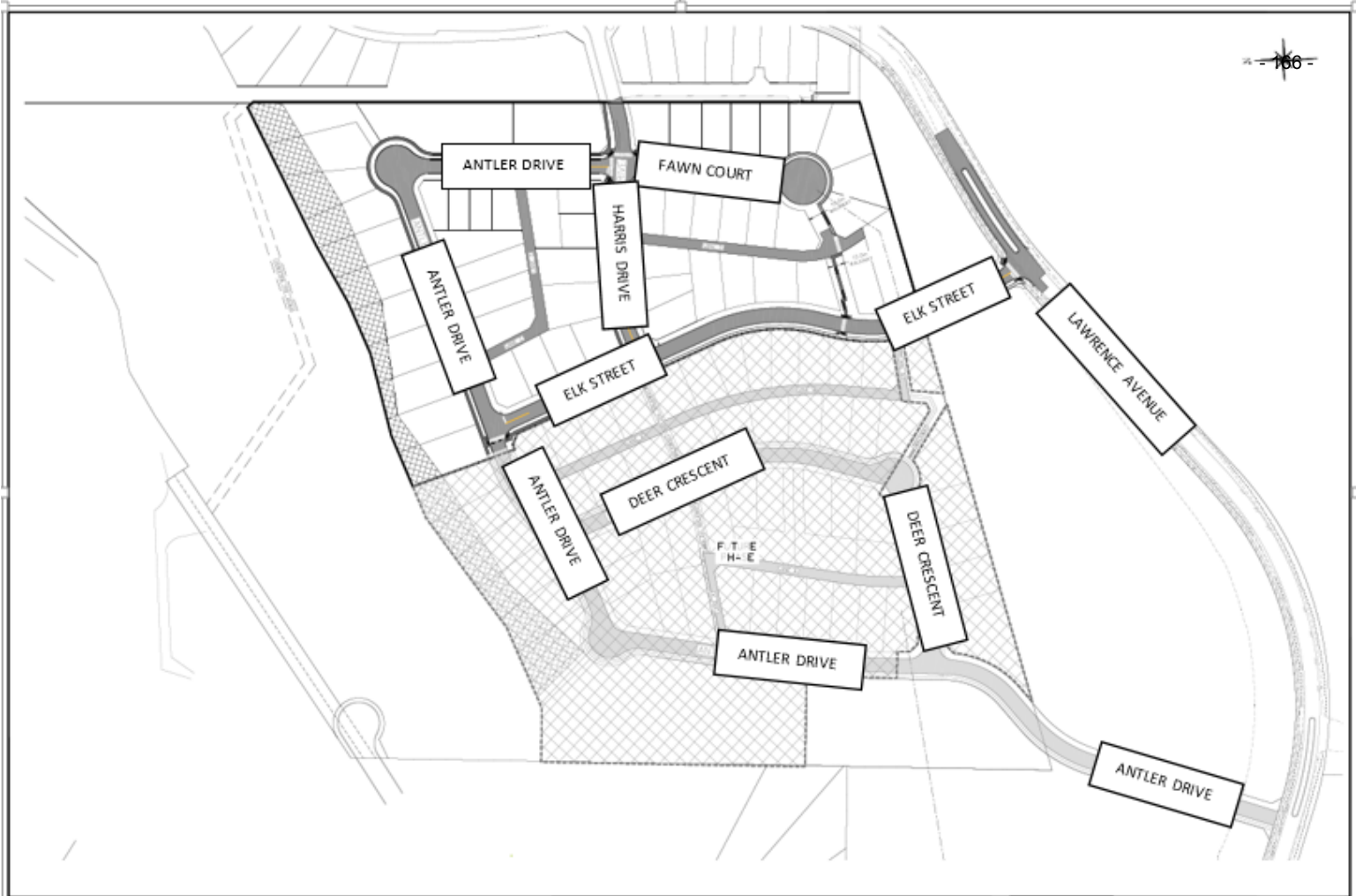
READ A SECOND time this 19 day of December, 2017

READ A THIRD time this 19 day of December, 2017

ADOPTED this day of , 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer



PROJECT NO. 17-001 DATE 01/11/17 SHEET NO. 01 OF 01	CITY OF PENTICTON ENGINEERING DEPARTMENT THE RIDGE - PHASE I CIVIL ENGINEERING	
--------------------------------------------------------------	-------------------------------------------------------------------------------------------------------	--

City of Penticton – Schedule ‘A’

Street Naming (The Ridge) Bylaw No. 2017-80

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 249 & 257 Scott Avenue

File No: DVP PL2017-8115

Subject: Development Variance Permit PL2017-8115

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-8115" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 16905, located at 249 Scott Avenue and for Parcel B (Plan B837) of Lot 3 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 582, located at 257 Scott Avenue, a permit to waive the visitor parking requirements and to reduce the minimum amenity space from 20m² to 0m²;

AND THAT approval of "Development Variance Permit PL2017-8115" be conditional on the following:

- That the developer entering into a Housing Agreement with the City of Penticton requiring participation in the South Okanagan Brain Injury Society (SOSBIS) landlord partnership program or other eligible similar program for four units within the building for a minimum of 20 years;
- That the two lots be consolidated;

AND THAT staff be directed to prepare a Housing Agreement Bylaw for the subject property;

AND FURTHER THAT staff be directed to issue "Development Variance Permit PL2017-8115" after registration of the Housing Agreement.

Background

The subject properties (Attachment A) are zoned RM3 (Medium Density Multiple Housing) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment E. A 48-unit apartment is constructed on the subject lands. The surrounding properties are zoned RD1 (Duplex Housing), RM2 (Low Density Multiple Housing). Surrounding properties are similarly designated by the OCP as MR (Medium Density Residential).

The owner has been in discussion with the South Okanagan Similkameen Brain Injury Society (SOSBINS) and has entered into their landlord partnership program where private market landlords provide units within their buildings for persons from the 100 Homes Penticton supportive housing registry. The persons on the registry are those with life situations that make them vulnerable to homelessness (low income, disability, recovering from addictions etc). The owner wishes to create four additional apartment units in the

apartment for the landlord partnership program by infilling part of the underutilized parking lot. This is seen as a low cost and low impact way to add additional units to the building and the city’s rental stock.

The owner of the apartment building has been fixing the building up since purchasing the property approximately five years ago. The building has never had any vacancies in that time and there is strong demand for units as they become available. The new suites will be located on the ground floor of the building, integrated into the parking area as shown in the images attached as Attachment E of the report. Each suite is intended to have windows and doors into the central parking area and will be desirable studio units, according to the owner of the building.

Proposal

The applicant is proposing to convert eight parking spaces into four bachelor-suites. To do so, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 6.5 (Table 6.5): to waive the visitor parking requirements.
- Section 10.9.3.1: to reduce the minimum amenity space from 20.0m² per unit to 0m².

Financial implication

As the developer is prepared to enter into a housing agreement with the City of Penticton for four units in the building to provide housing for individuals at risk of homelessness, the Development Cost Charge Reduction Bylaw provides for a 100% reduction of the applicable DCCs (\$5,548 per unit X 4 = \$22,192).

Technical Review

This application was forwarded to the City’s Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Servicing and technical requirements have been identified and will be addressed at the building permit stage. If the requests for the variances are supported, BC Building Code and City bylaw provisions will apply.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the variance application:

Item	Requirement RM3 zone	Proposed
Maximum Density:	1.6 FAR	1.6 FAR
Vehicle Parking:	-1 space per dwelling unit (52) + 0.25 per unit for visitors (13) = 65 required	52 spaces (variance required for 13 visitor spaces)
Amenity Area:	20m ² per unit	0m ² (variance required)
Other Information:	- The subject property is located within the General Multiple Family Development Permit Area, thus a development permit is required, which is staff-issuable.- The setbacks and building height do not apply as the construction will occur within the existing building footprint.	

Analysis

Support Variance

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 6.5 (Table 6.5): to waive the visitor parking requirements.

- The building currently has 54 parking spaces for 48 dwelling units. Eight of those parking spaces are proposed to be converted to four dwelling units. The developer is prepared to reconfigure the existing parking layout to create 52 parking spaces for 52 dwelling units so that every dwelling unit is provided with one vehicle parking space. The developer is required to provide 0.25 spaces per unit for visitor parking for a total of 13 additional spaces. The variance before Council is to waive the visitor parking requirements.
- In the letter of intent submitted with the application, the building owner states that the parking spaces within the development are currently underutilized. Visitors to the building generally park on the street and many of the tenants do not drive vehicles. The owner has also stated that he does not charge for parking. Parking is free for tenants and is still underused. This has led to the opportunity to infill part of the parking for the new units and for a basketball court.
- Furthermore, the developer has agreed to enter into a housing agreement with the City to set aside a total of four units in the building for persons from the supported housing registry. It is anticipated that these residents will not have a vehicle. The apartment is in close proximity to the downtown and transit routes, strengthening the case for the variance request.

Section 10.9.3.1: to reduce the minimum amenity space from 20.0m² per unit to 0.

The developer is adding four units, thus 80m² of amenity space is required. The existing building is non-conforming as it does not meet the current requirement for amenity space. Although the amenity space is minimal, most of the units have decks or some form of amenity area. The buildings are two blocks from Kings Park and in close proximity to the library and museum. For these reasons and given that only four bachelor suites are being added and no amenity space is being removed, it is reasonable to support the variance.

For the reasons listed above, staff are recommending that Council support the variance requests, subject to the registration of the housing agreement.

Deny/Refer Variance

Council may consider that the proposed variance and reduction for visitor parking requirements will negatively affect the neighborhood. If this is the case, Council should deny the variance. The applicant has

advised that visitors to the complex rarely utilize on-site parking and on most occasions use the available on-street parking – as it is available for any member of the public.

Housing Agreement

The provincial *Local Government Act* gives the City the statutory authority to enter into a housing agreement with a developer for the following purposes:

- To restrict the form and tenure of housing units;
- To control the availability of units, including the manner in which the units will be made available to certain persons; and,
- To establish rents and leases that may be charged and how they may be increased over time

In this case, the agreement would require the property owner to have four (4) units dedicated to the supportive housing registry kept by 100 Homes Penticton and managed by the South Okanagan Similkameen Brian Injury Society’s landlord partnership program. The agreement would be adopted as a bylaw. If Council is supportive of the variance permit request, staff will begin preparation of the agreement for Council’s consideration at an upcoming meeting. Entering into the agreement would also qualify the developer to not pay development cost charges for the subject units, if the agreement was a minimum of 20 years in length.

Alternate Recommendations

1. THAT Council support DVP PL2017-8115 with conditions.
2. THAT DVP PL2017-8115 be referred back to staff.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Site Plan
- Attachment E: Photos of Subject Property
- Attachment F: Letter of Intent
- Attachment G: Development Variance Permit PL2017-8115

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

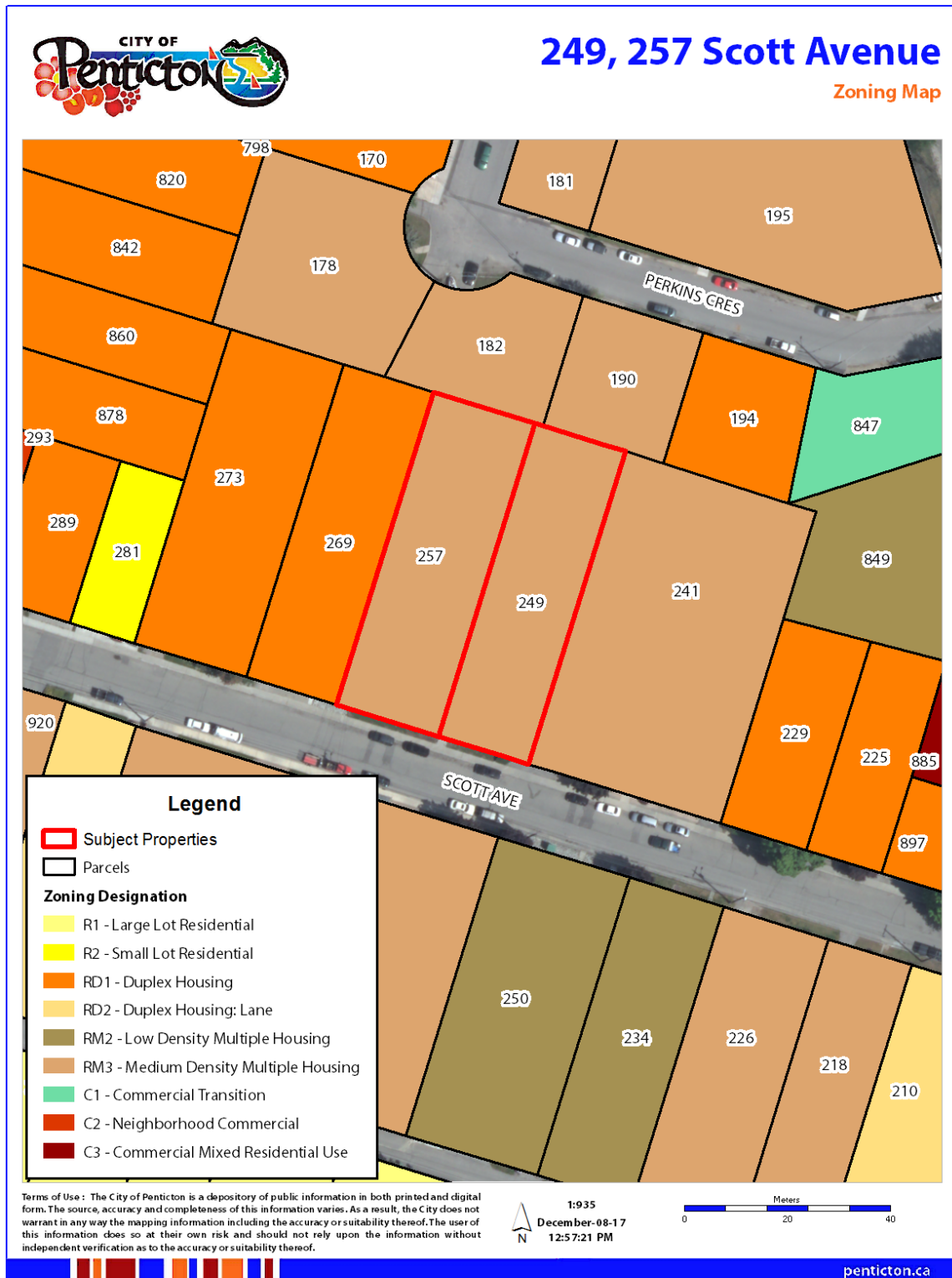


Figure 2: Zoning Map

Attachment C- OCP Map

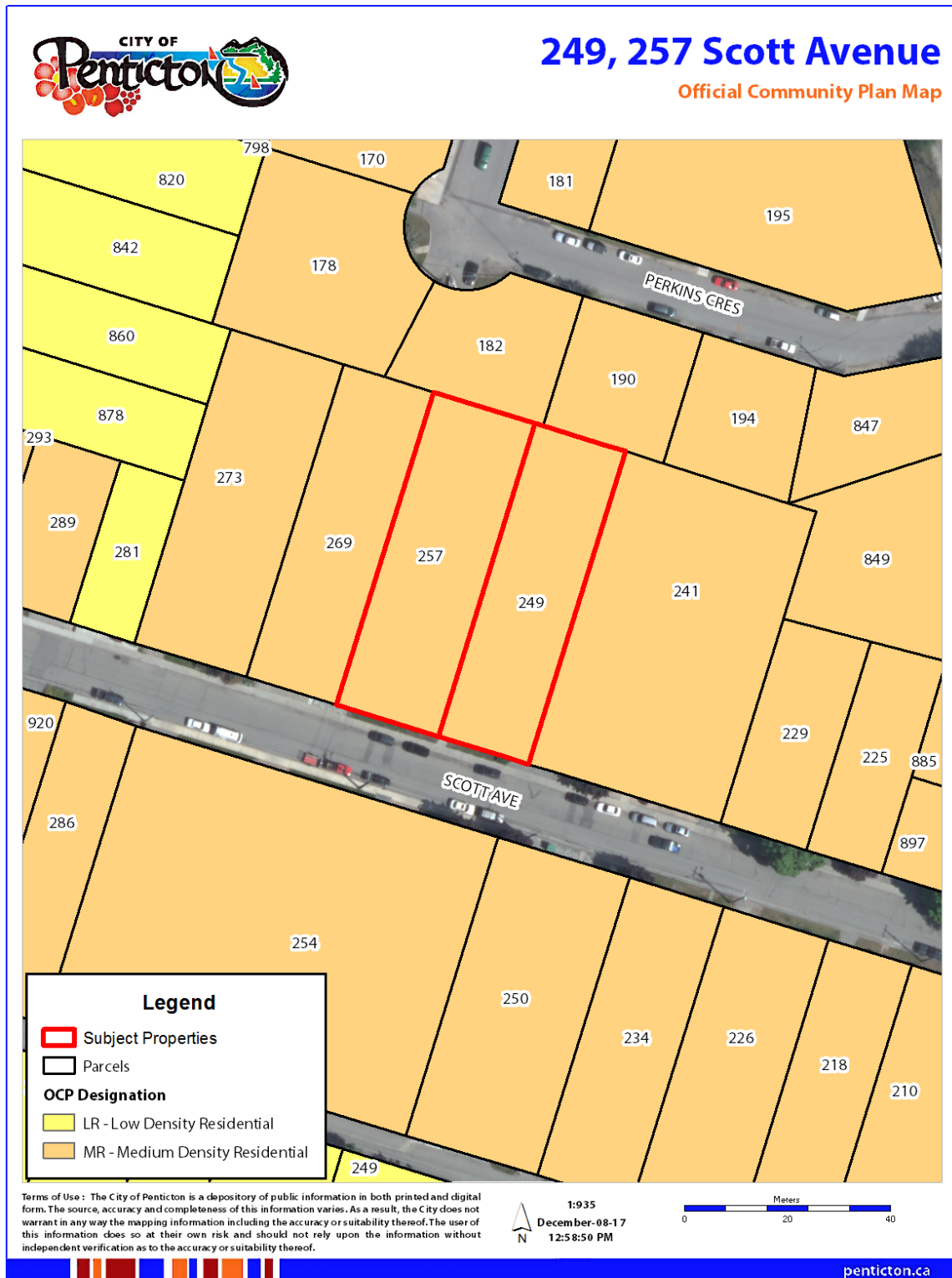


Figure 3: OCP Map

Attachment D – Site Plan

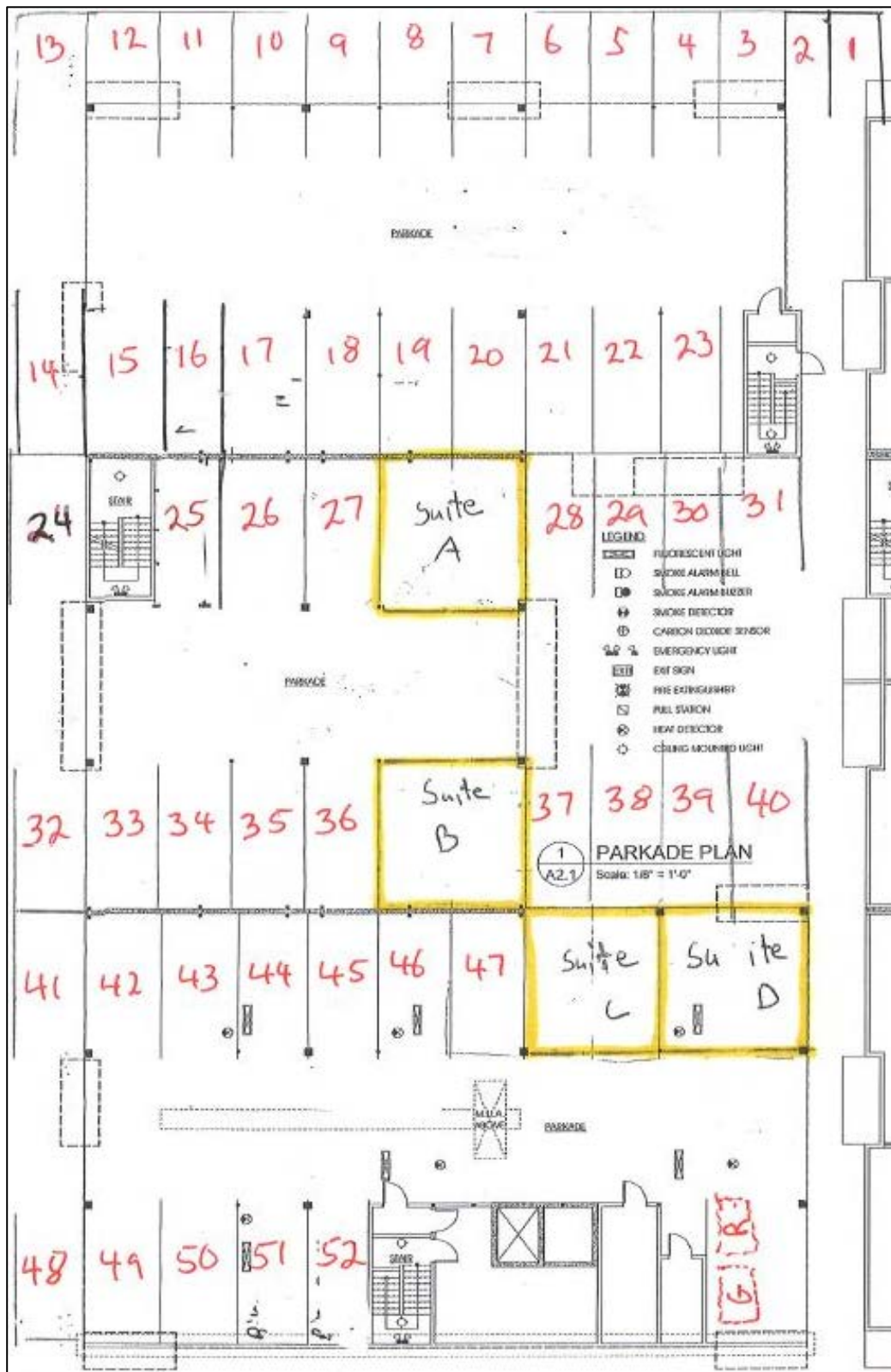


Figure 4: Proposed Site Plan showing conversion of parking spaces to suites

Attachment E – Photos of Subject Property



Figure 5: Proposed Location for Suite A



Figure 6: Proposed Location for Suites B, C and D



Figure 7: Proposed Location for Suites C and D



Figure 8: Bicycle Parking

Attachment F- Letter of Intent

Variance Application for 257 Scott Ave	Jan 18/18
Blake Laven Randy Houle Penticton Planning Department	
Re: Development Variance to allow for Four Additional Ground Level Bachelor Suites	
<p>I am submitting a development variance to allow the construction of Four Ground level accessible bachelor suites. These four suites will bring the total number of suites to 52. The building has 60 parking spaces and will have 52 after the four suites are completed which is one space per suite. I am requesting that the 13 visitor parking spaces that be varied to allow the construction of these suites.</p> <p>I have agreed to enter into a 20-year housing agreement with BC Housing (SOBIS) and the city for four bachelor suites to help alleviate the housing strain at this time. I currently have over 20 tenants in the building without cars and a need for parking. That is a standard demand for parking in my building with its proximity to the downtown core and transit. At current we have over 16 vacant spots and street parking which is used very little.</p> <p>The maximum FAR is 3950.3 <u>sq</u> meters and the proposed FAR is 3938.2 sq. Meters.</p> <p>The following variance requested is the reduction of parking from the required 65 spots (including parking) to 52 and the provision of the required 20 Meter per unit amenity space for the four proposed units by providing a common outdoor basketball area.</p> <p>Yours Truly Jeff McFarland Owner</p>	

Figure 9: Letter of Intent

Attachment G - Development Variance Permit PL2017-8115



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2017-8115

Name:
Address:

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 1 District Lot 250 Similkameen Division Yale District Plan 16905
Civic: 249 Scott Avenue
PID: 008-509-280

Legal: Parcel B (Plan B837) of Lot 3 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 582
Civic: 257 Scott Avenue
PID: 012-193-721
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of four additional bachelor suites.
 - Section 6.5 (Table 6.5): to waive the visitor parking requirements.
 - Section 10.9.3.1: to reduce the minimum required amenity space from 20.0m² per unit to 0.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 6 day of February, 2018.

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 120 Ellis Street (108, 114, 120, 126, and 136 Ellis Street)
Subject: **Development Permit PL2018-8153**

File No: RMS ADDRESS/120 Ellis Street

Staff Recommendation

THAT Council approve "Development Permit PL2018-8153", a permit to for a six (6) storey, 48 unit, residential building with two (2) live work units and ground floor commercial uses on Lots 2 – 6, Bock 12, District Lot 202, Similkameen Division Yale District, Plan 479, located at 120 Ellis Street (108, 114, 120, 126 and 136 Ellis Street);

AND THAT as a condition of approval the five lots are to be consolidated prior to building permit issuance;

AND THAT staff are directed to issue the permit;

AND FURTHER THAT Council with their authority under Section 507 of the *Local Government Act*, dealing with excess and extended services, require the construction of the full width of the lane to tie into the new portion of lane leading from Westminster Avenue.

Strategic Priority

The subject application meets several of Council priorities, including Community Building, Economic Vitality and Environmental Sustainability, by promoting a sustainable form of development in an area with high amenity, a mix of uses and where services already exist.

Background

The subject development lands represent five (5) separate legal parcels. One of the lots features a residential building of deteriorating building stock. The remainder of the lots are vacant and mostly underutilized with some storage and parking uses taking place. The lots all front onto Ellis Street mid-block between Vancouver Avenue and Westminster Avenue and have rear lane access. The portion of lane behind the properties is currently unconstructed.

This is also an area of Penticton's downtown undergoing significant upgrading with underutilized and or vacant lands being redeveloped and repurposed for higher uses. Projects on this portion of Ellis Street that have proceeded in the past four years include: The Cannery Brewery, Mile Zero Wine Bar, Fit Kidz Gymnastics, Hoodoo Adventures and SOTA Industries. These businesses represent several different

industries and have contributed positively to this area of the downtown, bringing many more people to this area of town than in previous times.

The applicants are proposing to develop the lands into a six (6) storey residential building, with 48 apartment suites, two live work units and ground floor commercial. The property is currently zoned to allow the building without any amendments to the zoning bylaw or variances. The property is, however, in a development permit area. Prior to being able to obtain a building permit and begin construction a development permit is required to be issued.

Proposal

The applicants are requesting development permit approval for a six (6) storey, 48 suite residential building with a ground floor commercial unit, lobby and two (2) live work units.

Financial Implications

The estimated construction value for the building is \$15 million dollars. This will result in approximately \$160,000 in building permit fees. The City will also receive approximately \$140,000 in development cost charges (DCCs). The property is located in the downtown economic investment zone. If the project meets eligibility requirements the owners would be eligible for a 10 year tax waiver on all municipal taxes on assessed construction value. They would still be required to pay taxes on the assessed value of the land as well as all RDOS, hospital and school taxes. The estimated benefit to the property over the life of the benefit is \$650,000 (\$65,000 a year), based on 2017 tax rates.

Technical Review

The subject application was reviewed by the Technical Planning Committee (TPC) at their meeting on January 25th, 2018. Several items have been identified as needing to be addressed at later stages of the development process, including a solution on storm water capture, a final design for the off-site lane works and some costing for electrical and servicing works. All of these items will not affect the design of the building and will be addressed prior to building permit issuance.

Staff through their technical review have noted the requirement for works and services beyond the direct responsibility of the property as outlined in the Subdivision and Development Bylaw. Under the bylaw the developers are only responsible to upgrade works and services up to the centre line of the fronting street and lane. In this case though, the developers will need to construct the entire width of the lane and construct the lane beyond their frontage to tie into the lane constructed as part of the Cannery Brewery project. Section 507 of the *Local Government Act* allows for local governments to make a developer pay for and/or install works beyond their direct bylaw responsibility. Staff are recommending that Council pass a resolution requiring these works in this case. The developer has agreed to complete the works at their cost.

In addition, staff note that the subject lands are five (5) separate parcels. Prior to issuance of a building permit, the lands will be required to be consolidated. Staff are recommending that this form part of the Council resolution in support of the project, if Council is of the mind to support the project.

Project Specifications

The proposed building is six (6) storeys in height, with the first floor accommodating the building’s lobby and amenity room, a commercial unit, two (2) live work units and parking accessed from Ellis Street. The second floor accommodates more parking which is accessed from the rear lane. In all, the building features 52 spaces for the 48 units and two live work units. The second floor also features two residential units and the living space of the live work units. Floors three through five offer 12 units a floor with two (2) studio suites, four (4) one bedroom) and six (6) two bedroom units. The top floor offers larger penthouse style units. The top floor of the building is recessed from the other floors reducing the massing of the building and giving larger outdoor spaces for the penthouse units.

The following table provides the development statistics for the building:

	Provided on Plans	Notes
Zone	C6	All proposed uses are permitted by the C6 zone
Parking	52 + loading zone	Only 50 parking spaces are required by the bylaw no parking variances are being requested
Building height	20 m	Bylaw permits a maximum height of 21m
Setbacks	0 m on all sides	No variances required
Density	3.36 Floor Area Ratio	Bylaw permits a FAR up to 6.0
Lot coverage	100%	As permitted by bylaw
Other comments	<ul style="list-style-type: none"> • C6 zone requires dwelling units to be at the second storey or higher • Building is proposing projections from the building as permitted by the bylaw (balconies 	

Consultation

As the plans submitted in support of this application do not require the property to be rezoned and no variances are proposed, the City’s Development Procedures Bylaw does not provide opportunities for public comment on plans prior to consideration by Council. Often developers will conduct their own consultation. In this case, the property owners have been in contact with several of the affected neighbours and have also spoken to the Downtown Penticton Association and the Penticton Chamber of Commerce.

Analysis

Support

The subject property is located in the Downtown Commercial Development Permit Area (DPA). The purpose of the development permit area is to establish objectives for the ‘form and character’ of commercial and

residential development in the downtown and promotes a form of development that contributes to a comfortable, safe and visually appealing public realm. To meet this objective, the City's Official Community Plan outlines guidelines that staff and Council are required to use when considering a development in the DPA.

With regard to buildings, the guidelines encourage buildings of high architectural quality with street facing façade of the building being highly transparent. Building design is encouraged to include architectural detailing to provide interest and break up large massing. Front entrances are to be well defined and provide a focal point to a building. Variety, continuity and pedestrian interest should be expressed in the design of buildings in the DPA, especially at the ground floor.

The building plans submitted with the application show a building of high architectural quality and strong visual interest at the ground level. A commercial store front, building lobby and two live work units add ground floor activity to the street and surveillance of the public realm. The parking podium is well articulated and upper floors feature a mixture of building materials, balconies and large picture windows. It is staff's opinion that the building meets the intent of the guidelines.

Beyond building design the guidelines also speak to "parking and access" and "landscaping and screening". In this case, the building has all of the parking required by Zoning Bylaw 2017-08 and hides the parking well behind the building lobby and commercial unit. Parking is also included on the second floor accessed via a rear lane. Bicycle parking is also included in the design. As the building is built to take up the entire lot, there is no room for traditional landscape buffers. Nevertheless, the developers are proposing significant investment in landscaping in the public realm, including 7 large boulevard trees incorporated into the City's boulevard. There are currently no street trees on Ellis Street.

Staff do note that this building will be significantly taller than any other building on Ellis Street. The height of the building may cause some negative impact on those single and two family houses on Van Horne Street that have looked at a vacant lot until now. Van Horne Street though is designated by the City's Official Community Plan as HR (High Density Residential) and could potentially see construction up to eight (8) storeys in height. Furthermore, the building is being built in line with the zoning, which allows a maximum height of 21 m (roughly 6 – 7 storeys).

Staff would also like to note that the proposed development meets several objectives of the City's downtown plan which placed an emphasis on increasing the City's residential population in the downtown.

Given the above, staff are recommending that Council approve the development permit, subject to the conditions that the lands are consolidated prior to building permit approval.

Deny / Refer

Council may feel that this building does not 'fit-in' with the existing Ellis Street 'form and character' as it will be substantially higher than any other buildings on Ellis Street. If that is the case, Council may deny or refer the application back to staff to work with the developer to better align the plans with local form and

character. Staff do not recommend this course of action as while this building may be larger than others existing on the street *currently*, there are several opportunity sites to the north and south of the subject property that could develop at a similar scale, creating a level of residential density that will support downtown commercial businesses and create the vibrancy envisioned in the City's Downtown Plan.

Alternatives

1. THAT Council deny "Development Permit PL2018-8153".
2. THAT Council refer "Development Permit PL2018-8153" back to staff with instructions to work with the applicant as directed by Council.

Attachments

- Attachment A – Property location map
- Attachment B – Images of Subject Property
- Attachment C – Letter of intent from the architect
- Attachment D – Draft Permit

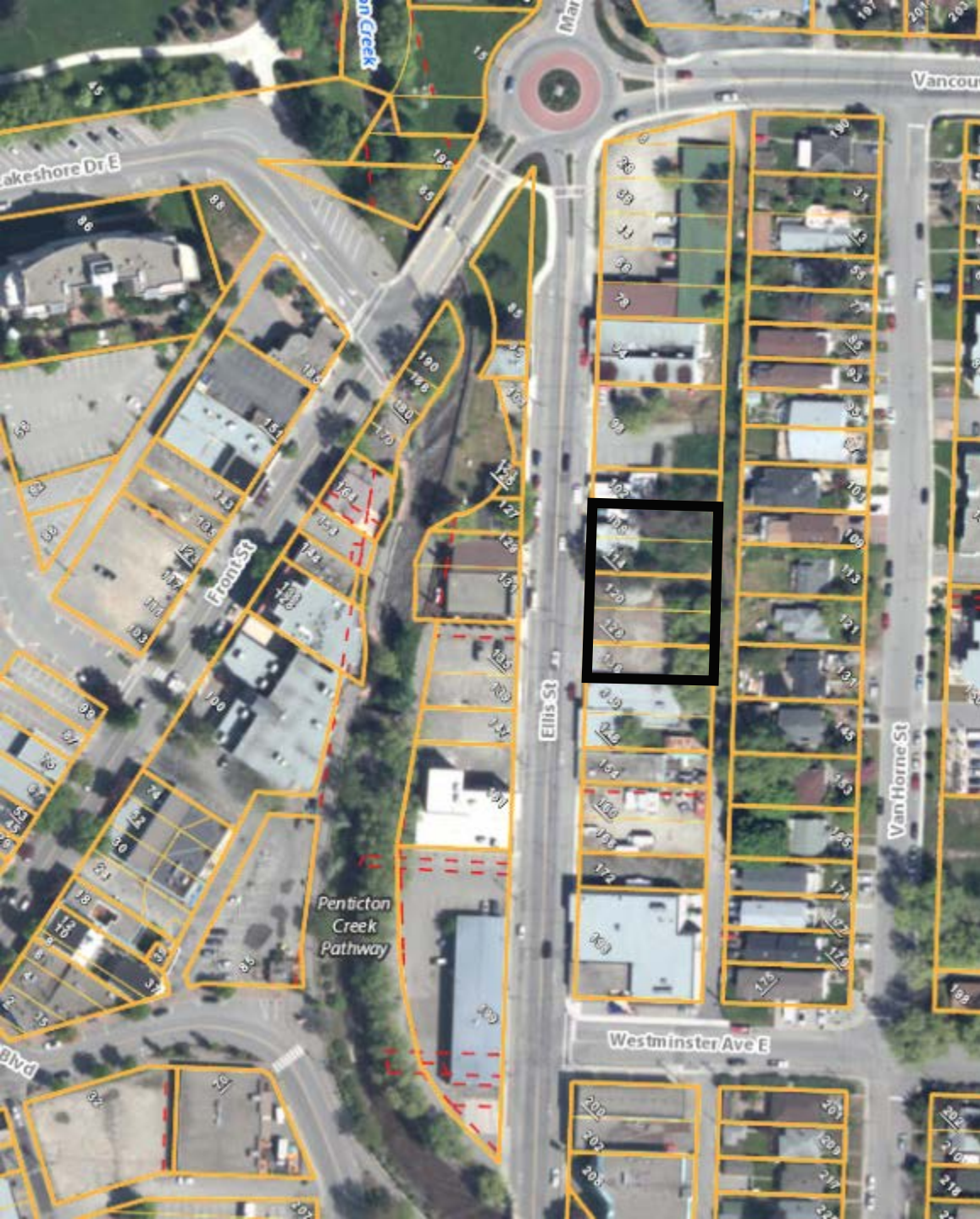
Respectfully submitted

Blake Laven, MCIP, RPP
Planning Manger

Approvals

Director Development Services <i>AL</i>	Chief Administrative Officer PW
------------------------------------------------------	-------------------------------------------

Attachment A
Property Location Map



Attachment B
Images of Subject Property

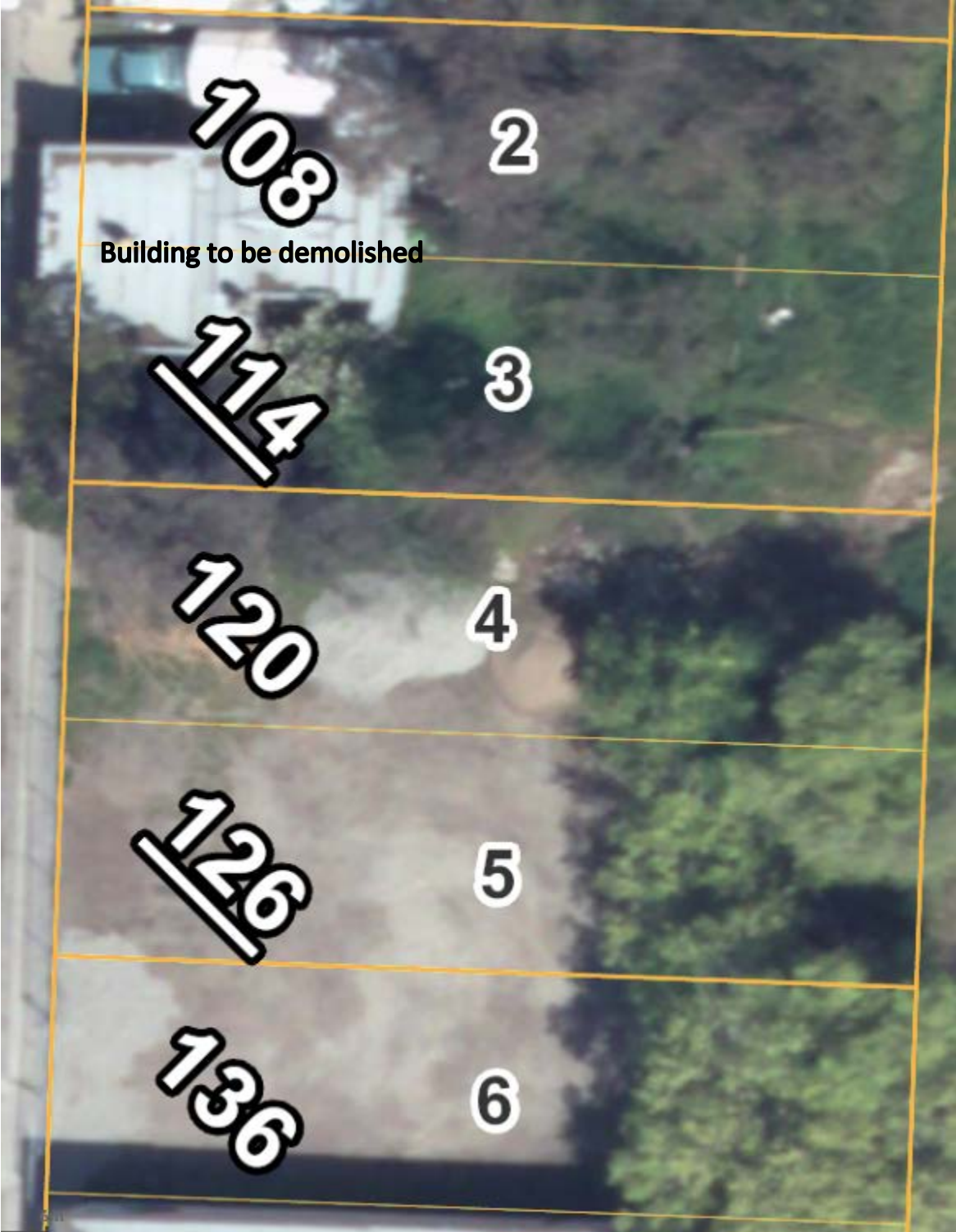


Figure 1: Aerial image of subject property (2017), lots to be consolidated



Figure 2: Subject lots from Ellis Street looking north east



Figure 3: Subject lots from Ellis Street looking south east



Figure 4: Image of unconstructed back lane looking towards paved portion of the lane (south)



Figure 5: Image of back lane from the paved portion to the unconstructed portion (north)

Attachment C
Letter of Intent from Architect



January 30, 2018

Mr. Blake Laven
Senior Planner
City of Penticton
171 Main St
Penticton BC

Dear Mr. Laven,

Re: Ellis St. Mixed Use Development

On behalf of the owners of the above-listed project, we are respectfully submitting a development permit drawing set to facilitate review and approval for a six storey residential complex. The proposed development complies with the requirements of the current C6 site zone and features a two storey brick-clad podium that relates to the street scale context with a strongly modulated four storey residential block above. The four storey block is clad in stucco and metal siding and has large decks supported by expressed metal columns. The West facing decks and a West facing bay on levels four and five overhang the Ellis St. sidewalk by two and three feet respectively to further articulate and provide visual interest to the West facade. The main level of parking is accessed from Ellis St. while the upper level of parking is accessed from the East lane via a paved and heated pad.

We feel that this development will provide needed residential accommodation to the Downtown core and will enhance both the streetscape and vitality of Ellis St.

Zoning Information:

Civic Address: 108, 114, 120, 126, 136 Ellis St.
Zoning: C6
Proposed FAR: 3.36
Permitted F.A.R.: 6.0

Norman L. Goddard, Architect AIBC
Suite 209 212 Main Street Penticton, BC V2A 5B1 norman@goddardarchitecturaltd.com P: 250-488-0580



Proposed/permitted height from average grade: 21.0m

Average grade geodetic: 345.358

Proposed/ required setbacks:

Front yard: 0.0m

Side yard: 0.0m

Rear yard: 0.0m

No. of residential units: 46

No. of work/ live units: 2

No. of commercial units: 1

No. of parking stalls: 52

Thank you for your assistance to date with this project. If you have any questions or require additional information, please do not hesitate to contact our office.

Yours truly,

Norman Goddard
Architect AIBC

Norman L. Goddard, Architect AIBC
Suite 209 212 Main Street Penticton, BC V2A 5B1 norman@goddardarchitectureltd.com P: 250-488-0580

Attachment D
Draft Permit (Development Permit PL2018-013)



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Permit

Permit Number: DP PL2018-8153

Owner Name
Owner Address
Owner Email Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: The consolidation of "Lots 2 – 6, Bock 12, District Lot 202, Similkameen Division Yale District, Plan 479"
Civic: 120 Ellis Street (the consolidation of 108, 114, 120, 126, and 136 Ellis Street)
PIDs: 0112-304-069, 012-304-077, 012-304-093, 012-304-115, 012-304-131
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a six storey, 48 suite, residential building with ground floor commercial and two (2) live work units, as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$10,263,43 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met.

Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

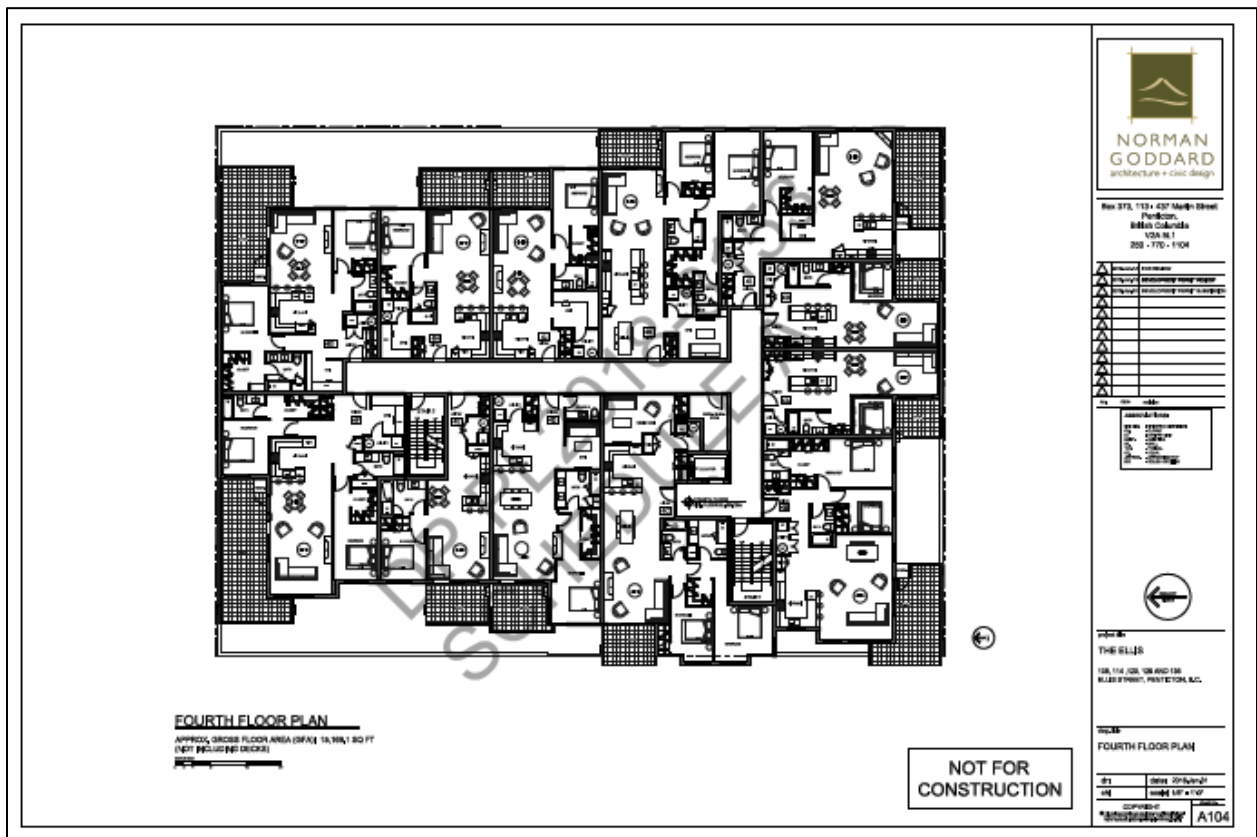
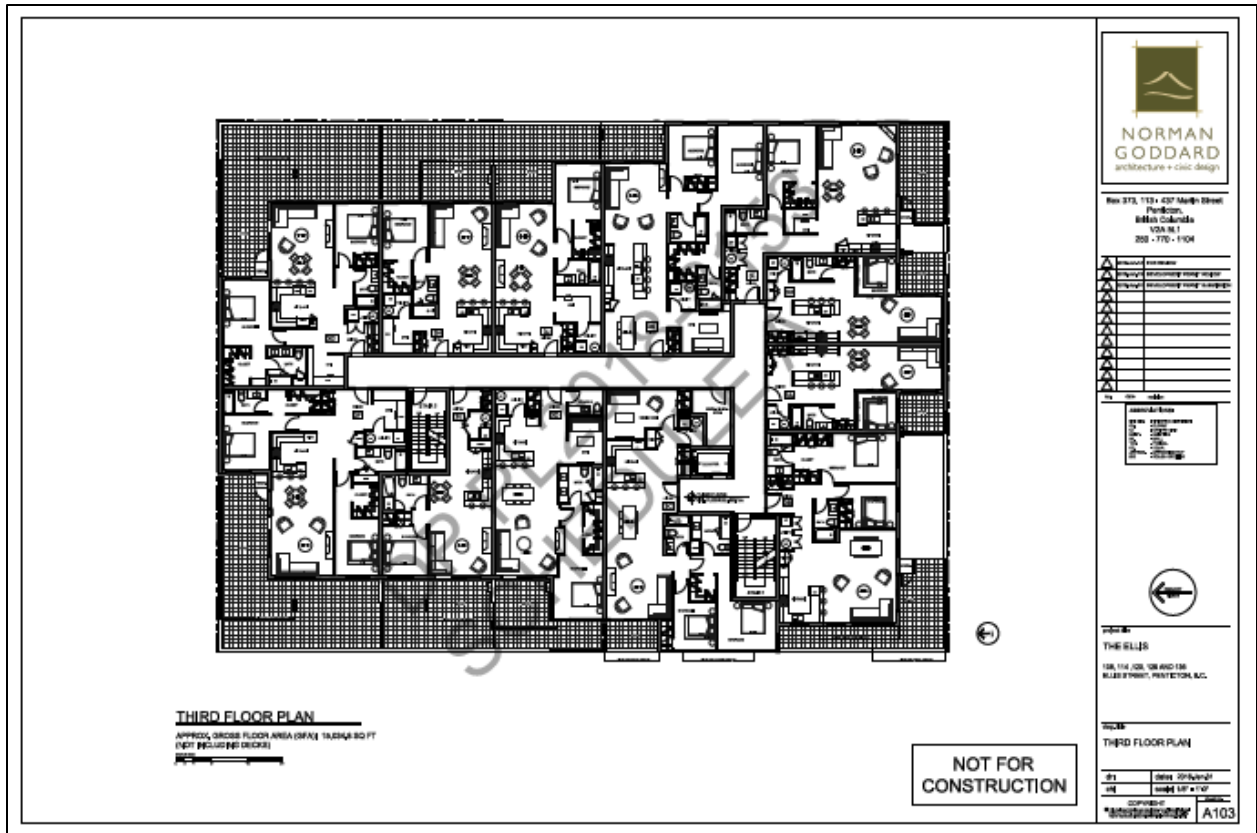
General Conditions

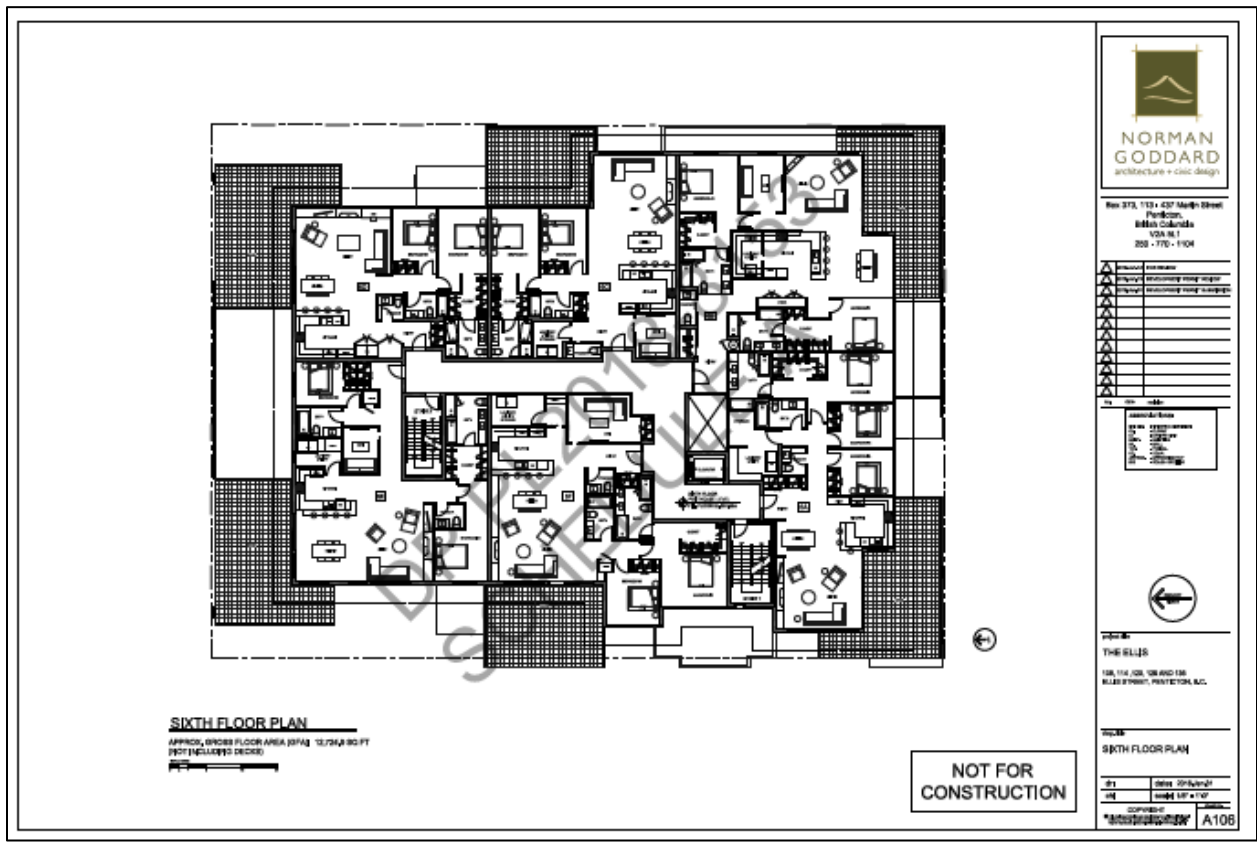
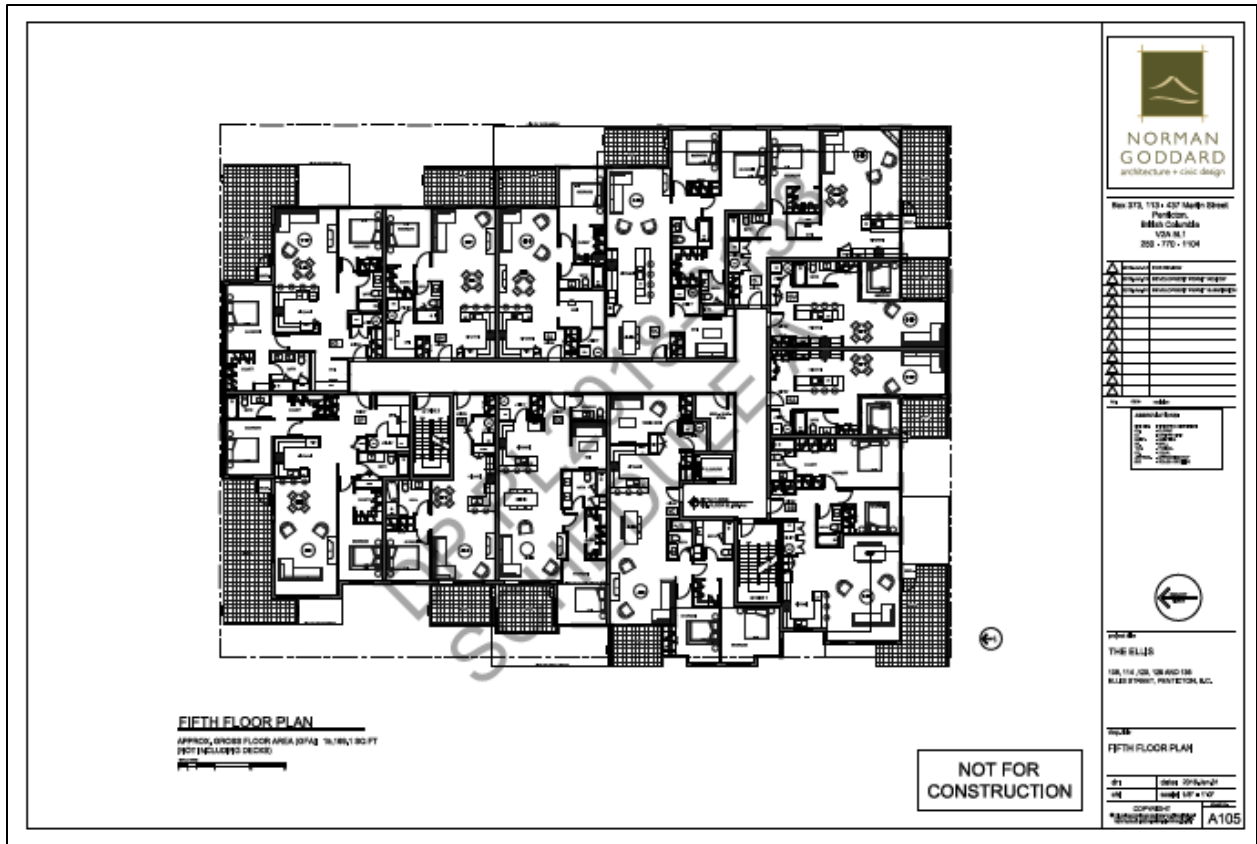
7. Prior to issuance of a building permit, the lots must be consolidated.
8. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
9. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
10. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
11. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
12. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

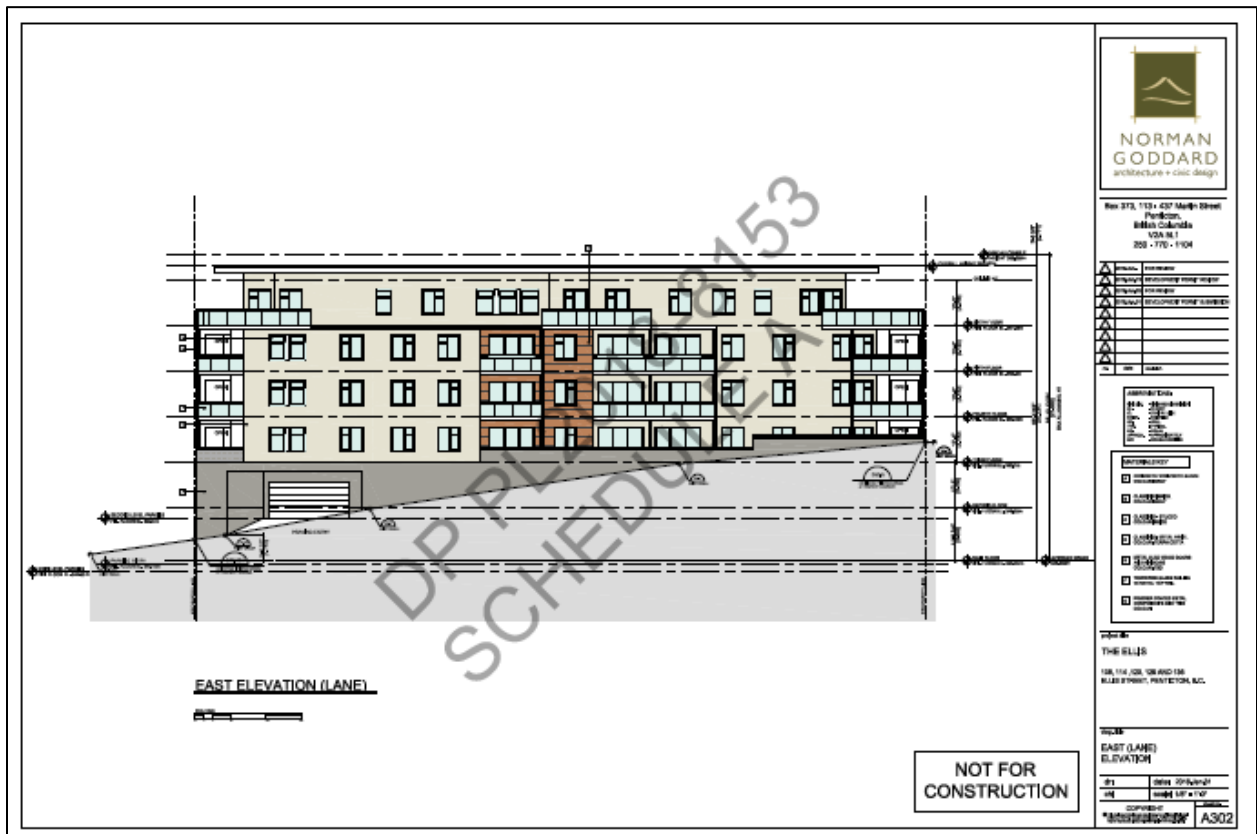
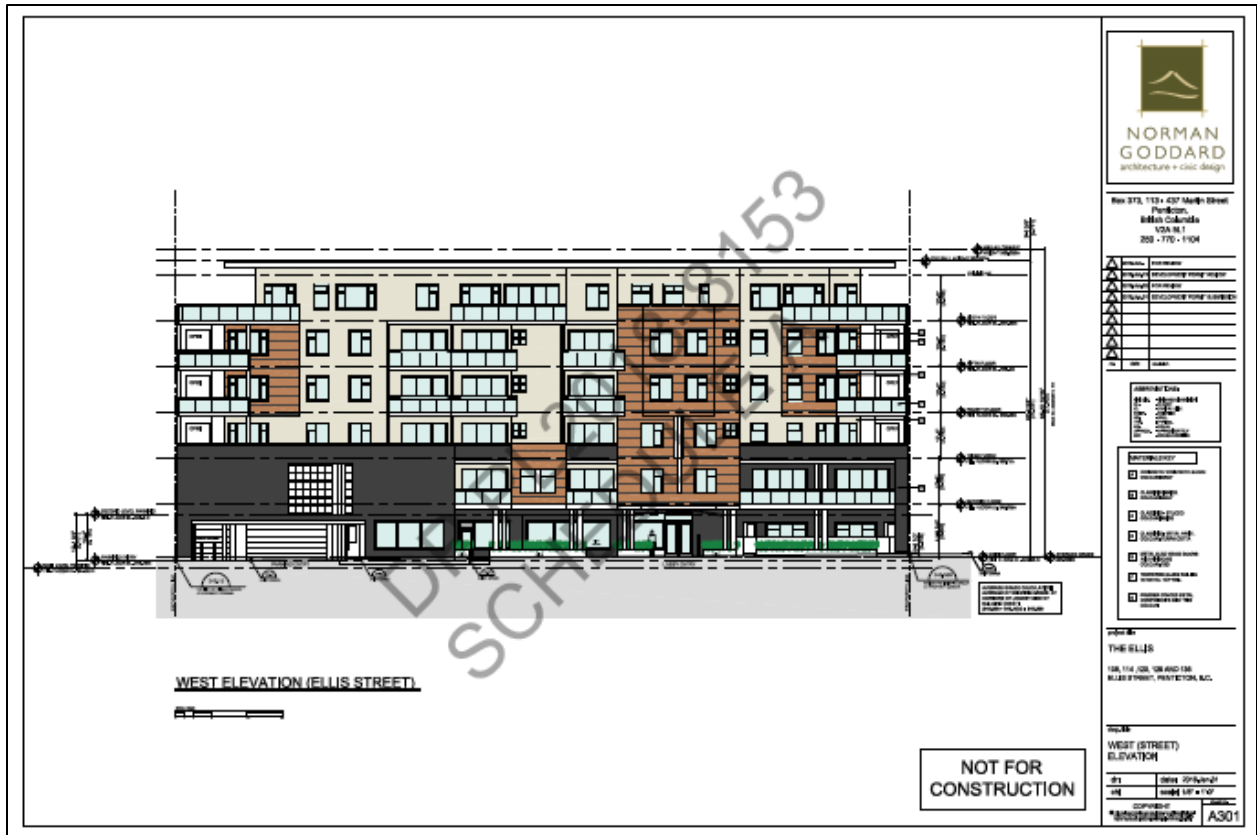
Authorized by City Council, the _____ day of _____, 2018

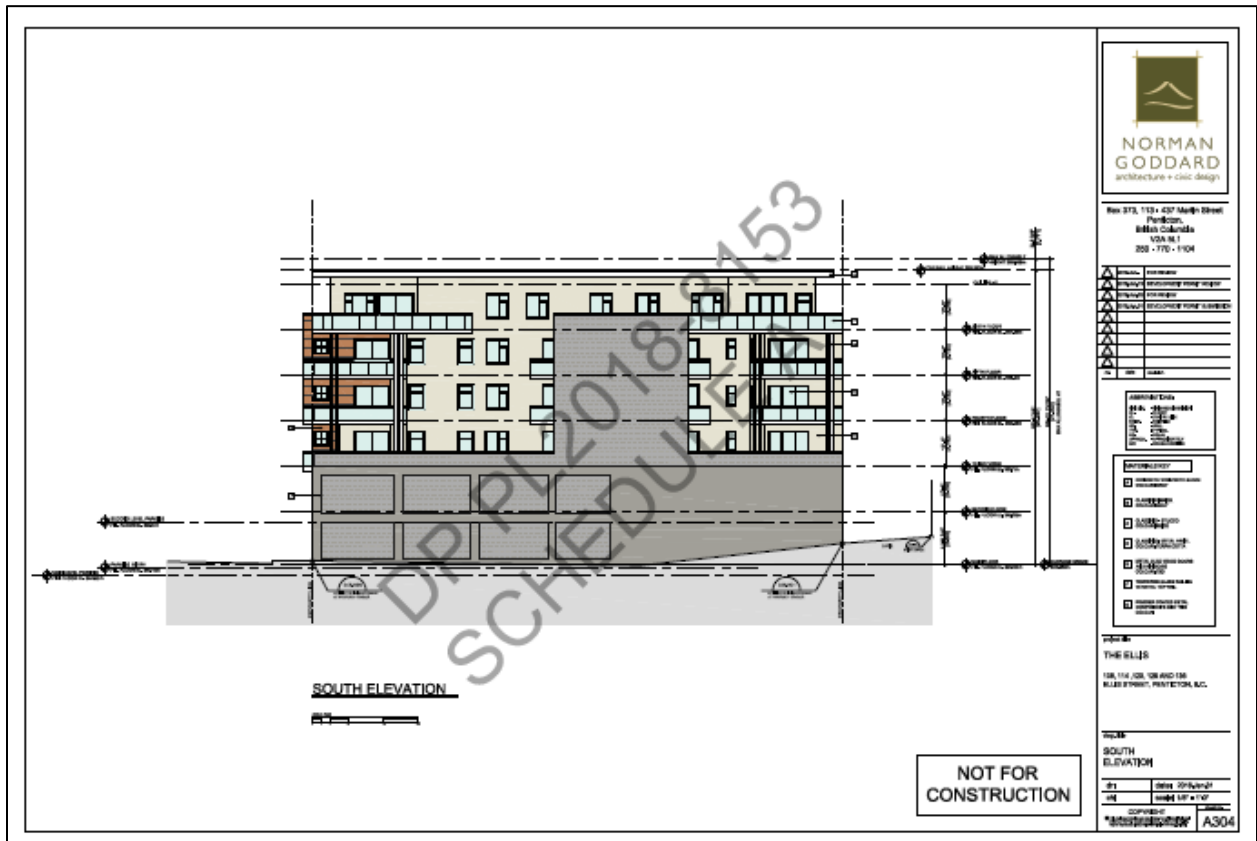
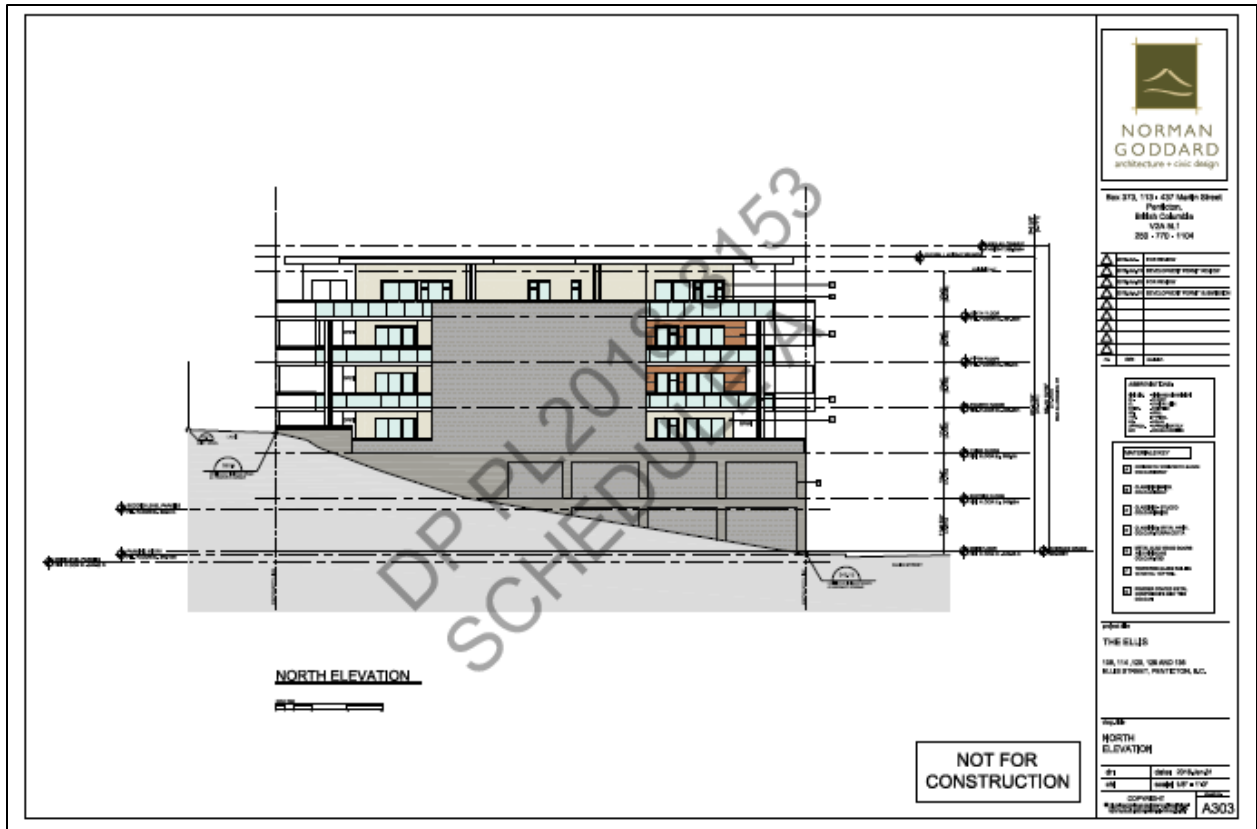
Issued this _____ day of _____, 2018

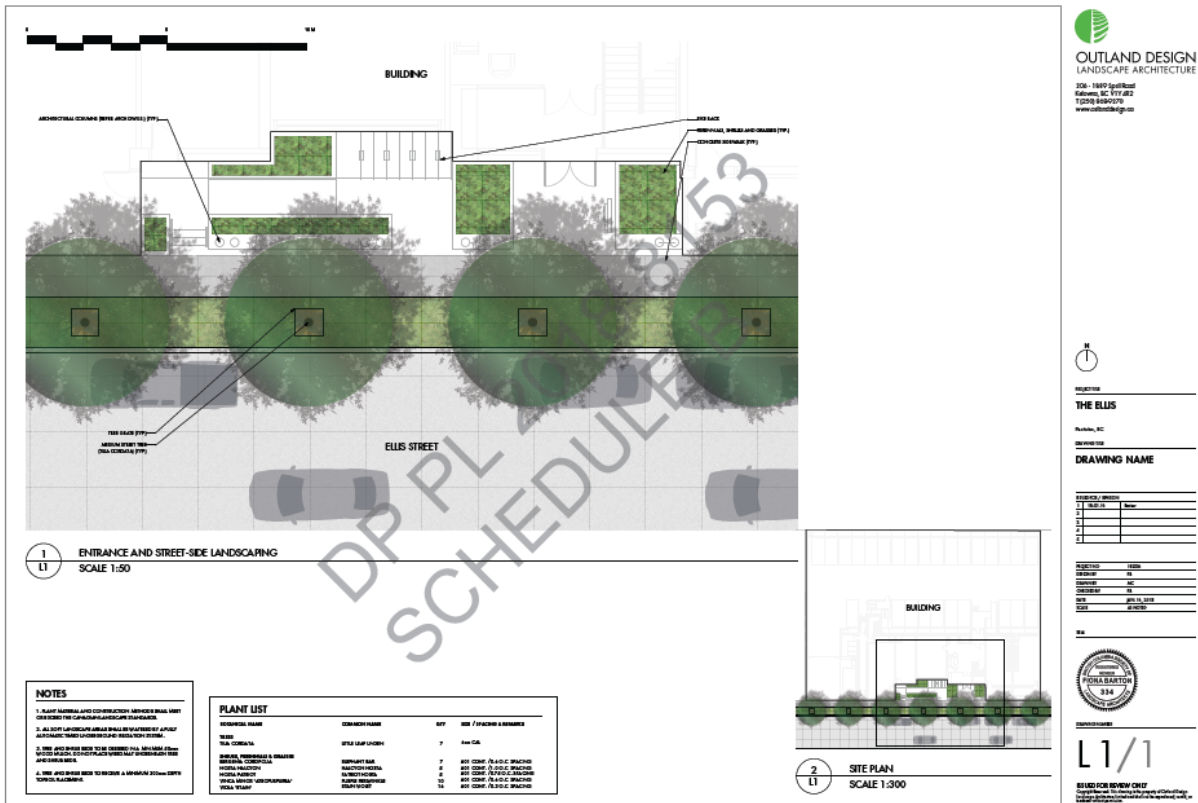
Dana Schmidt,
Corporate Officer











OUTLAND DESIGN
 LANDSCAPE ARCHITECTURE
 328 - 18th Street
 Raleigh, NC 27602
 TEL: 919.883.0770
 www.outlanddesign.com

THE ELIUS
 Raleigh, NC
 DRAWING NAME
DRAWING NAME

NO.	DATE	DESCRIPTION
1	08/15/2018	ISSUED FOR PERMIT
2		
3		
4		



1
L1 ENTRANCE AND STREET-SIDE LANDSCAPING
 SCALE 1:50

2
L1 SITE PLAN
 SCALE 1:300

NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL BE APPROVED BY THE CITY ENGINEER AND THE LANDSCAPE ARCHITECT.
2. ALL PLANT MATERIAL SHALL BE INSTALLED AT THE TIME OF CONSTRUCTION AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AT THE TIME OF CONSTRUCTION AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
4. THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY ENGINEER.

PLANT LIST

PLANT NAME	COMMON NAME	HT	NO. / PLANTING & REMARKS
TRIA CORNUTA	TRIA CORNUTA	7	See CA
SEMI-PALM	SEMI-PALM	7	See COMP. PLANTING SCHEDULE
SEMI-PALM	SEMI-PALM	7	See COMP. PLANTING SCHEDULE
SEMI-PALM	SEMI-PALM	7	See COMP. PLANTING SCHEDULE
SEMI-PALM	SEMI-PALM	7	See COMP. PLANTING SCHEDULE
SEMI-PALM	SEMI-PALM	7	See COMP. PLANTING SCHEDULE
SEMI-PALM	SEMI-PALM	7	See COMP. PLANTING SCHEDULE
SEMI-PALM	SEMI-PALM	7	See COMP. PLANTING SCHEDULE

Council Report

penticton.ca

Date: February 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 799 Martin Street

File Nos: RZ PL2017-8120
DVP PL2017-8121
& DP PL2017-8122

**Subject: Zoning Amendment Bylaw No. 2018-04
Development Variance Permit PL2017-8121
Development Permit PL2017-8122**

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2018-04", a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the February 20, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-04", a 1.0m road dedication along the east property line (Martin Street) is registered with the Land Title Office.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-8120" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit to reduce the minimum north interior side yard of a principal building from 4.5m to 3.9m, to reduce the minimum rear yard from 6.0m to 4.4m and to increase the maximum hard surfacing of a lot from 60% to 71%, be heard at the February 20, 2018 Public Hearing.;

AND THAT Council consider "DVP PL2017-8121" following the adoption of "Zoning Amendment Bylaw No. 2018-04."

Development Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-04," approve "Development Permit PL2017-8122" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit that allows for the construction of a nine-unit townhouse development.

Background

The subject property (Attachment A) is zoned RD1 (Duplex Housing) and designated by the City's Official Community Plan as HR (High Density Residential). Photos of the sites are included as Attachment D. The

subject property is approximately 1,063m² (11,450ft²) and features a single family dwelling to be demolished. The surrounding properties are primarily zoned RD1 (Duplex Housing), RM3 (Medium Density Multiple Housing), R2 (Small Lot Residential) and P1 (Public Assembly). An apartment building neighbours the subject property to the south as well as the west. A Single Family Dwelling exists to the north of the subject property. Surrounding properties are designated by the OCP as HR (High Density Residential) and A (Administration/Institutional).

Proposal

The applicant is proposing to construct three 3-unit townhouses for a total of nine new units. Since townhouses are not permitted in the RD1 (Duplex Housing) zone, a rezoning to RM3 (Medium Density Multiple Housing) is required.

Secondly, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.9.2.7.i: to reduce the minimum north interior side yard from 4.5m to 3.9m.
- Section 10.9.2.8: to reduce the minimum rear yard from 6.0m to 4.4m.
- Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 71%.

Lastly, the property is located within the High Density Development Permit area and requires approval for the form and character of the proposed development and to address landscaping requirements.

Financial implication

The City will receive Development Cost Charges from the developer at a rate of \$5,548 per dwelling unit for a total of \$49,932 in addition to the building permit fees, based on the cost of construction.

Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. Since the applicant is proposing new vehicular access into the property, the existing sidewalk letdown is required to be re-instated and a new let-down is to be installed at the cost of the developer. The location of this proposed accessed has been reviewed and accepted by the engineering department. It has been determined that a 1.0m road widening along the east boundary of the subject property will help to achieve the ultimate desired 20.0m width of Martin Street. Servicing upgrades will be required based on fixture counts. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement RM3 zone	Proposed
Maximum Lot Coverage:	50%	42%

Maximum Density:	1.6 FAR	1.03 FAR
Minimum Lot Width:	25.0m	19.157m* (see below)
Minimum Lot Area:	1,400m ²	1,063m ² * (see below)
Vehicle Parking:	1 space per dwelling unit + 0.25 per unit for visitors (11 total)	11 spaces
Required Setbacks		
Front yard (east, Martin Street):	3.0m + (1.0m widening) = 4.0m	4.1m
Rear yard (west):	6.0m	4.4m (variance required)
Interior yard (north):	4.5m	3.96m (variance required)
Interior yard (south):	4.5m	4.9m
Maximum Building Height:	24.0m	10.2m
Amenity Area:	20m ² per unit (180m ² total)	180m ² +
Maximum Hard Surfacing	60%	71% (variance required)
Other Information:	<p>- The subject property is located within the High Density Multiple Family Development Permit Area, thus a development permit is required.</p> <p>- *The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</p>	

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2018-04"

The OCP designation for this site is HR (High Density Residential), which supports the proposed development. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to downtown, schools, and nearby services, including the Public Library & Museum, encourages more walking and active forms of transportation.
- The current proposal will add nine units to the housing stock in a central location.
- Each of the proposed nine units will have two or three bedrooms, thus providing opportunities for families to live in the downtown, close to services and amenities.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The number of parking spaces for the proposed development meets the requirements of the

zoning bylaw. The height (10.2m) and lot coverage (42%) are much less than 24.0m height and 50% lot coverage permitted in the RM3 zone, thus reducing the negative impacts on the surrounding neighbourhood. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-04" and forward the application to the February 20, 2018 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain as it to construct a duplex. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Development Variance Permit

Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 10.9.2.7.i: to reduce the minimum north interior side yard from 4.5m to 3.9m.

- The required setback for an interior yard in the RM3 (Medium Density Residential) zone is 4.5m. The developer is proposing a variance to 3.96m. This will allow the developer to construct sizeable units with a wide enough driveway on the south side to accommodate vehicle access into the development. The developer has provided the required number of trees and shrubs in the landscape buffer area and has proposed a 6ft high privacy fence to help limit the negative impacts that may result from the added density. It appears as if there are balconies on the second storey of the proposed development but these do not protrude from the building façade and are in-fact design features intending on giving the living room an outdoor feel. There will be no second floor balconies facing the adjunct single-family parcel. Overall, staff feel that a 0.6m (2ft) variance to the interior yard is minimal and unlikely to have a significant negative impact on the adjacent neighbour.

Section 10.9.2.8: to reduce the minimum rear yard from 6.0m to 4.4m.

- The developer is proposing to reduce the rear yard setback from 6.0m to 4.4m. The primacy façade of the west portion of the building sits at 5.0m from the property line, with a portion of the upper floor (kitchen and bedrooms) projecting an additional 0.6m. The developer shifted the building 1.0m to the west to accommodate the 1.0m road dedication along Martin Street. The grass amenity space and privacy fencing will act as a buffer from the proposed building and the residences to the west. The apartment to the west is approximately 13.0m from the common property line with a parking lot acting as a buffer to help reduce the negative impacts that the proposed development will have. Staff feel that a 1.6m variance in this case is minimal and recommend support of the application.

Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 71%.

- The developer is proposing to increase the maximum hard surfacing of a lot from 60% to 71%. The maximum hard surfacing requirement is in place to insure storm water measures are followed and for aesthetic purposes. The proposed building lot coverage of 42% is much less than the 50% permitted, with the driveway increasing the hard surfacing to 71%. The developer has landscaped both the front and rear yards with grass and plant species while providing almost triple the required amenity space for the residences. The grass will help to absorb storm water and provide aesthetic value within the development and for the surrounding area. The storm water management will be addressed through the building permit stage to ensure it is all retained on site and does not impact adjacent properties. Given the above, it is reasonable to support the variance.

Staff consider that the variances requested will have little impact on the neighbourhood and recommend that Council, after hearing from any affected neighbours, support the application.

Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the width of the buildings to meet the side and rear setbacks. If this is the case, Council should deny the variances.

Development Permit

Support Development Permit

The subject property is located within the High Density Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although the Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The proposed development meets the intent of the bylaw as explained below:

- The building shape and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The landscape plan features a variety of different plants, flowers and trees.
- The garbage area is screened and hidden from the street.
- The pedestrian walkways provide a pleasant connection to the street.
- The outdoor patio and grass amenity areas will enhance the livability of the units.
- The building features hardie board siding and wood trim with peaked roofs.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-04" and deny support for DVP PL2017-8121 & DP PL2017-8122.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-04" but deny support for DVP PL2017-8121 & DP PL2017-8122.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-04" and support DVP PL2017-8121 & DP PL2017-8122 with conditions that Council feels are appropriate.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site/Landscape Plan
- Attachment F: Elevations
- Attachment G: Proposed Renderings
- Attachment H: Floor Plans
- Attachment I: Letter of Intent
- Attachment J: Development Variance Permit PL2017-8121
- Attachment K: Development Permit PL2017-8122
- Attachment L: Zoning Amendment Bylaw No. 2018-04

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS <i>PH</i>	CAO PW
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Attachment A – Subject Property Location Map

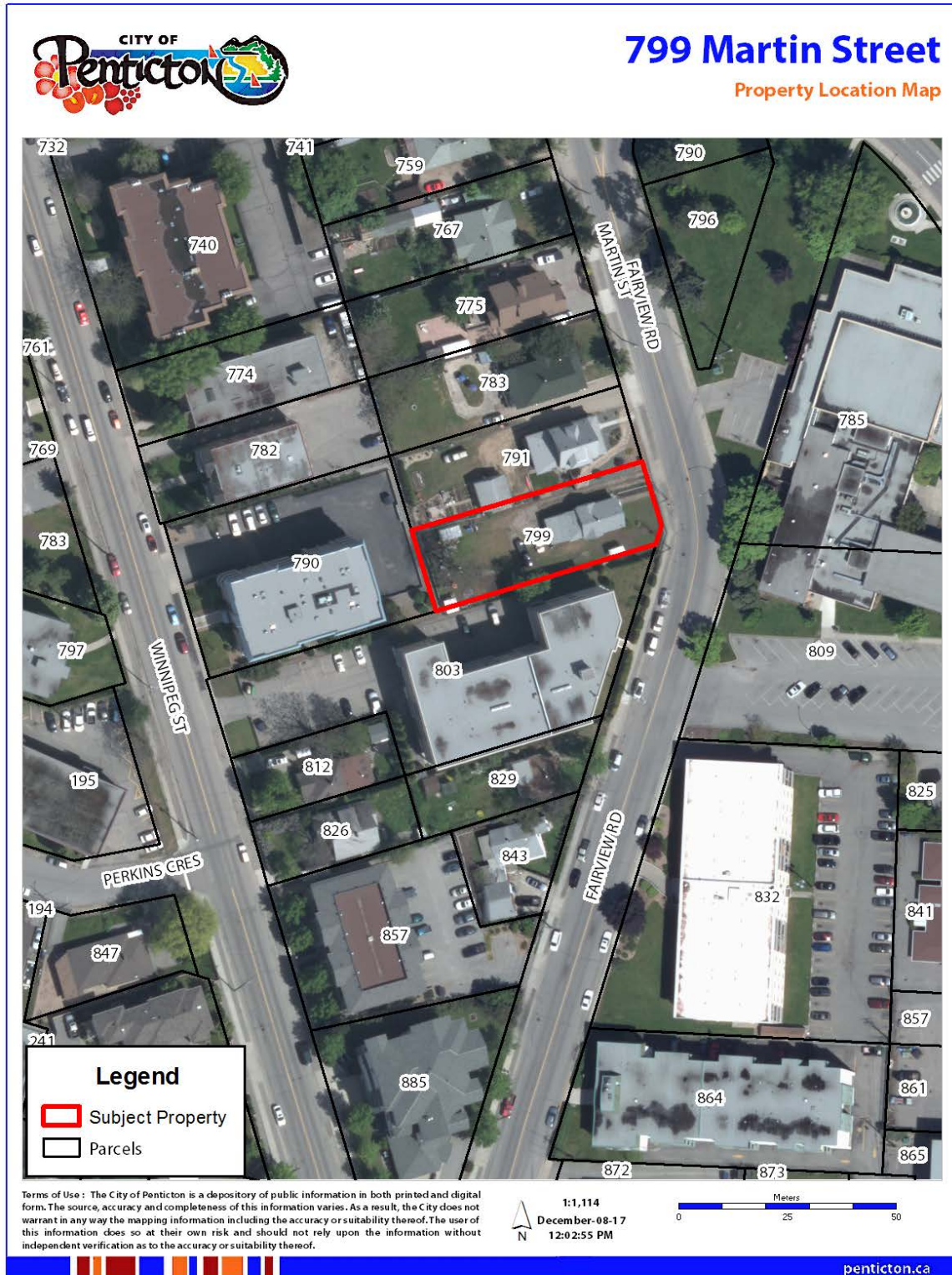


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

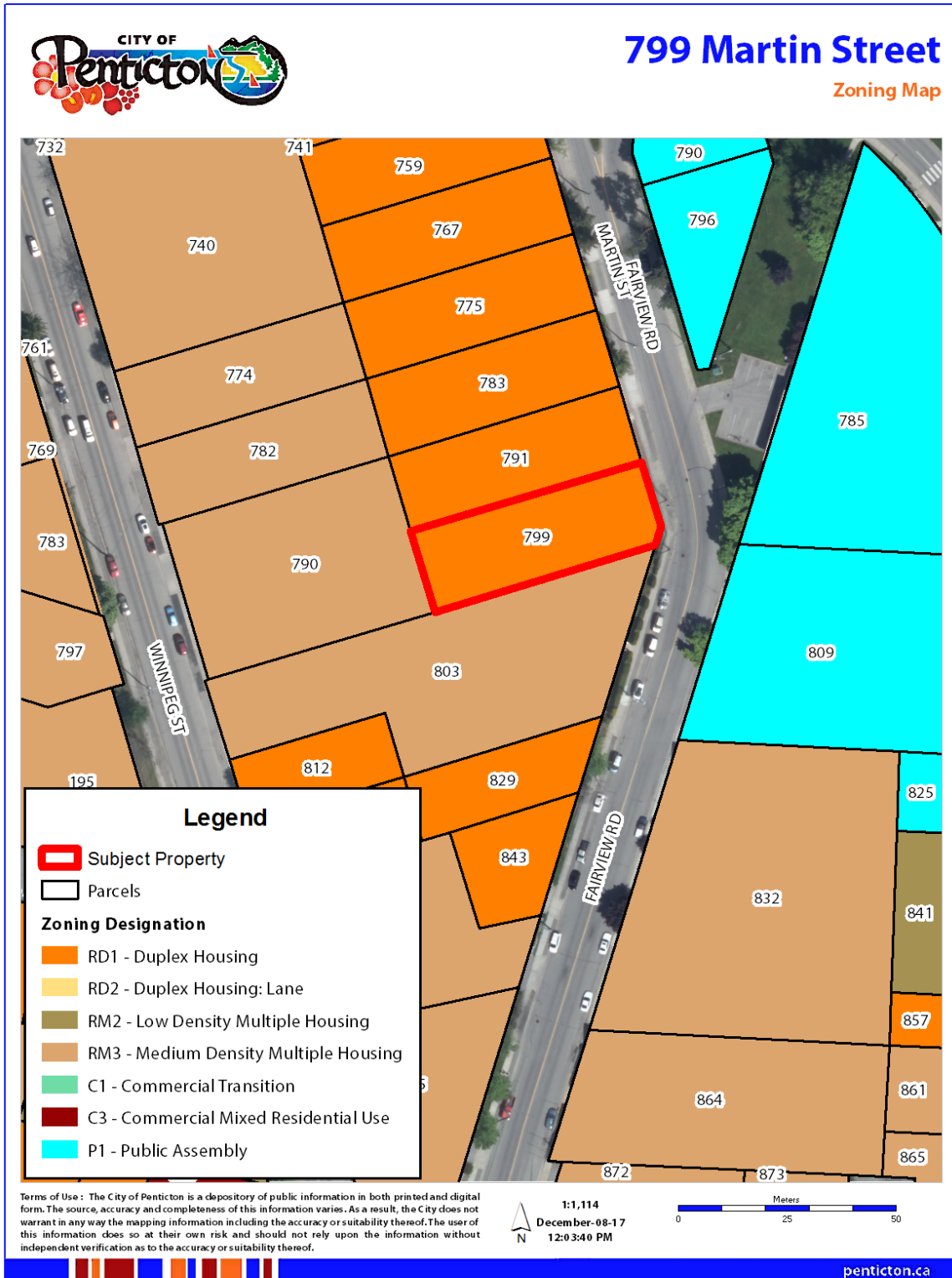


Figure 2: Zoning Map

Attachment C- OCP Map

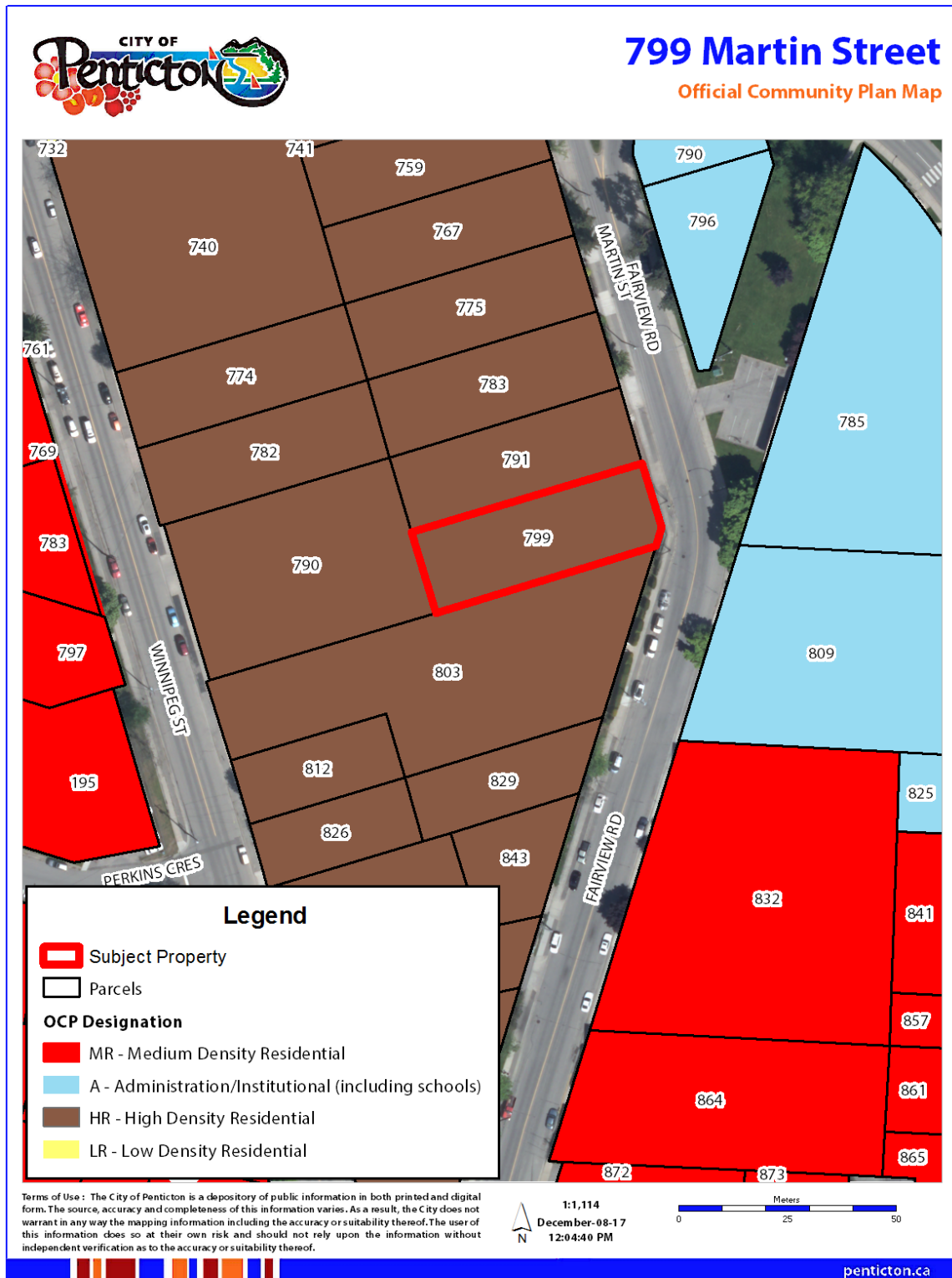


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View of subject property (from Martin Street)



Figure 5: West View of subject property



Figure 6: East View showing proximity to neighbouring apartments to the south



Figure 7: East View showing proximity to neighbouring property to the north

Attachment F – Elevations



Figure 9: East Elevation



Figure 10: South Elevation



Figure 11: West Elevation



Figure 12: North Elevation

Attachment G – Proposed Renderings



Figure 13: North Rendering (Pedestrian Entries)



Figure 14: South Rendering (Vehicle Entries)

Attachment H - Floor Plans

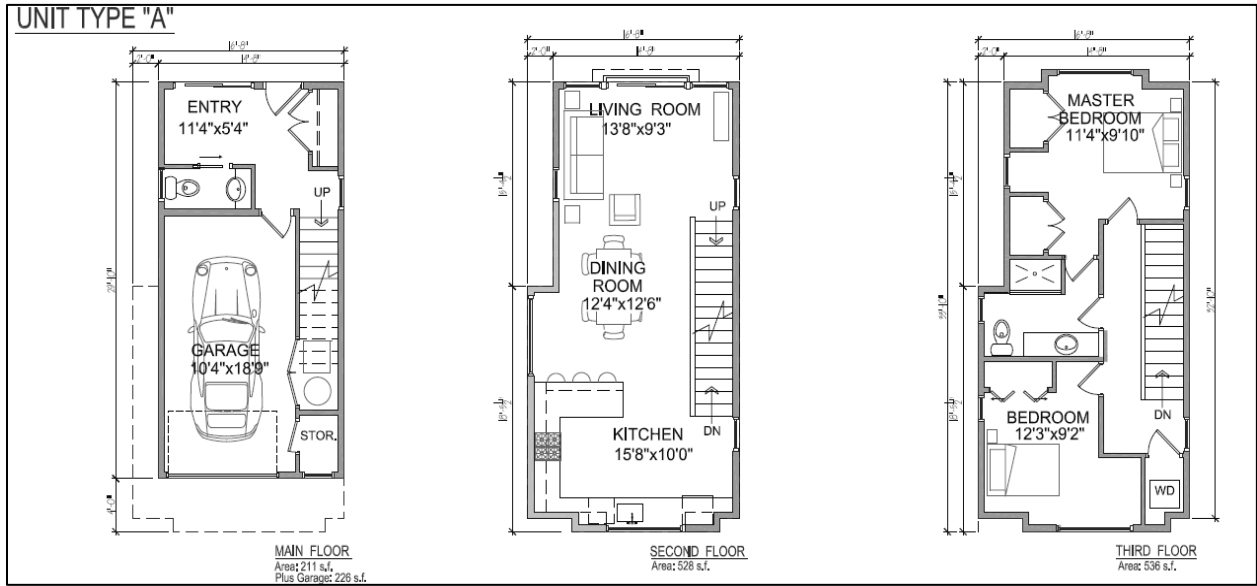


Figure 15: Unit Type A

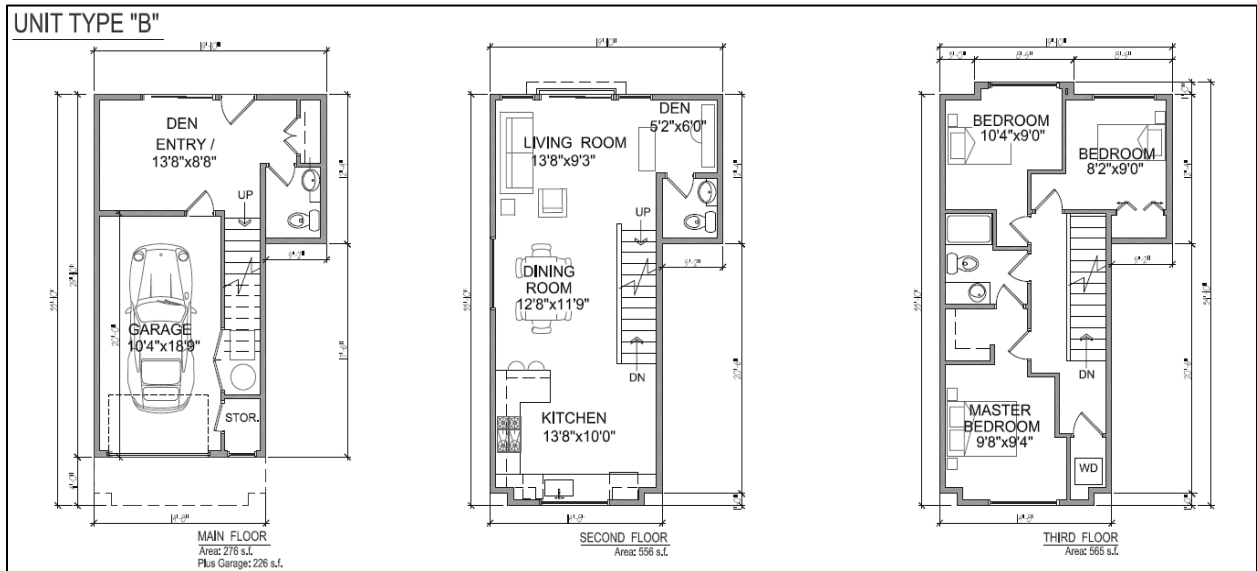


Figure 16: Unit Type B

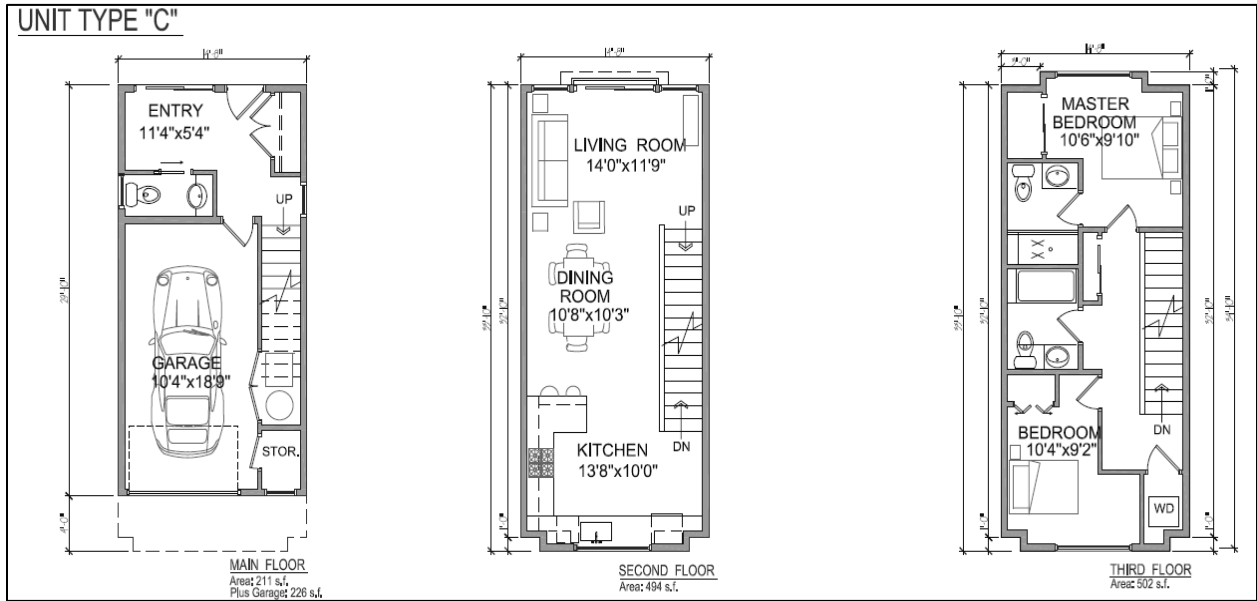


Figure 17: Unit Type C

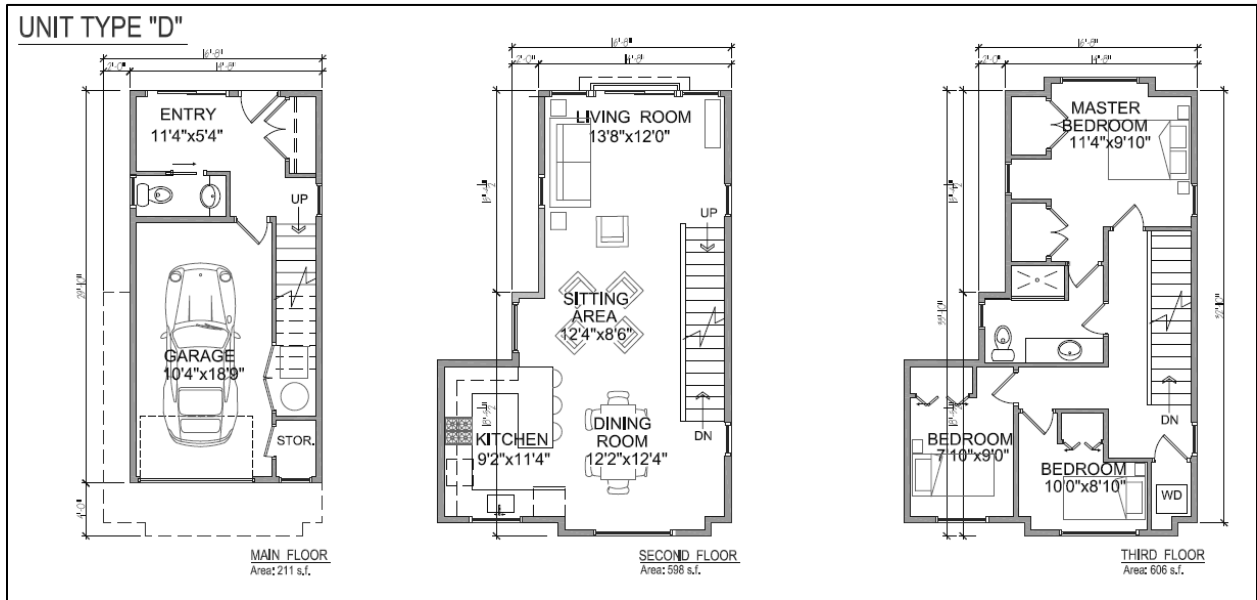


Figure 18: Unit Type D

Attachment I - Letter of Intent



799 Martin Street

Site Description

799 martin St is currently zone RD1 and is situated next to midrise apartment buildings on both sides and a single-family home on the other side.

Proposal

Our proposal is to rezone the property to RM3 to allow a townhouse development that will fit seamlessly into the community and fill a need for affordable family housing. We feel that the townhouse development will provide an excellent transition buffer from the stark apartment buildings on one side to the single family home on the other.

The proposed development will consist of 9 townhouses with each unit having a single car garage on one side and the front door on the opposite side to animate the landscape. The garages will be on the apartment building side and the front doors with nice landscaped patios will face the single-family home to again, allow a seamless transition into the neighbourhood. This has been designed this way to provide for a much nicer transition to and outlook from the single family home then what currently is there.

Affordability was of paramount importance with the design and that is why we have come up with 9 townhouses and have strived to keep the square footage down while ensuring they are extremely live-able and efficient. Each townhouse will be 3 stories with the lower level being the garage, entry, powder room and a multi-function space. The midlevel will be the kitchen, dining and living room. On the top level some of the units will have 2 bedrooms and some will have 3 bedrooms to provide variety to the buyers in the community.

The exterior has been designed so that each unit will have a distinct feel by way of a different colour scheme. The reason and goal behind this design is so that it will provide much more character to the development. While the exact colour schemes have not been finalized attached is a photo our designer has used to provide the inspiration for this design.

Variance Request

There are 3 variances that we are asking for which are noted below along with an explanation of why each variance is required:

- Reduce the rear yard setback from 6.0m to 5.0m - this is due to a requirement to take one meter across the entire front of the property for future road widening. Thus rather than the front yard being reduced we feel it would be better to move the building back and retain the required front yard setback which of course means the rear yard setback would be reduce by one meter.
- Reduce the interior side yard by .54 of a meter - as we are proposing to separate the garage entrances from the front doors this variance is required to provide functional design of the interior space while providing enough space to manoeuvre into the garages.
- Increase the maximum hard surface from 60% to 71% - while putting the garage doors and front doors on opposite sides of the building provides a much nicer design it does create additional walkways. Thus as these additional walkways would be a hard surface which in turn increases the total amount of hard surfaces on the site.

We are confident that our design is well thought out, fills a void in the community and will ultimately provide an excellent addition to the "Uptown" neighbourhood.

Figure 19: Letter of Intent

Attachment J - Development Variance Permit PL2017-8121



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2017-8121

Name:

Address:

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

Legal: Lot A District Lot 202 Similkameen Division Yale District Plan 1557

Civic: 799 Martin Street

PID: 011-713-232

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a nine-unit townhouse development.

- Section 10.9.2.7.i: to reduce the minimum north interior side yard from 4.5m to 3.9m.
- Section 10.9.2.8: to reduce the minimum rear yard from 6.0m to 4.4m.
- Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 71%.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 20 day of February, 2018.

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Attachment K - Development Permit PL2017-8122



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Permit

Permit Number: DP PL2017-8122

Name:
Address:

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

Legal: Lot A District Lot 202 Similkameen Division Yale District Plan 1557
Civic: 799 Martin Street
PID: 011-713-232

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a nine-unit townhouse development, as shown in the plans attached in Schedule A.

4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$13,740.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:

- a. correct an unsafe condition that has resulted from a contravention of this permit,
- b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
- c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:

- a. the permit has lapsed as described under Condition 8, or
- b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1st Inspection

No fee

2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ___ day of _____, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Bylaw No. 2018-04

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-04".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2018
A PUBLIC HEARING was held this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
ADOPTED this	day of	, 2018

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2018 and the __ day of ____, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 799 Martin Street
From RD1 (Duplex Housing)
To RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-04

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: February 6, 2018 File No: OCP PL2017-8097
To: Peter Weeber, Chief Administrative Officer RZ PL2017-8098
From: Audrey Tanguay, Senior Planner DVP PL2017-8099
Address: 240 Riverside Drive, 251 Wylie Street, 1140 Burnaby Avenue DP PL2017-8100
Subject: **OCP Amendment Bylaw 2018-05**
Zoning Amendment Bylaw No. 2018-06

Staff Recommendation

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-05" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from TC (Tourist Commercial) to MR (Medium Density Residential);

AND THAT "Official Community Plan Amendment Bylaw No. 2018-05" be introduced, read a first time and forwarded to the February 20, 2018 Public Hearing.

Zoning Bylaw Amendment

THAT "Zoning Amendment Bylaw No. 2018-06", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from CT1(Tourist Commercial) and CT2(Campground Commercial) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 20, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-06" the following conditions are met:

- The subject lots are consolidated and registered with the Land Title Office;
- A 5m X 5m road dedication on the corner of Wylie and Burnaby be registered with the Land Title Office;

AND THAT, in accordance with section 211(1)(b) of the *Community Charter*, staff bring forward a Local Area Service for street improvements to parts of Burnaby Ave, Wylie St and Riverside Drive;

AND THAT, in accordance with section 507 of the *Local Government Act*, if the Local Area Service bylaw fails, Council require the developer to construct the full width of Wylie Street, Burnaby Avenue and Riverside Drive as per Attachment "H".

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-8099" include Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street, a permit varying the following provisions of Zoning Bylaw 2017-08:

- decrease the front yard setback from 3m to 1.5m
- decrease the rear yard setback from 6m to 3m
- decrease the exterior yard setback from 4.5m to 1.5m

be heard at the February 20, 2018 Public Hearing;

AND THAT Council consider "DVP PL2017-8099" following the adoption of "Zoning Amendment Bylaw No. 2018-06";

Development Permit

AND THAT Council consider "DP PL2017-8100" following the adoption of "Zoning Amendment Bylaw No. 2018-06".

Strategic priority objective

The subject application is aligned with the Council Priorities of Community Building and Economic Vitality and Environmental Sustainability. The project represents smart growth by increasing density in areas where existing services already exist and in areas close to transit, commercial and employment centers.

Background

This application proposes a 35-unit townhouse complex on the subject lands. The subject properties (Attachment 'A') represent three parcels of land, which are currently designated by Official Community Plan 2002-20 (OCP) as TC (Tourist Commercial) and zoned CT1 (Tourist Commercial) and CT2 (Campground Commercial) by City of Penticton Zoning Bylaw No. 2017-08. The most recent use of one of the parcels (1140 Burnaby Avenue) was a motel of older building stock that accommodated long term residency. The motel,

operating under the trade name 'Highland Motel' was recently demolished. The other two parcels accommodate an RV Park operating as the Park Royal RV Resort.

Surrounding properties are designated by the OCP as GC (General Commercial), TC (Tourist Commercial), and MR (Medium Density Residential and include the Ogo Pogo Motel and the Days Inn.

The property is located within the General/Tourist Commercial Development Permit area, thus a development permit is required prior to construction.

The developer intends to consolidate the three lots and develop a thirty-five (35) unit townhouse development with three bedroom units. Each unit has an approximate floor area of 140 m² (1,500 ft²) and include double enclosed garages. Each townhouse block is proposed to be three stories in height with a roof top deck. The two main accesses to the site are from Wylie Street. The design incorporates pedestrian accesses off Riverside Drive and Burnaby Avenue. There is a large courtyard and amenity building behind the units, on the south property line. Landscaping has been incorporated into the plans along each frontage with over 52 large trees proposed on site.

Consultation

Staff had requested that the applicant meet with the adjacent neighbourhood prior to this application and a public information meeting was held at the Sandman Hotel on November 29, 2017. 117 notices were sent out to adjacent properties. The consultation session was well attended with over 50 attendees from the community. Positive commentaries were conveyed regarding the proposed development, the location and the quality of the proposal.

Proposal

To accommodate the townhouse proposal the applicant is proposing the following amendment to the Official Community Plan Bylaw 2002-20:

'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment B of this report) from TC (Tourist Commercial) to MR (Medium Density Residential).

The applicant is also requesting an amendment to the zoning of the properties located at 240 Riverside Drive and 251 Wylie Street from CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing and the property located at 1140 Burnaby Avenue from CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing) as identified in Zoning Bylaw 2017-08.

Additionally, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- **Section 10.9.2.6** To reduce the front yard setback from 3m to 1.5m
- **Section 10.9.2.7ii.** To reduce the exterior yard setback from 4.5m to 1.5m
- **Section 10.9.2.8** To reduce the rear yard setback from 6m to 3m

Furthermore, the applicant is seeking approval of development permit PL2017-8100 to allow for the construction of the 35-unit townhouses project.

Financial implication

The cost of a Local Area Service, estimated to be \$800,000 for the complete street improvement works and are proposed to be funded out of the Local Improvement Reserve. The funds collected from the benefiting parcels will be paid back into the reserve.

Technical Review

This proposal was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. The following items are noted and will need to be addressed as this project moves through the development process:

Lot Consolidation

Staff have recommended that lot consolidation of the three parcels occur prior to adoption of the zoning bylaw.

Road Dedication

A 5m X 5m corner cut at the corner of Burnaby Avenue and Wylie Street is required, and the developer has agreed to transfer this land to the City at no cost.

Infrastructure Upgrades

Electrical

Electrical service to the development will be underground from a new pad mount transformer. An easement will be required for city owned equipment on private property. The easement will be registered as part of the building permit process, if rezoning is successful.

Offsite Works and Services

The conditions of Wylie Street and Burnaby Avenue are deemed to be in very poor condition, with storm water management issues and crumbling asphalt. As part of building permit approval, the developer is responsible to improve the street fronting the development lands up to the centreline of the road.

These works and services include, upgrades to pavement, curb, stormwater, boulevard and sidewalk to the centre line of Burnaby Avenue and Wylie Street. Due to the condition of the road, the developer cannot upgrade only to the centerline, as is required by the bylaw. To physically construct the required works and services the full width of Burnaby Avenue and Wylie Street will need to be upgraded. Furthermore, due to the requirement to raise the grade of Wylie Street the entire elevation of Wylie Street will need to be raised and upgraded to the entrance of 300 Riverside Drive (Riverside Village Plaza).

As the developer is only responsible to construct to the centre line of the street, the remaining works are considered 'excess' and can be funded through a few different options. Through discussion with staff and the developer, the creation of a Local Area Service is being recommended as the preferred method of financing the works. A 'local area service' is any municipal service that is designed to benefit an area and is paid for by local property owners through a local service tax. A Local Area Service must be established by bylaw.

In this case, there would be 5 properties that would benefit through the improved streetscape that would be subject to the bylaw. The initial detailed design is attached in Schedule "G". The estimated cost of the works in outlined in the plans is \$800,000 and will, if the Local Area Service is supported, be shared across the owners of the benefiting parcels. The exact cost and equitable allocation to parcels will be finalised as the proposed development proceeds through the planning process. The following illustration shows the properties that would be included in the Local Area Service (152, 240 and 270 Riverside Drive, 1102 Burnaby Avenue and 1035 Westminster Avenue):



Figure 1: Image showing properties subject to local area service. (Road upgrade area in red)

The cost of the works will initially be paid by the City of Penticton and the benefiting parcels will payback the cost over a 15-20 year period through property taxes, as determined by the final Bylaw. Spreading out this cost will reduce the cost of any future development on these lots while providing a significant visual and pedestrian improvement for the current businesses. A further benefit to the properties is there would be no latecomers owed when the parcels do redevelop in the future. The streetscape in the entire area is enhanced at once rather than patchwork as the individual parcels develop.

Under Section 213 of the *Community Charter*, Council may proceed with a Local Area Service, unless a majority of registered owners petition Council to not proceed with the project and tax that represent:

- a) at least one-half of the total assessed value of the parcels which are subject to the proposed local improvement tax; and
- b) at least one half of assessed parcels which are subject to the proposed local improvement tax

Staff have sent out notification to all of the identified benefiting parties and have not yet received any comments. If Council supports the direction recommended by staff, all owners would be invited to participate in a formal process, where the design will be formalized and the bylaw established. Staff are requesting direction from Council to begin this process. Once prepared, this bylaw will be brought back to Council for their approval.

The alternative recommendation is to enter into an extended service agreement with the developer and have them undertake the works. While this will enable the development to continue, the City loses the benefit of the upgrade to the wide area.

Alternative funding option (excess or extended service)

If Council does not wish to proceed with the Local Area Service or if the local services petition fails, Staff are recommending that Council formally require the developer to build beyond that Subdivision and Development bylaw requirement in order to fully complete the required street upgrades. Under current Subdivision and Development Bylaw requirements, the developer is responsible to design and construct works to the centerline of existing roads adjacent to the development. In cases where it is in the public interest, the *Local Government Act* gives authority to Council to formally require the developer to build beyond that requirement. The developer will then be eligible for latecomer contributions from any land owner that later-on ties into the excess services constructed. With this alternative, the ultimate road design would be much more limited in vision, with the developer only completing the works necessary to physically tie into existing streets and services (Schedule H). The full build-out of the area, as envisioned through the Local Area Service drawing would not be achieved until each individual property were to come forward and develop.

Project specifications

As stated above the proposal is for a 35-unit townhouse complex. The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement RM3 Zone	Proposed
Maximum Lot Coverage: Maximum Density:	50% 1.6 FAR	35% 0.9FAR
Vehicle Parking per unit: Visitor Parking	1 per dwelling 8	2 per dwelling 9
Required Setbacks Front yard (Burnaby Avenue): Rear yard (Adjoining Lot): Exterior yard (Wylie Street and Riverside Drive)	3.0m 6m 4.5	1.5m(VARIANCE REQUIRED) 3m(VARIANCE REQUIRED) 1.5m(VARIANCE REQUIRED)
Maximum Building Height:	24m	14m (Three Storey)
Other Information:	Subject properties are located within the General/Tourist Commercial Development Permit Area.	

Analysis

Support OCP and Zoning amendment

The subject properties are designated for Tourist Commercial under OCP Bylaw 2002-20. The OCP also provides a list of criteria when considering re-designating areas to Medium Density Residential. The proposal is located in the North Gateway Urban Village as per the OCP. The North Gateway's scope and location is driven by Okanagan Lake and exiting amenities including the South Okanagan Event Centre, Convention Centre, parks and commercial establishments. The guidelines and staff's comments are as follows:

The city will support rezoning to higher densities:

- *On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:*

The character of the neighborhood will not significantly change as this is an area that has seen development pressure recently. In 2010 Council approved a rezoning in vicinity to allow a 15 storey residential development containing 218 apartment and townhouse units. The neighbourhood that the subject property is located in features predominantly tourist commercial and residential style development, including motels and townhouses. The proposal is located adjacent to existing medium density designation. According to the City's OCP, residential development should be accommodated through infill development. The North Gateway Urban Village policies speak to opportunities for high density residential development taking advantage of location adjacent to surrounding amenities, proximity to the Downtown, location on major roads.

- *Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing;*

The building has been set to respect the rear setback adjoining the southern property where the 15-storey building was approved. The approved podium for the buildings on the neighboring property sits at 2.5m from the property line. The proposal meets the required 3m buffer between the high density residential and the medium density residential. Appropriate fencing and landscaping will be included as part of the development permit. The proposal adds to the already varied range of housing, types, tenures and densities existing and envisioned for this area.

- *Near parks, commercial activities or public/institutional facilities;*

The OCP supports intensification of residential land use and density nearby the downtown core and existing commercial activities. The property is located directly adjacent to Okanagan Lake and the channel. The North Gateway Urban village policies in the OCP reference the need to provide favorable transition from surrounding higher density. This development will increase the residential offerings and encourage greater use of amenities and businesses nearby. The proximity to the lake, downtown and nearby services encourages more walking and active forms of transportation.

- *On sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets;*

There are two vehicular accesses proposed on Wylie Street. All the units have pedestrian access on Riverside Drive and Burnaby Avenue and maintain a positive relationship with the street.

Staff considers that rezoning the lots from CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing), to enable this development is an appropriate use of the land for the following reasons:

- According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a combination of motels, townhouses, and commercial buildings, this application encourages a mixed range of housing, types, tenures and densities;
- Supports residential intensification near commercial activities, institutional facilities (including the Community Centre) and in proximity to the downtown;
- Supports densification in areas where existing services can accommodate higher densities;
- The proposed townhouses development will fit into the existing mix of housing and motels in the area and the design of the buildings will lend positively to the overall character of the community.

Overall, staff consider that the proposed development will contribute positively to the area with the increase in residential units. Staff considers that the design is fitting and consistent with the latest medium density development in the area. The plans, submitted in support of the rezoning application to RM3, prove that the development meets the intent of the OCP. For these reasons staff is recommending that Council supports the land use designation change, as provided in this report and refers the application to the February 20, 2018 Public Hearing.

Deny/Refer

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

Support Variance

This proposal is unique as the site has three frontages. Additionally, parking areas between the front of buildings and the street is discouraged as per the OCP. The applicant is proposing to rezone to RM3 to limit the number of variances. However, RM3-Medium Density Multiple Housing is typically used for taller apartment buildings thus requiring greater setbacks. When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances are as follows and are included as attachment "E":

Section 10.6.2.6: To vary the minimum front yard setback from 3m to 1.5m

The applicant is requesting a 1.5m front setback reduction. As with other infill projects in the City, it is challenging to build within required setbacks on lots that were originally intended for a different form of development. The reduced setback is requested in order to accommodate the design of the internal roadway and access to the rear of each townhouse unit. Townhouses developments are encouraged to use rear lane or internal access as per the OCP. Landscaping is proposed and will enhance the street appeal

along all three frontages. This development will contribute to a pedestrian friendly environment for the area, improving access to the Riverside Village commercial development. The development also provides a smooth transition between approved high-density buildings. Staff does not consider that, given the magnitude of the variance requested, that there will have an adverse impact on neighbouring properties.

Section 10.9.2.7ii. of Zoning Bylaw 2017-08 to reduce the exterior yard setback from 4.5m to 1.5m

The applicant is requesting a 3m setback reduction along both Riverside Drive and Wylie Street from the required setback of 4.5m to 1.5m. As per the OCP policies, multiple dwelling buildings should have a street orientation to all adjacent streets. In this case, this proposal has three street frontages. The proposed buildings shape and architectures is varied and will bring interest to all frontages and provide harmony and continuity to the neighborhood. This variance will maximize the development potential of the site and enhance the streetscape in a manner that is sensitive to surrounding land uses.

Section 10.9.2.8 of Zoning Bylaw 2017-08 to vary the minimum rear yard setback from 6m to 3m

The applicant is requesting a reduction of the rear yard setback from 6.0m to 3m. The proposed development maximizes the use on the site. The rear yard will still provide enough space for required 3-metre landscape buffer. Adequate landscaping and fencing will provide screening from the neighbouring properties. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on nearby properties.

Given the above, staff feels that the variances requested are reasonable and recommend that Council, after hearing from any other affected neighbours, support the application.

Approve Development Permit DP PI2017-8100

The subject property is in the General Tourist Development Permit Area. When evaluating an application in this DPA, staff review the proposed plans against the DPA guidelines contained in the Official Community Plan. Staff feel that the plans conform to the DPA guidelines. The objective of the development permit area is to produce a streetscape defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. The development meets the following objectives of the OCP under the development permit guidelines:

- The proposed design is livable with sun exposure and design of the landscaping that incorporates open spaces with a variety of plantings to enhance the livable environment.
- The building design incorporates architectural detailing and a variety of building finishes that provide visual interest.
- The proposed building provides strong linkage with the rest of the neighborhood and is compatible with the surrounding land use.
- Landscaping is extensive and includes a number of trees, several shrubs and bushes that provide a decent view from the street level.

The application is consistent with the intent of the North Gateway policies in the OCP. The policies of the OCP support the need for medium density residential development in this area and the proposed development is considered to provide a positive contribution to the North Gateway Urban Village. Staff

considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons, staff are recommending that Council approve the development permit.

Deny or refer

Council may consider that the proposed development does not meet the guidelines of the Medium Density Residential Development Permit Area and the intent of the Official Community Plan. If this is the case, Council can deny the amendments, development variance permit and the development permit. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

Alternate Recommendations

1. THAT Council deny first reading of "OCP Bylaw No. 2018-05 and Zoning Amendment Bylaw No. 2018-06".
2. THAT Council support the zoning bylaw amendment but choose to proceed with the alternative funding model (excess or extended service)

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Local Area Service
- Attachment H: Excess Service Drawing
- Attachment I: Letter of Intent
- Attachment J: DP
- Attachment K: DVP
- Attachment L: OCP Amendment Bylaw No. 2018-05
- Attachment M: Zoning Amendment Bylaw No. 2018-06

Respectfully submitted,

Audrey Tanguay

Senior Planner

Approvals

DDS <i>AH</i>	CAO PW
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

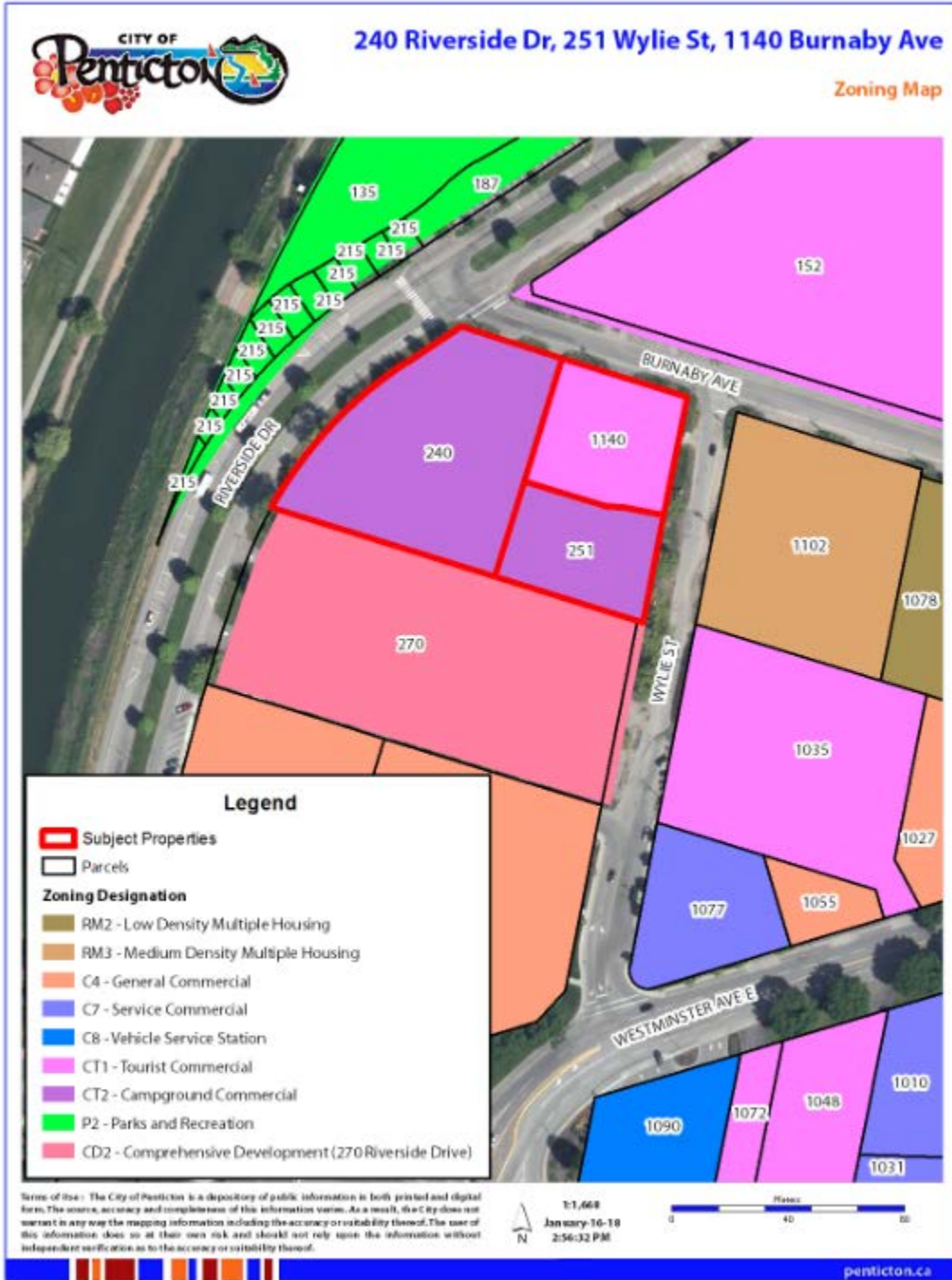


Figure 2: Zoning Map

Attachment C- OCP Map

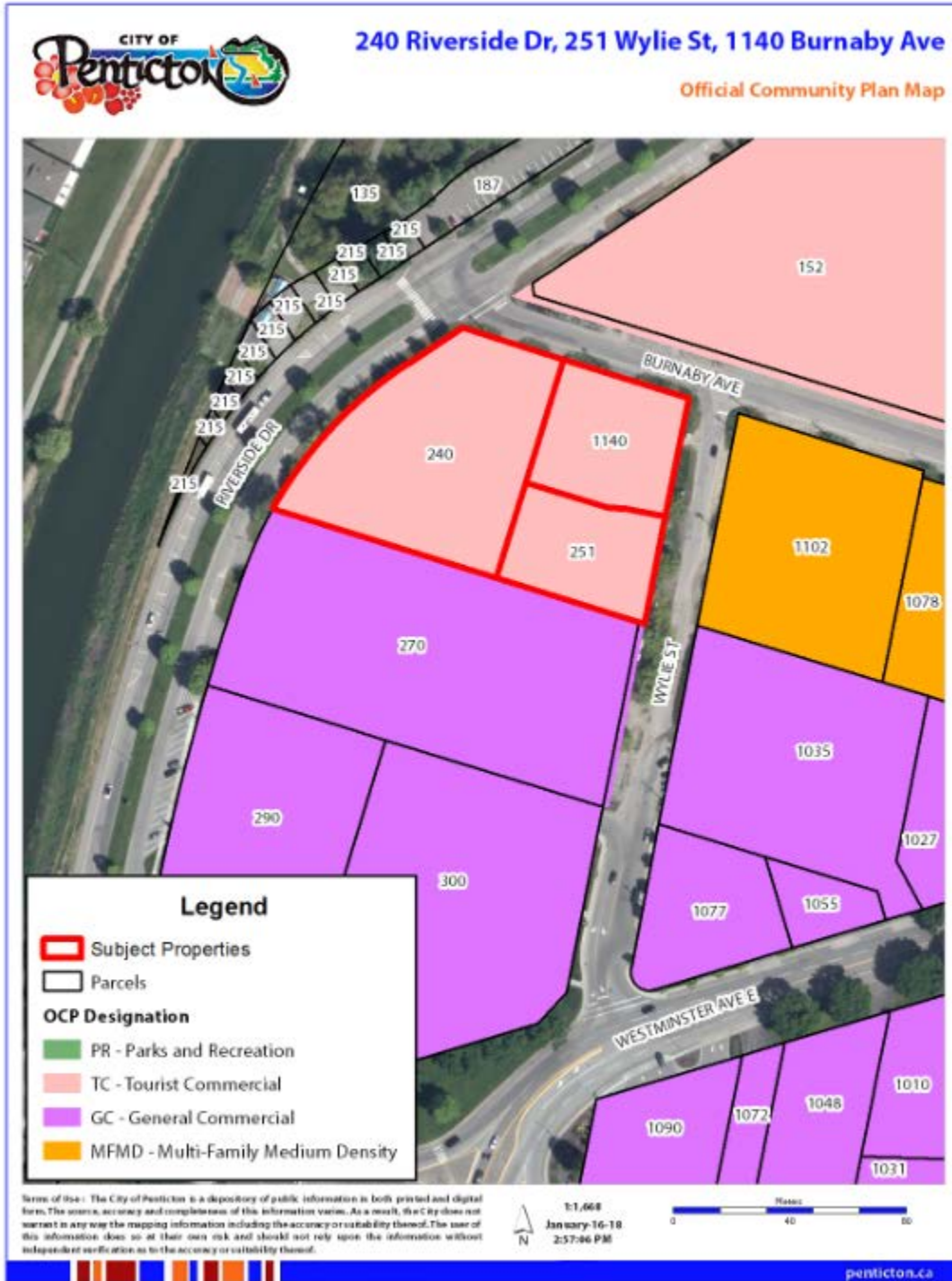


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: View on Riverside Drive Looking East



Figure 5: View of Burnaby Avenue



Figure 6: View of Wylie Street

Attachment E - Site Plan / Variance Locations

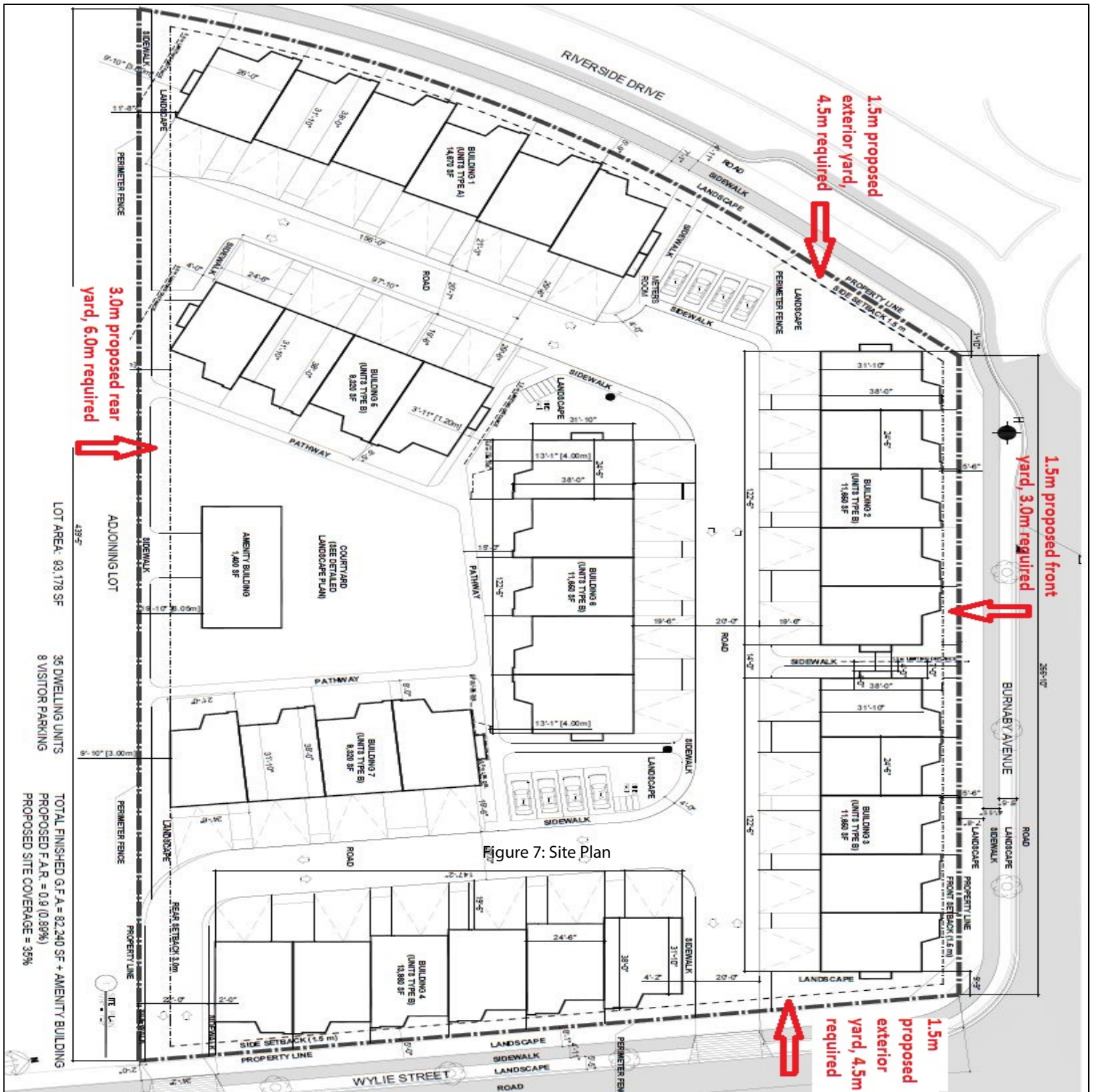




Figure 8: Landscaping Plan

Attachment F – Elevations



Figure 9: Building –Front



Figure 10: Building -Back

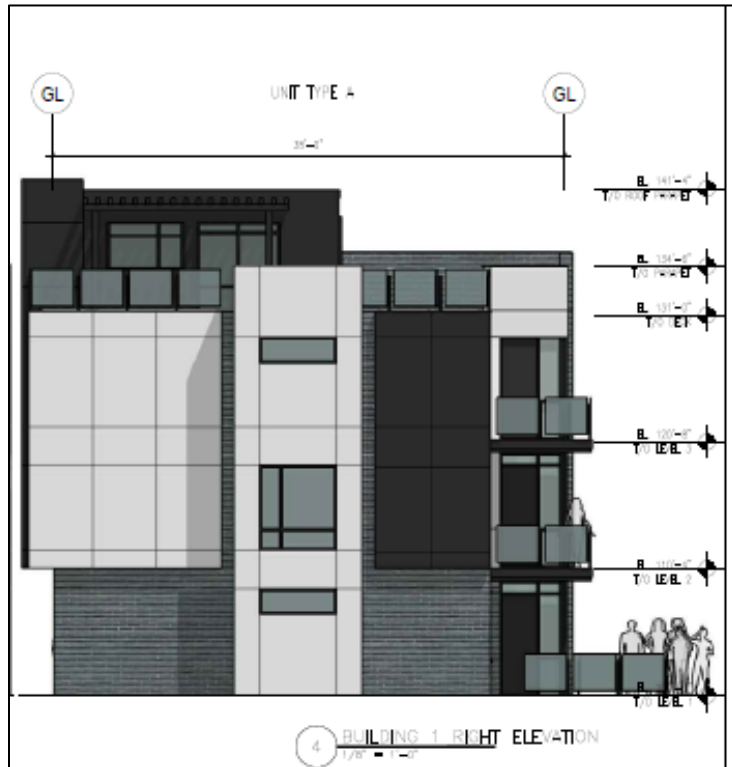


Figure 11: Right elevation

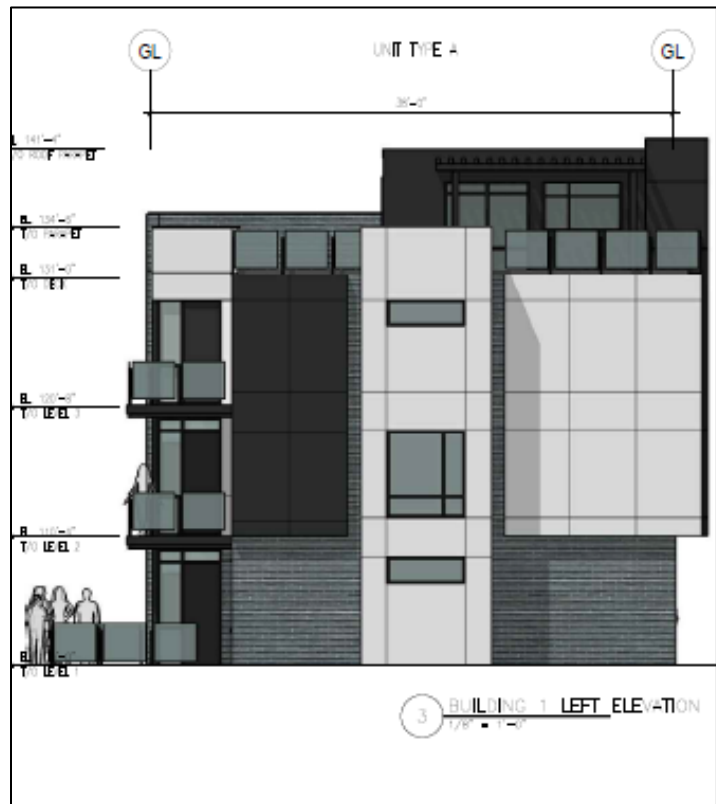


Figure 12: Left Elevation

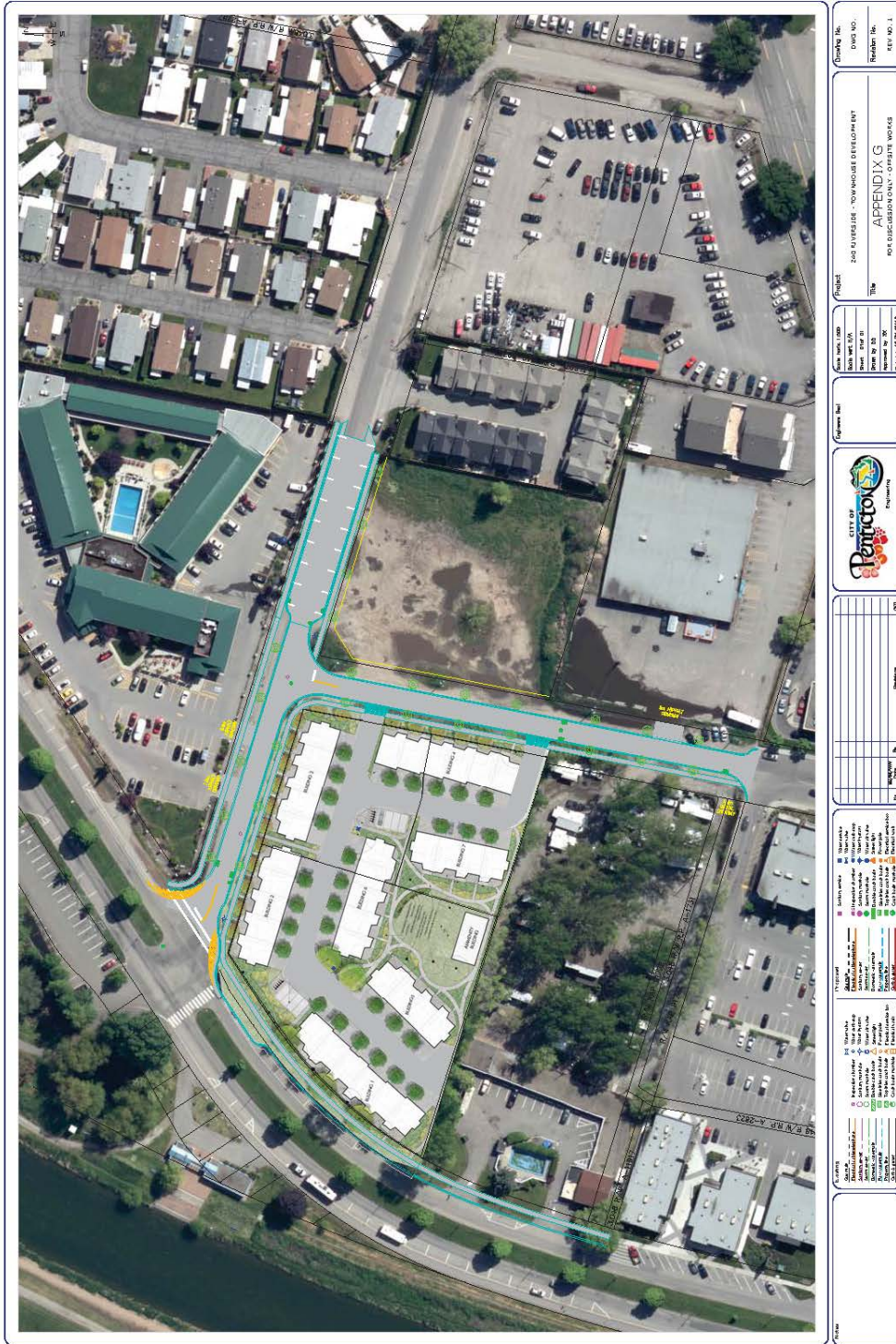


Figure 13: Front Perspective



Figure 14: Back Perspective

Attachment G – Local Area Service drawings (full and limited)



Attachment I- Letter of Intent

October 18th, 2017

By Hand

Audrey Tanguay
Planner, Long Range Planning
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Ms. Tanguay,

RE: Rezoning/OCP Amendment/Development variance permit application – 240 Riverside Dr., Penticton, 251 Wylie St., Penticton, and 1140 Burnaby Ave., Penticton

Azura is pleased to submit a formal Rezoning/OCP Amendment/Development variance permit application to the City of Penticton for the property located at 240 Riverside Dr. Penticton, and 251 Wylie St. Penticton, and 1140 Burnaby Ave. Penticton.

The submission seeks to rezone the site from the existing CT 2 and CT 1 to RM 2 zoning, in order to accommodate a series of townhouse buildings and containing approximate 35 units in total. These residential units will be comprised of a variety of floor plans.

And there are two development variances we want to apply. One is to change the Maximum height from 12 m in RM-2 to 14 m (The other is to change the Maximum density in RM-2 from 0.8 F3R to 0.9 F3R. - REZONE - SITE SPECIFIC)

Thank you for your consideration, and we look forward to continuing to work with City staff on this proposal.

Yours truly,

Azura Management (Kelowna) Corp.



Ewen Stewart

President

Figure 15: Letter of Intent



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Permit

Permit Number: DP PL2017-8002

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541 and Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 **Civic:** 240 Riverside Drive, 1140 Burnaby Avenue, 251 Wylie Street
PID: 009-542-647, 004-395-077, 009-038-582
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 35 units townhouse development as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the total amount of \$196,824 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the day of 2018

Issued this ____ day of _____, 2018

 Dana Schmidt,
 Corporate Officer



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2017-8099

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541 and Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177
Civic: 240 Riverside Drive, 1140 Burnaby Avenue, and 251 Wylie Street
PID: 009-542-647, 004-395-077, 009-038-582
3. This permit has been issued in accordance with Section 498 of the Local Government Act, to vary the following sections of Zoning Bylaw 2017-08:
 - decrease the front yard setback from 3m to 1.5m
 - decrease the rear yard setback from 6m to 3m
 - decrease the exterior yard setback from 4.5m to 1.5m

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the day of 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

DVP PL2017-8052

Page 2 of 2

Bylaw No. 2018-05

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2018-05."

2. Amendment:

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

2.1 Amend Schedule 'B' Future Land Use designation for the following:

- a) Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive identified in Schedule A of this bylaw, from TC (Tourist Commercial) to MR (Medium Density Residential);
b) Lot 1, District Lot 366, Similkameen Division Yale District Plan 14177, located at 1140 Burnaby Avenue identified in Schedule A of this bylaw, from TC (Tourist Commercial) to MR (Medium Density Residential);
c) Lot 2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 251 Wylie Street identified in Schedule A of this bylaw, from TC (Tourist Commercial) to MR (Medium Density Residential).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2018

A PUBLIC HEARING was held this day of , 2018

READ A SECOND time this day of , 2018

READ A THIRD time this day of , 2018

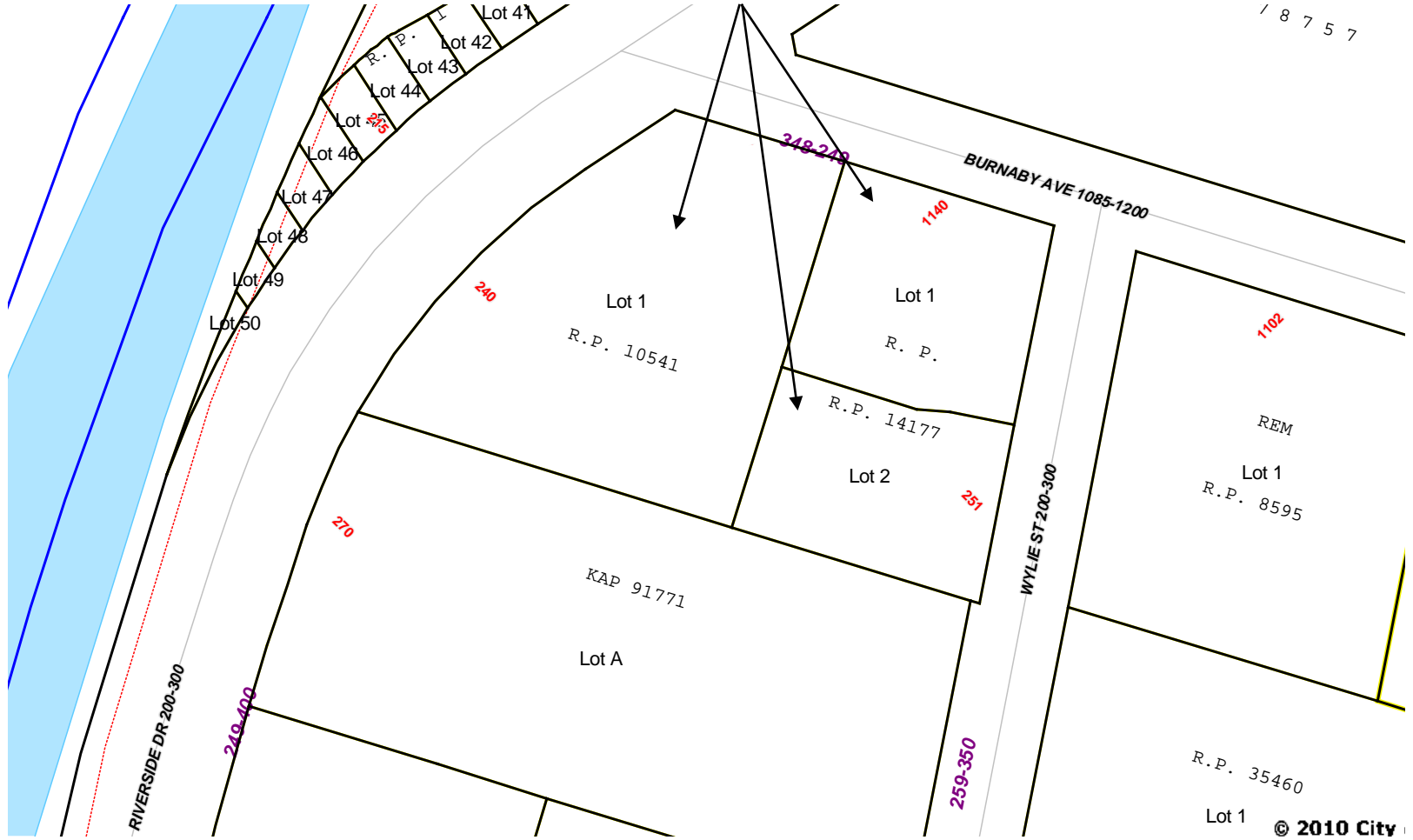
ADOPTED this day of , 2018

Notice of intention to proceed with this bylaw was published on the ___ of ___, 2018 and the ___ of ___, 2018 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Change the OCP designation of 240 Riverside Dr., 251 Wylie St., 1140 Burnaby Ave.
from TC (Tourist Commercial) to MR (Medium Density Residential) ⁻²⁵²⁻



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-05

Date: _____

Corporate Officer: _____

Bylaw No. 2018-06

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-06".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

a) Rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and Lot 2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 251 Wylie Street from CT2(Campground Commercial) to RM3 (Medium Density Multiple Housing).

b) Rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 14177, located at 1140 Burnaby Avenue, identified in Schedule A of this bylaw, from CT1(Tourist Commercial) to RM3(Medium Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2018
A PUBLIC HEARING was held this day of , 2018
READ A SECOND time this day of , 2018
READ A THIRD time this day of , 2018
RECEIVED the approval of the day of , 2018
Ministry of Transportation on the
ADOPTED this day of , 2018

Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2018 and the ___ day of ___, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this ___ day of ___, 2018
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

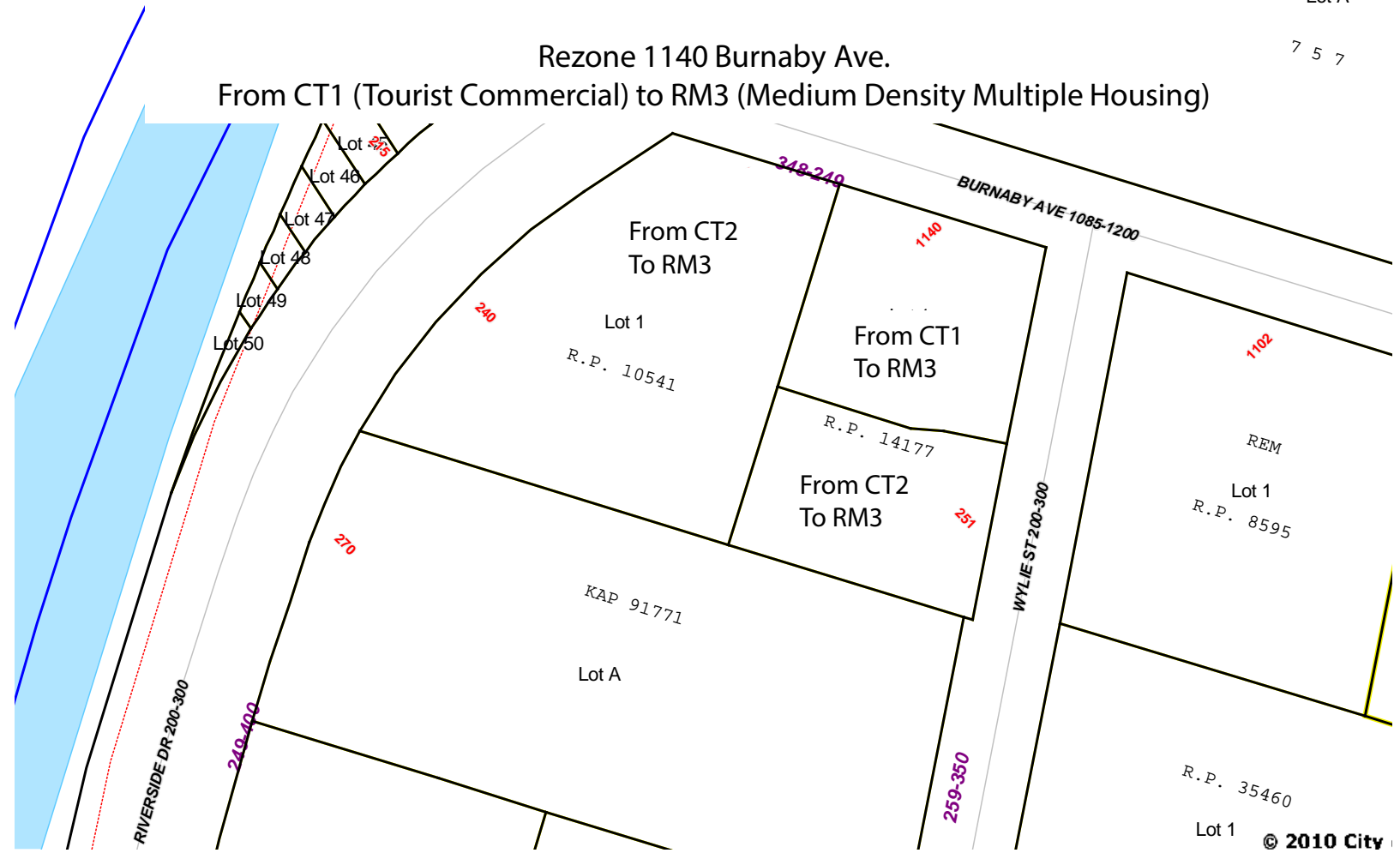
Dana Schmidt, Corporate Officer

Rezone 240 Riverside Dr. and 251 Wylie St.
From CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing)

- 254 -
Lot A

7 5 7

Rezone 1140 Burnaby Ave.
From CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-06

Date: _____

Corporate Officer: _____