



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

Tuesday, February 5, 2019
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 22, 2019 Regular Council Meeting 1-7 Adopt
7. **Consent Agenda:**
 - 7.1 Minutes:
 - Minutes of the January 22, 2019 Committee of the Whole Meeting
 - Minutes of the January 22, 2019 Public Hearing Meeting
 - Staff Recommendation: THAT Council approve the Consent Agenda.* 8-11
8. **Committee and Board Reports**
9. **Correspondence**
10. **Staff Reports:**
 - 10.1 Electric Utility Services Bylaw No. 2017-44 12-59
Staff Recommendation: THAT Council rescind third reading and give third reading as amended to the "Electric Utility Services Bylaw No. 2017-44"; 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.

Campbell	10.2	Reserve Policy <i>Staff Recommendation: THAT Council adopt the Reserve Policy effective February 5, 2019; THAT Council approve a transfer of \$4,000,000 of the existing funds in the Electric Surplus reserve into the Electric Capital reserve for 2019; AND THAT Council approve a transfer of \$3,000,000 from the Gaming Reserve with \$2,000,000 transferred into the Equipment Replacement Reserve, and \$1,000,000 transferred into the Asset Emergency Reserve for 2019.</i>	60-80	
	11.	Public Question Period		
	12.	Recess to a Closed Meeting: <i>Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:</i> <i>(c) labour relations or other employee relations;</i> <i>(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;</i> <i>(g) litigation or potential litigation affecting the municipality;</i> <i>(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for the purpose.</i>		
	13.	Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.		
	14.	Bylaws and Permits:		
	14.1	Zoning Amendment Bylaw No. 2019-02 Re: 1760 Carmi Avenue	81-82	2 nd /3 rd /Adopt
	14.2	Zoning Amendment Bylaw No. 2019-03 Re: 964 Dynes Avenue	83-84	2 nd /3 rd
	15.	Land Matters:		
Laven	15.1	Temporary Use Permit PL2018-8413 Re: 3917 Lakeside Road <i>Staff Recommendation: THAT Council approve "Temporary Use Permit PL2018-8413", a permit to allow the use of 'outdoor storage' for Lot A, District Lot 190, Similkameen Division Yale District, Plan KAP 72460, located at 3917 Lakeside Road, for an eighteen-month period, ending August 5, 2020; AND THAT staff are directed to issue the permit.</i>	85-97	Del/Sub
Laven	15.2	Development Variance Permit PL2018-8425 Re: 3919 Lakeside Road <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8425" for Amended Lot 1 (DD 244320F), District Lot 190, Similkameen Division Yale District, Plan 4335, Except Plans KAP49938 and KAP72460, located at 3919 Lakeside Road, a permit to vary the following sections of Zoning Bylaw 2017-08:</i> <i>• Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and</i> <i>• Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.</i> <i>AND THAT staff be directed to issue "DVP PL2018-8425".</i>	98-111	Del/Sub

Laven	15.3	<p>Official Community Plan Amendment Bylaw No. 2019-04 Development Variance Permit PL2018-8336 Development Permit PL2018-8335 Re: 24 Front Street</p> <p><i>Staff Recommendation: THAT prior to consideration of "OCP Amendment Bylaw No. 2019-04" 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:</i></p> <ol style="list-style-type: none"> <i>1. One or more persons, organizations or authorities;</i> <i>2. The Regional District of Okanagan Similkameen;</i> <i>3. Local First Nations;</i> <i>4. School District #67; and</i> <i>5. The provincial or federal government and their agencies.</i> <p><i>AND THAT it is determined that the public consultation conducted to date is sufficient;</i> <i>AND THAT "OCP Amendment Bylaw No. 2019-04", being a bylaw to amend "OCP Bylaw No. 2002-20" shown as Attachment 'O' of this report to allow a 5 storey building on 24 Front Street; be introduced, given first reading and be forwarded to the February 19, 2019 Public Hearing.</i> <i>THAT delegations and submissions for "Development Variance Permit PL2018-8336" for That part of Lot 20A Shown on Plan B262 DL 202 SDYD Plan 1067 Except Plan KAP81855, for Lot 20A DL 202 SDYD Plan 1067 Except Plans B262 and KAP81855, and for Lot 20 Block 5 DL 202 SDYD Plan 269 Except Plan KAP81855, all of which are located at 24 Front Street, a permit to increase the maximum permitted height of a building on Front Street from 15.0m to 21.1m, be heard at the February 19, 2019 Public Hearing;</i> <i>AND THAT Council consider "DVP PL2018-8336" following the adoption of "OCP Amendment Bylaw No. 2019-04."</i> <i>THAT Council approve "Development Permit PL2018-8335" for 24 Front Street, a permit that allows for the construction of a mixed-use development, featuring ground floor retail and four (4) residential suites;</i> <i>AND THAT approval of "Development Permit PL2018-8335" be conditional on issuance of "Development Variance Permit PL2018-8336" and consolidation of the subject properties.</i> <i>AND THAT staff be directed to issue "Development Permit PL2018-8335" following lot consolidation.</i></p>	112-160
Hodges	15.4	<p>Cambie Court road alignment and design Re: Cambie Court</p> <p><i>Staff Recommendation: THAT Council, with properly posted speed reductions to 30 km/h, authorize the minimum road curve centre line radius at Cambie Court to be reduced from 100 metres to 30 metres as allowed in the Transportation Association of Canada Guidelines.</i></p>	161-172
Haddad	15.5	<p>Greyhound Property – 303, 307, 313, 317 & 319 Ellis Street Building Demolition & Parking Lot Construction</p> <p><i>Staff Recommendation: THAT Council support the allocation of \$280,000 from the City's Capital Reserve for the demolition of the Greyhound building and construction of a parking lot at 303, 307, 313, 317 and 319 Ellis Street.</i></p>	173-176

16. **Notice of Motion**

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

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

Tuesday, January 22, 2019
at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Staff: Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Ian Chapman, City Engineer (left the meeting at 4:44 p.m.)
Bregje Kozak, Director Recreation & Facilities (left the meeting at 4:44 p.m.)
Caitlyn Anderson, 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

14/2019

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on January 22, 2019 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:01 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:35 p.m.

Councillor Kimberley left the meeting at 2:36 p.m.

6. Adoption of Minutes:

6.1 Minutes of the January 8, 2019 Regular Meeting of Council

15/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the January 8, 2019 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda

16/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

Councillor Kimberley returned to the meeting at 2:38 p.m.

8. Committee and Board Reports

9. Correspondence:

9.1 BC Poverty Reduction Coalition

17/2019

It was MOVED and SECONDED

THAT Council support the Coalition's ABC Plan for an accountable, bold and comprehensive poverty reduction plan for BC.

CARRIED UNANIMOUSLY

9.2 South Okanagan Performing Arts Centre Society

18/2019

It was MOVED and SECONDED

THAT Council refer the correspondence dated January 10, 2019 from South Okanagan Performing Arts Centre Society to staff for further information.

CARRIED UNANIMOUSLY

10. Staff Reports:

10.1 Proposed Telecommunications Tower at 1953 Dartmouth Road

Chad Marlatt, applicant, provided Council with an overview of the proposed project.

19/2019

It was MOVED and SECONDED

THAT Council receive the Request for Letter of Concurrence package as prepared by Cypress Land Services in regard to a proposed 18.0m telecommunications tower at 1953 Dartmouth Road;

AND THAT Council direct staff to issue a letter of concurrence, stating that Freedom Mobile has satisfactorily completed the public consultation process as required by Innovation, Science and Economic Development (ISED) Canada;
AND FURTHER THAT staff are directed to prepare a policy and procedure for reviewing future telecommunication tower requests.

CARRIED UNANIMOUSLY

10.2 Reserve Transfers

20/2019

It was MOVED and SECONDED

THAT Council approves a transfer of the existing funds in the Carbon Tax Credit Reserve of \$152,421.00 into the Climate Action Reserve Fund;
THAT the existing funds in the Building Permit Stabilization Reserve of up to \$55,000.00 be transferred into the Financial Stabilization Reserve Fund;
THAT the existing funds in the Liability Insurance Reserve of \$250,001.00 be transferred into the Financial Stabilization Reserve Fund;
THAT the existing funds in the Rate Stabilization Reserve of \$200,000.00 be transferred into the Financial Stabilization Reserve Fund;
THAT the existing funds in the Snow Clearing Stabilization Reserve of \$75,000.00 be transferred into the Financial Stabilization Reserve Fund;
THAT the existing funds in the Special Events Site Reserve of \$21,165.65 be transferred into revenues for 2019;
THAT the existing funds in the Wine/Info Centre Reserve of \$13,149.93 be transferred into revenues for 2019;
AND THAT the existing funds in the Infrastructure Reserve of \$400,000.00 be split with \$200,000.00 transferred into each the Asset Sustainability and the Asset Emergency Reserves.

CARRIED UNANIMOUSLY

10.3 Temporary operator of the Skaha Lake Marina – 3895 Lakeside Road

21/2019

IT was MOVED and SECONDED

THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a three year term.

DEFEATED

Mayor Vassilaki, Councillor Bloomfield, Robinson, and Regehr, Opposed

22/2019

It was MOVED and SECONDED

THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a two year term.

DEFEATED

Mayor Vassilaki, Councillor Kimberley, Sentes, and Watt, Opposed

23/2019

It was MOVED and SECONDED

THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a two year term with a one year option.

CARRIED

Mayor Vassilaki, Opposed

10.4 Love Food, Hate Waste Campaign

24/2019

It was MOVED and SECONDED

THAT Council supports the City of Penticton's participation in the provincial "Love Food, Hate Waste Campaign".

CARRIED UNANIMOUSLY

10.5 Southern Interior Municipal Employers' Association (SIMEA)

25/2019

It was MOVED and SECONDED

THAT Council appoint Councillor Jake Kimberley and Councillor Katie Robinson as Directors to the Southern Interior Municipal Employers Association (SIMEA) Administrative Committee; AND THAT Council appoint Kerri Lockwood, Human Resources Manager as Alternate Director.

CARRIED UNANIMOUSLY

10.6 Zoning Amendment Bylaw No. 2019-02
Re: 1760 Carmi Avenue

26/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-02", a bylaw that rezones "Proposed Strata Lot 1" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850" (1760 Carmi Avenue), as shown on Schedule 'A' of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject property, be given first reading and be forwarded to the February 5, 2019 Public Hearing.

CARRIED UNANIMOUSLY

10.7 Zoning Amendment Bylaw No. 2019-03
Development Variance Permit PL2018-8274
Development Permit PL2018-8273
Re: 964 Dynes Avenue

27/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-03", a bylaw to rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 5, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-03", the owner be required to consolidate all four lots;

AND THAT delegations and submissions for "Development Variance Permit PL2018-8274" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit to vary Section 10.9.2.7.i to reduce the interior side yard from 4.5m to 3.0m, be heard at the February 5, 2019 Public Hearing;

AND THAT Council consider "DVP PL2018-8274" following the adoption of "Zoning Amendment Bylaw No. 2019-03".

THAT Council, in accordance with Section 507 of the Local Government Act, require the following excess and extended services:

• Full construction of curb and sidewalk along the front of 988 and 994 Dynes Avenue, to create a pedestrian connection between the development and the existing sidewalk along Dynes and Sydney Avenue.
THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2019-03", approve "Development Permit PL2018-8273" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit that allows for the construction of two rows of six-unit townhouses.

CARRIED UNANIMOUSLY

10.8 Smoking Regulations Bylaw No. 2018-68

28/2019

It was MOVED and SECONDED

THAT Council rescind third reading and give third reading as amended to "Smoking Regulations Bylaw 2018-68";
AND THAT Council give staff direction to begin public engagement on a full public smoking ban in all public places, as recommended by Interior Health, by January 1, 2020.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess to Closed Meeting

29/2019

It was MOVED and SECONDED

THAT Council recess at 4:44 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:
(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.

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 6:04 p.m.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2019-01
Re: 3550 Valleyview Road

30/2019

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-01".

CARRIED UNANIMOUSLY

14.2 Zoning Amendment Bylaw No. 2018-66
Re: Cannabis Retail

Mayor Vassilaki declared a conflict of interest at 6:06 p.m. for both item 14.2 and item 14.3.
Acting Mayor Robinson chaired the meeting.

31/2019

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-66".

CARRIED

Acting Mayor Robinson and Councillor Kimberley, Opposed

14.3 Business Licence Amendment Bylaw No. 2018-67
Re: Cannabis Retail

32/2019

It was MOVED and SECONDED

THAT Council adopt "Business Licence Amendment Bylaw No. 2018-67".

CARRIED UNANIMOUSLY

Mayor Vassilaki returned to the meeting at 6:08 p.m.

15. Land Matters

15.1 Development Variance Permit PL2018-8418
Development Permit PL2018-8419
Re: 603 Van Horne Street

Delegations/Submissions:

- Steve Reems, Ross Avenue, designer, spoke in support of the application.
- Lynn Kelsey, Oakville Street, duplex suites next door already have that setback, visually will be out of place.
- Brigid Kemp, Warren Avenue West, asked about livability and duplexes with suites.

33/2019

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8418", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit to decrease the minimum front yard from 4.5m to 3.5m and to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line, to allow for the construction of a duplex with suites;
 AND THAT staff be directed to issue "Development Variance Permit PL2018-8418."
 THAT Council approve "Development Permit PL2018-8419", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit that allows for the construction of a duplex with suites;
 AND THAT staff be directed to issue "Development Permit PL2018-8419."

CARRIED UNANIMOUSLY

16. Notice of Motion

17. Business Arising

18. Council Round Table

19. Public Question Period

20. Adjournment

34/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, January 22, 2019 at 6:34 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, January 22, 2019
Recessed from the Regular Council Meeting at 1:00 p.m.

Present: Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt

Staff: Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Ian Chapman, City Engineer
Bregje Kozak, Director Recreation & Facilities
Caitlyn Anderson, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:01 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on January 22, 2019 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Community Recognition**

3.1 Mental Wellness Centre

Obi Oniah, Jim Cleghorn, and Sharon Evans, President, Mental Wellness Centre presented Council with an overview of the Mental Wellness Centre and services they provide the community.

3.2 Protection and Management of the Penticton Oxbows

Rick McKelvey and Ray Halladay presented Council with an overview of the oxbows in Penticton and requested the areas be designated as Natural Areas Park.

3.3 RCMP Year End Report

Superintendent Ted De Jager provided Council with the Penticton South Okanagan Similkameen Regional Detachment Year End Statistical Report for January to December 2018.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held January 22, 2019 at 2:35 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, January 22, 2019
at 6:00 p.m.

- Present:** Mayor Vassilaki
Councillor Bloomfield
Councillor Kimberley
Councillor Regehr
Councillor Robinson
Councillor Sentes
Councillor Watt
- Staff:** Angie Collison, Corporate Officer
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Blake Laven, Planning Manager
Caitlyn Anderson, Deputy Corporate Officer

1. Call to order

Mayor Vassilaki called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw No. 2019-01. 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. 2019-01" (3550 Valleyview Road)

The purpose of "Zoning Amendment Bylaw No. 2019-01" is to amend Zoning Bylaw No. 2017-08 as follows:

Add the following site specific provisions to section 9.2.6:

.11 In the case of Lot 206, DL587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use.

The applicant is proposing to legalize the existing straw-bale guest house and convert it to a sleeping unit for agri-tourism accommodation.

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

DELEGATIONS

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

- No one spoke.

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

- Colleen Raison, applicant, in attendance to answer any questions.

Mayor Vassilaki 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. 2019-01" was terminated at 6:04 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Council Report

penticton.ca

Date: February 5, 2019
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 rescind third reading and give third reading as amended to the "Electric Utility Services Bylaw No. 2017-44";

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.

On February 6, 2018 Council gave:

- Second and Third reading to the "Electric Utility Services Bylaw No. 2017-44";
- Second and Third reading to the "Subdivision and Development Amendment Bylaw No. 2018-08" to amend the "Subdivision and Development Bylaw No. 2004-81" as it pertains to Net Metering;
- Second and Third reading to the "Fees and Charges Amendment Bylaw No. 2018-09" to amend the "Fees and Charges Bylaw No. 2014-07" as it pertains to Appendix 7 – Electricity; and
- Directed staff to forward the "Electric Utility Services Bylaw No. 2017-44" to the Minister of Municipal Affairs and Housing for approval (See Attachment A).

After completing the metering audit and having now received feedback from the Minister of Municipal Affairs and Housing it is necessary to make some further changes to the bylaw. The relevant changes contained in Bylaw No. 2017-44 are as follows:

1. Incorporation of changes from the Minister of Municipal Affairs and Housing which primarily focus on Safety Standards and Electrical Safety Regulations;
2. Changed the requirements for reconnection of electrical services for anything other than disconnections for non-payment, to align with Electric Code requirements;
3. Reorganized Schedule B "Electrical Service Regulations and Specifications" to read more clearly;
4. Inclusion of new meter base technology and metering for single phase 320A Residential services;
5. Bulk metering will no longer be allowed except where practicable.

Alternate recommendations

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

Attachments


Attachment A – Council Resolutions

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

Respectfully submitted,

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

Approvals

General Manager of Infrastructure 	Acting Chief Administrative Officer LD
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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

February 6, 2018 Council Resolution (49/2018)

49/2018

It was MOVED and SECONDED

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.

CARRIED

Mayor Jakubeit, 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.

"**Electrical Code**" means the B.C. Electrical Code adopted under the *Safety Standards Act*, and *Electrical Safety Regulation*, B.C. Reg. 100/2004.

"**Electrical Energy**" means Energy.

"**Electrical Safety Regulation**" means the *Electrical Safety Regulation*, B.C. Regulation 100/2004.

"**Electrical Safety Standards Legislation**" means the *Safety Standards Act*, *Electrical Safety Regulation* and *Electrical Code*.

"**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 is 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) Auto courts, motels and hotels;
- c) 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;
- d) Any Service other than those specified under the definition of "Residential Service";
- e) Schools and educational facilities, hospitals and clinical Facilities, churches and halls, recreational establishments; and
- f) 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 **unless otherwise permitted under B.21(g)(i);**
- 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.

"Regulated Work" means:

- a) The assembly, manufacture, construction, installation, operation, testing, maintenance or repair of Penticton Electric Utility's Equipment; and
- b) The alteration of Penticton Electrical Utility's Equipment.

"Residential Service" means a Service for a Dwelling Unit, and includes, but is not limited to, Services to the following:

- a) Dwelling Units where an incidental portion of the Energy supplied through the Meter is used for a business; and
- b) Residential subdivisions and Multi-unit Residential buildings and developments that are not individually Metered including Apartment Buildings, strata complexes and townhouse complexes.

"Safety Authority Act" means the *Safety Authority Act*, S.B.C. 2003, c. 38.

"Safety Standards Act" means the *Safety Standards Act*, S.B.C. 2003, c. 39.

"Safety Standards General Regulation" means Safety Standards General Regulation B.C. Reg. 105/2004.

"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" means the British Columbia Safety Authority (operating as Technical Safety BC), established under the *Safety Authority Act*, S.B.C. 2003, c. 38, and responsible for administering the *Safety Standards Act*.

"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" and is called the Electrical Service Area.

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; and

- iv) Ensuring the Regulated Work is in compliance with the *Safety Standards Act*;
- 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) The supply of Electrical Services shall comply with, and be subject to the Customer's compliance with, the *Electrical Safety Standards Legislation*, which prevails in the event of any conflict with this Bylaw;
- c) 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
- d) 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 *Electrical Safety Standards Legislation*; 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 Dwelling Units within a strata building, town house complex or Apartment Building; 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 comply with the Electrical Safety Standards Legislation as determined by 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, **except in respect of disconnection under section 5.2**, 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, **the Penticton Electric Utility may require proof of Technical Safety BC approval**; 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 **Electrical Safety Standards Legislation**.

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 and **compliance with the Electrical Safety Standards Legislation**;
- 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 **Weights and Measures Act (Canada)** the City shall adjust the Customer's previous invoices in accordance with the **Electricity and Gas Inspection Act (Canada)**.

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 their 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 as amended this	6	day of	February, 2018
READ A THIRD time this	6	day of	February, 2018
RESCIND THIRD and give THIRD READING as AMENDED		day of	, 2019
RECEIVED the approval of the Minister of Municipal Affairs and Housing this		day of	, 2019
ADOPTED this		day of	, 2019

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Certified a true copy of Electric Utility Services Bylaw No. 2017-44 as read a third time the 5th day of February, 2019.

Angie Collison, Corporate Officer

SCHEDULE "A"

PENTICTON ELECTRIC UTILITY EXCLUDED AREA



SCHEDULE "B"

ELECTRICAL SERVICE REGULATIONS AND SPECIFICATIONS

DISTRIBUTION ACTIVITIES – GENERAL

B.1 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);
- iii) Three-Phase - 347/600 volts, 4 wire, maximum 300kVA Transformation capacity (Max. 400 Ampere Service); and
- iv) Delta Services are prohibited.

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.2 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 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, a Class UR (Underground Raceway) Field Safety Representative certificate of qualification issued by Technical Safety BC 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) 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 is the secondary spades of the pad-mounted transformer. Maintenance must be completed in co-ordination with the Penticton Electric Utility;
- h) 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;

- i) 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
- j) 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 is 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.3 New and Upgraded Electrical Services

Subject to section B.5 – "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) **Proof of Technical Safety BC approval;**
- 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.4 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.5 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.6 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 not be installed in carports, breezeways or on decks or other similar areas;
- c) Meters shall be installed in locations that permit safe and unfettered access by employees or agents of the Penticton Electric Utility;
- d) 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;
- e) 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;

- f) The Penticton Electric Utility may refuse connection of any Electrical Service built in a location not approved by the Penticton Electric Utility;
- g) For single-phase 120/240V less than or equal to 200A and for 320 Ampere single-phase 120/240 Volt Residential services the following conditions for Metering apply:
 - i) 4 jaw socket type Meter bases are required and are to be supplied by the Customer in accordance with section B.8 of this Schedule;
 - ii) 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;
 - iii) The Meter shall be installed on the supply side of the Electrical Service Entrance; and
 - iv) All Meter sockets shall be installed between 1.5 Meters and 1.8 Meters above final ground level to the center of the Meter;
 - v) Residential Type Use – Multiple Meters;
 - A. 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
 - B. 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.
 - vi) Commercial Type Use – Multiple Meters;
 - A. 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; and
 - B. 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.
- h) For three-phase, the following conditions for 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;

- 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 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 located indoors are subject to the access provisions identified in section 6.2 of this Bylaw; and
- v) The location of the Electrical Room shall be approved by the Electric Utility Manager.
- vi) 208/120V Single-Phase Network Metering;
 - A. 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
 - B. 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
- i) 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.6(i), reconnection of Service may occur only upon access to the Meter being provided and payment of the reconnection fee.

B.7 Metering

- a) The type of Meter Socket and Base for all main switch ratings and supply Voltages are prescribed in section B.8 of this Schedule;
- b) The Penticton Electric Utility will supply and install a self-contained socket type Meter for Metering up to and including 200 Amperes and for 320 Ampere single-phase 120/240 Volt Residential services;
- c) For all Electrical Services in excess of 200 Amperes, where pad-mount transformer or 320 Ampere single-phase 120/240 Volt Residential Metering is not being used:
 - i) A 10-jaw transformer type Meter is used. The Meter is to be installed into a Meter base to be provided by the Penticton Electric Utility. Installation of the Meter base will be by the Applicant in an approved electrical room;
 - ii) Where instrument transformers are required, the instrument transformers shall be installed in a cabinet and the cabinet shall contain all of the Penticton Electric Utility's Metering Equipment for the main switch ratings and supply Voltages listed in section B.9 of this Schedule;
 - iii) The Customer is required to supply and install the instrument transformer cabinet including any conduit between the instrument transformer cabinet and the Meter base;
 - iv) Where instrument 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 transformers only Meter a portion of the metal clad switchgear, separate disconnect switches must be installed ahead of the Meter enclosure boxes or Meter bases so that the Service(s) can be de-energized without any interruption to the main Service supply; and
 - v) A Meter base will 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. Generally, one revenue Meter only will be allowed. Additional revenue Meters will require authorization from the Electric Utility Manager.
- d) Meter centers installed for individual Metering applications must meet the requirements of section B.10 of this Schedule;
- e) The Penticton Electric Utility requires a House Meter on Multi-unit Residential and commercial buildings where common loads such as lighting and heating exist;
- f) The Penticton Electric Utility will not allow Bulk Meters for Premises in Multi-unit buildings unless it determines only a Bulk Meter is practicable including where:

- i) the Point of Delivery is at a Primary Voltage, and the Owner elects for the building to be served through one meter;
 - ii) A hotel with one large load unit and several small load units; and
 - iii) A building that easily permits amalgamation and division of individual units, such as a shopping centre or warehouse.
- g) If a Multi-unit building is served by an existing Bulk Meter, each unit must be assigned a civic address for billing purposes;
- h) 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;
- i) 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;
- j) The Customer shall provide wiring and fittings, satisfactory to the Penticton Electric Utility for the installation of each Meter; and
- k) 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.

B.8 Meter Sockets and Bases

- a) Round Meter Bases are not permitted
- b) The following Meter Socket and Bases are required for Metering up to and including 200 Amperes and 320 Ampere single-phase 120/240 Volt Residential services for each of the five 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	i)	200
120/240	1	3	ii)	320

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

*Meter Socket and Base Descriptions

- i) Four (4) jaw socket type square – 100A/200A Overhead and Underground;
- ii) Four (4) jaw socket type square – 320A Underground;
- iii) 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
- iv) 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.

c) The following Meter Socket and Bases are required for Metering above 200 Amperes excluding the 320 Ampere single-phase 120/240 Volt Residential services for each of the three different combinations of Voltage, phase and number of wires set out below:

Voltage	Phase	Wire	Meter Socket Description (> 200 Amperes)
120/240	1	3	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
208/120	3	4	Thirteen (13) jaw socket type with the "13" jaw at the 6 o'clock position, comes with #12AWG copper white wire from the "13" jaw to an insulated neutral block in the Meter
600/347	3	4	

B.9 Instrument Transformer Cabinets

The following sizes of Instrument Transformer Cabinets are required for Electrical Service over 200 Amperes **excluding 320 Ampere single-phase 120/240 Volt Residential services** 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	305/12
600/347	3	4	201-2,000	915/36	915/36	305/12

B.10 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 m 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.11 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.12 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.13 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 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. **The Customer shall be responsible for all civil work including the concrete encasement of ducts, foundations and pads associated with an underground facility;**

- 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 conditions in **B.13 of this Bylaw**.
- k) The Penticton Electric Utility shall own and maintain the Service Extension Facilities **up to the Point of Delivery** 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.14** of this Schedule.

B.14 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, document 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.15 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 Electrical Code. In particular, the Customer shall ensure that Customer's emergency generation does not parallel with the Penticton Electric Utility's Distribution System without 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.16 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.17 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.18 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.19 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.20 Primary Voltage Supplied Customers

- a) 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.
- b) 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.
- c) As with all Services, the Penticton Electric Utility will not connect or energize the Customer's substation until:
 - i) A declaration has been received in accordance with the Safety Standards **General Regulation**;
 - ii) The Penticton Electric Utility has inspected the Service;
 - iii) 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
 - iv) 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

- b) The Penticton Electric Utility shall determine the number or capacity of Micro-DR units on any part of their Distribution System;
- c) The Penticton Electric Utility maintains the right to disconnect, without liability, the Micro-DR for any issues relating to safety and reliability;
- d) The Micro-DR Customer must apply to the Penticton Electric Utility using the appropriate "Net Metering" application form;
- e) The Micro-DR System must be located on the Customer's Premises;
- f) Installation of the Micro-DR System shall not commence until the Design has been approved by the Electric Utility Manager;
- g) Design Requirements:
 - 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. Bears evidence of either a mark or a label of a certification agency accredited by the Standards Council of Canada or an approval label issued by British Columbia Safety Authority;
 - B. Meets the intent of Section 84 of the *Canadian Electrical 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.
- h) 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.

Council Report

penticton.ca

Date: February 5, 2019
To: Peter Weeber, Chief Administrative Officer
From: Angela Campbell, Controller
Subject: **Reserve Policy**

File No:

Staff Recommendation

THAT Council adopt the Reserve Policy effective February 5, 2019;

THAT Council approve a transfer of \$4,000,000 of the existing funds in the Electric Surplus reserve into the Electric Capital reserve for 2019;

AND THAT Council approve a transfer of \$3,000,000 from the Gaming Reserve with \$2,000,000 transferred into the Equipment Replacement Reserve, and \$1,000,000 transferred into the Asset Emergency Reserve for 2019.

Background

During 2018 staff inventoried all finance policies to identify areas where policies required updating and or creation; an updated comprehensive reserve policy was noted as a high priority.

The City Reserve policy was approved in 2001 via a Council memorandum. That policy only detailed the purpose and minimum balances of the surplus and statutory reserves and was silent on all the non-statutory reserves and most administration areas of managing the reserves.

Reserves and surpluses are critically important to the financial well-being of municipalities. Reserves are created for unique and specific corporate purposes with the primary objectives of:

- Ensuring stable and predictable levies
- Focusing on long-term financial stability
- Safeguarding and maintaining existing assets
- Providing for operating emergencies
- Financing new capital assets

Reserves and surpluses should be kept at or above the minimum recommended levels and allowed to increase to optimum balances during healthy economic times to provide stability in slower economies. Constant demand on reserves and surpluses is not sustainable and will lead to eventual increased taxation to maintain service levels or in the alternative reduction or elimination of services.

The Finance department projects reserve balances based on the 5 year financial plan to ensure the suitability of funding levels and enable smoothing of those levels from year to year.

Analysis

Policy:

Staff have reviewed similar reserve policies from other municipalities as well as guidelines provided by the Government Finance Officers Association of BC, and the relevant sections of the *Community Charter* to form a comprehensive reserve policy that covers the following areas.

Policy Administration

Responsibilities – this section details the responsibilities of financial administration of the reserves for both the CFO who is responsible for reserve oversight, as well as the Controller who ensures compliance with policy/bylaws, annually reviewing reserves and updating policy.

Corporate Purpose – Reserves are meant to have a unique and specific corporate purpose with an effort made to reduce complexity, combine accounts with similar purposes, eliminate redundancy and ensure reserves are aligned with corporate purpose and strategic plans.

Reserve Contributions – Annual and/or periodic contributions are specific to each reserve and are approved by Council through the City's annual financial plan.

Minimum and Optimum Balances – As considered, necessary reserves should have both a minimum and optimum balance. Minimum balances ensure reserves are not depleted to the degree that they are no longer able to serve their intended purpose. Optimum balances are designed to ensure the City's guiding principles are achieved and excess funds are not remaining idle.

Internal Borrowing – Internal borrowing is permitted as allowed by legislation which requires attainable payback including foregone interest.

Interest – All statutory reserves earn interest each year which is calculated based on the average fund balances at the end of the year using the City's average rate of return on investments. Any interest earned in a reserve fund must only be used for the purpose in which the fund was established.

Guide and Transition – This section recognizes that although minimum and optimal balances are a guide in moving the City towards its goals or targets, current balances may not be at these levels.

Guiding Principles

Objectives:

Ensure Stable and Predictable Levels - The City recognizes that unstable and unpredictable levies can adversely affect residents and businesses in Penticton. In order to maintain stable and predictable levies, the City will endeavor to maintain sufficient reserves to buffer the impact of any unusual or unplanned cost increases and revenue volatility over multiple budget cycles.

Focus on Long-Term Financial Stability - The City recognizes that adequate reserve/surplus levels are important in achieving community goals including financial health and stability. The City will strive to be proactive in achieving long-term financial stability and balancing the costs of maintaining healthy reserves/surplus levels to current and future taxpayers.

Safeguard and Maintain Existing Assets - The City has an inventory of specialized machinery, equipment, technology and infrastructure that are necessary for the efficient delivery of services to the public. These capital assets need to be maintained and replaced according to their service lifecycles. The reserve balances are focused on maintaining enough funds overall to manage risk of asset failure with a focus on annual spending and investment of infrastructure rather than maintaining significant balances in reserve. Typically to maintaining existing assets are for maintaining existing service levels.

Provide for Operating Emergencies - The City is exposed to unusual operating emergencies resulting from inclement weather, catastrophic events, law enforcement issues, legal claims, insurance claims, tax assessment appeals, environmental hazards and various other events. It may not be feasible, or cost-effective, to absorb the costs in one budget cycle. The City will develop and endeavor to maintain adequate reserves to minimize the financial impact of such emergencies, extensive service interruptions, and prevent risks to infrastructure and public safety.

Finance New Capital Assets - The use of reserve funds for financing new capital assets is an effective means of matching one-time funds to one-time capital projects. In addition, the City requires financial resources to leverage external funding or to quickly respond to opportunities that could provide capital infrastructure through private sector partnerships, and other alternative service delivery methods. Typically new capital assets are for an increase to service levels.

Accumulated Surpluses

The City needs to maintain accumulated surplus balances in its four operating funds (general, electric, sewer, and water) for working capital and cash flow purposes. Maintaining minimum working capital funds minimizes the need to borrow externally and/or internally to cover operating expenses before property taxes, user fees and other revenues are collected.

Transfers:

The Electric Revenue fund provides the resources to finance the electric capital requirements on an annual basis. Based on the new minimum and optimum balances recommended in the policy, the Electric Surplus has excess funds over the optimum balance that can be allocated to the Electric Capital Reserve to meet its optimum balance.

All casino funds received are deposited into the Gaming Reserve and then allocated out to the expenditures previously approved by Council; currently this is for debt issues relating to the SOEC, integrated waterfront, sports fields and parkland acquisition. Staff has undertaken a review of the Gaming Reserve and determined that based on the future expenditures being funded by this reserve there are excess funds that can be allocated to other areas that are in need of resources.

Based on the 5 year financial plan and reserve forecasts, the Equipment Replacement Reserve will fall into a deficit in 2021. This is a result of reduced funding into this reserve that occurred during multiple years in order to balance the financial plan and keep taxation increases at a minimum. Traditionally the contributions to this reserve have been made at levels that have now become insufficient to replace the assets at current values. Staff will be doing additional analysis on the contributions to this reserve during 2019 to determine the appropriate level of annual funding required to sustain the replacement of the City's equipment.

The Asset Emergency Reserve was established in 2015 and has since been utilized to fund such emergencies as the roof repair at the City Yards facility, the KVR retaining wall and the Kiwanis Pier. The projected balance of this reserve will fall under \$400,000 as at December 31, 2018 leaving insufficient funds for significant future events. The only funding source for contributions into this reserve is allocations from surplus according to the provisions of the Year End Surplus Policy which will only occur during the years the City is in a surplus balance. Additional contributions to the reserve will ensure there are funds available for unbudgeted emergencies that occur.

With these proposed transfers from the gaming reserve staff forecast the balance for the reserve to be \$1.8 million at the end of 2018.

Alternate recommendations

- 1. Amend the policy based on Council direction.
- 2. Council provides alternate direction on the reserve transfers.

Attachments

Attachment A - 2017 Reserves Statement of Changes in Fund Balances

Attachment B – Reserve Policy

Respectfully submitted,



Angela Campbell
Controller

Approvals

CFO	ACAO
<i>LWB</i>	LD

**THE CITY OF PENTICTON
RESERVES
STATEMENT OF CHANGES IN FUND BALANCES
YEAR ENDED DECEMBER 31, 2017
(UNAUDITED)**

	Balance, Beginning of Year	Transfer From Funds	Transfer To Fund	Interest	Inter-reserve Transfers	2017 Total
Non-Statutory						
Asset Emergency	\$ 800,000	\$ 263,203	\$ (104,729)	\$ -	\$ -	\$ 958,474
Building Permit Stabilization	100,000	-	-	-	-	100,000
Carbon Tax Credit Reserve	152,421	-	-	-	-	152,421
Cemetery Land	133,000	-	-	-	-	133,000
Climate Action	131,247	48,073	-	-	-	179,320
Election	47,599	23,353	-	-	-	70,952
Electric Surplus	14,500,932	2,321,687	-	-	-	16,822,619
Financial Stabilization	-	78,568	-	-	-	78,568
Gaming	7,350,533	1,982,787	(3,172,441)	-	-	6,160,879
General Surplus	5,711,737	314,273	-	-	-	6,026,010
Infrastructure	400,000	-	-	-	-	400,000
Investment Income	973,435	-	-	-	396,507	1,369,942
Liability Insurance	250,001	-	-	-	-	250,001
Marinas	489,681	57,923	-	-	-	547,604
Multi-Material BC	-	467,109	-	-	(396,507)	70,602
Northgate	52,000	-	-	-	-	52,000
Parking & Revitalization	51,765	-	-	-	-	51,765
Public Art	35,011	32,000	(19,740)	-	-	47,271
Rate Stabilization	200,000	-	-	-	-	200,000
RCMP	359,999	-	-	-	-	359,999
Sewer Equipment Replacement	108,022	-	-	-	-	108,022
Sewer Surplus	6,901,389	-	(1,689,712)	-	-	5,211,677
Snow Clearing Stabilization	75,000	-	-	-	-	75,000
Special Events Site	21,166	-	-	-	-	21,166
Water Surplus	3,913,262	996,186	-	-	-	4,909,448
West Bench Capital	1,185,185	-	-	-	-	1,185,185
West Bench Water	1,723,392	-	(78,336)	-	-	1,645,056
Wine/Info	13,150	-	-	-	-	13,150
	<u>45,679,927</u>	<u>6,585,162</u>	<u>(5,064,958)</u>	<u>-</u>	<u>-</u>	<u>47,200,131</u>
Statutory	10,815,928	3,650,159	(69,103)	142,216	-	14,539,200
DCC	10,275,074	4,463,347	(307,694)	159,240	-	14,589,967
	<u>\$ 66,770,929</u>	<u>\$ 14,698,668</u>	<u>\$ (5,441,755)</u>	<u>\$ 301,456</u>	<u>\$ -</u>	<u>\$ 76,329,298</u>

Effective date: February 5, 2019

Resolution No.:

Subject: Reserve Policy

1 PURPOSE OF POLICY

This policy has been developed to provide guidance and direction for the development, maintenance, and the use of City's reserve funds.

2 DEFINITIONS

"Accumulated Surplus" means the accumulated excess of revenues over expenditures from prior years which has not been set aside for specific purposes

"Annual Surplus" means the accumulated excess of revenues over expenditures for the current year

"Non-Statutory Reserve" means funds allocated for a specified purpose but not established by bylaw

"Statutory Reserve" means a reserve fund established by bylaw for a specified purpose as per the *Community Charter*

3 POLICY ADMINISTRATION

3.1 RESPONSIBILITIES

The Chief Financial Officer is assigned the responsibility of financial administration for the City including ensuring the keeping of and the oversight of all reserve/surplus funds, and investing funds until required in statutorily authorized investments.

The Controller shall be responsible for:

- Ensuring the establishment, keeping and maintenance of all reserve, surplus and other municipal funds in compliance with provincial enactments, City bylaws and this policy;
- Conducting an annual review of the reserve, surplus and other municipal funds and reporting the results to City Council;
- On an "as required basis" but at least every two years recommending revisions or amendments to this policy, due to changes in applicable statutes, accounting standards, or economy.

CORPORATE PURPOSE

Reserves must have a unique and specific corporate purpose. Every effort must be made to:

- Reduce complexity by combining amounts with similar purposes,
- Eliminating those with redundant or outdated purposes,
- Re-focusing departmental reserves to corporate purposes and strategic plans.

3.3 RESERVE CONTRIBUTIONS

Annual and/or periodic contributions to reserve funds shall be specific to each reserve, as approved by Council through the City's annual financial planning bylaw, and as required by section 188 of the *Community Charter* and section 566 of the *Local Government Act*, as amended or replaced from time to time.

3.4 MINIMUM AND OPTIMUM RESERVE BALANCES

A minimum and optimum balance shall be established if considered necessary for each Statutory Reserve. The minimum balance will ensure that each Statutory Reserve is not depleted to the degree that it is no longer able to serve its intended purpose. The optimum balance ensures the City's guiding principles are achieved and that excess funds are not remaining idle that could be otherwise utilized for other corporate priorities. A review of actual, minimum and optimal Statutory Reserve balances shall be undertaken annually. The minimum and optimal reserve balances are shown in Section 9, Appendix.

Minimum and optimum reserve balances may be established for Non-Statutory Reserves but is not required.

3.5 INTERNAL BORROWING

A payment from a reserve/surplus fund to another reserve/surplus fund established for another purpose, shall be permissible as allowed for by legislation, if a clearly defined and attainable payback plan, including payment of foregone interest, is established by the resolution that authorizes the payment. Such payments from one reserve/surplus fund to another allows for more flexibility in terms of payback amount and loan duration than external borrowing. Paybacks shall be executed according to plan, including the time for repayment, the calculation of the foregone interest and the obligation in the case of a Statutory Reserve to repay the amount with interest before the money is needed for the purpose of the first Statutory Reserve.

3.6 INTEREST

All Statutory Reserve funds will earn interest each year. Interest will be calculated based on the average fund balances at the end of year using the City's average rate of return on investments. Per subsection 189 (1) of the *Community Charter*, any interest earned in a reserve fund must be used only for the purpose for which the fund was established.

3.7 GUIDE AND TRANSITION

The minimum and optimal fund balance guidelines shown in this policy serve as a guide in moving the City towards the goals or targets it wishes to attain, in terms of individual fund balances. It is recognized that the City's fund balances may not be at the minimum and optimal levels at the time of policy creation.

4 GUIDING PRINCIPLES AND OBJECTIVES

GUIDING PRINCIPLES

All reserve and surplus funds must be established, maintained and used for a specified purpose as mandated by this policy, statute, or City by-law, including the financial plan.

The City's management of reserve and surplus funds needs to conform to the statutory and legal requirements of the *Local Government Act* and the *Community Charter*.

OBJECTIVES

The primary objectives of the City's reserve and surplus funds are to:

a. Ensure Stable and Predictable Levies

The City recognizes that unstable and unpredictable levies can adversely affect residents and businesses in Penticton. In order to maintain stable and predictable levies and fees, the City will endeavor to maintain sufficient reserves to buffer the impact of any unusual or unplanned cost increases and revenue volatility over multiple budget cycles.

b. Focus on Long-Term Financial Stability

The City recognizes that adequate reserve/surplus levels are important in achieving community goals including financial health and stability. The City will strive to be proactive in achieving long-term financial stability and balancing the costs of maintaining reasonable reserves/surplus levels to current and future taxpayers.

c. Safeguard and Maintain Existing Assets

The City has an inventory of specialized machinery, equipment, technology and infrastructure that are necessary for the efficient delivery of services to the public. These capital assets need to be maintained and replaced according to their service lifecycles. The capital asset reserve balances are focused on maintaining enough funds overall to manage risk of asset failure with a focus on annual spending and investment on infrastructure rather than maintaining significant balances in reserve. Typically, funds established to maintain are for maintaining existing service levels.

d. Provide for Operating Emergencies

The City is exposed to unusual operating emergencies resulting from climatic events, catastrophic events, law enforcement issues, legal claims, insurance claims, tax assessment appeals, environmental hazards and various other events. It may not be feasible, or cost-effective, to absorb the costs in one budget cycle. The City will establish and maintain what Council considers to be reasonably adequate reserves to minimize the financial impact of such emergencies, extensive service interruptions, and prevent risks to infrastructure and public safety.

e. Finance New Capital Assets

The use of reserve funds for financing new capital assets is an effective means of matching one-time funds to one-time capital projects. In addition, the City requires financial resources to leverage external funding or to quickly respond to opportunities that could provide capital infrastructure through private sector or public

partnerships, and other alternative service delivery methods. Typically new capital assets are for an increase to service levels.

5 ACCUMULATED SURPLUSES

The City needs to maintain accumulated surplus balances in its four operating funds (general, electric, sewer, and water) for working capital or cash flow purposes. Maintaining minimum working capital funds minimizes the need to borrow externally and/or internally to cover operating expenses before property taxes, user fees and other revenues are collected.

6 STATUTORY RESERVES

The minimum and optimal reserve balances further to section 3.4 are shown in Section 9, Appendix.

6.1 AFFORDABLE HOUSING RESERVE

This reserve is to provide funding for the purpose of funding expenditures for or in respect of Affordable Housing projects that provide social or not-for-profit for those in need.

6.2 ALTERNATIVE TRANSPORTATION RESERVE

This reserve is to provide funding solely for transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

6.3 ASSET SUSTAINABILITY

This reserve is to provide funding solely for replacement or significant repair that would increase estimated useful life of existing capital assets.

6.4 CAPITAL RESERVE FUND

This reserve is to fund new capital and replacement projects in the general fund including roads, traffic signals, curb and gutters, sidewalks and streetlights. This reserve can also be used to fund other capital projects as needed.

6.5 COMMUNITY WORKS RESERVE FUND

This reserve is to be used pursuant to the Community Works Gas Tax Agreement; funds to be used to build and revitalize public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong cities and communities. This reserve will be used for eligible projects as set out in the Community Works Gas Tax Agreement.

6.6 ELECTRIC CAPITAL RESERVE FUND

This reserve is to fund electric utility equipment, buildings, land improvements and infrastructure.

6.7 EQUIPMENT REPLACEMENT RESERVE FUND

This reserve is to fund the replacement of City equipment including fleet and heavy equipment, fire trucks and information technology assets.

6.8 LAND ACQUISITION FUND

Per subsection 188 (2) (e) of the *Community Charter*, funds received from the sale of land and improvements must be set aside in a reserve and used for paying any debt remaining in relation to the property and for acquiring land, improvements and other assets of a capital nature.

6.9 LOCAL IMPROVEMENT FUND

This reserve is to provide funding for financing the construction or provision of local improvement works or local service area works or services payable by special charges

6.10 OFF-SITE PARKING RESERVE FUND

This reserve is to provide funding for new and existing off-street parking spaces in specified areas.

6.11 PARKLAND ACQUISITION RESERVE FUND

Per subsection 188 (2) (b) of the *Community Charter*, Funds received from the sale or disposal of parkland as well as funds received pursuant to section 941 of the *Local Government Act* (parkland funds received upon subdivision) must be set aside in a reserve and be used exclusively to purchase parkland. The parkland acquisition reserve fund has been established for accumulating and expending monies as per this requirement.

6.12 PUBLIC AMENITY RESERVE FUND

This reserve is to provide funding solely for the purposes of community park improvements, Community Centre improvements, parkland acquisition, acquisition of equipment necessary to service higher elevation buildings, and other amenities as determined from time to time.

6.13 SEWER CAPITAL RESERVE FUND

This reserve is to fund sanitary sewer utility equipment, buildings, land improvements and infrastructure.

6.14 TAX SALE LANDS RESERVE FUND

This reserve is funded from all sales of City land and buildings through the annual tax sale.

6.15 WATER CAPITAL RESERVE FUND

This reserve is to fund water utility equipment, buildings, land improvements and infrastructure.

7 NON-STATUTORY RESERVES

7.1 ASSET EMERGENCY

This reserve is to fund unplanned non-budgeted asset emergency costs that occur during the year.

7.2 CEMETERY LAND

This reserve is to fund the purchase of future Cemetery lands.

7.3 CLIMATE ACTION

This reserve is to provide funding for carbon neutral initiatives; part of working towards carbon neutrality as per the Climate Action Charter.

7.4 ELECTION

This reserve is to fund election expenses that occur every 4 years.

7.5 ELECTRIC SURPLUS

This reserve is for working capital purposes in the electric operating and capital funds.

7.6 FINANCIAL STABILIZATION

The financial stabilization reserve has been established for the following purposes:

Significant Operating Events and Environmental Emergencies – these appropriations are for major non-recurring costs related to significant operating events and various emergency events or situations, for instance significant legal costs/claims, inclement weather, environmental hazards, and the like.

Revenue Stabilization and Operating Contingency – these appropriations are intended to stabilize the impacts of cyclical revenue downturns and operating cost increases that are largely temporary and not within the City's ability to adjust to in the short-term.

One-Time and Intermittent Projects – these appropriations are to allow the City the flexibility to fund one-time and intermittent operating projects without resulting in a spikes and declines in general taxation.

7.7 GAMING

This reserve is to support Council strategic priorities and initiatives; this fund can be used for any municipal purpose however Council provides direction for use through a Council resolution.

7.8 GENERAL SURPLUS

To cover cash flows and working capital before property tax revenues are collected.

7.9 INVESTMENT INCOME

This reserve is intended to stabilize the impacts of cyclical interest revenue downturns caused by interest rates fluctuations.

7.10 MARINAS

This reserve is to fund renovations and repairs for the City's marina's and marina infrastructure.

7.11 RECYCLING

This reserve is to provide funding for recycling initiatives or reductions in recycling levies as per the agreement with Recycle BC.

7.12 PARKING AND REVITALIZATION

This reserve is to fund parking lot improvements in the City's lots.

7.13 PUBLIC ART

This reserve is to fund public art projects and/or pieces to be displayed throughout the City.

7.14 RCMP

This reserve is to fund major non-recurring costs related to significant RCMP events.

7.15 SEWER EQUIPMENT REPLACEMENT

This reserve is to fund the replacement of sewer equipment for the septage receiving facility.

7.16 SEWER SURPLUS

This reserve is for working capital purposes in the sewer operating and capital funds.

7.17 STORM WATER RESERVE

This reserve is for working capital purposes in the storm sewer cost center for operating and capital funding.

7.18 WATER SURPLUS

This reserve is for working capital purposes in the water operating and capital funds.

7.19 WEST BENCH CAPITAL

This reserve is to fund future replacement of West Bench capital infrastructure.

7.20 WEST BENCH WATER

This reserve is to fund the water sales pricing offset provided to West Bench customers.

8 MANDATORY RESERVES

8.1 DEVELOPMENT COST CHARGES

Per subsection 188 (2) (a) of the *Community Charter*, separate Reserves need to be established for DCC collections and use, under section 935 of the *Local Government Act*. The following DCC Reserves have been established for the purpose so identified in the associated DCC bylaws and are as follows:

- Roads DCC
- Parks DCC
- Drainage DCC
- Waste Water DCC
- Water DCC

8.2 CEMETERY PERPETUAL CARE

The Cemetery Care Reserve is established in accordance with the Cemeteries Act, to upkeep the cemetery grounds/facilities upon closure of the cemetery. As per this legislation, current interest income earned on the Reserve balance may be used to offset cemetery operating and capital expenditures. Annual cemetery operating and capital expenditures are approved by Council through the annual budgeting process.

9 APPENDIX

The reserves/surplus policy appendix includes additional detail on the City’s reserve funds including the funding source, minimum and optimum levels and the rationale for levels established.

RESERVE AND SURPLUS POLICY APPENDIX

STATUTORY RESERVES

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
Affordable Housing Reserve	To accumulate Affordable Housing contributions for approved projects	Developer contributions from amenity zoning or Phase Development Agreements (PDA)	Sufficient balance to fund budgeted or planned affordable housing projects	Sufficient balance to fund budgeted or planned Affordable Housing projects	Affordable Housing projects should not be budgeted if Affordable Housing contribution projections indicate lack of available funding
Alternative Transportation Reserve	To fund transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation	Cash in lieu of required parking	N/A	N/A	Contributions are dependent upon collections
Asset Sustainability Reserve	To fund major repairs, upgrades, replacement and expansions of municipal buildings, ancillary structures and site services, and other core City assets in the general fund. Excludes electric, sewer, water and storm capital	Annual contribution from taxation, gaming funding, net capital funding allocations as necessary and facility fee revenue collected from ticket sales at the South Okanagan	\$2,000,000 1% of total cost of facilities and roads tangible capital assets (excluding water and sewer buildings)	\$8,000,000 4.0% of total cost of facilities and roads tangible capital assets (excluding water and sewer buildings)	The minimum and optimum levels are based on maintaining a sufficient balance in all capital reserves to cover risk of uninsured asset failure

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
		Events Centre			
Capital Reserve	To fund general fund capital and replacement projects including roads, curb and gutters, and sidewalks. Includes linear assets – roads and bridges; as well as other assets as needed	Contribution consists of any excess unutilized capital funding during the fiscal year. Capital works reserve is the flow through reserve to allocate additional capital funding	\$1,300,000 1.5% of total cost of roads	\$2,600,000 3% of total cost of roads	The minimum and optimum levels are based on maintaining a sufficient balance in all capital reserves to cover risk of uninsured asset failure
Community Works Reserve	To be used pursuant to the Community Works Gas Tax Agreement; funds to be used to build and revitalize public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong cities and communities. Fund utilized for ongoing enhancements and betterments to the community and Council strategic capital projects	Federal Community Works Gas Tax funds distributed by the Union of BC Municipalities (UBCM)	N/A	N/A	Reserve level and related spending is dependent upon funds received
Electric Capital Reserve	To fund electric utility equipment and infrastructure	Excess funds Transferred from accumulated	\$750,000 1% of total cost of electric fund	\$5,000,000 7% of total cost of electric fund	The minimum and optimum levels are based on maintaining a

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
		surplus electric	tangible capital assets	tangible capital assets	sufficient balance in all capital reserves to cover risk of uninsured asset failure
Equipment Replacement Reserve	To fund the purchase and replacement of City fleet and heavy equipment, including fire trucks. Includes sewer, water fleet and heavy equipment	Contributions are allocated amongst City departments from all funds based on annual equipment rates and equipment usage. Net capital funding allocations as necessary Net gain/loss from fleet and heavy equipment disposals. Annual contribution from taxation	\$1,000,000 2.5% of total cost of equipment	\$3,200,000 8.0% of total cost of equipment	Fleet failure is a risk to the City and does interrupt business operations therefore minimum and maximum balances are based on ensuring enough funds remain to replace the most expensive fleet asset. The annual reserve contributions will be based on planned capital spending and priority needs
Land Acquisition Reserve	To purchase strategic land in the City, and to pay any remaining debt on such lands, or to acquire other assets of a capital nature	Funds received from the sale or disposal of City held lands (except Parkland)	N/A	Adequate balance to fund land acquisitions per Council's strategic priorities	Acquisitions are dependent upon collections
Local Improvement Reserve	To be used for financing the construction of local improvement or local service area works or	Monies allocated from general revenue and monies expended	N/A	N/A	Contributions are dependent upon local improvement projects

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
	services	from and prepaid to the fund			
Off-Site Parking Reserve	To provide new and existing off street parking spaces	Funds received in lieu of required parking	N/A	N/A	Contributions are dependent upon collections
Parkland Acquisition Reserve	To purchase parkland as per the <i>Community Charter</i> .	Funds received from the sale or disposal of parkland, and parkland funds received upon subdivision.	N/A	Adequate balance to fund parkland acquisitions per Council's strategic priorities.	Acquisitions are dependent upon collections
Public Amenity Reserve	To accumulate community amenity contributions for approved projects	Developer contributions from amenity zoning or Phase Development Agreements (PDA) from residential or other re-zonings	N/A	Sufficient balance to fund budgeted or planned Community Amenity projects	Community Amenity projects should not be budgeted if Community Amenity contribution projections indicate lack of available funding
Sewer Capital Reserve	To fund sewer utility equipment and infrastructure.	Excess funds Transferred from accumulated surplus sewer	\$1,500,000 2% of total cost of sewer fund tangible capital assets	\$3,700,000 5% of total cost of sewer fund tangible capital assets	The minimum and optimum levels are based on maintaining a sufficient balance in all capital reserves to cover risk of uninsured asset failure.
Tax Sale Lands Reserve	To accumulate proceeds from any sales of City land and buildings	Sales of City land and buildings through tax sale	N/A	N/A	Contributions are dependent upon tax sale property transfers
Water Capital Reserve	To fund water utility equipment and	Excess funds Transferred from	\$1,600,000 2% of total cost of water	\$4,000,000 5% of total cost of	The minimum and optimum levels are based on

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
	infrastructure.	accumulated surplus water.	fund tangible capital assets	water fund tangible capital assets	maintaining a sufficient balance in all capital reserves to cover risk of uninsured asset failure.

NON-STATUTORY RESERVES

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
Asset Emergency Reserve	To fund unbudgeted unanticipated emergency costs related to repair or replacement of assets	Excess funds transferred from accumulated surplus general as per the Year End Surplus policy	\$250,000 .1% of general fund assets (buildings, equipment and roads)	\$2,500,000 1% of general fund assets (buildings, equipment and roads)	Asset failure is a risk to the City and does interrupt business operations therefore minimum and maximum balances are based on ensuring enough funds remain to fund a minimal emergent issue
Cemetery Land Reserve	To purchase future Cemetery lands	Contribution from the general fund allocated as necessary	N/A	N/A	
Climate Action Reserve	To provide funding for carbon neutral initiatives; part of working towards carbon neutrality as per the Climate Action Charter commitment	Annual transfer from community works gas tax reserve in lieu of purchasing carbon offsets, in addition to annual CARIP (Climate Action Revenue Incentive Program) funding	N/A	N/A	CARIP grants of approximately \$30,000 per year are received from the Province as part of being a member of the Climate Action Charter commitment.
Election Reserve	To fund election expenses	One quarter of expected election expenses are budgeted annually, in years outside of election year this amount is transferred to the reserve	N/A	N/A	Funding level is depending on expected election expenses in election year

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
Electric Surplus	For working capital purposes in the electric operating fund	Annual electric operating surplus	\$2,800,000 7.5% of net expenditures	\$5,750,000 15% of net expenditures	To provide cash flows before utility fees are collected
Financial Stabilization Reserve	For major emergent operating issues, one-time and intermittent projects, and to offset unrealized revenues	Excess funds transferred from accumulated surplus general as per the Year End Surplus policy	\$650,000 1.0% of operating fund revenues (less Collections for other Governments)	\$1,600,000 2.5% of operating fund revenues (less Collections for other Governments)	Funds emergent issues and offset unrealized revenues which generally do not exceed a percentage of the general operating fund budget
Gaming Reserve	To accumulate gaming revenues and fund priorities established by City Council	Gaming funds received pursuant to the City's Host Financial Assistance Agreement with the Province of BC	\$500,000 25% of projected revenues in case of unplanned reduction in revenues	N/A	Reserve level and related spending is dependent upon gaming funds received.
General Surplus	To cover cash flows and working capital before property tax revenues are collected	Annual general operating surplus	\$4,000,000 7.5% of net expenditures	\$7,950,000 15% of net expenditures	To provide cash flows before property taxes are collected. Excess balances transferred as per the Year End Surplus policy
Investment Income	To offset unrealized budgeted investment revenues due to decline in interest rates	General revenue in excess of allocation from budget of investment income	\$250,000 25% of expected investment income for a year		Significant decreases in investment income can happen any time there is a decline in interest rates
Marina Reserve	To fund renovations for both Skaha and Okanagan marinas	Net lease revenue of both Skaha and Okanagan marinas	N/A	N/A	Reserve level and related spending is dependent upon funds received

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
Recycling Reserve	To fund recycling initiatives or to offset reductions to recycling rates	Recycle BC funds as per agreement	N/A	N/A	Reserve level and related spending is dependent upon funds received
Parking and Revitalization Reserve	To fund parking lot improvements in City owned parking lots	Long term rentals of City parking lots	N/A	N/A	Reserve level and related spending is dependent upon funds received
Public Art Reserve	To fund public art projects to be displayed throughout the City	Contribution from the general fund allocated as necessary	N/A	N/A	Reserve level and related spending is dependent upon funds received
RCMP Reserve	To fund unbudgeted RCMP contract expenses due to unforeseen events	Surplus of RCMP yearly contract expenditures under budgeted expenditures as per the Year End Surplus policy	N/A	\$400,000, based on two major events	Unanticipated, major RCMP contract expenditures can arise at any time. These expenditures are a percentage of the RCMP contract budget
Sewer Equipment Replacement Reserve	To fund replacement of sewer equipment for septage receiving	Surplus funds from septage receiving facility operations	N/A	N/A	
Sewer Surplus	For working capital purposes in the sewer operating fund	Annual sewer operating surplus	\$400,000 7.5% of net expenditures	\$800,000 15% of net expenditures	To provide cash flows before utility fees are collected
Storm Water Reserve	For working capital purposes for the Storm Utility	Excess of revenue over expenditures in the Storm Water Cost	\$150,000 7.5% of net expenditures	\$300,000 15% of net expenditures	To provide cash flows before utility fees are collected

Reserve	Purpose	Funding Source(s)	Minimum \$ Level	Optimum \$ Level	Rationale for \$ Levels Established
	infrastructure, including capital	Centre			
Water Surplus	For working capital purposes in the water operating fund	Annual water operating surplus	\$400,000 7.5% of net expenditures	\$765,000 15% of net expenditures	To provide cash flows before utility fees are collected
West Bench Capital Reserve	To fund West Bench water utility infrastructure.	One time funding from the Regional District of the South Okanagan	N/A	N/A	
West Bench Water Reserve	To offset monthly water sales pricing	One time funding from the Regional District of the South Okanagan	N/A	N/A	

Certified Correct:

Angie Collison, Corporate Officer

Bylaw No. 2019-02

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. 2019-02".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone "Proposed Strata Lot 1" of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing).

2.2 Delete and replace Section 10.7.3 SITE SPECIFIC PROVISIONS with the following:

.1 In the case of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, townhouses are not permitted.

2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	22	day of	January, 2019
A PUBLIC HEARING was held this	5	day of	February, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
ADOPTED this		day of	, 2019

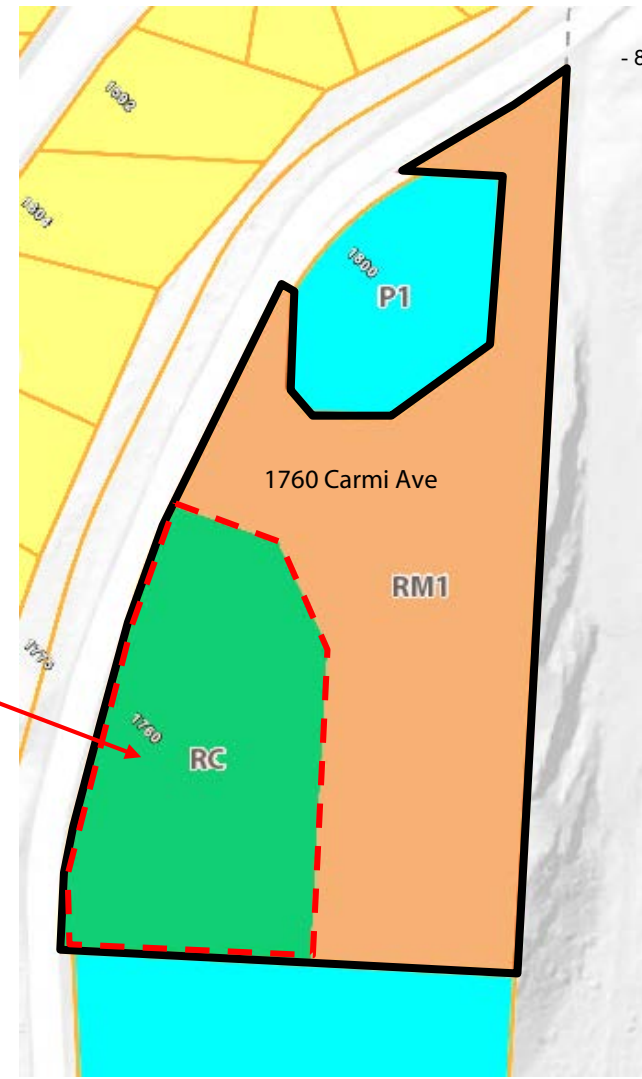
Notice of intention to proceed with this bylaw was published on the 25 day of January, 2019 and the 30 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

1760 Carmi Avenue

- Rezone the portion of 1760 Carmi Avenue currently zoned as RC (Country Residential) to RM1 (Bareland Strata Housing).
- Add a site specific provision to the RM1 Zone prohibiting townhomes on the property



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-02

Date: _____

Corporate Officer: _____

Bylaw No. 2019-03

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. 2019-03".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	22	day of	January, 2019
A PUBLIC HEARING was held this	5	day of	February, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
RECEIVED the approval of the		day of	, 2019
Ministry of Transportation on the			
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 25 day of January, 2019 and the 30 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2019</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>
--

Angie Collison, Corporate Officer

Rezone 964, 970, 976 and 982 Dynes Avenue
From R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) - 84 -



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-03

Date: _____

Corporate Officer: _____

Date: February 5, 2019
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner I
Address: 3917 Lakeside Road
Subject: **Temporary Use Permit PL 2018-8413**

File No: PRJ2018-239

Staff Recommendation

THAT Council approve "Temporary Use Permit PL2018-8413", a permit to allow the use of 'outdoor storage' for Lot A, District Lot 190, Similkameen Division Yale District, Plan KAP 72460, located at 3917 Lakeside Road, for an eighteen-month period, ending August 5, 2020;

AND THAT staff are directed to issue the permit.

Background

This application is coming forward from an applicant who owns two adjacent / tandem properties on Lakeside Road. 3919 Lakeside Road directly fronts Skaha Lake and is accessed via a panhandle running along 3917 Lakeside Road, which fronts onto Lakeside Road and is the subject of this application. Both lots are directly adjacent to the Skaha Lake Park parking lot. Both properties are currently vacant.

In October 2017, a fire originating on a neighbouring property, 3923 Lakeside Road, spread to the house on 3919 Lakeside Road, destroying both homes.

The owner of 3917 and 3919 Lakeside Road is intending to construct a new single family house and carriage house on 3919 Lakeside Road. A building permit has been issued for the house. The carriage house is subject to a separate but concurrent application process, including a variance to the building size and location.

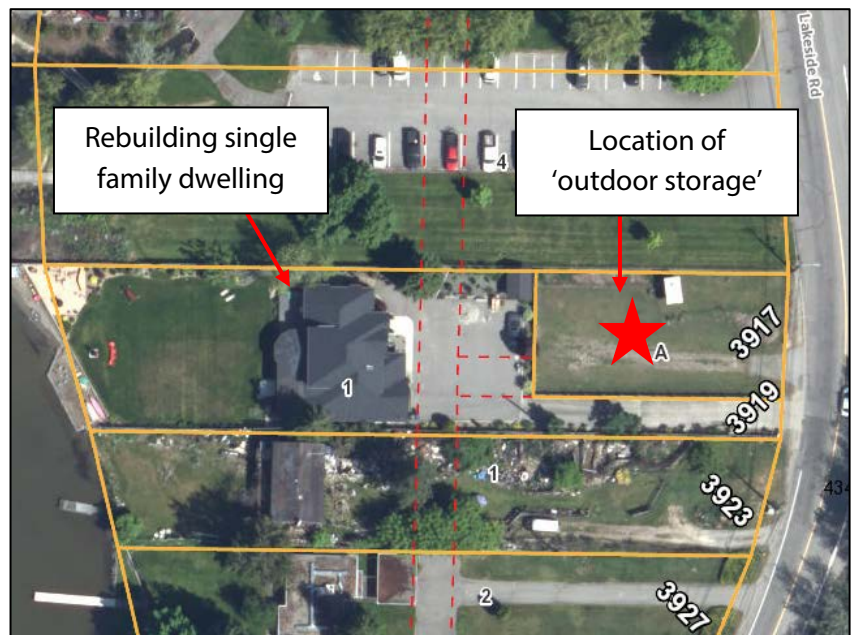


Figure 1 - Subject Property

The owner of the lands wishes to use 3917 Lakeside Road for outdoor storage, including the placement of three metal storage containers, during the construction period, anticipated to last for 18 months.

The subject property (Attachment 'A') is zoned R1 (Large Lot Residential) and is designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Outdoor storage is not a permitted use in the R1 zone. The applicant is requesting a Temporary Use Permit to allow for the use 'outdoor storage' on the subject property for a duration of eighteen-months. A Temporary Use Permit is a tool that the *Local Government Act* has given to local governments that allows for a use that is not permitted by zoning to occur for a temporary amount of time, as long as no permanent change to the lands result.

Proposal

The applicant is requesting that Council grant a Temporary Use Permit (TUP) to permit the use 'outdoor storage' at 3917 Lakeside Road for an eighteen-month period. The eighteen-month period will provide enough time for the property owner(s) to build the new single family dwelling, and move the items currently stored at 3917 Lakeside Road, back to their desired location at 3919 Lakeside Road.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee. As part of the review process, the Fire Department identified there can be safety concerns with the storage of hazardous materials inside metal shipping containers. This has been communicated to the applicant, who has confirmed that there are no hazardous materials stored inside the containers. This prohibition is listed as a condition of the Temporary Use Permit.

Analysis

Support Temporary Use Permit

When considering an application for a temporary use permit, the OCP has established a set of guidelines for Council and staff to follow. Part 7 Implementation (s 7.4) states that Temporary Use Permits may only be issued provided that the proposed use:

- is not noxious or undesirable;
- does not have a negative impact on adjacent lands;
- does not create a significant increase in demand for City services;
- complies with the DPA guidelines for the area;
- operates at hours that do not disturb the surrounding neighbourhood;
- will not permanently alter the site; and
- complies with council conditions and other provincial and federal enactments

Staff do not feel that the proposal is in conflict with any of the guidelines listed above. The proposed use for outdoor storage is temporary in nature, and does not require any permanent construction or alterations to be made to accommodate the structures. The proposed use will not permanently alter the site in any way.

The property at 3917 Lakeside Road is currently being used to store the following items:

- 3 metal storage containers;
- 2 vehicles;
- 2 recreational vehicles (RV); and
- 1 utility trailer.

The City's Zoning Bylaw No. 2017-08 defines outdoor storage as:

"the storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include but are not limited to vehicle or heavy equipment storage compounds."

Staff have noted that the property at 3917 Lakeside Road is not unsightly, as most of the items are located along the rear property line (western side) in a tidy fashion. Staff have the requirement to keep the property in a tidy state a condition of the requested Temporary Use Permit, to reduce the impacts of the outdoor storage use on neighbouring properties.

It should also be noted that the outdoor storage use and use of metal storage containers would be permitted on the property that the building permit has been issued to during construction. It is only that this is a separate property that the permit is required.

For the reasons listed above it is recommended that Council support the issuance of the Temporary Use Permit for an eighteen-month period.

Deny/Refer Temporary Use Permit

Council may feel that the use of outdoor storage is not a desirable use for this lot, even on a temporary basis. If that is the case, Council should deny the application. Alternatively, Council may wish to support the use on a temporary basis, but may prefer to see the number of items stored on the property reduced, or reduce the time period for the Temporary Use Permit (see alternative recommendations).

Alternate recommendations

1. THAT Council approve "Temporary Use Permit PL2018-8413", for a twelve-month period.
2. THAT Council approve "Temporary Use Permit PL2018-8413" with conditions that Council feels are applicable.
3. THAT Council deny "Temporary Use Permit PL2018-8413".


Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Future Land Use Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Letter of Intent
Attachment G:	Temporary Use Permit PL2018-8413

Respectfully submitted,

Nicole Capewell
Planner I

Approvals

DDS 	Acting CAO LD
--	------------------

Attachment A- Subject Property Location Map



Figure 2: Subject Property Location Map

Attachment B – Zoning Map

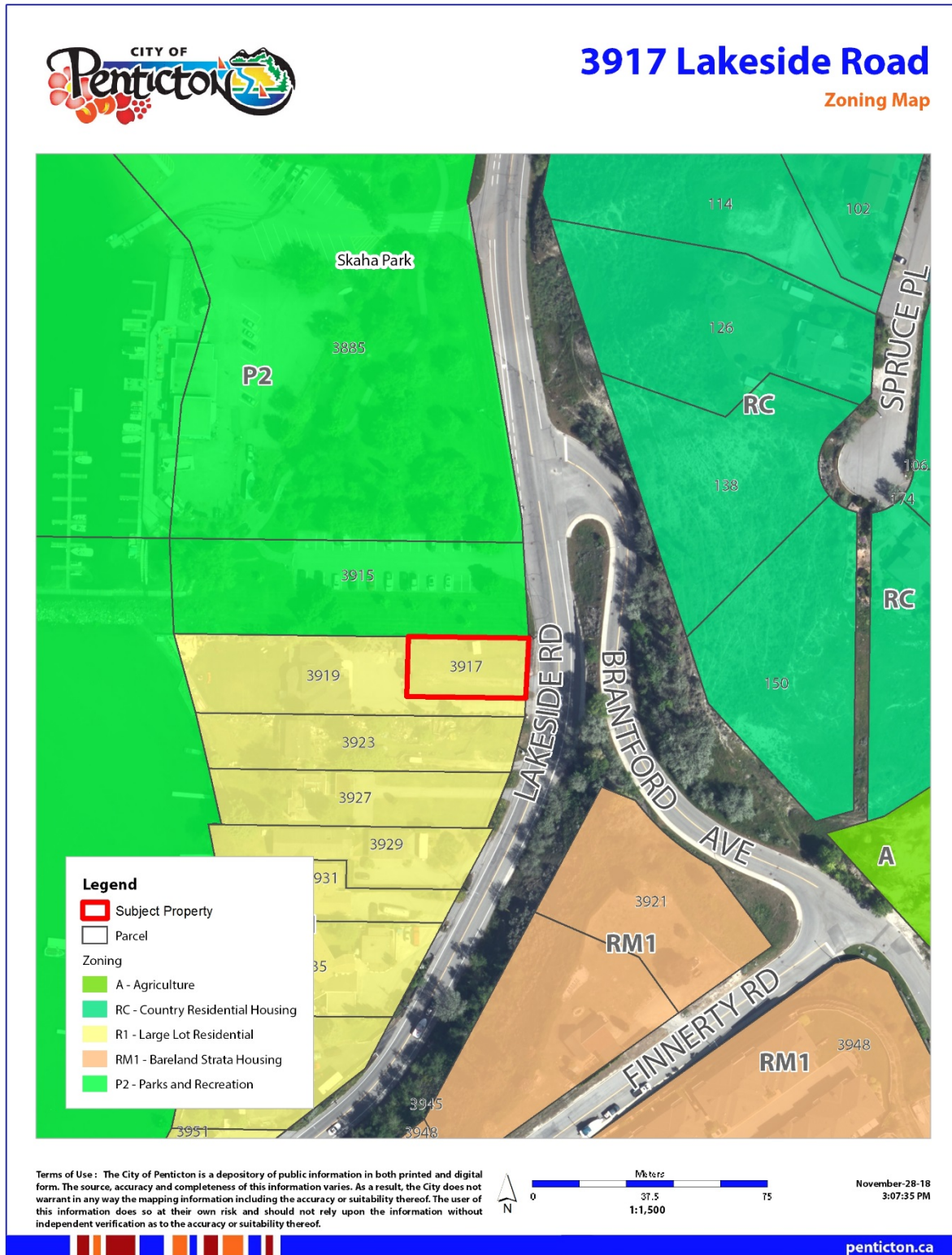


Figure 3: Zoning Map

Attachment C- OCP Future Land Use Map

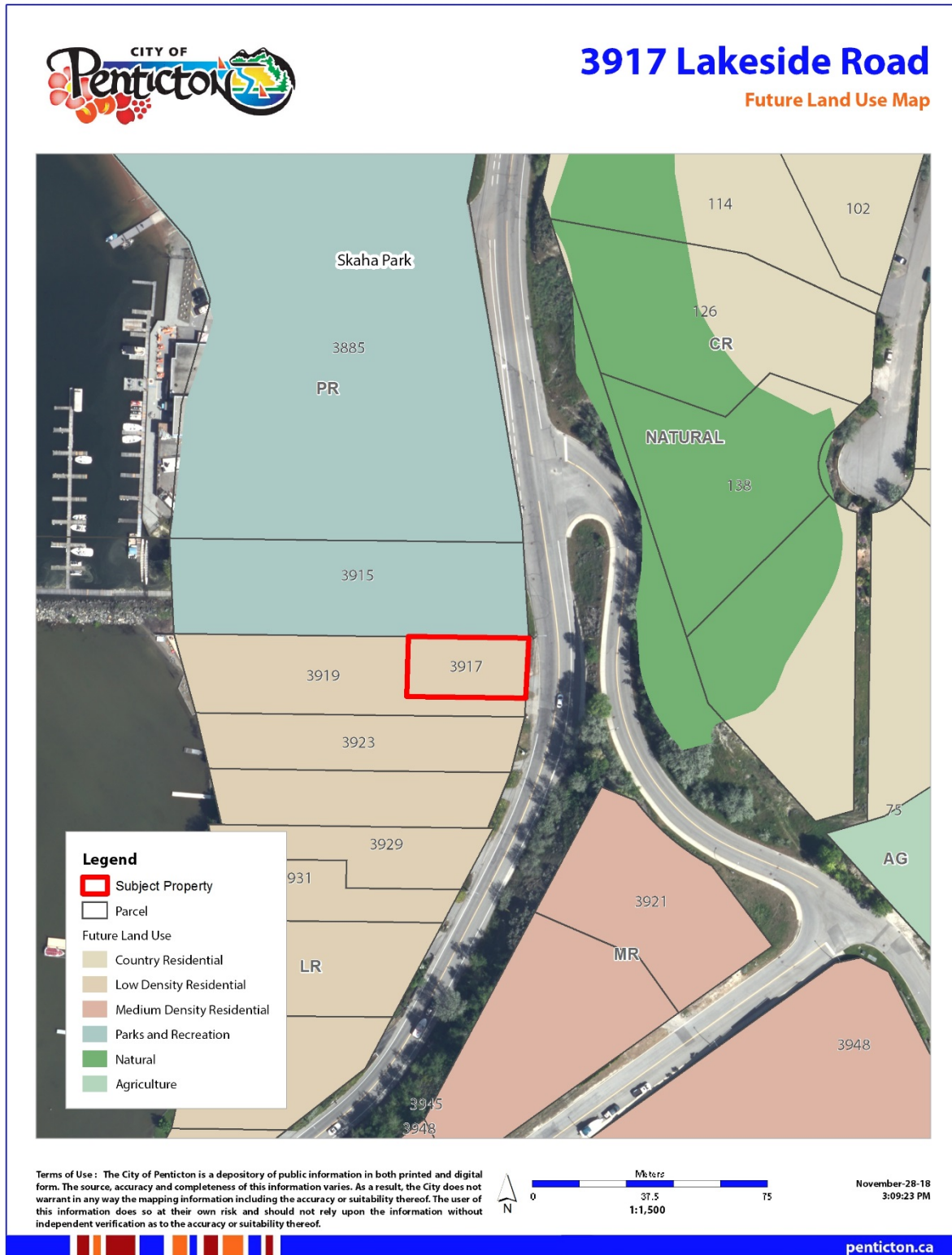


Figure 4: OCP Future Land Use Map

Attachment D – Photos of Subject Property



Subject Property:
3919 Lakeside Road

Skaha Park
Parking Lot

Figure 5: Looking at subject property from north east corner



Subject Property:
3919 Lakeside Road

Skaha Park
Parking Lot

Figure 6: Looking at subject property from east (Lakeside Road)



Figure 7: Looking at subject property from east (Lakeside Road)

Attachment E – Site Plan



Figure 8: Proposed Site Plan

Attachment F – Letter of Intent

To: City Council for review

From: Al Mansfield (Owner of 3919 Lakeside Road, and 3917 Lakeside Road)

My family has been living in Penticton for the past 40 years, and we are planning to retire here. I am requesting a Temporary Use Permit for the use of "outdoor storage" at 3917 Lakeside Road. We do respect by-laws that are in place to ensure the neighborhoods are well maintained. We have taken pride in keeping our former homes tidy. Unfortunately for us, our neighbor's house at 3923, burned down and caused our house at 3919 Lakeside Road to be destroyed as well. There were numerous items that needed to be stored as well as items from the restoration company. I.e. canoes, outdoor chairs, bikes, umbrella furniture etc.etc. I went to the City and asked about storage containers. I was told that one was allowed during construction. I asked if 3-4 would be ok. The officer said that they only check when there is a complaint. So I went ahead and had 4 containers moved to the property at 3917 Lakeside Road. Sometime later there was a complaint. The by-law officer visited the property and called me. We agreed that I could keep two of the storage bins there until I completed the basement of the new house. About a month later, someone from the by-law department called me and said that they had to go. I contacted the by-law department about the confusing message to me, and they suggested that I try to obtain a Temporary Use permit for \$800.00. There are plans for the new home, proposed for 3919 Lakeside Road, at the City, and these are to be reviewed Jan 3,2019 for a Building Permit. Based on the size and complexity of the planned new home, there would be little room to store containers, work trailer etc. on site.

The current outdoor storage items are mainly at the back of the property and away from the roadway, and the grass area was moved prior to winter. There are no flammable items being stored in the containers, which should comply with the fire department concerns. The cost for the containers is large, and it is in my best interest to get them removed as soon as possible. I am currently renting and am anxious to get my new home built as quickly as possible. I discussed a time frame with Nicole Capewell and felt the 1 1/2 years would be adequate time for the extra storage. It would be my intention to get rid of the containers sooner. The contents would be stored in the basement of the new home once the sub floor is completed. I am investing a large amount of money into the new home, which will be an upgrade to the neighborhood of older homes.

Figure 9: Letter of Intent (1/2)

I am hoping that this council will show some compassion for the following reasons:

- 1) The reason for the extra items on my property at 3917 Lakeside Road is only due to the fire. The fire was caused by a fire at 3923 Lakeside Road and remains under investigation. The neighbor and friend is still missing.
- 2) Due to the extent of the fire, and experiences such a loss, I developed Post Traumatic Stress Disorder and took 6 months to recover.
- 3) My wife was ill with "end stage" kidney failure and has since been recovering from a kidney transplant. We were active members in the community and raised over \$6500.00 for the Kidney Foundation this past year. This goes to help others in Penticton during kidney failures.

Thank you,
Al Mansfield

Al Mansfield | Owner/Operator
White Spot Restaurants
Penticton #608
Chilliwack #611
West Kelowna #637

Figure 10: Letter of Intent (2/2)



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Temporary Use Permit

Permit Number: TUP PL2018-8413

Owner Name
Owner 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 190 Similkameen Division Yale District Plan KAP72460
Civic: 3917 Lakeside Road
PID: 025-558-692
3. This permit has been issued in accordance with Section 493 of the *Local Government Act*, to allow for "outdoor storage" as a temporary use.

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.
5. In accordance with Section 497 of the *Local Government Act*, this permit shall expire on **August 5, 2020**.
6. This permit is subject to there being no hazardous materials, including flammable liquids and gases, stored within any of the metal storage containers.
7. This permit is subject to the property being kept in a clean, tidy and well-kept condition.
8. 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.

Authorized by City Council, the _____ day of _____, 2018

Issued this ____ day of _____, 2018

Angela Collison,
Corporate Officer

Council Report

penticton.ca

Date: February 5, 2019
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 3919 Lakeside Road
Subject: **Development Variance Permit PL2018-8425**

File No: PRJ2018-252

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8425" for Amended Lot 1 (DD 244320F), District Lot 190, Similkameen Division Yale District, Plan 4335, Except Plans KAP49938 and KAP72460, located at 3919 Lakeside Road, a permit to vary the following sections of Zoning Bylaw 2017-08:

- Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and
- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

AND THAT staff be directed to issue "DVP PL2018-8425".

Background

The subject property (Attachment 'A') is a large, panhandle lot located on Skaha Lake at the southern end of Penticton. It is currently zoned R1 (Large Lot Residential) and is designated for low density residential (LR) by the City's Official Community Plan (OCP). The site is approximately 0.5 acres and previously had a large single family dwelling. The surrounding neighbourhood consists of R1 (Large Lot Residential) zoned properties (Attachment 'B'), and is also designated for low density residential (LR) by the City's OCP (Attachment 'C'). Directly to the north of the subject property is Skaha Park, zoned P2 (Parks and Recreation).

In October 2017, a fire on a neighbouring lot (3923 Lakeside road) ended up destroying the house on the subject property. The owner(s) are working to rebuild the home and add a carriage house. The property owner(s) have attained a Riparian Area Regulation Development Permit (October 2018), and a Building Permit has been issued (January 2019) to begin the construction of the principal building. The proposed carriage house, however, requires two variances before a Building Permit application can be made. The carriage house will require a variance for the height, and to allow the structure to be located closer to the front lot line than the principal dwelling.

Proposal

The applicant is proposing to construct a carriage house at 3919 Lakeside Road. The proposed design does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested a variance to the following sections of Zoning Bylaw No. 2017-08:

- Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and

- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

Financial Implication

This application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer.

Technical Review

This application was forwarded to the City’s Technical Planning Committee and was reviewed by the Engineering and Public Works Departments. Servicing and building code requirements have been identified and will be addressed as part of the building permit process. It is the property owner’s responsibility to provide services and/or upgrade existing services as required for the carriage house.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

	Requirement Carriage House R1 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	2,015 m ²
Maximum Lot Coverage:	40%	29%
Vehicle Parking:	3 (2 – Single Family Dwelling; 1 – Carriage House)	3+ There is ample parking on site
Maximum Building Footprint	90m ²	86 m ²
Required Setbacks Front Yard (east): Interior Side Yard (north): Interior Side Yard (east): Rear Yard:	6.0 m 1.5 m 1.5 m 1.5 m	~40 m 1.5 m 1.5 m ~65 m
Maximum Building Height	5.0 m and one floor	7.0 m and two floors Variance Requested
Comments	The applicant is also requesting a variance to allow the carriage house to be located closer to the front lot line than the principal building.	

Analysis

When considering a variance to a City bylaw, staff consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. To construct the

proposed carriage house, the applicant is requesting a variance to the following sections of Zoning Bylaw No. 2017-08:

- Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and
- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists, from 5.0m and one floor to 7.0m and two floors.

- The applicant is requesting a variance to allow the carriage house to be one floor higher than the Zoning Bylaw currently permits.
- In November 2018, the Zoning Bylaw was amended to limit the height of carriage houses on properties without lanes to 5.0m and one floor. This amendment was brought forward due to an increased concern of maintaining the privacy of neighbours on either side of carriage houses. It was determined that if a lane does not exist behind a property, the carriage house should be restricted to only a single floor and only 5.0m. In the case where a lane exists, buffering a lot from neighbours, the regulations allow for a 7.0m height and two storeys, which is what the applicants are proposing.
- In this case, the proposed location of the carriage house does not negatively impact the privacy of directly adjacent neighbours as it will back onto the parking lot at Skaha Lake Park.
- The only property that could be deemed to be negatively impacted, is currently vacant and also owned by the same owner. Should this parcel redevelop into the future, a single family dwelling could be constructed and most likely screen visibility of the proposed carriage house from the street.
- As shown on the proposed elevations of the carriage house (Attachment 'G'), there will be minimal windows on the north and west elevations. The carriage house fronts towards the east, which will face the house at 3919 Lakeside Road.
- The carriage house is under the maximum height allowed if a lane was present.

Given that the intention of the Zoning Bylaw changes were to protect the privacy of directly adjacent neighbours, Staff find that the proposal will have minimal impact in this regard, and find this requested variance reasonable.

Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

- The intent of the rule not permitting a carriage house to be located closer to the street than the principal dwelling has to do with good urban design principles, which encourage main houses to front the street and provide a 'friendly face' to the street. In this case, however, the lot is a panhandle lot and neither the carriage house nor principal house are able to front the street in this way.
- Also, due to the waterfront nature of this lot, the carriage house is being proposed to be located closer to the front lot line than the principal dwelling. Technically, the rear lot line of this lot would be located against Skaha Lake, but the principal dwelling is sited so as to make the most of views and is thus, sited on the beachfront.

- As a result, the carriage house is located to the ‘rear’ of the house (as the house faces towards the lake), but it is located closer to the front lot line (which is along the street) than the principal house.
- Furthermore, the riparian area regulations require a certain setback from the lake, making it impossible to locate the carriage house on the other side of the main house.
- In the past, planning staff have considered this to be a reasonable request for lakeside properties which desire to have a carriage house, and have supported such variances.
- Planning is, therefore, in support of the request to site the carriage house closer to the front lot line than the principal dwelling.

Given the above, staff request that Council support the variances and direct staff to issue the permit.

Deny Zoning Amendment Bylaw

Council may consider that the proposed variance could negatively affect the neighbourhood, in particular, the adjacent neighbours. If Council decides that the proposed variances will negatively impact the neighbourhood, and that the design should be changed to meet the existing regulations for building footprint and height as set out in the City’s Zoning Bylaw, Council should deny the variance.

Alternate Recommendations

1. THAT Council support “Development Variance Permit PL2018-8425” with conditions.
2. THAT “Development Permit PL2018-8425” be referred back to staff.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map of Subject Property
- Attachment C: Official Community Plan Map of Subject Property
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Proposed Floor Plans
- Attachment G: Draft Development Variance Permit (DVP)

Respectfully submitted,

Nicole Capewell
Planner 1

Approvals

Director Development Services 	Acting Chief Administrative Officer LD
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Attachment A – Subject Property Location Map



Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

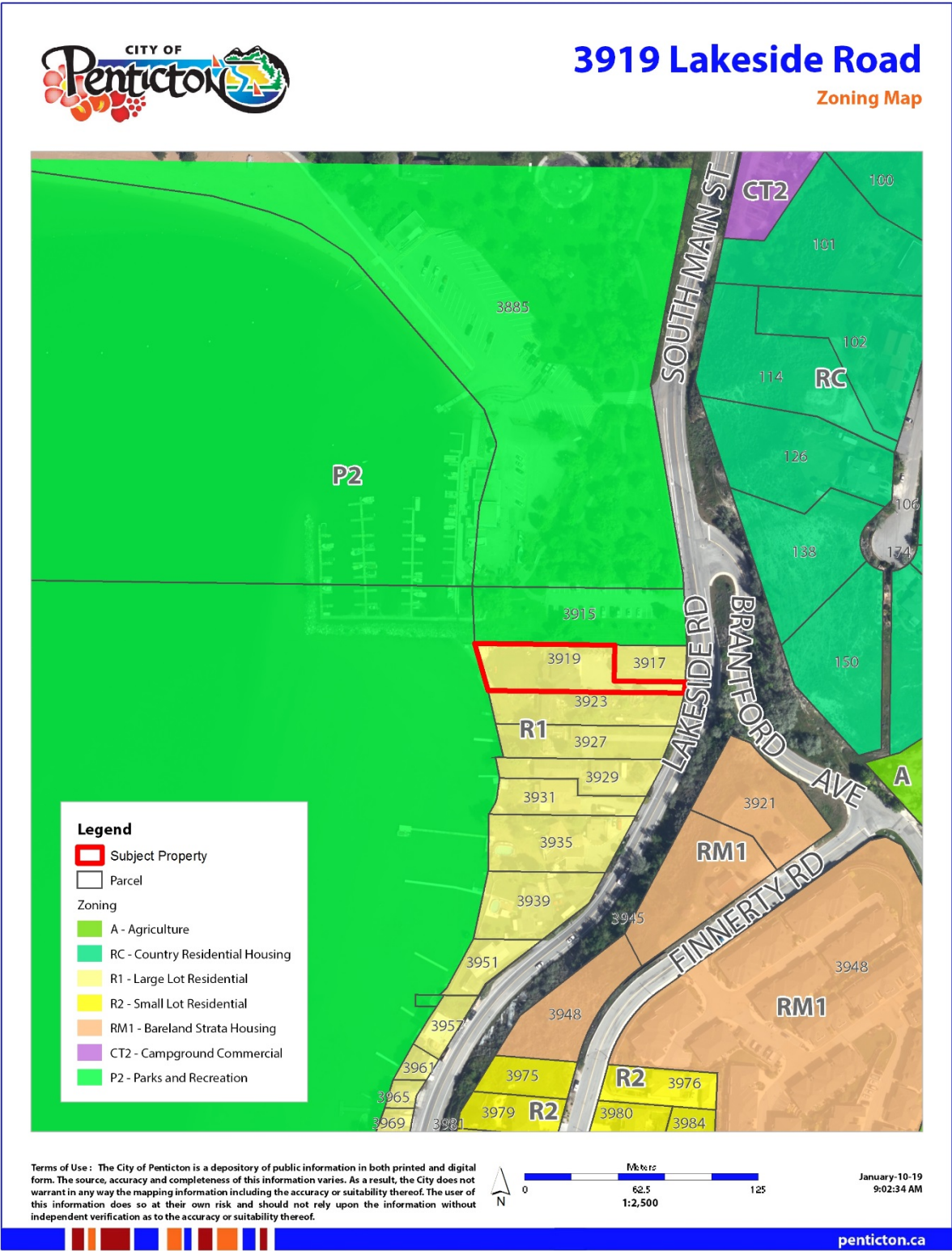


Figure 2 – Subject Property Currently Zoned R1 (Large Lot Residential)

Attachment D – Images of Subject Property

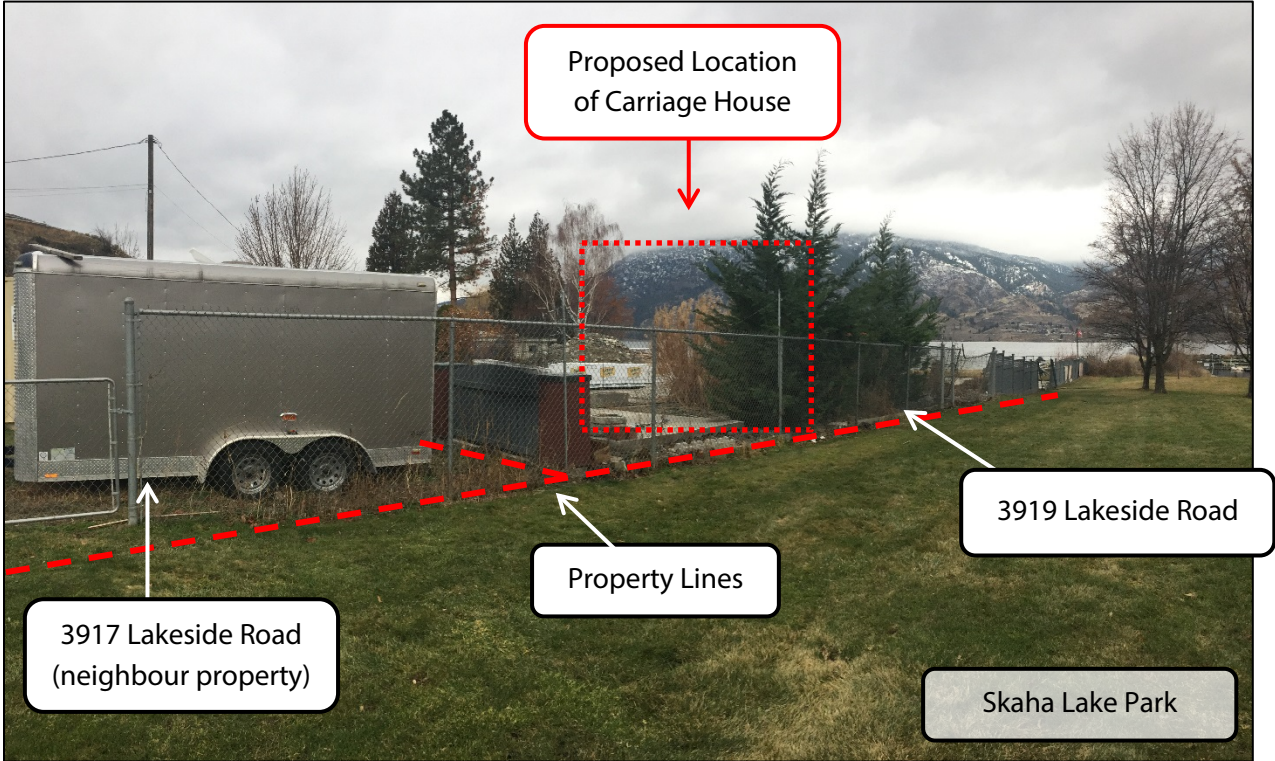


Figure 4 – Looking south toward proposed siting of carriage house in in 3919 Lakeside Road

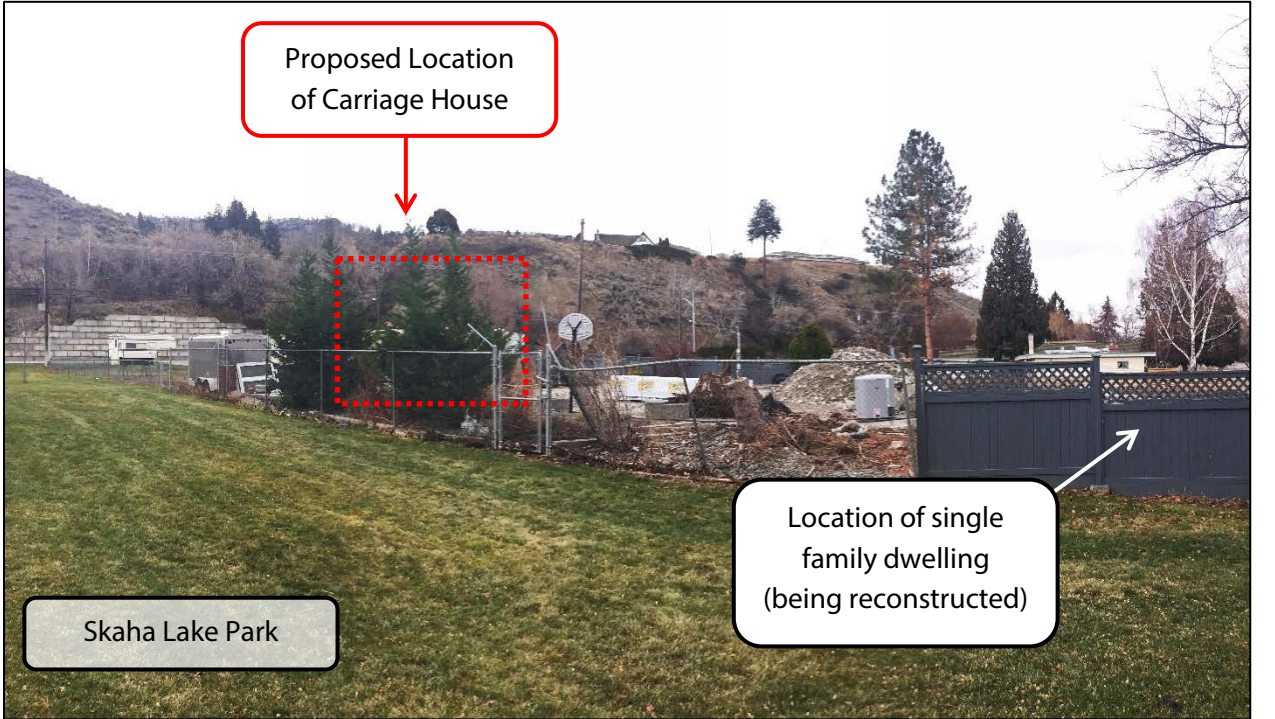


Figure 5 – Looking east at subject property

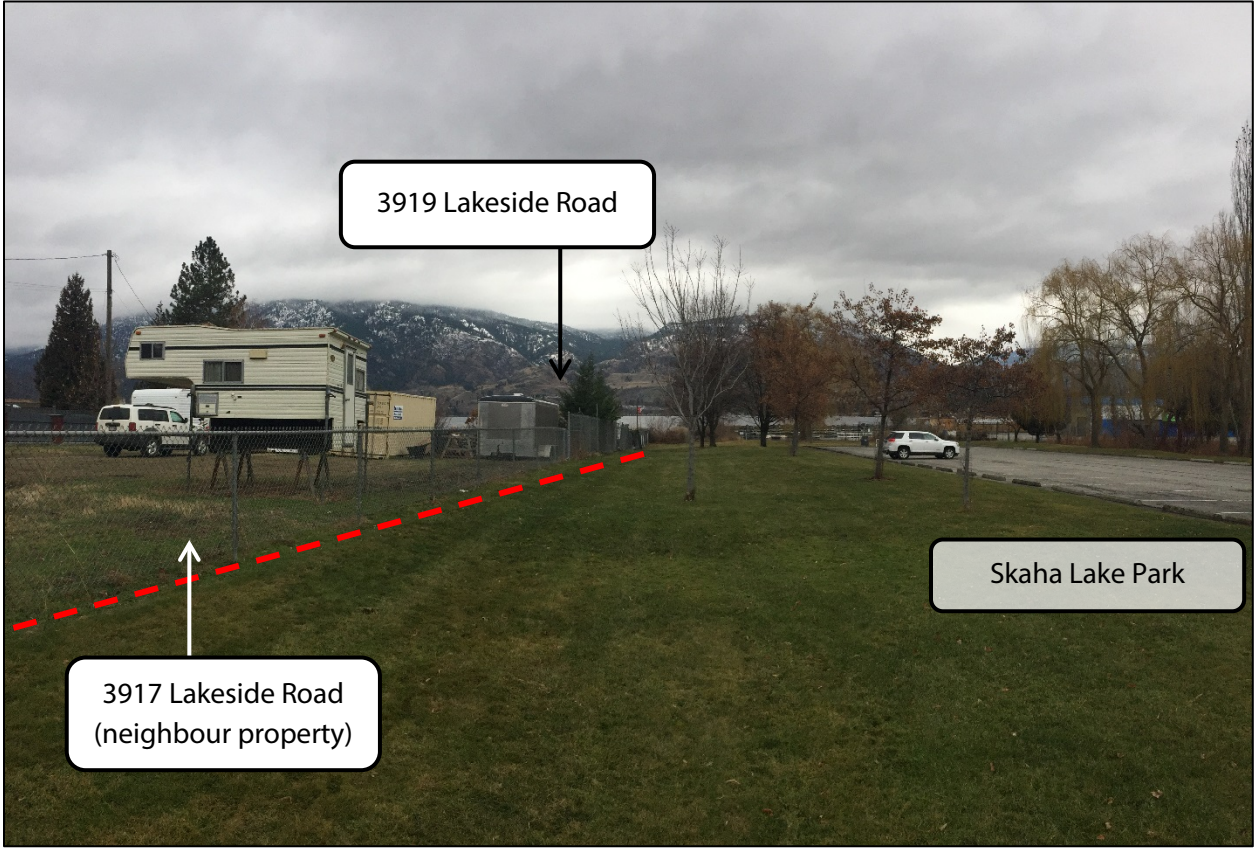


Figure 6 – Looking west toward 3919 Lakeside Road from Lakeside Road

Attachment E – Letter of Intent

Subject: 3919 lakeside road. Variance Mansfield Carraige House Letter of Intent

Hello Nicole

For your files

Letter of Intent

To accompany the application for Variance regarding additional height to accommodate a carriage house above garage.

- 1) When there are lakefront properties involved, the guest house is usually placed at the frontage of the property.
- 2) there is a guest house three properties away, with a guest house at the front of the property
- 3) The proposed guest house would have two parking spaces below. This will prevent guests from parking on the street. The street is narrow and has been the scene of numerous accidents. The speed limit is 30 km per hour, however, it is usually exceeded. This would also prevent guests from using the Park parking lot, which was made for park visitors.
- 4) The overall height of the guest house would not block anyone's view. The park is on the north side. From the property at 3917 the view would have no effect due to the main residence located directly behind it. From the property to the south, the view would not be impeded due to the height being lower than the main residence. The view from the roadway would have no effect, seeing that the height of the guest house would be lower than the main residence.
- 5)The adjacent property between main road and subject property is owned by same owner.
- 6)Minimizing the height impact has been incorporated in design by upgrading the exterior look of the proposed carriage house to match the main house. The intent has always been to achieve a look from the east that would make one believe the carriage house is connected to the main house.
- 7)Landscaping features such as greenery, trees, bushes and ground cover in areas that are adjacent to side and eastern faces will add to softening the look.

Thank you

John Walker

Agent and on behalf of Owner,

Al Mansfield

Figure 7 – Letter of Intent

Attachment G – Draft Development Variance Permit



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8425

Owner Name
Owner 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: Amended Lot 1 (DD 244320F) District Lot 190 Similkameen Division Yale District Plan
4335 Except Plans KAP 49938 and KAP72460
Civic: 3919 Lakeside Road
PID: 005-320-968
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 two rows of six-unit townhouses:
 - a. Section 8.2.3.3: to increase the maximum building height in the R1 zone, where no lane exists from 5.0m and one floor to 7.0m and two floors; and
 - b. Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

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.

DVP PL2018-8425

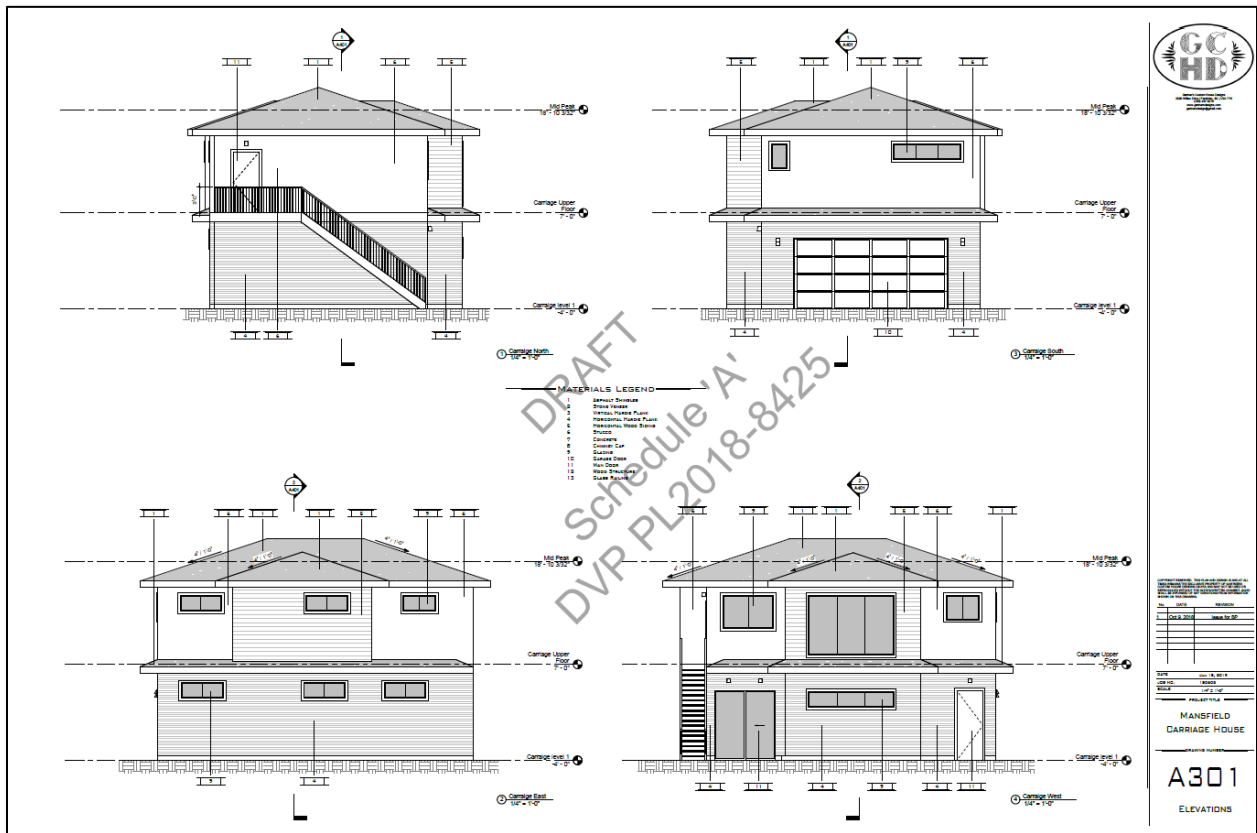
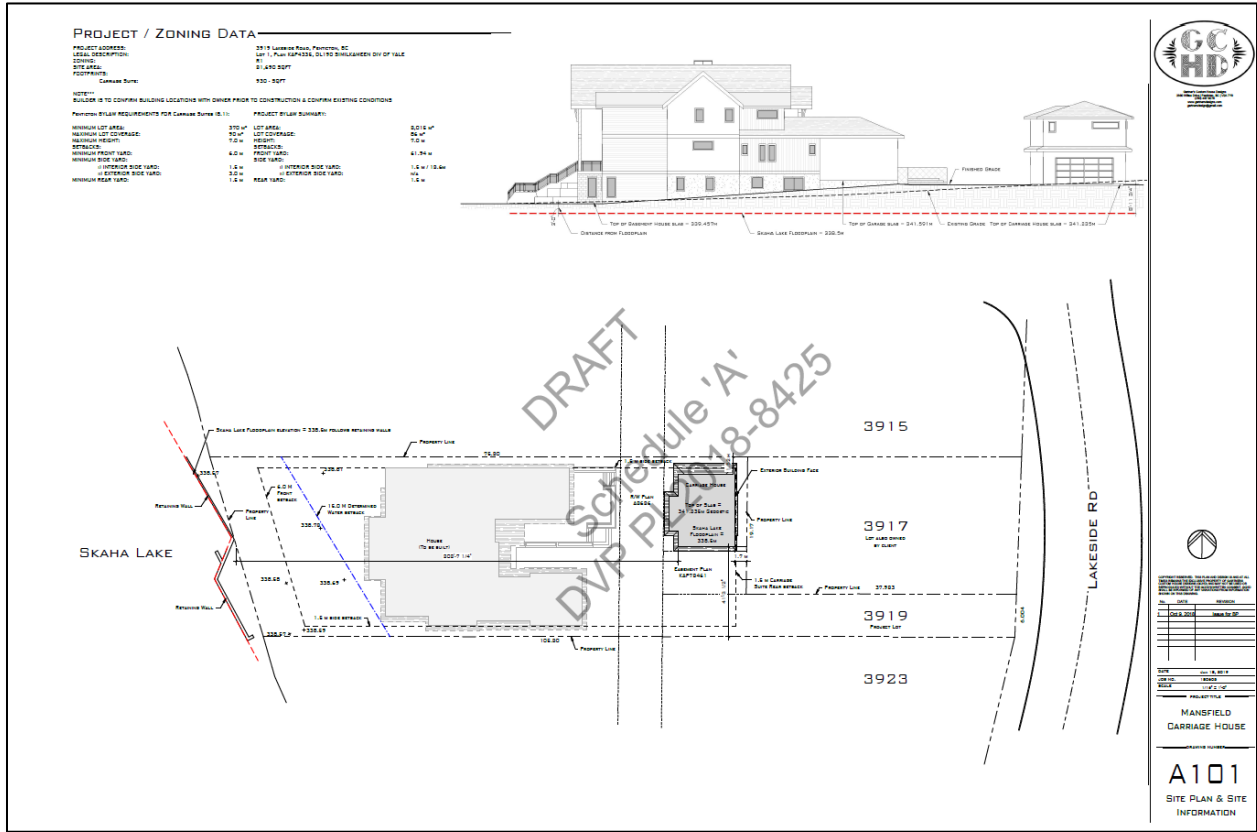
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information 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

Angela Collison,
Corporate Officer

DRAFT



Council Report

penticton.ca

Date: February 5, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 24 Front Street

File No: 2018 PRJ-181

**Subject: Official Community Plan Amendment Bylaw No. 2019-04
Development Variance Permit PL2018-8336
Development Permit PL2018-8335**

Staff Recommendation

Official Community Plan Amendment

THAT prior to consideration of "OCP Amendment Bylaw No. 2019-04" 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 conducted to date is sufficient;

AND THAT "OCP Amendment Bylaw No. 2019-04", being a bylaw to amend "OCP Bylaw No. 2002-20" shown as Attachment 'O' of this report to allow a 5 storey building on 24 Front Street; be introduced, given first reading and be forwarded to the February 19, 2019 Public Hearing.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8336" for That part of Lot 20A Shown on Plan B262 DL 202 SDYD Plan 1067 Except Plan KAP81855, for Lot 20A DL 202 SDYD Plan 1067 Except Plans B262 and KAP81855, and for Lot 20 Block 5 DL 202 SDYD Plan 269 Except Plan KAP81855, all of which are located at 24 Front Street, a permit to increase the maximum permitted height of a building on Front Street from 15.0m to 21.1m, be heard at the February 19, 2019 Public Hearing;

AND THAT Council consider "DVP PL2018-8336" following the adoption of "OCP Amendment Bylaw No. 2019-04."

Development Permit

THAT Council approve "Development Permit PL2018-8335" for 24 Front Street, a permit that allows for the construction of a mixed-use development, featuring ground floor retail and four (4) residential suites;

AND THAT approval of "Development Permit PL2018-8335" be conditional on issuance of "Development Variance Permit PL2018-8336" and consolidation of the subject properties.

AND THAT staff be directed to issue "Development Permit PL2018-8335" following lot consolidation.

Background

The development lands (Attachment A) are made up of three small parcels which are intended to be consolidated and support the development of a five storey, mixed use building. The lands are zoned C5 (Urban Centre Commercial) and designated by Official Community Plan No. 2002-20 as DC (Downtown Commercial). Photos of the site are included as Attachment D. The lands are a combined 312.3m² (3,361ft²) in area and have historically been undeveloped and used for parking. The surrounding properties are primarily zoned C5 and similarly designated by the OCP as Downtown Commercial.

Proposal

The applicant is proposing to construct a five-storey mixed-use building. Given that the current OCP and Downtown Plan (2012) places a three storey maximum height restriction on Front street, an amendment to the OCP allowing for a five-storey building is required prior to construction.

Secondly, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 11.5.2.5.ii: to increase the maximum permitted height of a building on Front Street from 15.0m to 21.1m.

Lastly, the property is located within the Downtown Enterprise Development Permit Area and requires approval for the form and character of the proposed development.

Financial implication

The City will receive Development Cost Charges from the developer at a rate of \$3,126.00 per dwelling unit x4 for a total of \$12,504.00, with the commercial space being charged at a rate of \$4.20 per ft² of floor area. This is in addition to the building permit fees, based on construction cost estimates.

Technical Review

The proposed development was reviewed by the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Servicing requirements will be required based on fixture counts. Building code requirements have been relayed to the applicant. On the north property, there is an existing exit door that opens into the subject lands. This will be addressed through an access agreement via a public passageway. The existing driveway sidewalk letdown will need to be re-instated at the cost of the developer. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be

maintained on site. If the requests for the OCP Amendment, variance and development permit application is supported, BC Building Code and City bylaw provisions, such as site coverage and setbacks, will apply.

New Official Community Plan (2019)

The draft Official Community Plan, currently under development and anticipated to be adopted this spring, identifies this area for Downtown Mixed Use. This means developments with active retail, service or civic and cultural uses at ground level and multi-family residential and/or office uses above with a maximum height of 10 storeys, but limited to 3 storeys on Main Street. The subject property falls within the Downtown Development Permit Area of the new OCP, which identifies the 100-500 block of Main Street and Front Street as the heart of the community, central to the City’s identity. The intent of these guidelines is to maintain and strengthen a vibrant, active and livable downtown, by using commercial retail frontages to activate street edges and incorporating residential development above retail and office uses. These new guidelines speak to promoting an infill strategy focused on commercial and mixed-use, three to five storeys in height, rather than large-scale redevelopment that involves consolidation of several lots. The proposed building is closely aligned with this future designation and development permit guidelines of the new OCP.

Downtown Penticton Association

The proposal was reviewed by the Downtown Penticton Association (DPA) on January 29, 2019 and a letter of support has been submitted as Attachment K.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the Rezoning and OCP amendment applications:

Item	Requirement C5 zone	Proposed
Maximum Lot Coverage:	100%	99.2%
Maximum Density:	6.0 FAR	4.01 FAR
Minimum Lot Width:	9.0m	9.1m
Minimum Lot Area:	275.0m ²	312.3m ²
Vehicle Parking:	1 space per dwelling unit (4 required)	2 spaces (see below)
Bicycle Parking:	Four (4) Class I spaces & Two (2) Class II spaces	Eight (8) Class I & Four (4) Class II
Required Setbacks		
Front yard (west, Front Street):	0.0m	0.0m
Rear yard (east, lane):	0.0m	0.0m
Interior yard (north):	0.0m	0.0m
Interior yard (south):	0.0m	0.0m
Maximum Building Height:	15.0m	21.1m (variance required)
Other Information:	As per Section 6.1.2.1 of the zoning bylaw, “where five additional Class I or Class II bicycle parking spaces are provided on-site, the vehicle parking space requirement can be reduced by one (1) parking space.” In this case, the developer is providing six additional bicycle parking spaces, thus only 3 parking spaces are required for four dwelling units.	

	Since tandem parking is not permitted for an apartment building, only two parking spaces count. As per Section 6.1.2.3 of the zoning bylaw, a property owner may provide the City with a sum of money equal to the number of parking spaces not provided. The total cost is \$6,000 per space, and in this case the developer is one space short (given the bicycle space reduction). Thus, \$6,000 will be paid by the developer and will be deposited in the Alternative Transportation Infrastructure Reserve Fund.
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Analysis

Support Official Community Plan Amendment Bylaw No. 2019-04

The Downtown plan limits the height of buildings on Main Street and Front Street to three storeys. Although a five-storey building is being proposed in this case, the two-storey character of the 100 block of Front Street has been retained, as the upper storeys have been setback from the street. The developer has produced several revisions to the plans and has produced a final version, which compliments the diversity and heritage character of Front Street.

Staff consider that the increase in height will have minimal impact on the street considering the design proposed. The proposal adds to the already diverse range of densities of this area and fills a gap in the streetscape, creating a more complete street.

In summary, even though an amended to the OCP is being sought, the proposed meets several objectives of the Plan, including:

- Encouraging residential intensification and allow for a visually interesting building design.
- Promoting infill development with priority on mixed use development with ground floor commercial.
- Retaining the Downtown Commercial areas as a compact well defined and pedestrian oriented area.
- Encouraging densification in areas where existing services can accommodate higher densities; and
- Encouraging infill commercial development on vacant parcels on Front Street.

Overall, staff believe that the proposed building will generate positive impacts for the downtown by turning a historically vacant lot into commercial space and four new dwelling units. The location of the site and characteristics of the surrounding make it ideally suited for densification. Furthermore, there are several other buildings of a similar height that have been approved in the past few years, most notable the five storey building at 135 Front Street which was recently completed, the approval for a four storey building at 123 Front Street and the six storey building approved for 32 Backstreet Boulevard.

For these reasons, staff are recommending that Council support the OCP amendment as provided in this report and refer the application to the February 19, 2019 Public Hearing for comments from the public.

Deny/Refer Official Community Plan Amendment

Council may consider that the proposed amendment is not suitable for this site and that revisions should be completed to produce a three-storey building. Staff do not recommend this as a building with two-storeys at the street frontage is a better outcome than a developer proposing three-storeys in height right at the street frontage. The increase in storeys contributes to the viability of the project, and results in extra residential units and commercial space, rather than a small parking lot in the heart of the downtown. Ultimately, if council has concerns with the height of the building, then they 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 Variance

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. Also, Council should consider the positive community benefit that may be gained from approval of the variance.

The variance below is required to accommodate the commercial space and residential unit count. Approval of this variance provides for a positive contribution to the community in the heart of the downtown, close to several public and private amenities.

Section 11.5.2.5.ii: to increase the maximum permitted height of a building on Front Street from 15.0m to 21.1m.

- The developer is proposing to construct a five storey building along Front Street, in which City policies limit the height to three storeys. The 15.0m maximum height in the Zoning Bylaw, is reflective of the three storey maximum height for Front Street from the Downtown Plan and the Official Community Plan. As mentioned in the previous section, the two-storey character of Front Street is maintained at the street frontage, which the upper three-storeys stepped back. This is keeping with the intent of the bylaw.
- A height of 36.6m (10 storeys) is permitted in the rest of the downtown.
- The building was designed so that the upper storey has jogs, and windows, which will reduce the negative visual impact of a five-storey building amongst two and three-storey buildings.

Given the above, Staff consider the variance request to be reasonable and unlikely to have any negative impacts on surrounding properties or the aesthetic appearance from the street. The public benefit of approving the variance, with additional commercial and dwelling units, are, in staff's consideration a reasonable trade off to accommodate this proposal. Staff are recommending that Council, after hearing from any affected neighbours, support the requested variance.

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the overall aesthetics of the street and/or adjacent properties given the increased height. Council may consider requiring the developer to reduce the height of the building which will result in an elimination of multiple dwelling units and commercial space. If Council has concern with the height, then they should deny the variance request.

Development Permit

Support Development Permit

The Downtown Enterprise Development Permit Area (DPA) encompasses a three block area, which is considered to be the “heart” of Penticton’s downtown. The City recognizes that the attractiveness of this area is vital in attracting tourists, pedestrians, and new development to the area. As such, development is expected to largely comply with what the OCP recommends with respect to siting, design, and community impact. In terms of the Development Permit Guidelines, the developer has submitted a historical analysis of Front Street with design rationale for the proposed building (Attachment N).

The subject property is located in one of Penticton’s highest profile commercial streets. The historical attributes of Front Street date back to Penticton’s earliest times and the colorful building designs that have taken place over the years have contributed towards the form and character that exists in the street today. Over time however, the evolving design of Front Street has seen more contemporary building design elements and building materials. Although some recent development has responded with the use of brick to reflect earlier development forms, the proposed building is more contemporary in style, with a mix of white stucco and wood cladding.

The Official Community Plan contains specific guidance for redevelopment in the downtown core. Staff have provided a detailed analysis of the building plans with the applicable development permit area guidelines which has been included as Attachment G.

The two to three storey character of the street is maintained through stepping back the upper storeys. This results in the upper storeys being hidden from view of the pedestrian. Thus, a greater emphasis is placed on the design of the lower two storeys, and how it ties in with the surrounding neighbourhood. As per the Historical Analysis of Front Street conducted by the applicant (Attachment N), “a large window at street level was designed to invite passersby, while the building entrance mimics the recesses of the historic Empress Theatre next door.” Careful attention has gone into designing a contemporary building that can be incorporated into a historical context. This has been achieved through continuing existing parapet heights and matching architectural elements such as windows and doors. A neutral material palette provides a pleasant fit that is respectful of its surrounds and adjacent building.

Overall, Staff consider that the plans closely align with the DPA guidelines. Staff consider that the proposed building will have a positive impact on the downtown by the increase in commercial space and four new residential units. The overall design and appearance of the building is of high quality and will add positively to the eclectic mix of buildings that exist along Front Street. Staff considers that the project is in-line with the vision and intent of the OCP.

The three lots will need to be consolidated prior to issuance of the development permit. As such, staff recommend that Council approve the development permit, subject to lots consolidation.

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. Staff do not recommend this, as a complete redesign will be required. Staff have worked closely with the designer to bring forward a project, which staff feel align closely with the intent of the DPA guidelines and consider that the proposed contemporary design complements the historical context of the street.

Alternate Recommendations

1. THAT Council give first reading to "OCP Amendment Bylaw No. 2019-04, "but deny support to "Development Variance Permit PL2018-8335" and Development Permit PL2018-8336."

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: Staff Analysis Development Permit Guidelines
- Attachment H: Floor Plans
- Attachment I: Conceptual Renderings
- Attachment J: Letter of Intent
- Attachment K: Downtown Penticton Association Letter of Support
- Attachment L: Development Variance Permit PL2018-8336
- Attachment M: Development Permit PL2018-8335
- Attachment N: Historical Analysis of Front Street (Applicant Submitted)
- Attachment O: OCP Amendment Bylaw No. 2019-04

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS <i>SH</i>	ACAO LD
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Attachment A – Subject Property Location Map

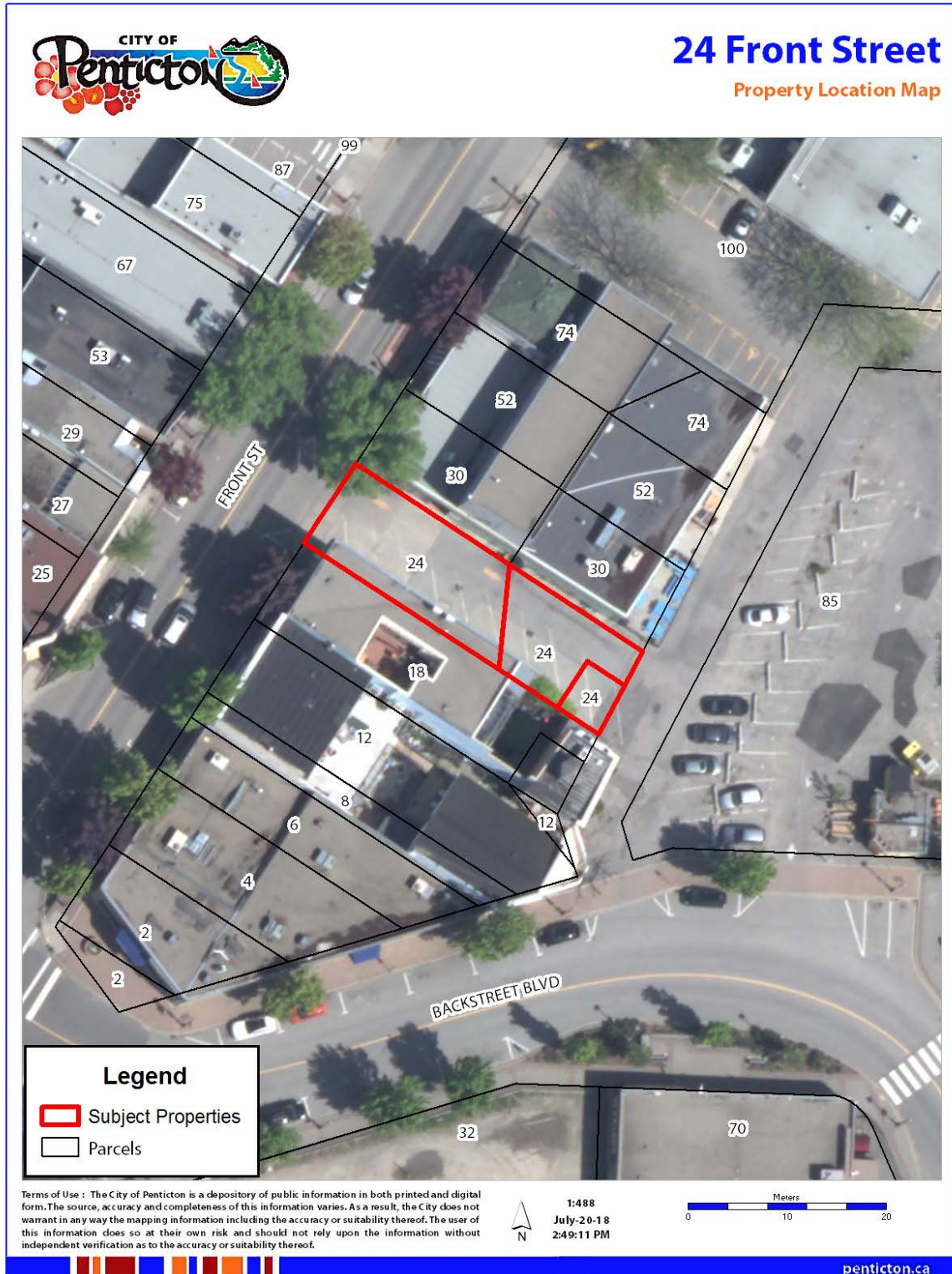


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

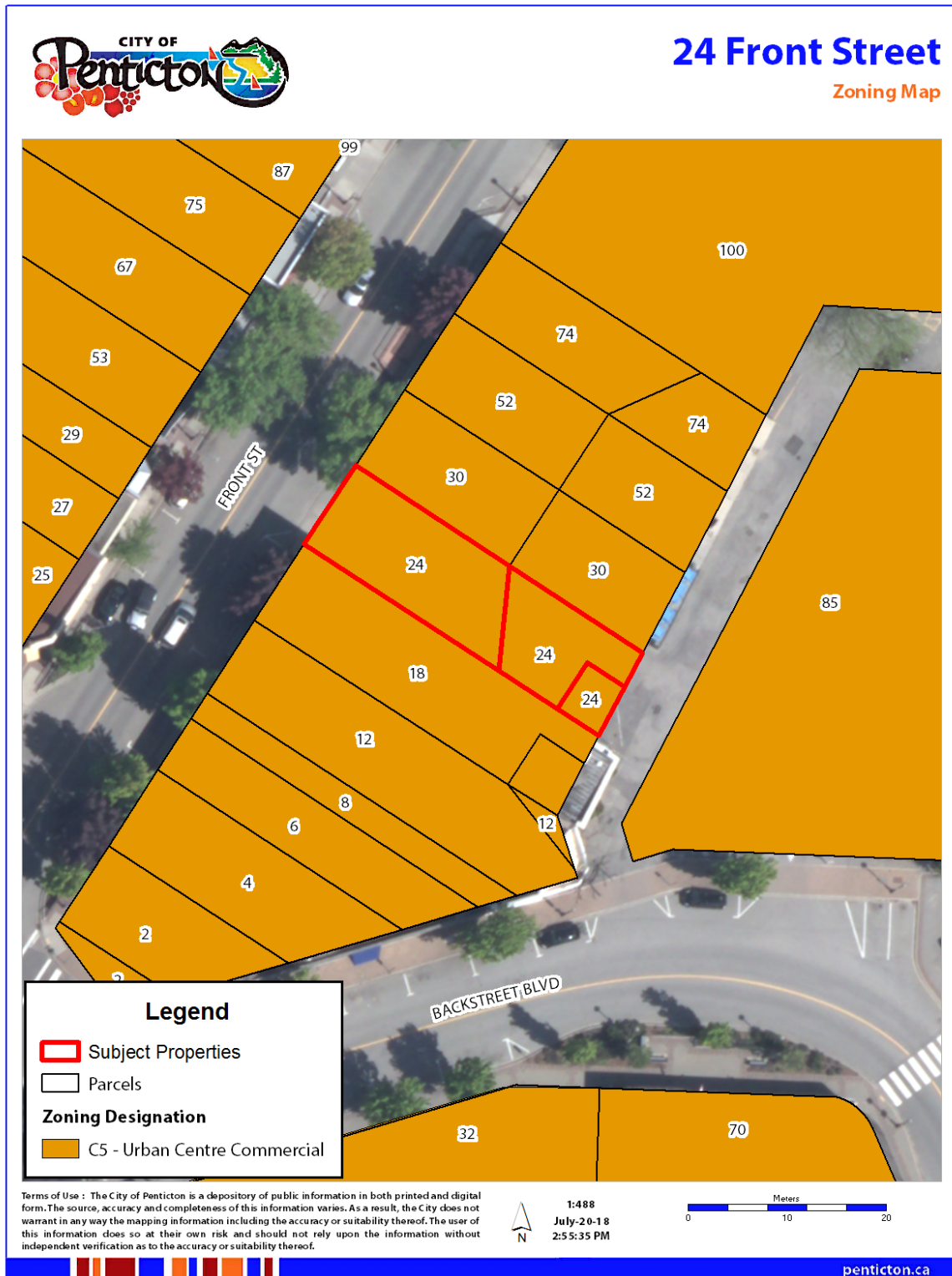


Figure 2: Zoning Map

Attachment C- OCP Map

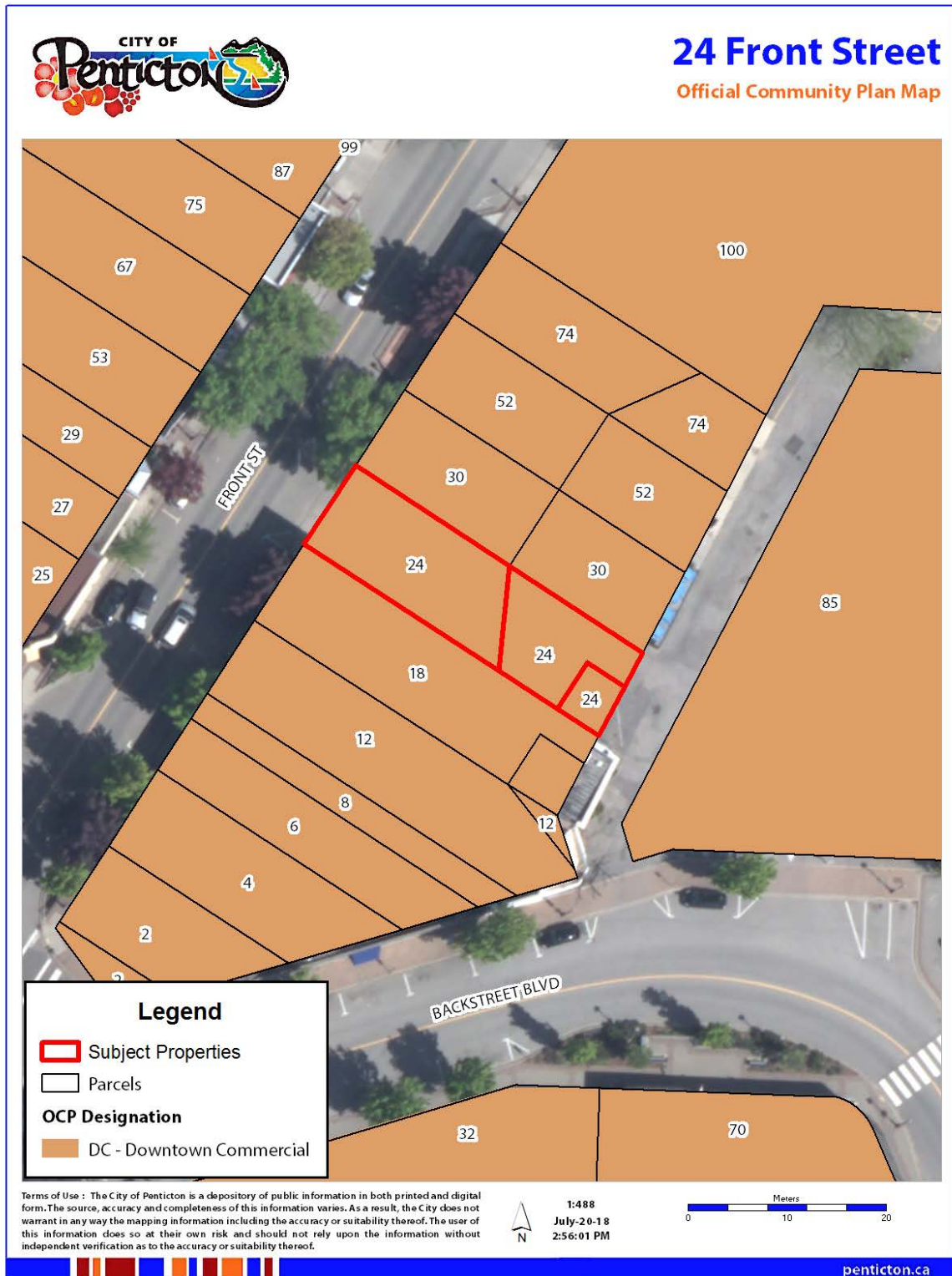


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: Front Street View



Figure 5: Lane View



Figure 6: Lane View showing property to the South



Figure 7: Lane View showing property to the North

Attachment E –Site Plan



Figure 8: Site Plan

Attachment F – Elevations

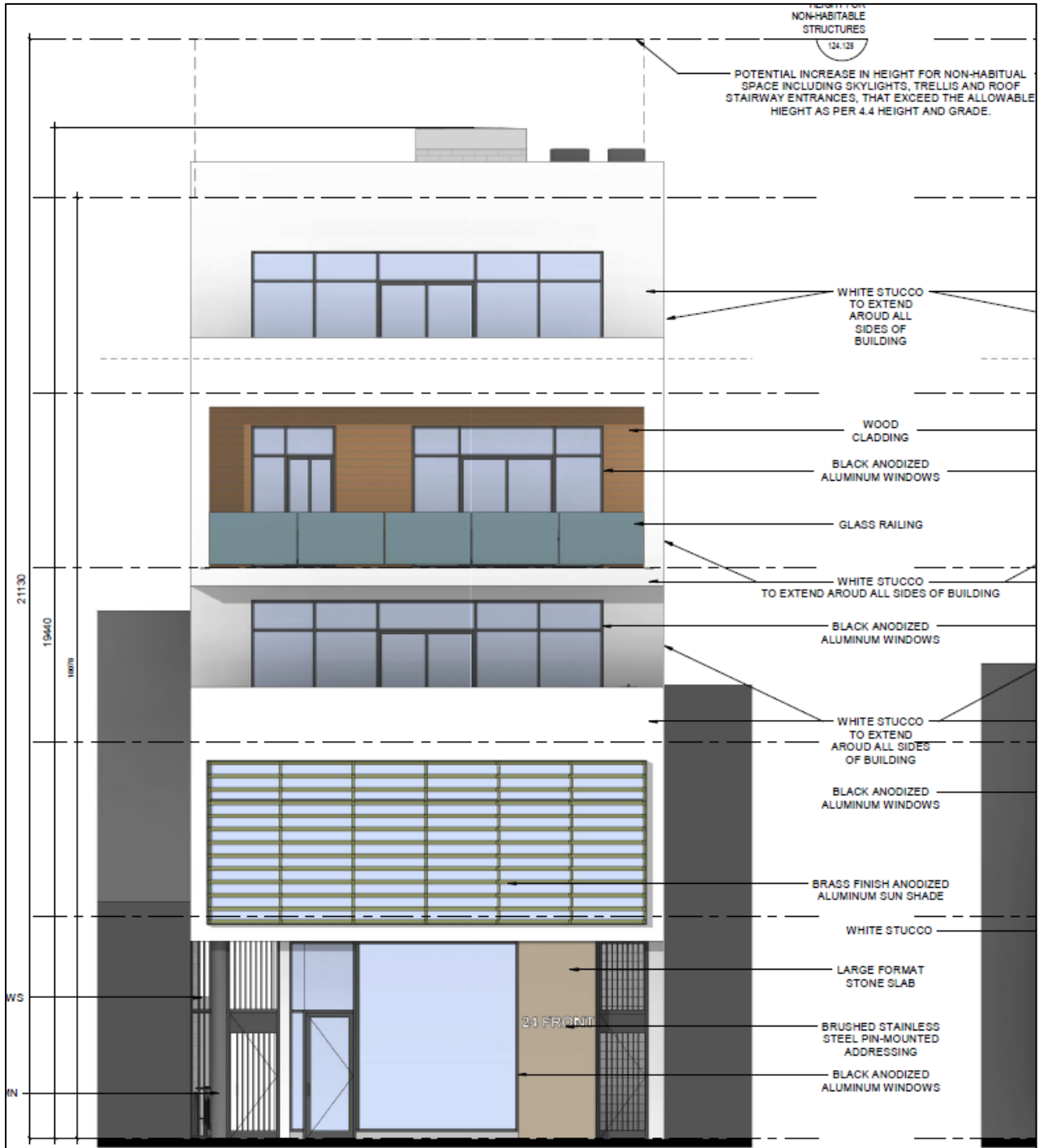


Figure 9: West Elevation (from Front Street)



Figure 10: East Elevation (from Penticton Creek)

Attachment G – Staff Analysis Development Permit Guidelines

OCP Design Guideline – Downtown Enterprise DPA	Proposed Design – Response to guideline
Building design should define a pedestrian oriented first floor with canopies, window and door trim and a varied building façade.	The proposed design includes three well defined pedestrian entries- one for the retail space, one for upper storey access and one for a passage way between the adjacent building. The build façade is varied, with stone slab, large picture windows and doors with black trim.
Front entrances should be well defined and provide a focal point to the building.	The entrance to the commercial space is front and center, with accesses to the passage way and second storey office space at either end.
Building finish shall be consistent in terms of appearance and colour on all elevations facing a street. Building elevations not facing a street must be painted or finished in some other decorative manner.	On the first storey, a large window comprises more than half of the frontage, with a large format stone slab finish and black gates comprising the remainder. On the second storey, white stucco, along with a large window with a brass finish aluminum sun shade is proposed. The third to fifth storeys have large windows, with wood cladding and white stucco, resulting in consistency in terms of appearance and colour.
The shape, roof lines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.	The jog in the north side of the building and stepping back of the third to fifth storeys from Front Street adds visual interest to the building. The mix of stucco, wood cladding, large windows with black trim, brass sun shade and stone slab provide a unique mix to the building, thus avoiding a monotonous appearance.
Buildings must be a minimum of two storeys and should be sited at the street edge unless a street plaza is proposed.	The proposed mixed-use building is five-storeys in height, with the bottom two storeys at the street frontage, and the three upper storeys stepped back.
Where the rear of the buildings back onto parking lots, the design of the building should include entrance features or some level of architectural design to provide a “second front” to the building.	The designer has put a lot of thought in what the rear of the building looks like, given that it faces a parking lot and Backstreet Boulevard. Two garage doors with windows, along with a mix of white stucco, multiple windows and recessed jogs in the building add visual character to the rear façade.

Figure 11: Staff Analysis DP Guidelines

Attachment H – Floor Plans

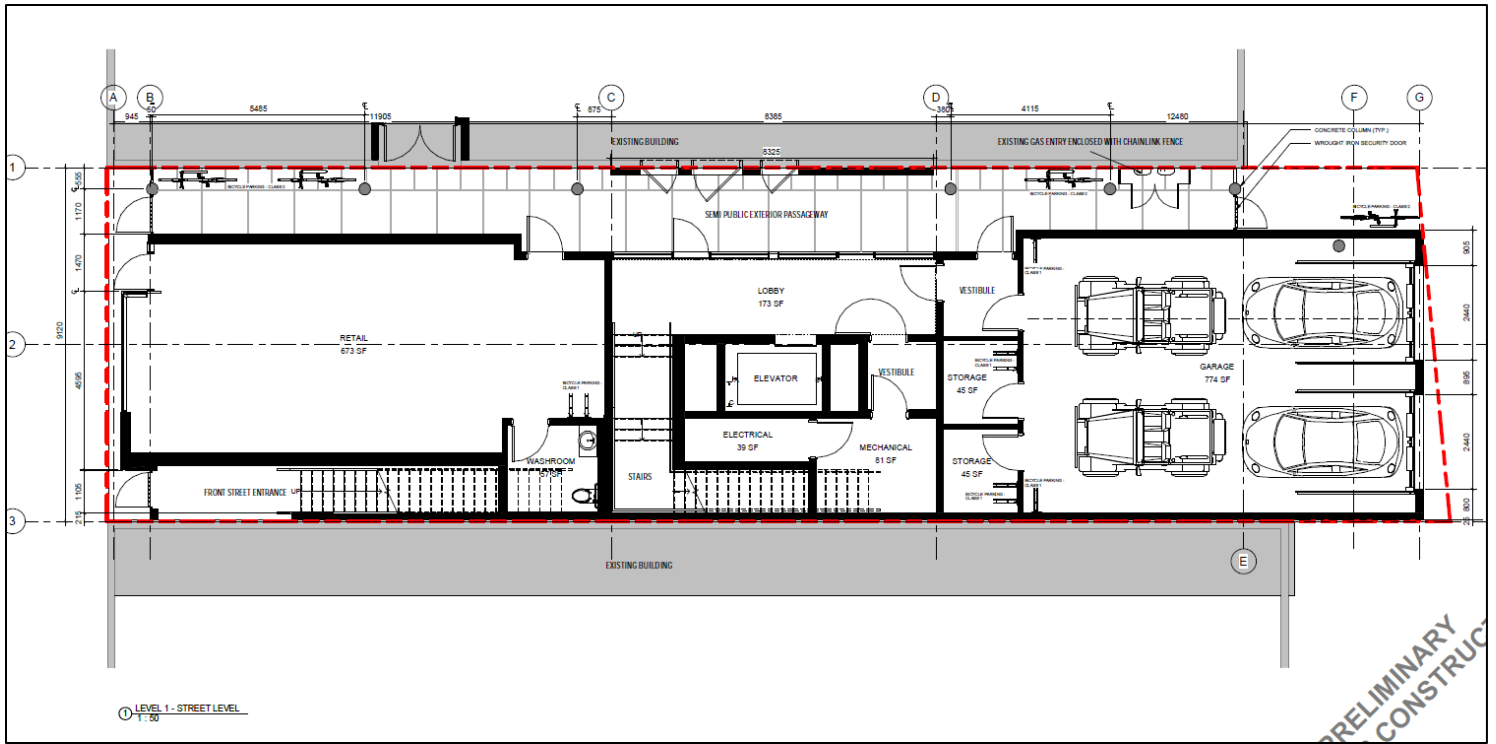


Figure 12: Main Floor Plan (Retail and Parking)

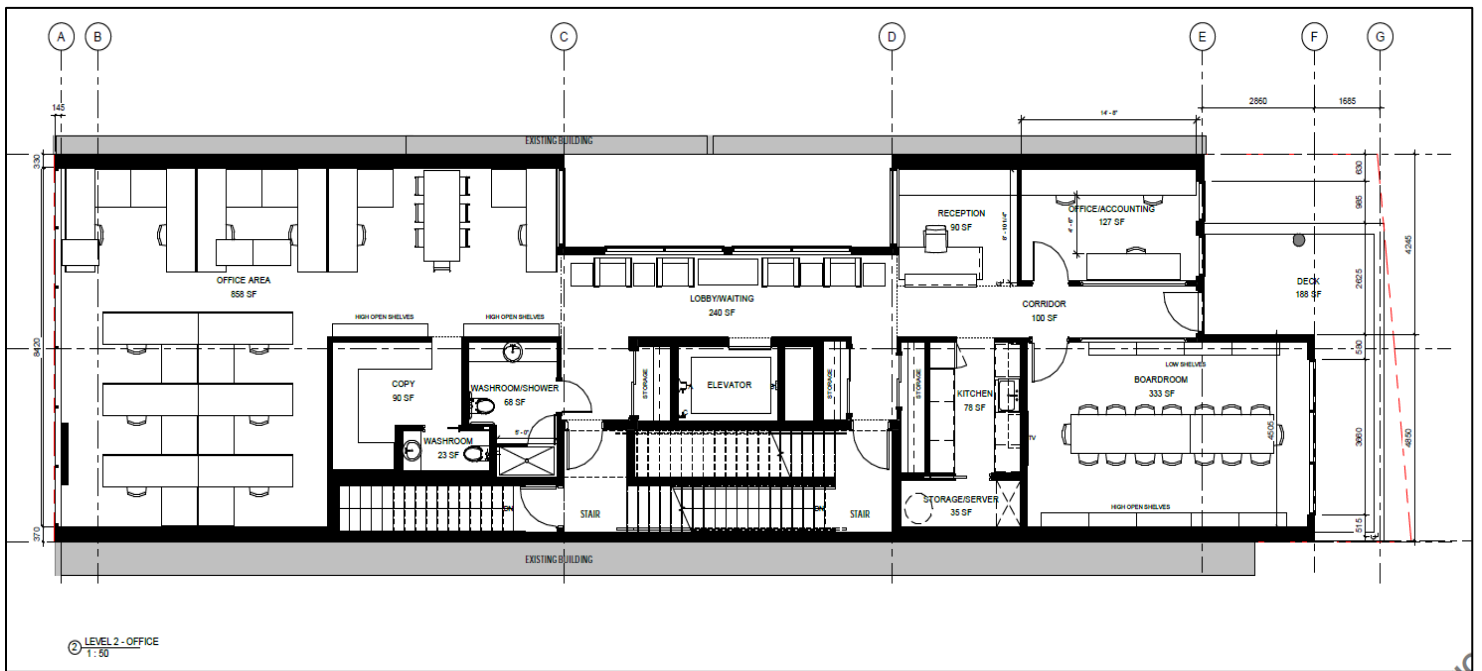


Figure 13: Second Storey Plan (Offices)

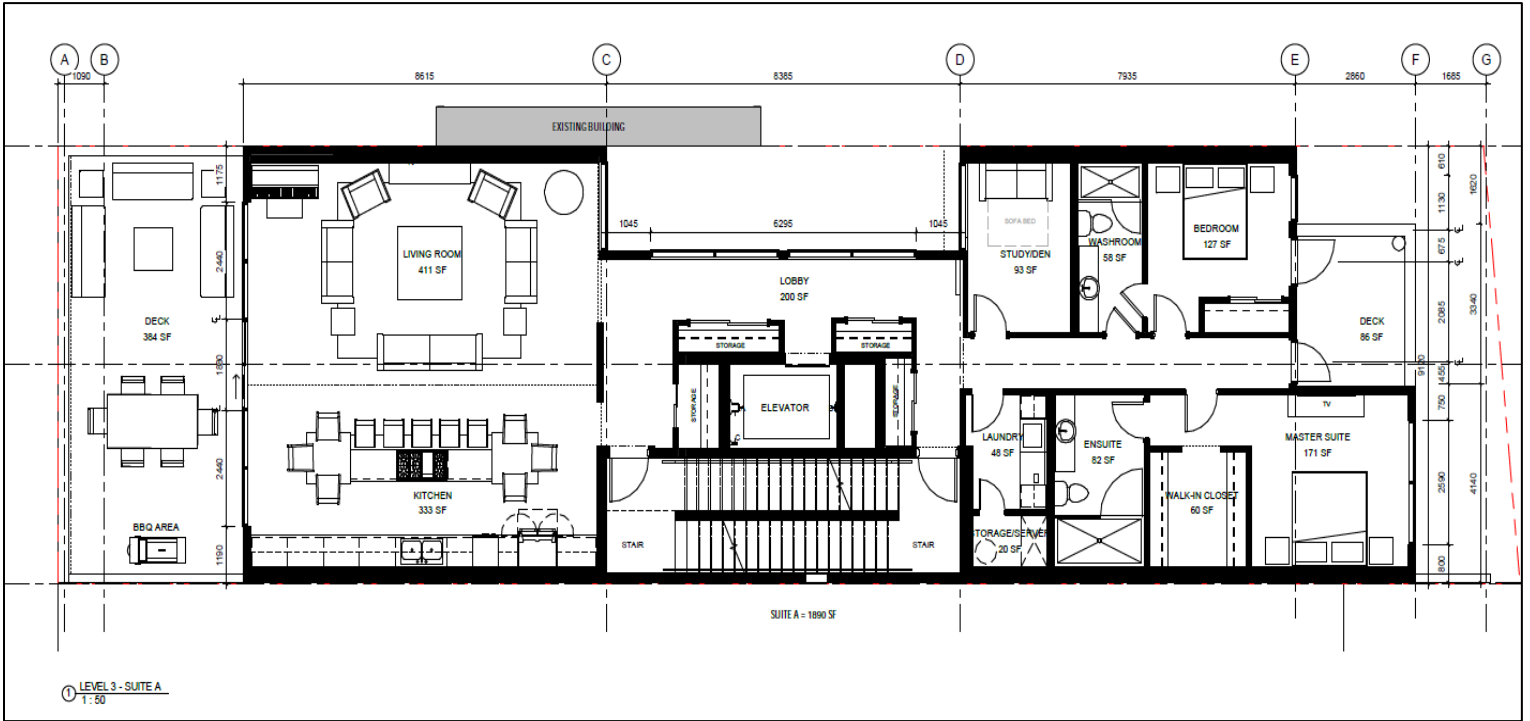


Figure 14: Third Storey Plan (Suite A)

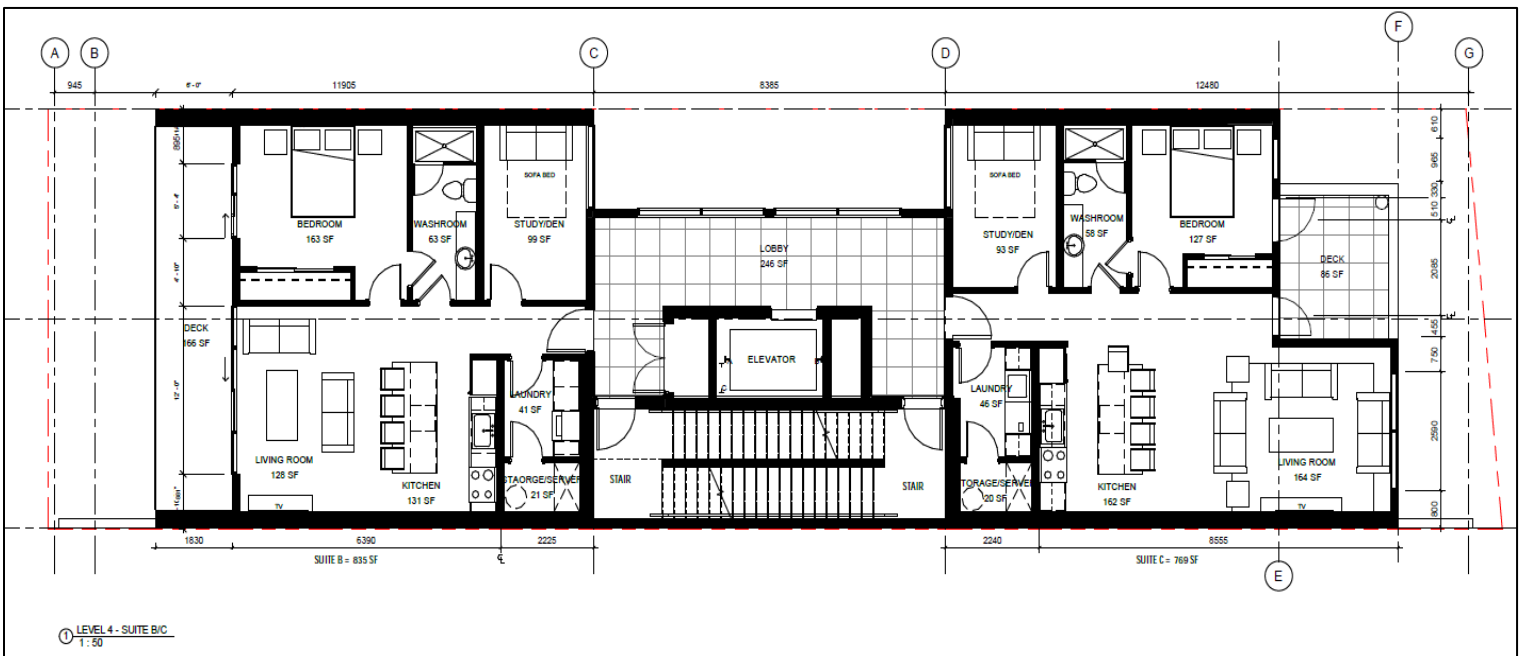


Figure 15: Fourth Storey Plan (Suite B & C)



Figure 16: Fifth Storey Plan (Suite D)

Attachment I – Conceptual Renderings



Figure 17: Front Street Rendering

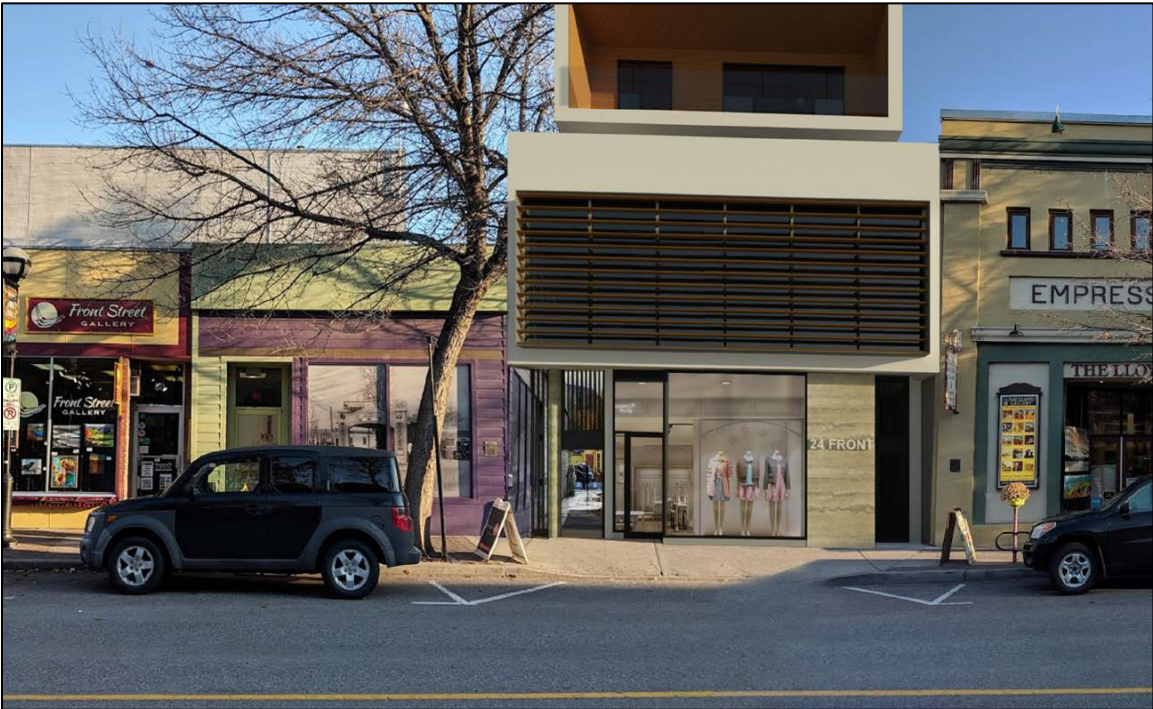


Figure 18: Front Street Rendering

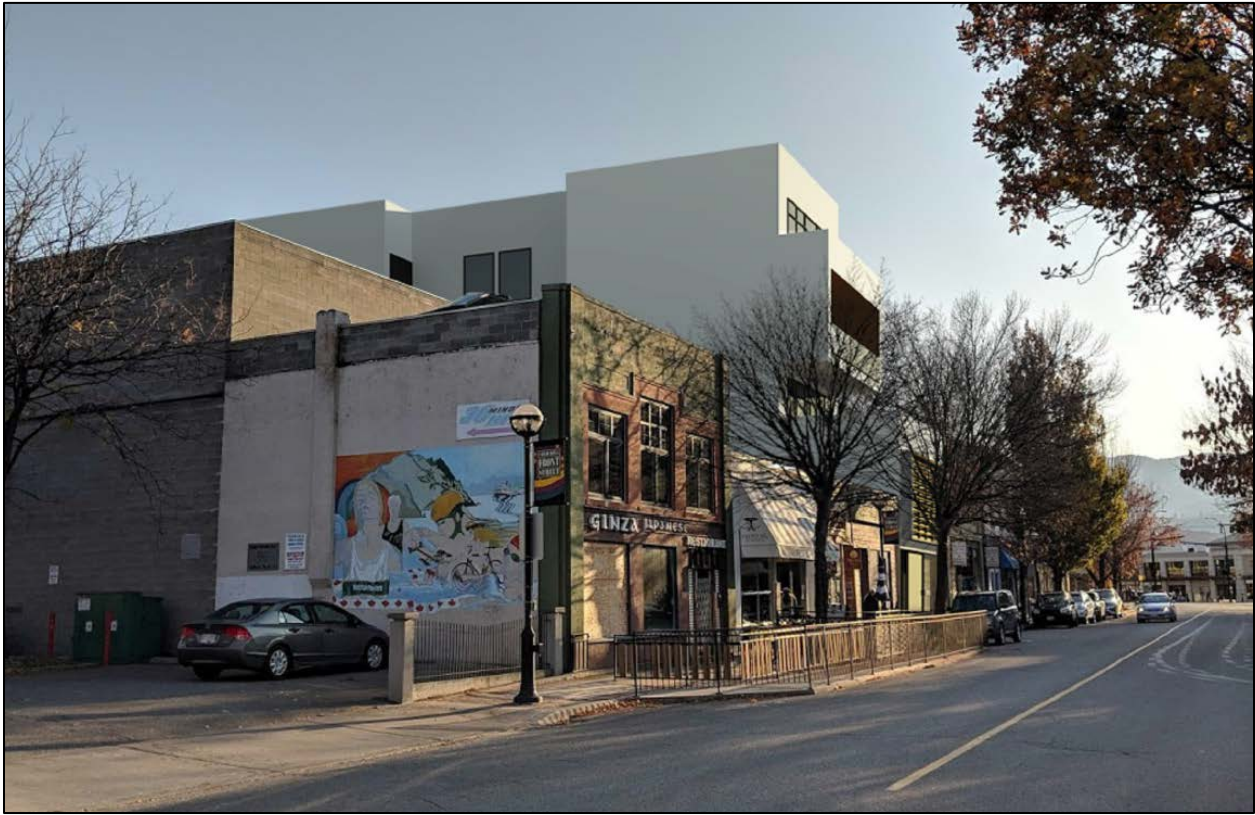


Figure 19: North Rendering

Attachment J - Letter of Intent

MEIKLEJOHN ARCHITECTURAL DESIGN **STUDIO** INC.
CALVIN B MEIKLEJOHN, ARCHITECT AIBC

January 21, 2019

Penticton City Hall

171 Main Street
Penticton, BC
V2A 5A9
Canada

Attention: Planning Department

Front Street Larsen Building
Design Rationale

Dear Randy Houle,

Please find attached our application for a Development Variance Permit for the Front Street Larsen Building, as well as our Architectural Analysis of the proposal within the larger context of the street. Below you will find our brief Design Rationale which explains our project and supports our variance request.

Our project is located on Front Street which is currently zoned C5 – Urban Commercial. Section 11.5.2.5.ii of the Zoning Bylaw indicates a maximum height of 15.0m in the zone and we are requesting a variance to the maximum height of 21.1m. The maximum height of the proposed structure is 19.44m, and we are asking for an extra 1.7m to allow for flexibility during the Design Development phase such as an increase in the height for non-habitable structures such as roof stairway entrances, skylights, and roof top trellis & patio. The extra height requested is in addition to the allowed 10% of total roof area height limitations as outlined in Chapter 4 – General Development Regulations – 4.4 Height & Grade. The allowed 10% (approximately 235 sqft) will be used to house mechanical equipment and storage.

We believe this is a reasonable request for several reasons. There are several projects on Front Street which exceed the 15.0 m maximum height: 1) the existing building at 136 Front Street - currently being renovated – constructed in 2008 and over 15.0 m in height; 2) the building under construction at 135 Front Street which was granted a Development Permit in March 2017 with a height of 20.5 m; and 3) the proposed building at 123 Front Street that has been approved for a similar mixed-use development with a height of 21.1 m.

In addition to being of similar height to the recent infill projects on Front Street, our proposal takes a creative approach to reducing its apparent height when seen from

201 – 75 FRONT STREET, PENTICTON, BC V2A 1H2 t: 250.492.3143 e: office@meikiejohn.ca

MEIKLEJOHN ARCHITECTURAL DESIGN STUDIO INC.
CALVIN B MEIKLEJOHN, ARCHITECT AIBC

the street. The project was designed so that the west façade of the building steps back at the second-floor level and maintains the 2-storey height along Front Street in general alignment with the historic Capital Theatre building on the south and the renovated Larsen Tire building on the north. There is a similar setback on the east façade overlooking the adjacent parking lot and Penticton Creek.

201 – 75 FRONT STREET, PENTICTON, BC V2A 1H2 T: 250.492.3143 E: office@meiklejohn.ca

MEIKLEJOHN ARCHITECTURAL DESIGN STUDIO INC.
CALVIN B MEIKLEJOHN, ARCHITECT AIBC

The building setback from Front Street and the alley provides outdoor living space for the third-floor residence and minimizes the impact of the building height on both facades. Drawing PA701 – SIGHT LINES OF BUILDINGS and PA702 – RENDERINGS demonstrates that the upper stories are hidden as one walks towards the building along Front Street. All six levels can only be seen as one walks along the north sidewalk of Front Street, along the Penticton Creek Pathway, or from the upper floors in the surrounding buildings.

We also believe our design for the infill of 24 Front Street is congruent with the current aesthetics of Front Street. It is not a historic reproduction but a modern infill building – similar to the project approved for 123 Front Street – but one that respects the form and character of the street with its glazed retail space on the main floor and the strong cornice line on the second storey. It is our hope that the Larsen Building will encourage a design standard for future projects downtown by illustrating how a contemporary building can be incorporated into a historical context.

Please feel free to contact the undersigned if you have any questions regarding this application.

Sincerely,



Cal Meiklejohn, Architect AIBC, FRAIC, LEED™AP
MEIKLEJOHN ARCHITECTURAL DESIGN **STUDIO** INC.
cal@meiklejohn.ca

201 – 75 FRONT STREET, PENTICTON, BC V2A 1H2 t: 250.492.3143 e: office@meiklejohn.ca

Figure 20: Letter of Intent

Attachment K - Downtown Penticton Association Letter of Support



**DOWNTOWN
PENTICTON**
Everything Under the Sun

Tuesday January 29, 2019

City of Penticton

Attention: Randy Houle

RE: Proposed OCP amendment, Variance and Development Permit application for 24 Front Street

Hello Randy,

The Downtown Penticton Board of Directors met Tuesday January 29, 2019 and had a presentation by Cal Meiklejohn with regard to his development plans for 24 Front Street.

Based on the presentation and details provided by Cal Meiklejohn, the board is completely supportive of this plan for development on 24 Front Street.

Should you require anything further from the DPA, please let me know.

Kindly

Lynn Allin
Executive Director
Downtown Penticton Association

Figure 21: Letter of Support

Attachment L - Development Variance Permit PL2018-8336



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8336

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: That Part of Lot 20A Shown on Plan B262; District Lot 202 Similkameen Division Yale District Plan 1067 Except Plan KAP81855
 - Civic: 24 Front Street
 - PID: 011-852-089

 - Legal: Lot 20A District Lot 202 Similkameen Division Yale District Plan 1067 Except Plans B262 and KAP81855
 - Civic: 24 Front Street
 - PID: 011-852-119

 - Legal: Lot 20 Block 5 District Lot 202 Similkameen Division Yale District Plan 269 Except Plan KAP81855
 - Civic: 24 Front Street
 - PID: 012-445-151
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 mixed-use building.
 - Section 11.5.2.5.ii: to increase the maximum permitted height of a building on Front Street from 15.0m to 21.1m.

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 19 day of February, 2019.

Issued this ___ day of _____, 2019

Angie Collison,
Corporate Officer

Attachment M - Development Permit PL2018-8335



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Permit

Permit Number: DP PL2018-8335

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: That Part of Lot 20A Shown on Plan B262; District Lot 202 Similkameen Division Yale District Plan 1067 Except Plan KAP81855
Civic: 24 Front Street
PID: 011-852-089
 - Legal: Lot 20A District Lot 202 Similkameen Division Yale District Plan 1067 Except Plans B262 and KAP81855
Civic: 24 Front Street
PID: 011-852-119
 - Legal: Lot 20 Block 5 District Lot 202 Similkameen Division Yale District Plan 269 Except Plan KAP81855
Civic: 24 Front Street
PID: 012-445-151
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a mixed-use building, as shown in the plans attached in Schedule A.

General Conditions

4. 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.
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 19 day of February, 2019

Issued this ___ day of _____, 2019

Angie Collison,
Corporate Officer

DP PL2018-8335

Page 2 of 2

Attachment N –Historical Analysis of Front Street (Applicant Submitted)

[..\PLANS\Historical Analysis of Front Street \(Applicant Submitted\).pdf](#)

Front Street

Analysis of Architectural Infill and Revitalization in a Historical Context

Table of Contents

01	Front Street Revitalization
04	Front Street Infill Precedent
11	Contemporary Facades in Other Historical Contexts: Vancouver, Granville Street
13	24 Front Street: Analysis

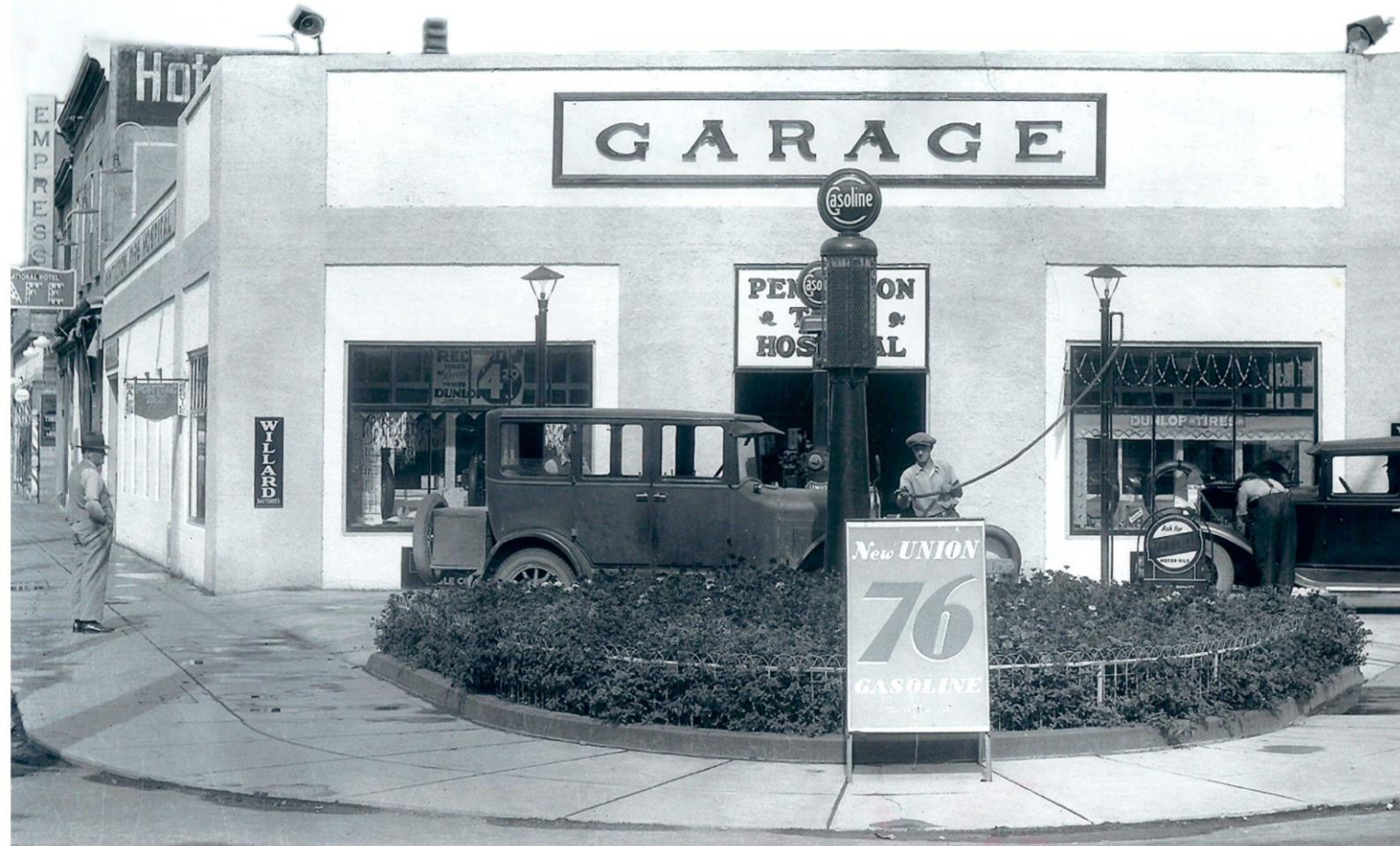


(Image Credit: Okanagan Archive Trust Society)

Front Street Revitalization

Over the last few decades the architecture of Front Street has undergone tremendous change. A number of new buildings have been built and a number have been renovated. Based on the following analysis however, few buildings on this historic street have achieved results post modernization with respect to adding architectural interest and revitalizing the pedestrian realm. As new buildings are built and older ones continue to be renovated, it is worth noting that there are certain architectural elements that help to maintain stylistic continuity, while others do not. Noted elements that have fallen short in maintaining continuity of style are cladding materials that are contextually inappropriate. Examples of these are the use of metal siding, mirrored glass, exposed concrete blocks, and residential stucco. The addition or subtraction of stylistic elements specific to a particular era, such as canopies and signage have also produced mixed results. An example of this is the former Grove Motors Building, pictured above.

Penticton Tire Hospital
Built by C.E. Bentley
in 1915



(Image Credit: Okanagan Archive Trust Society)

In the case of the former Penticton Tire Hospital (above), located on the corner of Main Street and Front Street, the modernization included removing the historical character of the building and simplifying the pedestrian realm. The removal of historical signage, pilasters and recessed signage bands, period appropriate windows, as well as a landscaped boulevard planter contribute to the building looking less appropriate to its historical location.



(Image Credit: Okanagan Archive Trust Society)

In the case of the building located at 52 Front Street, the modernization included removing the historical character and a change to a more simplified material palette. The engagement with the pedestrian was also reduced, partially caused by the windows that are covered with large graphics. The vibrant colours break up the massing of the building, but in contrast the large grey unadorned façade of the 3rd and 4th storey does not add architectural style.

Front Street Infill Precedent

There are several more contemporary buildings in this part of downtown that have attempted to infill the urban context after historical buildings were demolished. Most of these efforts have an arguable positive impact on the street. This is either due to the use of inappropriate materials or a program that does not encourage a vibrant street life. Case in point are the following 3 buildings. Despite containing large glazed openings, the facades do not embrace the street. Large windows at street level are covered by advertising when office functions are placed on the ground floor.





Here, oversized windows at street level are also covered by advertising with office functions placed on the ground floor.

As a result, the building façade does not encourage interaction between the vibrant street and building's interior.



Excessive setbacks and privacy fences adjacent to fire walls result in architecture that does not engage with the pedestrian. Here although the building is scaled contextually to the rest of the street, its placement against a stark concrete block wall, as well as an exaggerated recess created by a private patio, limit pedestrian interaction with the building.

Here the use of mirrored glass and defensive landscaping discourage engagement with the street.





New urban infill on Front St. is also challenged by issues of scale and the three-dimensional implications of applying historicized façades only on the front and back sides. The photograph on the left represents an idealized historicised infill with period materials, but the building appears as a largely mute grey cube when seen from most vantage points from the street. Large expanses of fire walls out of scale with the surrounding context, form backdrops that will probably never be obscured by future developments. The building has been designed for a future scenario of a continuous multi-storey façade. This scenario is unlikely however, as it would require removing the remaining historical low-rise buildings. (See next page)

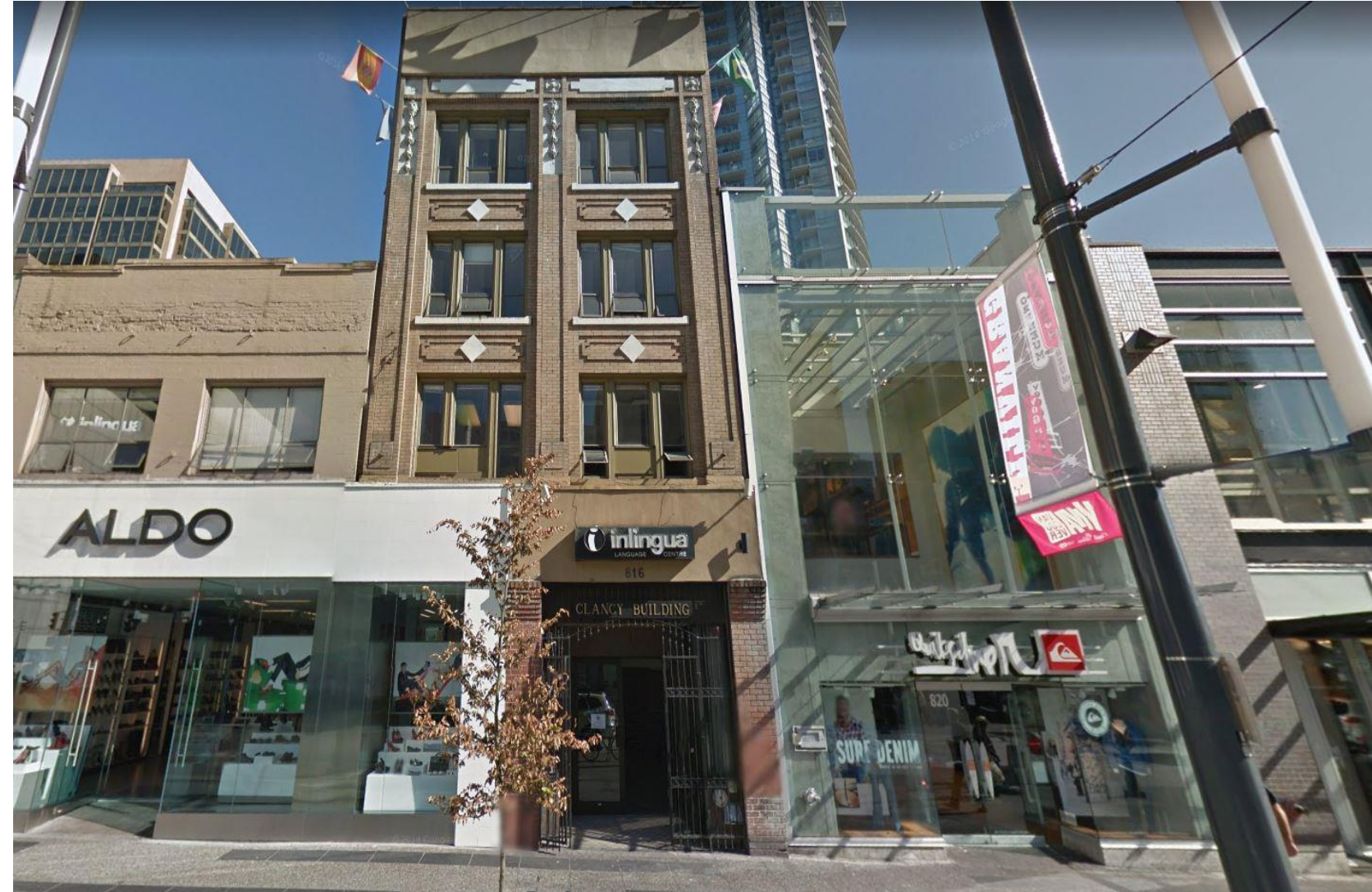




Here is an example of a building that does step back in order to break up the overall massing and contextualize the street facing façade. A clear attempt at creating a conversation between the two buildings is visible, but its scale, the parking entrance, the bright colour and the screening at grade work against synergy between the two buildings.

Contemporary Facades in Other Historical Contexts: Vancouver, Granville St

Other cities have dealt with contemporary urban infill in many ways. Some have indeed opted for historicised facades, others like the city of Vancouver, as shown on the right, have chosen a fresh aesthetic start with bold architectural styles. Issues of note with respect to such an approach are appropriate scaling of building elements such as windows, intermediate cornices, and entrance widths.



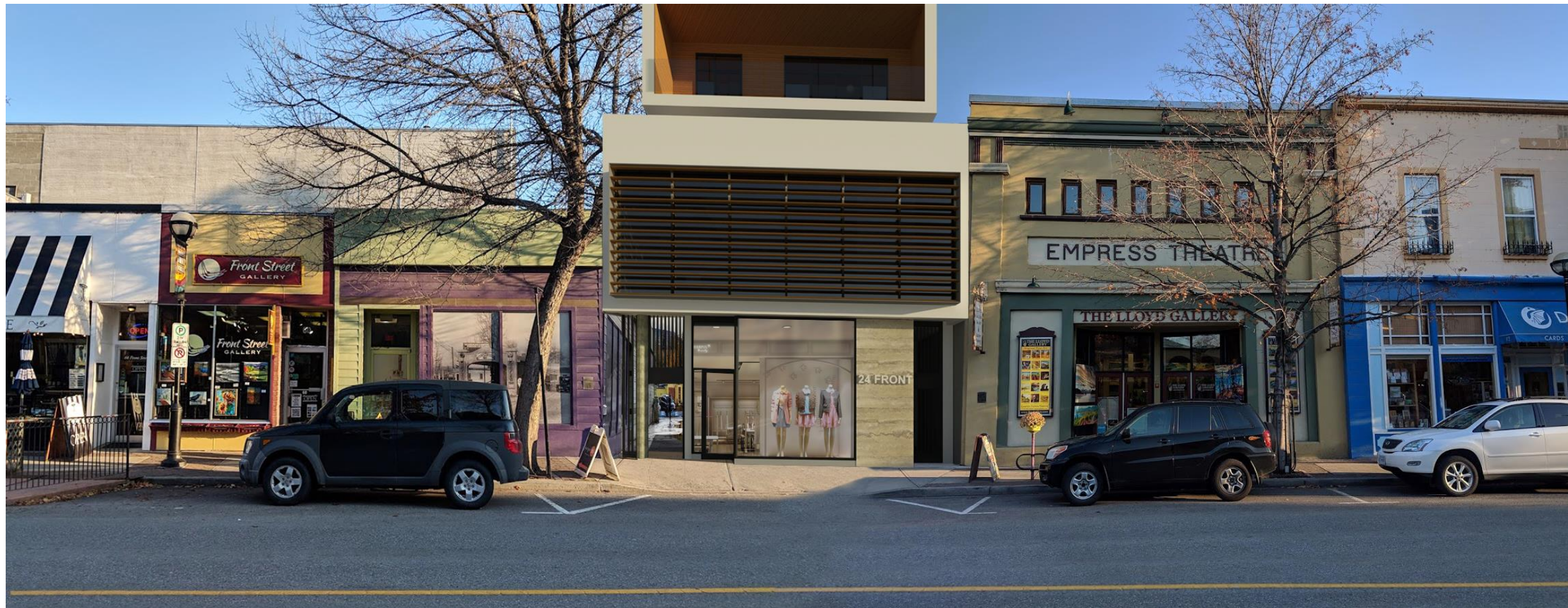


Here are two examples from European cities, where contemporary buildings are often integrated into historical facades. When done well, there is a natural synergy between new and old without the use of historicized elements and materials.

24 Front Street: Analysis

Based on our analysis of the past efforts to modernize and renovate the architecture of Front Street, we have spent considerable effort in designing a building that makes use of the lessons learned. The proposal for 24 Front Street attempts to both update the urban architectural aesthetic and fit contextually within its adjacencies.

Our proposed mixed-use building design incorporates a contemporary aesthetic that we believe is harmonious with the existing historical buildings. One of the goals of the proposal is to encourage a design standard for future projects downtown by illustrating how a contemporary building can be incorporated into a historical context. Another goal is to revitalize the concept of engagement between architecture, the street and the pedestrian.



This first image illustrates that the proposed building was carefully inserted between the adjacent buildings, continuing existing parapet heights and matching architectural elements such as size of retail windows and doors. A neutral material palette accentuates this contextual fit. A large pedestrian passageway is located at the north end of the site. It connects the lane and the street and allows the building to the north to maintain its existing side exiting. It also allows the windows of the adjacent building to continue to wrap around into 24 Front Street, enhancing the interaction between the two buildings. Office and residential entrances are tucked away in the same passageway, allowing the front façade to remain mainly retail commercial.



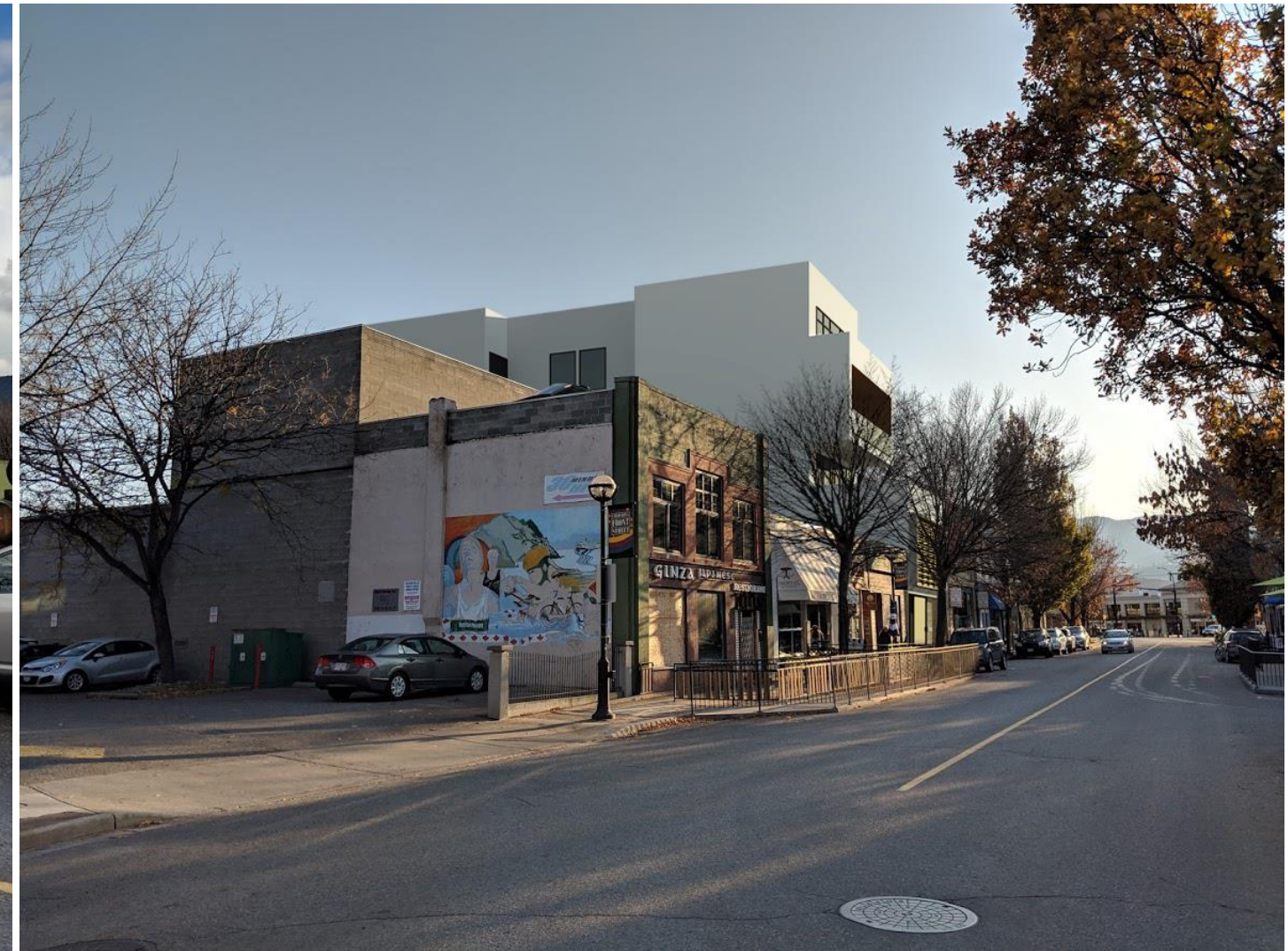
The main floor of the proposed building is projected to be a retail or gallery space that will promote a vibrant interaction with the street and pedestrians. A large window at street level was designed to invite passers by, while the building entrance mimics the recesses of the historic Empress Theater next door.

The second floor has a feature brass screen adding to the elegance to the building while providing solar control to the offices located on that floor.

This images above display how the proposed building steps back between the third and fifth floors allowing it to blend in with the adjacent buildings by making it appear smaller at the street level. This is something that presents a challenge to other urban infill on Front Street, pictured above right. Additional images showing our careful investigation with respect to the siting of the building can be found on pages PA501, PA502, and PA701 of the accompanying DVP Application. Here we illustrate that a lot of planning was dedicated to sculpting both the street and lane facing facades, and considerable effort was made to reduce full height massing in these locations.



The building exterior materials were selected to be part of and enhance the fabric of Front Street. Large scale stone cladding adorns the retail / gallery storefront, while contrasting window frames and shimmering sunshade on the second floor sit boldly next to the finely crafted finish of the rest of the building.



This final image (above right) displays how stepping the building face along the northerly property line allows the creation of a lightwell courtyard, introducing windows on a face that typically does not contain any openings, pictured above left. This exterior glazing on the long side the building prevents it from looking like a solid mute mass. Further investigation of this relationship to the adjacent buildings and the street is shown on PA503, where the light well courtyard can be clearly seen.

It is our belief that the mixed-use proposal for 24 Front Street satisfies the stated objective of incorporating a contemporary aesthetic that is harmonious with the existing historical buildings. It is our hope that the building can help to revitalize the concept of engagement between architecture, the street and the pedestrian by emulating the scale and stylistic elements of its distinguished neighbours such as the Empress Theatre.

Bylaw No. 2019-04

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. 2019-04."

2. **Amendment:**

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

2.1 Amend Section 2.1.2 The Downtown and Urban Villages to include "A five storey high density format would be an option in the Downtown Commercial (DC) designated area of 24 Front Street."

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
ADOPTED this	day of	, 2019

Notice of intention to proceed with this bylaw was published on the __ of ____, 2019 and the __ of ____, 2019 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: February 5, 2019 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Michael Hodges, Development Infrastructure Manager
Address: Cambie Court
Subject: Cambie Court road alignment and design

Staff Recommendation

THAT Council, with properly posted speed reductions to 30 km/h, authorize the minimum road curve centre line radius at Cambie Court to be reduced from 100 metres to 30 metres as allowed in the Transportation Association of Canada Guidelines.

Background

Staff are requesting that Council support Staff in reducing the turning circle radius and speed limit on Cambie Court to allow the road design proposed in Attachment F to be constructed. This design conforms with the layout for the area created through a staff led process and vetted through the affected property owners.

Cambie Court is located within an existing single family area. The current road (Cambie Court) is not constructed to City standards (Attachment A). The road has been configured in this manner since the original subdivision of these lands and has a width that ranges between 3.0 and 6.0 metres. Deteriorating asphalt, the steepness of the road and the alignment of the road results in a less than satisfactory road standard. The road looks and feels like a poorly constructed lane, not a city street. This area has several large lots with development potential that access onto this road. There is also a large undeveloped parcel that fronts onto this road. While there is development potential for the area, no neighborhood or area plan currently exists.

In 1993, a subdivision KAP50376 (Attached B) was carried out that created the beginning of the cul-de-sac in Cambie Court. This was carried out with the intention of upgrading Cambie Court into a compliant City standard road. In the initial layout of the road it was to be accessed from Westminster Avenue East as the current design shows. While land was acquired to build part of the cul-des-sac through the subdivision process, the road was never constructed as the City had not yet acquired enough land to allow the road to be constructed.

Proposal

Staff have received a subdivision application for the lands identified in Attachment C. The proposal is to subdivide 120 Cambie Street into 3 lots. The Lots are of sufficient size to meet zoning requirements. The access road for the new lots will be from Cambie Court.

During the detailed review of the subdivision application, it was identified that the existing road right-of-way width for Cambie Court was not sufficient to allow the road to be upgraded to conform to current City Bylaw standards. Due to the grade changes and the horizontal alignment, a Bylaw compliant road cannot be constructed without substantial realignment of the road through existing properties.

The road design criteria is outlined in the Subdivision and Development Bylaw Schedule G section 00400. This section requires that all vertical and horizontal alignments are designed utilizing the Bylaw and the current edition of the Transportation Association of Canada guidelines. The Bylaw specifies the minimum turning circle radius (Curve Centerline Radii) in Table 3.0 as 100 metres. Footnote 5 of this table allows this radius to be reduced on approval by the City Engineer with properly posted speed reductions. An extract of the Subdivision and Development Bylaw can be found in Attachment D.

The Developer has submitted a road design for approval with a supporting letter (Attachment F) from their design professional requesting the reduction of two of the Subdivision and Development bylaw requirements while confirming that the road still complies with the minimum design requirements as set out in the Transportation Association of Canada Guidelines. The following Sections of the Subdivision & Development Bylaw are proposed to be reduced to accommodate the proposed road design:

- Reduce the minimum turning radius of the street as specified in Schedule G Section 004400 Table 3 from 100 metres to 30 metres as outlined in the Traffic Association of Canada Guidelines; and
- Reduce the design and posted speed limit from 50km/h to 30km/h.

Given the magnitude of the required change from 100m radius to 30m the City Engineer would like to draw this to the attention of Council and seek their endorsement of it.

It is Staff's belief that upgrading the road to a City standard is not possible, without significant land acquisition and negative impact on private property. Staff's intention has been to develop a plan for the area that will allow for each property to upgrade their frontage as they develop and when completed the individual upgrades will create the complete road. The attached map (Attachment E) shows the ultimate road alignment proposed by Staff that will meet the reduced standard, allow the road to be constructed in phases and allow individual developers to control the final outcome as it affects them. While there will be a shared burden on all the properties that develop the intention is to allow the properties to develop independently towards a common goal.

Financial implication

The developers for each of the properties will be responsible for the design and construction of the section of road in front of their development. Once the section is constructed the works will become part of the City road network and it will be the City's responsibility for all maintenance costs.

Neighborhood Consultation

Staff have contacted the local residents that either front onto or backed onto Cambie Court, to discuss the impact of the plan and hosted an open house on January 10, 2019. As the changes proposed are around changes to the technical road design, to achieve the currently proposed development potential of the area, it was felt that wider public consultation not be required.

The comments from those who attended the meeting was that there was benefit to the area in having Cambie Court upgraded. There were comments about the need to ensure the access from Westminster to Cambie Place was maintained, as well as concerns about the speed of people using the road as a short cut. The discussion from those in attendance also focused on the need to retain the single family nature of the area. Following this meeting, a few minor changes were made to the proposed plan, which included removal of an alternative road alignment through 199 Grandview Street.

Analysis

There are four existing lots (including 120 Cambie Street) with development potential that access onto Cambie Court. Staff cannot see any way for this road to be upgraded without each developer working towards a common plan. The proposal from staff is to provide a flexible plan for the future that will allow it to be fine-tuned as part of the detail design for each individual development. The proposed road is not fully designed and is expected to change slightly based on the design requirements and the preferences of the developers at the time of development. Staff are not asking Council to approve the exact road alignment but to support the concept of reducing the Bylaw requirements and speed limit. The Design Consultant has confirmed that the design will meet good engineering practice and Transportation Association of Canada guidelines and even though the City's design standard will be altered, they believe that the proposed road design will result in a safe and accessible configuration for the public.

There are a number of residential properties that are unlikely to develop further that have road widening shown on them. It is not Staff intention that this land would be acquired and the road design is such that the physical road can be constructed without these road widenings, however the sidewalk and boulevard may not be able to be fully constructed.

Support for Alternative recommendation 1

Council have the ability to reduce the standards of this road from a residential road to a "lane", this would reduce the paved width to 6 metres and remove the requirement for a boulevard. This would also reduce the amount of land that is required for the road therefore reducing the impact on the local residents. While this will leave the area in a very similar situation to how it is today it will create challenges as the area develops and the number of lots and traffic increase. This is not the preferred option of Staff.

Support for Alternative recommendation 2

Council also have the ability to remove the requirement for the developer to upgrade the road at all. While this will simplify development it will mean that we are not likely to ever have an upgraded road in this area. If this recommendation was made there would still be upgrades to the pavement directly in the front of the development, but they would be limited to the frontage to allow the fire truck to operate and not tie into a future road alignment. This is not the preferred option of Staff.

Alternate recommendations

Alternative recommendation 1 - THAT Council direct staff to prepare an amendment to the Subdivision and Development Bylaw to require that Cambie Street be constructed to a City lane standard as outlined in the Subdivision and Development Bylaw.

Alternative recommendation 2 - THAT Council direct staff to prepare a Development Variance Permit to not require the development at 120 Cambie Street to carry out frontage upgrades.

Attachments

Attachment A – Map of current extent of Cambie Court

Attachment B – Plan of original subdivision that started land acquisition for Cambie Court

Attachment C – Subdivision plan for 120 Cambie Street

Attachment D – Extract from the Subdivision and Development Bylaw

Attachment E – Proposed ultimate road alignment map

Attachment F – Letter and Design from Developers Engineer

Respectfully submitted,

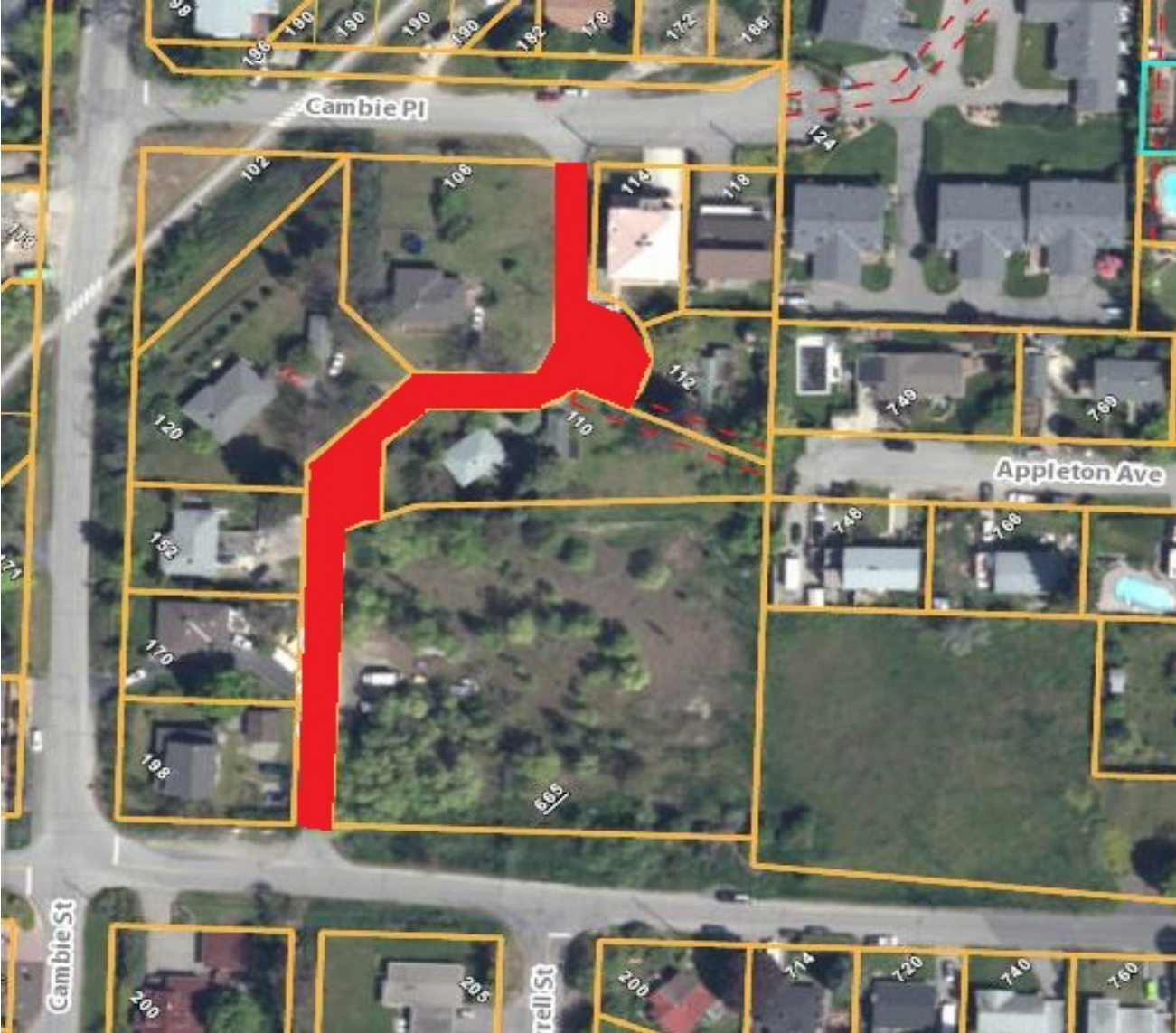


Michael Hodges
Development Infrastructure Manager

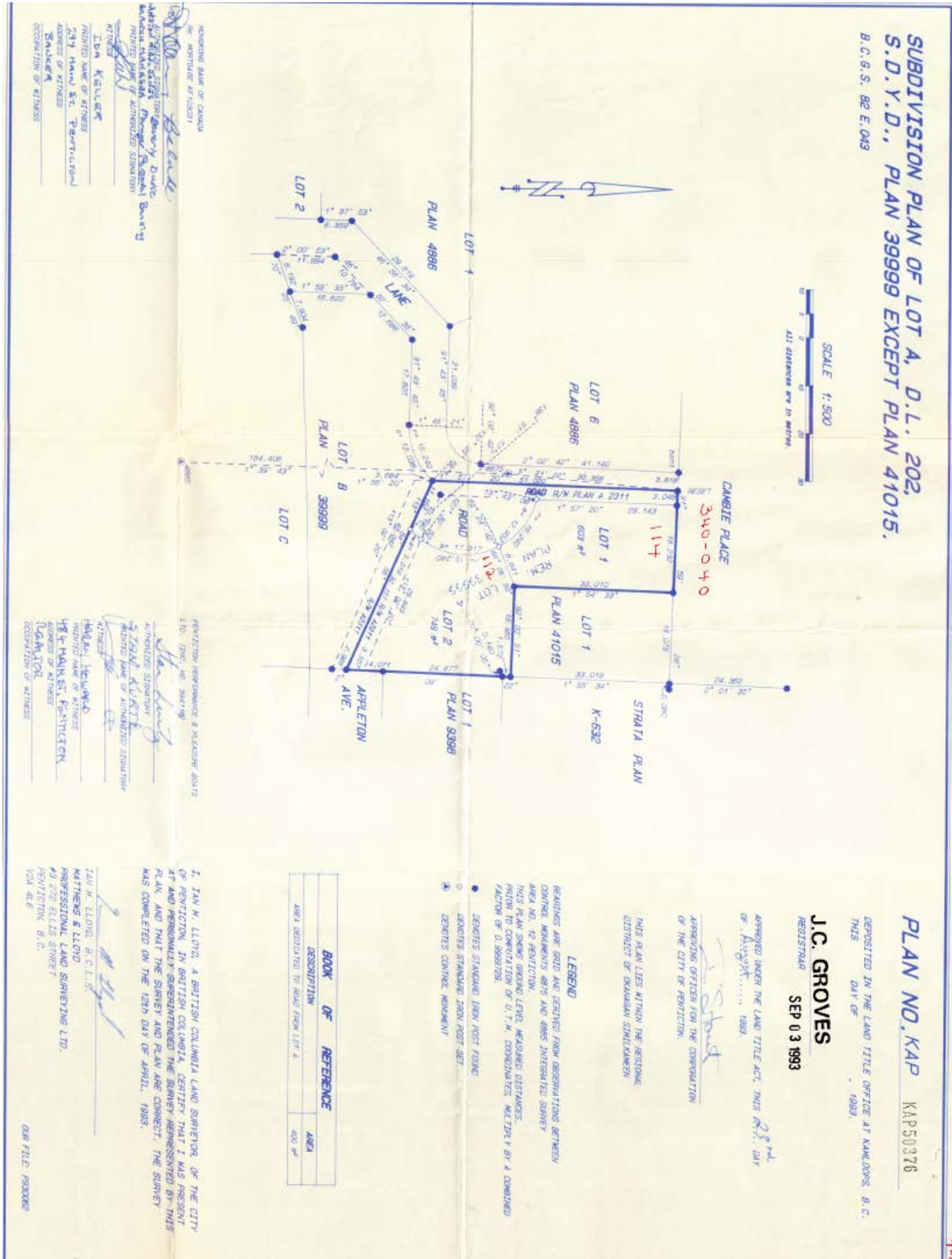
Concurrence

Director <i>SBH</i>	Acting Chief Administrative Officer LD
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Attachment A – Map of current extent of Cambie Court



Attachment B – Plan of original subdivision that started land acquisition for Cambie Court



Attachment D – Extract from the Subdivision and Development Bylaw

CITY OF PENTICTON
SUBDIVISION & DEVELOPMENT
BYLAW 2004-81

SUBDIVISION & DEVELOPMENT BYLAW
SCHEDULE "G"
DESIGN CRITERIA

SECTION 00400 – ROADS
PAGE 1 OF 10
NOVEMBER 2004

1.0 GENERAL

- 1.1 All road classifications and designations for vertical and horizontal alignment elements will be designed utilizing information contained in this section, and in compliance with:
 - 1.1.1 The current edition of the Transportation Association of Canada - Geometric Design Guide for Canadian Roads.
- 1.2 Consulting Engineers retained by the Owner to design the works and services must consult with the City to determine what existing information may be of assistance to them.
- 1.3 The City may require an independent Traffic Impact Study to determine the requirements or warrants for deceleration and acceleration turning lanes or traffic control signalization for access off major roads for safety reasons and to minimize disruption to traffic.

SECTION 00400: Schedule "G" – ROADS, Table 3.0. (Page 3 of 10)

3.0 ROAD CLASSIFICATION DESIGN CRITERIA - TABLE 3.0

	RURAL ROADS					URBAN					LANES		
	Local					Local					Residential	Commercial / Multi-Family	
	Local	Collector	Residential	Industrial	Commercial	Residential	Industrial	Commercial	Residential	Collector	Industrial	Commercial	Residential
Standard Drawing No.	S-R10	S-R11	S-R2	S-R4a	S-R4	S-R5	S-R6	S-R6a	S-R12	S-R6	S-R6a	S-R12	S-R12a
TAC Classification	RLU50	RCU60	ULU50	ULU50	ULU50	UCU60	UCU60	UCU60	UCU60	UCU60	UCU60	UCU60	
Horizontal Alignment:													
Design Speed (km/h)	50	60	50	50	50	50	60	60	30	60	60	30	30
Right-of-Way Width	16	20	16	20	20	20	21	21	6	21	21	6	7.5
Road Width ¹	8.0	10	8.5	12	12	12	14	14	6	14	14	6	7.5
Travel Lane Width	2 x 3.0	2 x 3.5	2 x 3.0	2 x 3.5	2 x 3.5	2 x 3.5	2 x 3.7	2 x 3.7	-	2 x 3.7	2 x 3.7	-	-
Paved Parking Allowance	2 x 1.0	2 x 1.5	2.5	2 x 2.5	2 x 2.5	2 x 2.5	2 x 3.3	2 x 3.3	-	2 x 3.3	2 x 3.3	-	-
Gravel Shoulder Width	2 x 1.0	2 x 0.5	-	-	-	-	-	-	-	-	-	-	-
Gravel Rounding	2 x 0.5	2 x 0.5	-	-	-	-	-	-	-	-	-	-	-
Boulevard Width ⁵	4.0	5.0	3.75	4.0	4.0	4.0	3.5	3.5	-	3.5	3.5	-	-
Cable Strip Width	-	-	-	-	-	-	0.5	0.5	-	0.5	0.5	-	-
Curve Centerline Radii³	100	150	100	100	100	150	150	150	50	150	150	50	50
Min. Crowned Crossfall (%)	2	2	2	2	2	2	2	2	2	2	2	2	2
Max. Crowned Crossfall (%)	4	4	4	4	4	4	4	4	4	4	4	4	4
Max. Super-elevation (m/m)	0	0	0	0	0	0	0.04	0.04	0	0.04	0.04	0	0
Intersection Angle (deg)	70-110	70-110	70-110	70-110	70-110	70-110	70-110	70-110	70-110	70-110	70-110	70-110	70-110
Vertical Alignment:													
Min. Grade Asphalt (%)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Min. Grade Concrete (%)	-	-	0.5	0.5	0.5	0.5	0.5	0.5	-	0.5	0.5	-	-
Max. Grade (%) ³	11	10	15	12	12	11	11	11	11	11	11	11	11
Max. Grade at Intersection (%)	8	8	8	8	8	8	8	8	8	8	8	8	8
Min. K Value (sag)	12	18	6	6	6	6	9	9	12	9	9	12	12
Min. K Value (crest)	7	13	7	7	7	7	13	13	7	13	13	7	7
Concrete Works:													
Curb Type	-	-	Rollover	Rollover	Rollover	Rollover	Rollover	Rollover	-	Rollover	Rollover	Barrier	-
Detail Drawing	-	-	C4	C4	C4	C4	C4	C4	-	C4	C5	-	-
Sidewalk Requirement ⁸	-	-	One Side ⁶	Both Sides ⁹	Both Sides ⁹	One Side ⁸	-	-	-	-	Both Sides ⁸	-	-
Sidewalk Width	-	-	1.5	1.5	1.5	1.5	-	-	-	-	1.5	-	-
Minimum Road Structure⁴													
Min. Granular Sub-Base (mm)	150	200	150	200	200	200	300	300	150	300	300	150	150
Min. Granular Base (mm)	75	100	75	100	100	100	100	100	75	100	100	75	75
Min. Asphalt Thickness (mm)	50	75	50	75	75	75	2 x 50	2 x 50	50	2 x 50	2 x 50	50	50

Footnotes to Table 3.0

1. The minimum right-of-way width may be increased to 25 m at controlled intersections for a minimum distance of 120 m back from the intersection, depending on the lane configuration (See standard detail drawings).
2. Roadway structure to be designed by a Geotechnical Engineer based on site specific soil conditions and traffic loadings.
3. Short grades less than 150 m in length may be 1% higher on urban roads, and 2% higher on low volume rural roads.
4. The minimum pavement width must be increased to accommodate bicycle lanes, auxiliary lanes, bus bays and medians where required as directed by the City Engineer.
5. With properly posted speed reductions and the City Engineer's approval, the minimum curve centre line radii may be reduced.
6. The boulevard width is measured from the face of curb to property line or from edge of pavement to property line on roads without curbs.
7. Road width is measured from face of curb to face of curb on roads with curbs and edge of asphalt to edge of asphalt otherwise.
8. Sidewalk is required on both sides of a street with multi-family development and commercial zones. In industrial areas the sidewalk is required only if it is necessary to form part of an existing sidewalk network or link walkways, crosswalks or bicycle paths.
9. A sidewalk is required on one side of a road that ends in a cul-de-sac. The sidewalk must extend to the furthest in the cul-de-sac.

Attachment E – Proposed ultimate road alignment map



Attachment F - Letter and Design from Developers Engineer



January 24, 2019

Ecora File No.: CP-18-286-FRT

City of Penticton
171 Main Street
Penticton, BC, V2A 5A9

Attention: Michael Hodges
Development Infrastructure Manager

Reference: 120 Cambie Street, Penticton, BC
Cambie Court Road Design Compliance

Ecora Engineering and Resource Group Ltd. (Ecora) has been retained by Fretz Construction Ltd. to design servicing and access to a proposed 3-lot subdivision at 120 Cambie Street, Penticton, BC.

As indicated in the PLA, the road frontage of the new lots is to be off Cambie Court. Due to restraints with the existing road right-of-way, the proposed horizontal alignment of the reconstructed Cambie Court cannot meet the parameters as shown in Table 3.0 of City of Penticton's Subdivision & Development Bylaw No. 2004-81; specifically, the minimum centerline curve radius of 100m cannot be met.

Ecora has designed the proposed road alignment to conform with the Alignment and Lane Configuration section of the Transportation Association of Canada Geometric Design Guide for Canadian Roads. The proposed centerline curve radius has been designed at 30m for a design speed of 30km/h, per Table 3.2.4 of the Design Guide. A 30km/h speed limit sign will be posted at the entrance of Cambie Court. Using the Design Guide meets best engineering practice. All other aspects of the road design can be constructed to conform to City of Penticton's Subdivision & Development Bylaw No. 2004-81, with the exception of the lane extending from the cul-de-sac to Cambie Place. The grades of the lane will need to be confirmed with the development of the cul-de-sac, which is beyond the scope of this development.

We trust this meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Resource Group Ltd.

Mike Young, P.Eng.
Sr. Civil Engineer
Direct Line: 250.496.9757 x1014
mike.young@ecora.ca

501 Winnipeg Street, Penticton, BC V2A 5M8 | P: 250.492.2227 | F: 250.492.2135
Ecora Engineering & Resource Group Ltd.

www.ecora.ca



Council Report

penticton.ca

Date: February 5, 2019
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

File No: Civic

**Subject: Greyhound Property – 303, 307, 313, 317 & 319 Ellis Street
Building Demolition & Parking Lot Construction**

Staff Recommendation

THAT Council support the allocation of \$280,000 from the City's Capital Reserve for the demolition of the Greyhound building and construction of a parking lot at 303, 307, 313, 317 and 319 Ellis Street.

Background

In December 2018, Council supported the purchase of the Greyhound Bus Depot site located at 303, 307, 313, 317 & 319 Ellis Street for \$1,200,000. At the time of purchase staff advised that the existing building is approximately 50 years old and is highly likely to contain asbestos and other hazardous materials. Staff at that time had not obtained a quote specific to demolition of the building, but expected costs to be in the order of \$100,000-\$200,000 for hazardous materials abatement and demolition of the building.

Demolition

Staff had a consultant complete a Hazardous Building Material Assessment to identify specified hazardous building materials in preparation for building demolition. As anticipated, the building contains a number of hazardous substances that will require removal prior to demolition taking place. Based on the assessment that has been completed the order of magnitude costs estimated for its demolition are approximately \$150,000 (\$75,000 for the HAZMAT Abatement and \$75,000 for demolition). The demolition would be expected to take place in March to April of this year.

Parking Lot Construction

As the longer term vision for use and redevelopment of this land takes place over the coming years, the short term improvements outlined through the purchase process were to look at the construction of a parking lot to respond to current and expected future demand for parking in the downtown.

The City's Engineering department have designed a parking lot that will contain 55 parking stalls, as shown in Attachment B. The parking lot will not only accommodate vehicles but also alternative forms of

transportation such as electrical vehicles and bicycles, where both bike lockers and bike racks will be installed.

Once constructed, the parking lot will be allocated for long term parking for downtown employees, where they would pay to park from Monday to Friday (9am-6pm), and the parking lot would then be open to the public in the evenings and weekend, similar to other long term parking along Ellis Street. Revenue generated from the parking lot will be approximately \$40,000 per year, based on current parking rates for long term parking downtown. At the end of 2018, there were approximately 150 people on the waiting list for the City's Ellis Street monthly paid parking lots. Most recently, a larger employer has been interested in purchasing 20-30 annual parking passes downtown and staff believe that filling a monthly paid parking lot would not be difficult at this time.

Staff have received other short term use options for the land, such as a transit exchange and reuse of the existing building for a number of different purposes. With regards to the existing building, given the existing condition, considerable cost would need to be invested to enable its reuse and staff believe that the parking lot concept will allow for short term local benefit and ultimate flexibility into the future.

The City's Zoning Bylaw required enhanced standards for the construction of new parking lots. Given the 5-10 year timeframe that the site may remain as a parking lot, staff will need to bring forward a Variance to the Zoning Bylaw to reduce the construction standards. The design, however proposed will ensure that the site remains attractive, with landscaping and facilities to support the short term needs. Staff will bring forward the Variance application in the coming weeks.

Financial

Funding sources for the building demolition and parking lot construction is proposed from the City's Capital Reserve. The projected balance of this reserve as of 31st December 2018 is \$1.358 million.

Analysis

The purchase of the subject lands are intended to be a long term investment and asset for the community considering existing City land holdings along the west side of the 100, 200 & 300 Blocks of Ellis Street. The demolition and parking lot construction costs will be offset over time by the revenue generated by the parking lot, however ultimately the long term financial benefit for the community is in the land ownership.

Attachments

- Attachment A: Subject Property
- Attachment B: Parking Lot Design

Respectfully submitted,

Approvals

Anthony Haddad, MCIP, RPP
Director of Development Services

Director	CFO	ACAO
<i>AH</i>	<i>JWB</i>	LD

Attachment 'A' – Subject Property



Attachment 'B' - Parking Lot Design

