



CITY OF WEST KELOWNA REGULAR COUNCIL AGENDA

Tuesday, June 11, 2019, 1:30 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

This meeting is open to the public and all representations to Council form part of the public record. This meeting is being webcast live and will be archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

Recommended Motion:

THAT the agenda be adopted as presented.

4. ADOPTION OF MINUTES

4.1 Minutes of the May 28, 2019 Public Hearing 6

4.2 Minutes of the May 28, 2019 Regular Council Meeting 8

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Mayor Milsom

5.1.1 Regional District of Central Okanagan Highlights from the May 27, 2019 Regional Board Meeting 14

5.2 Councillor de Jong

5.2.1 Consideration of May 28, 2019 Notice of Motion

At the May 28, 2019 Council meeting, Councillor de Jong provided the following Notice of Motion, which is now before Council for consideration:

Whereas speeding continues to be an issue throughout the neighbourhoods of West Kelowna; and

Whereas more conventional physical traffic calming measures are expensive and have shown little effectiveness; and

Whereas the Provincial Government has recently enabled 35 red light cameras around the Province to target speeders; and

Whereas the Minister of Public Safety and Solicitor General, Minister Farnworth, was quoted in the May 8th edition of the Daily Courier as saying, "Now we're adding speed enforcement - because it works", when talking about photo radar;

THEREFORE, BE IT RESOLVED THAT Council direct staff to draft a UBCM resolution to be submitted for UBCM 2019 asking for Provincial permission to implement photo radar on local roads, at the local government expense.

5.3 Councillor Findlater

5.3.1 UBCM Resolution - Regulate E-Cigarettes/Vapour Products to Minors

16

Recommended Motion:

THAT Council endorse the Resolution to Regulate E-Cigarettes/Vapour Products to Minors and direct staff to submit the resolutions to the 2019 UBCM Convention.

5.4 Councillor Friesen

5.4.1 Correspondence from Okanagan Regional Library

17

Letter dated May 24, 2019 from Don Nettleton, CEO, Okanagan Regional Library re Request for a Letter of Support to be sent to the Federal Government for Libraries to access and acquire digital publications.

5.4.2 E-Mail from Okanagan Regional Library

28

E-Mail dated June 4, 2019 from Don Nettleton, CEO, Okanagan Regional Library re Partners Call for Submissions for Increased Public Library Funding: \$20 Million in 2020.

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 DEVELOPMENT SERVICES

8.1.1 DP 18-36, Development Permit with Variances, 1980 Upper Sundance Drive

31

Recommended Motion:

THAT Council authorize the issuance of a Development Permit (DP 18-36) to construct 25 townhomes in six buildings located at 1980 Upper Sundance Drive, subject to conditions outlined in the attached Development Permit; and

THAT Council authorize the following variances to City of West Kelowna Zoning Bylaw No. 0154 in accordance with the attached Site Plans, as follows:

- That the required number of loading spaces be reduced from 2 to 1;
- That the maximum allowable collective retaining wall height be increased from 2.5 m to 3.8 m (for one internal retaining wall only);
- That the maximum building height of Block C be increased from 12.0 m to 12.69 m;
- That the maximum building height of Block E be increased from 12.0 m to 12.88 m; and
- That the interior side parcel boundary be reduced from 4.5 m to 4.39 m.

THAT issuance of the Development Permit be withheld pending the receipt of landscape security for the landscape plan attached to DP 18-36 as Schedule 'C' in the amount of \$213,361.90;

THAT if the Development Permit has not been issued within one year from the date of approval, the Permit shall be deemed to have been refused and the file closed.

8.1.2 TUP 18-05, Temporary Use Permit, 1375 Green Bay Road

106

Recommended Motion:

THAT Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of one year subject to the conditions outlined in the attached permit (Attachment 1); and

THAT Council deny the request to utilize the additional two manufactured home sites (#16B and #19B) for recreational vehicles.

8.1.3 DP 18-33, Development Permit with Variances, A 3746 Wetton Road

154

Recommended Motion:

THAT Council postpone the issuance of a Development Permit (DP 18-33) to construct 24 stacked townhouse units in 3 buildings, and direct the applicant to revise the proposal to include the required parking stalls as per the zoning regulation.

- 8.1.4 Z 19-05, Official Community Plan Amendment Bylaw No. 0100.56 and Zoning Amendment Bylaw No. 0154.76, 2370 Tallus Ridge Drive** **190**

Recommended Motion:

THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.56, 2019 (File: Z 19-05); and

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.76, 2019 (File: Z 19-05); and

THAT Council direct staff to schedule the proposed bylaw amendments for Public Hearing.

- 8.1.5 Z 11-15, Official Community Plan Amendment Bylaw No. 0100.18 and Zoning Amendment Bylaw No. 0154.15, 2796 Benedick Road** **213**

Recommended Motion:

THAT Council adopt City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.18, 2017 (File: Z 11-15); and

THAT Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.15, 2017 (File: Z 11-15).

- 8.1.6 DVP 19-04, Development Variance Permit, 2680 Campbell Road** **222**

Recommended Motion:

THAT Council authorize the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 S.10.4.5(g).2 and S.10.4.5(g).3 to reduce the Rear Parcel Boundary Setback from 3.0m to 1.2m and to reduce the Interior Side Parcel Boundary setback from 1.5m to 0.3m for an existing pool house in accordance with the attached permit; and

THAT Council authorize the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 S.10.4.5(g).3 to reduce the Interior Side Parcel Boundary setback from 1.5m to 0.3m for an existing shed in accordance with the attached permit.

8.2 ENGINEERING AND PUBLIC WORKS

- 8.2.1 Westbank Cemetery Bylaw Service Review** **234**

Recommended Motion:

THAT Council give first, second and third readings to Westbank Cemetery Amendment Bylaw No. 0166.03, 2019

8.3 FINANCE, ADMINISTRATIVE AND PROTECTIVE SERVICES

8.4 CHIEF ADMINISTRATIVE OFFICER

8.4.1 Neighbourhood Association Grant Program

298

Information Report (with Decision Points) from the CAO

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

11. ADJOURNMENT OF THE REGULAR MEETING

The next Committee of the Whole meeting is scheduled for Tuesday, June 18, 2019 at 3:00 p.m. in the City of West Kelowna Council Chambers.

The next Council meeting is scheduled for Tuesday, June 25, 2019 at 6:00 p.m. in the City of West Kelowna Council Chambers.



PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,
2760 CAMERON ROAD, WEST KELOWNA, BC
TUESDAY, MAY 28, 2019

MEMBERS PRESENT: Mayor Gord Milsom
Councillor Rick de Jong
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnson
Councillor Carol Zanon

Absent: Councillor Jayson Zilkie

Staff Present: Tracey Batten, Deputy CAO
Nancy Henderson, GM of Development Services
Allen Fillion, GM of Engineering and Public Works
Rob Hillis, Engineering Manager
Bob Dargatz, Development Manager / Approving Officer
Brent Magnan, Planning Manager
Shelley Schnitzler, Legislative Services Manager
Brandon Mayne, Help Desk Assistant
Lisa Siavachi, Revenue, Reporting and Risk Manager
Jason Brolund, Fire Chief
Stacey Harding, Parks and Fleet Manager

1. **CALL THE PUBLIC HEARING TO ORDER:**

The Public Hearing was called to order at 6:04 p.m.

2. **INTRODUCTION OF LATE ITEMS:**

3. **ADOPTION OF AGENDA:**

It was moved and seconded that the agenda be adopted. The motion carried unanimously.

4. **OPENING STATEMENT:**

The Mayor read the Public Hearing Opening Statement, advising that the Public Hearing has been advertised, is open to the public and webcast live, and outlined the process for the hearing.

5. **PUBLIC HEARING:**

The Mayor explained the process of this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by Zoning Amendment Bylaw No. 0154.75.

The Mayor noted that binders have been available for inspection which includes any written comments received to date for the applications and that Notices of the Public Hearing were duly advertised in accordance with the requirements of the *Local Government Act*.

5.1 Z 19-04, Zoning Amendment Bylaw No. 0154.75, 2411 Apollo Road

The Planning Manager introduced Zoning Amendment Bylaw No. 0154.75, a site specific text amendment to rezone the subject property from R1, low density residential use to C1, Commercial use. The C1 zone has the potential to accommodate a variety of commercial and/or residential uses.

The Mayor asked if the owner/agent wished to address Council regarding this application. No one came forward.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a second time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.

The Mayor asked a third and final time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.

The Mayor declared the public hearing closed at 6:12 p.m. and Council cannot accept any further information regarding this application.

6. Termination of Public Hearing

The Public Hearing terminated at 6:13 p.m.

MAYOR

I hereby certify this to be a fair and accurate summary of the nature of the representations made by the public at the Public Hearing with regard to Zoning Bylaw No's. 0154.75, held on May 28, 2019.

Legislative Services Manager



CITY OF WEST KELOWNA
MINUTES OF THE REGULAR MEETING OF COUNCIL

Tuesday, May 28, 2019
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Mayor Gord Milsom
Councillor Rick de Jong
Councillor Doug Findlater
Councillor Jason Friesen
Councillor Stephen Johnston
Councillor Carol Zanon

MEMBERS ABSENT: Councillor Jayson Zilkie
Staff Present: Tracey Batten, Deputy CAO
Nancy Henderson, GM of Development Services
Allen Fillion, GM of Engineering and Public Works
Brent Magnan, Planning Manager
Bob Dargatz, Development Services/Approving Officer
Jason Brolund, Fire Chief
Rob Hillis, Engineering Manager
Shelley Schnitzler, Legislative Services Manager
Brandon Mayne, Help Desk Assistant
Lisa Siavashi, Revenue, Reporting and Risk Manager
Stacey Harding, Parks and Fleet Operations Manager
Trevor Paille, Engineering Technologist
Nilton Praticante, Engineering Technologist

1. CALL THE REGULAR COUNCIL MEETING TO ORDER

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The meeting was called to order at 6:13 p.m.

2. INTRODUCTION OF LATE ITEMS

2.1 Re: DP 18-29, 1975 Shannon Lake Road), e-mails received from:

- Lee & Doris Karvonen

- Kenn and Fran Kardish
- Treasure View Estates residents

2.2 Councillor de Jong - Notice of Motion

3. ADOPTION OF AGENDA

It was moved and seconded

Resolution No. C205/19

THAT the agenda be adopted as amended.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the May 13, 2019 Joint School District No. 23 and City of West Kelowna Council meeting

It was moved and seconded

Resolution No. C206/19

THAT Council adopt the minutes of Joint School District No. 23 and City of West Kelowna Council meeting held May 13, 2019 in the City of West Kelowna Council Chambers.

CARRIED UNANIMOUSLY

4.2 Minutes of the May 13, 2019 Special Council Meeting

It was moved and seconded

Resolution No. C207/19

THAT Council adopt the minutes of the Special Council meeting held May 13, 2019 in the City of West Kelowna Council Chambers.

CARRIED UNANIMOUSLY

4.3 Minutes of the May 14, 2019 Public Hearing

It was moved and seconded

Resolution No. C208/19

THAT Council adopt the minutes of the Public Hearing held May 14, 2019 in the City of West Kelowna Council Chambers.

CARRIED UNANIMOUSLY

4.4 Minutes of the May 14, 2019 Regular Council Meeting

It was moved and seconded

Resolution No. C209/19

THAT Council adopt the minutes of the regular Council meeting held May 14, 2019 in the City of West Kelowna Council Chambers.

CARRIED UNANIMOUSLY

5. MAYOR AND COUNCILLOR'S REPORTS

5.1 Councillor Findlater

At the May 21, 2019 Committee of the Whole Meeting, Councillor Findlater provided the following Notice of Motion, which was put before Council for consideration:

It was moved and seconded

Resolution No. C210/19

THAT Council direct staff to draft a UBCM resolution supporting all Provincial Public School Boards of Education positions on tougher regulations regarding the sale of e-cigarettes and vapour products to minors; and

THAT the resolution be brought back to Council for endorsement.

CARRIED UNANIMOUSLY

6. PRESENTATIONS

6.1 Deborah Buszard, Deputy Vice-Chancellor and Principal, UBCO

Ms. Buszard provided a presentation on Shaping UBC Okanagan's Future.

7. UNFINISHED BUSINESS

8. DIVISION REPORTS

8.1 DEVELOPMENT SERVICES

8.1.1 Z 19-02, Zoning Amendment Bylaw No. 0154.82, Okanagan Lake, Abutting 1449 Green Bay Road

It was moved and seconded

Resolution No. C211/19

THAT Council give third reading and adopt Site Specific Text Amendment Bylaw No. 0154.82, 2019 (File: Z 19-02).

CARRIED UNANIMOUSLY

8.1.2 DP 18-29, Development Permit with Variances, 1975 Shannon Lake Road

It was moved and seconded

Resolution No. C212/19

THAT Council postpone consideration of Development Permit (DP 18-29).

Carried; Mayor Milsom and Councillor Johnston opposed.

8.1.3 TUP 15-02.01, Temporary Use Permit, Renewal, 728 Petterson Road

It was moved and seconded

Resolution No. C213/19

THAT Council renew the Temporary Use Permit (TUP 15-02.01) to allow a secondary dwelling in the form of a mobile home on the subject property at 728 Petterson Road (Lot 2, DL 3111, ODYD, Plan EPP34034 (Access by easement only see LB457738, LB457740 and LB457742)) for a period of three years subject to the conditions outlined in the attached Permit.

CARRIED UNANIMOUSLY

The meeting recessed at 7:46 p.m.

The meeting reconvened at 7:55 p.m.

8.1.4 Strata Building Conversion, 2311 Carrington Road

It was moved and seconded

Resolution No. C214/19

THAT Council approve the conversion of a mixed-use building, located at 2311 Carrington Road, into strata titled units.

CARRIED UNANIMOUSLY

8.2 ENGINEERING AND PUBLIC WORKS

8.2.1 Engineering 2018 Capital Construction Projects

Information Report from the Engineering Manager

8.2.2 Westbank Cemetery Fee Review

It was moved and seconded

Resolution No. C215/19

THAT Council approve a Fee Schedule based on 2019 Okanagan Valley industry averages plus a one-time increase of 35%.

CARRIED UNANIMOUSLY

8.3 FINANCE, ADMINISTRATIVE AND PROTECTIVE SERVICES

8.3.1 2019 Wildfire Mitigation Update

Information Report from the Fire Chief and the Parks and Fleet Manager

8.4 CHIEF ADMINISTRATIVE OFFICER

9. CORRESPONDENCE AND INFORMATION ITEMS

10. NOTICE OF MOTION

10.1 Councillor de Jong

Whereas speeding continues to be an issue throughout the neighbourhoods of West Kelowna; and

Whereas more conventional physical traffic calming measures are expensive and have shown little effectiveness; and

Whereas the Provincial Government has recently enabled 35 red light cameras around the Province to target speeders; and

Whereas the Minister of Public Safety and Solicitor General, Minister Farnworth, was quoted in the May 8th edition of the Daily Courier as saying, "Now we're adding speed enforcement - because it works," when talking about photo radar;

THEREFORE, BE IT RESOLVED THAT Council direct staff to draft a UBCM resolution to be submitted for UBCM 2019 asking for Provincial permission to implement photo radar on local roads, at the local government expense.

11. ADJOURNMENT OF THE REGULAR MEETING

The meeting adjourned at 9:22 p.m.

MAYOR

LEGISLATIVE SERVICES MANAGER



The Board Reports

Regional District of Central Okanagan
1450 KLO Rd., Kelowna, BC, V1W 3Z4
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Highlights of the Regional Board Meeting – May 27, 2019

Boundary Redefinition Request Supported

The Regional Board supports a request from the City of Kelowna to redefine its boundary to include four properties within the Central Okanagan East Electoral Area, next to Kelowna International Airport. If approved by the Province, the four parcels would be included within the boundary and jurisdiction of the municipality. The properties are identified for future expansion of the airport in the Airport 2045 Master Plan.

Joe Rich Community Hall Agreement

The Regional Board has approved a new Operating and Recreational Programming Agreement with the Joe Rich Ratepayers and Tenants Society for the Joe Rich Community Hall. The retroactive agreement runs from January this year to the end of 2021 and the Society will continue scheduling of all activities and use of the hall. The Society is responsible for all operations and maintenance of the facility while the Regional District is responsible for major capital improvements to the hall and maintenance of the grounds and nearby sports box. The Regional District provides an annual facility programming fee to assist the Society with operating costs of the hall.

Petting Zoo Temporary Use Permit

The Regional Board has given conditional approval for a Temporary Use Permit that would allow a petting zoo business to operate on a portion of a property at 5932 Old Vernon Road. The applicant is requesting the three year permit to establish the Kangaroo Creek Farm business with the intention of submitting an Official Community Plan amendment and rezoning application. Prior to receiving the permit, the applicant must complete a list of conditions in order to address issues raised by various agencies and some neighbouring property owners.

Chute Lake Rd. Telecommunications Tower

The Regional Board supports a request by Freedom Mobile to construct a 50-metre communications tower in a private property at 5819 Chute Lake Road. The Board also directs staff to amend the Development Applications Procedures Bylaw to take into account any future communication tower requests.

Secondary Suite Application

The Regional Board has given first reading to the Joe Rich Rural Land Use Amendment Bylaw to permit a secondary suite on a property at 7520 Goudie Road. The applicant would like to add the suite within the basement of an existing single family dwelling. The current RA Rural Acreage designation of the property does not allow secondary suites. A Public Hearing will be scheduled and advertised once the applicant provides additional information regarding the water source and sewage system.

Milfoil Control Concerns Supported

The Regional Board has approved a request from the Okanagan Basin Water Board (OBWB) to send letters to the senior governments to reduce the conflict between invasive milfoil control and protecting a species of native mussel in the Okanagan. The Water Board says recent changes in federal and provincial regulations to protect the Rocky Mountain Ridged Mussel are prohibiting its ability to rototill and de-root milfoil weeds in some public beach areas. The OBWB has asked that letters outlining this concern be sent to the Federal Minister of Fisheries and Oceans Canada and the BC Minister of Forests, Lands and Natural Resource Operations and Rural Development.

2018 Climate Action GHG Emissions Report

The Regional Board has received the 2018 Climate Action Revenue Incentive Program report. During the past year a number of efforts were undertaken to help reduce greenhouse gas emissions. The report also outlines initiatives planned for 2019 to further reduce the organizations' carbon footprint.

Audio of the Regional Board meeting at:

https://www.regionaldistrict.com/media/267140/Audio_19_05_27brd.mp3

The Board Report is published monthly after each regular meeting of the Board of the Regional District of Central Okanagan. The Regional Board meets twice a month in regular session in the Woodhaven Boardroom at the Regional District office, 1450 KLO Road. The public is welcome to attend.

For copies of this publication or more information contact

Bruce Smith, Communications and Intergovernmental Affairs
250-469-6339

Regional Board Meetings

Regional District office – 1450 KLO Road, Kelowna (Woodhaven Board Room).

- **Thursday, June 13th** – following 8:30 am Governance and Services Committee meeting
- **Monday, June 24th** – 7:00 pm

Friends of Kalamoior
Pancake Breakfast
Kalamoior Regional Park, Collens Hill Road, West Kelowna

Pancake Breakfast 9:00 am - 11:00 am
\$3.00/plate

Regional Parks staff will be on hand providing interpretive hikes and nature presentations.
Don't forget your bathing suit!

Saturday June 1st



regionaldistrict.com/parksevents
eeco@cord.bc.ca 250-469-6140

Naturally Yours
REGIONAL DISTRICT OF CENTRAL OKANAGAN
REGIONAL PARKS

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(previously called My Waste)

YOU GET:

- A personalized collection schedule
- Custom collection reminders
- A "What Goes Where" search tool
- And more!



Visit: regionaldistrict.com/recyclecoach

Personal Garbage, Recycling & Waste Collection Guide at your fingertips.



HELP PUT THE BITE ON WEST NILE VIRUS!

MOSQUITO CONTROL WEST NILE PREVENTION

- 1) Remove any standing water that mosquitoes can breed in.
- 2) Change water twice a week in bird baths, plant pots and pet bowls.
- 3) Apply mosquito repellent containing DEET to exposed skin and reduce exposure during dawn and dusk when mosquitoes are most active.

More tips...view



Regional District
of Central Okanagan
regionaldistrict.com/mosquitoes

The Board Report is published monthly after each regular meeting of the Board of the Regional District of Central Okanagan. The Regional Board meets twice a month in regular session in the Woodhaven Boardroom at the Regional District office, 1450 KLO Road. The public is welcome to attend.

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DRAFT

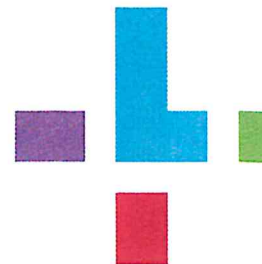
REGULATE E-CIGARETTES/VAPOUR PRODUCTS TO MINORS

City of West Kelowna

WHEREAS results from the 2018 BC Adolescent Health Survey, Balance and Connection in BC: The Health and Well-being of our Youth (McCreary Centre Society) show that 21% of BC students have used a vaping product with nicotine in the past month and while the long term effect of using e-cigarettes and vapour products are being assessed, the effect of nicotine on youth are known to be detrimental to brain development;

AND WHEREAS e-cigarettes and vapour products are being specifically marketed to youth through fruit and candy flavours and easily concealed products:

THEREFORE BE IT RESOLVED that the Province of BC enact strict regulations regarding the marketing and selling of e-cigarettes and vapour products to minors.



May 24, 2019

Mayor and Council Members of Okanagan Regional Library

Your Worship, Members of Council:

At their meeting on May 22, the Okanagan Regional Library Board heard a report on the challenges facing Canadian public libraries regarding their inability to have affordable access to digital publications such as audiobooks and eBooks, which are currently limited. A summary of key details of that information is included on the attached memo for your information.

To generate additional support and attention for this critical issue, the Okanagan Regional Library Board agreed to ask each of its members councils to request federal government support by sending letters to your local Member of Parliament, local Federal election candidates and the Federal Minister of Canadian Heritage. Members of the Canadian Urban Libraries Council right across Canada will be bringing the same requests to their councils. A draft resolution is attached.

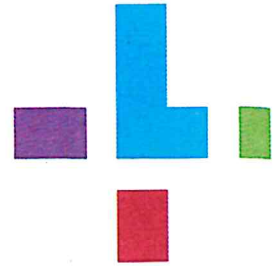
We thank you for considering our request and for your support in recognizing the important role that libraries play in our communities. If you have any questions, please do not hesitate to contact me.

Respectfully,

Don Nettleton
Chief Executive Officer
Okanagan Regional Library

Attachments (2)

Cc: Library Board Trustee



May 22, 2019

To all Municipal Councils, Regional District Boards, and Westbank First Nation Councils which are members of the Okanagan Regional Library

The Okanagan Regional Library is requesting your support and endorsement in helping to solve an issue that is impacting our ability to provide services to library users in our system and right across Canada.

- Members of the Canadian Urban Libraries Council, of which the Okanagan Regional Library is a member, spend approximately \$100 million in public funds annually on library acquisitions. Locally, the ORL is spending just over \$2.5 million on library acquisitions each year for our 31 library branches.
- Even with that significant expenditure, we increasingly struggle to obtain digital publications (things like e-books, e-audio books, etc.) from multinational publishers, due to other cost pressures and because of the often strict licensing limitations applied to digital publications.
- In order to properly service our communities, we need to ensure that we have access to and can afford digital publications.
- Multinational publishers are limiting access to digital publications by Canadian libraries, and, even when a publication is made available, are making it prohibitively expensive to acquire most digital publications.
- By way of example, Canadian author Louise Penny's book "Kingdom of the Blind" is available to libraries for \$13 as a paperback, \$22 in hard cover and \$60 in digital format. The \$60 cost allows the book to be checked out electronically 52 times or for 2 years – whichever happens first. A paper edition would be expected to last 3-4 years at a substantially reduced cost. The book is currently not available to Canadian libraries in any e-audio format.
- Those restrictions and costs make it difficult for libraries to provide important services in our communities that our customers want and need. We are integral to developing proficient readers of all ages, and to ensuring that kids succeed in school through early literacy programs. More and more, our digital literacy programs ensure that ORL citizens can contribute to our digital world.
- Additionally, for many seniors, low income families, youth and new Canadians, libraries are a crucial tool for participation in their communities – from education to searching for jobs to consuming Canadian cultural materials.
- Restrictions on libraries accessing digital publications – including both books and newspapers – hampers our capacity to provide modern, digitized services to those demographic groups and other library users. As a result we are increasingly unable to properly serve our community

What are we asking you to do to assist?

1. We are asking you to recognize the important role that libraries play our communities and, in turn, ask the Federal government to prioritize finding a solution to the barriers that face Canadian libraries accessing digital publications. Attached is a draft resolution that I would ask council to consider and support to signal your support. Approved motions should be

forwarded by you to the local Member of Parliament, local Federal election candidates, and the Federal Minister of Canadian Heritage.

2. In your conversations with senior levels of government and the public, continue to mention the access challenges being faced by Libraries and try to get their commitment to support solutions to these issues going forward

Please let us know your council/Boards decision regarding the above action steps, and copy us on any correspondence that you forward.

Thank you for considering these issues and for your support of your Okanagan Regional Library and all Canadian Libraries!

Regards,

A handwritten signature in blue ink, appearing to read 'Don Nettleton', with a long horizontal flourish extending to the left.

Don Nettleton, CEO

Okanagan Regional Library

Draft Municipal Motion

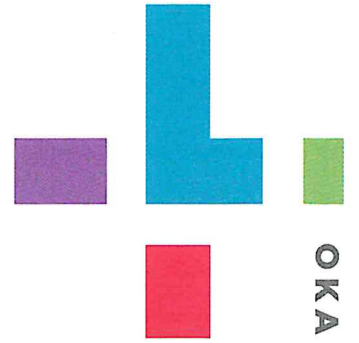
Whereas, the (name of municipality/Regional District/1st Nation) recognizes the important role that libraries play in our community. Libraries and the early literacy programs they run are integral to developing proficient readers and ensuring that children succeed in school. More and more, digital literacy programs run by libraries also help ensure that citizens can contribute to our digital world. Additionally vulnerable demographic groups, including seniors, low income families, youth and new Canadians rely on access to libraries as an important tool for their participation in the community – from education to searching for jobs to consuming Canadian cultural materials, and

WHEREAS, libraries in our community recognize that our users increasingly seek to access digital publications offered by multinational publishers, and that access to those publications is too often curtailed by prohibitively high licensing fees or else entirely denied to Canadian libraries, and

WHEREAS libraries must be in a position to offer digital publications to their users as part of their service offering to our community, particularly given the contemporary rapid pace of digitization of educational and cultural materials,

Now, be it resolved that the (name of municipality/Regional District/1st Nation) do hereby:

1. Indicate our support for the Canadian Urban Libraries Council in its efforts to increase access to digital publications for library users in (name of municipality/Regional District/1st Nation) and across Canada;
2. Call on the Federal government to investigate barriers faced by libraries in acquiring digital publications and the problems that poses for vulnerable demographic groups in Canada; and
3. Further ask the Federal government to develop a solution that increases access to digital publications across Canada and assist libraries in meeting the cost requirements to acquire digital publications



OKANAGAN REGIONAL LIBRARY

2018 **ANNUAL REPORT**



We hope that you will find this annual report of 2018 interesting and encouraging. As we look back on 2018 for the ORL, it can be summarized by the words change, challenge, and chances.

Change CHANGE OF PEOPLE

Change began at the top. The fall 2018 election saw about half of our Board members changed, including our Chair Catherine Lord and several other long serving members. We really want to thank Catherine and the other outgoing members of the Board for their service to the ORL.

We also had significant changes in our senior leadership team including the positions of CEO, CFO, and Director of Public Services. Again, thank you to former CEO Stephanie Hall and Director of Public Services Georgia McKay for your years of leadership.

As has been happening in many organizations we also had many long service employees retire including Rutland Head Sheila Coe (40 years) and Oliver head Vicky White (30 years).

Change always has some disruption and challenge, but the ORL was helped by being able to promote experienced people from within.

For the Board, Karla Kozakevitch, Library Board Vice Chair stepped into the position of Board Chair.

For the Senior Management team, Don Nettleton, long time CFO moved to CEO, while Christine McPhee, Kelowna Branch Head was promoted to Director of Public Services.

At the staff level, we had several move from other positions.

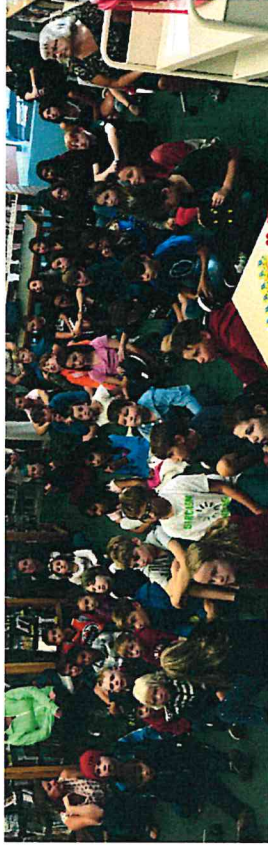
- New branch leaders included Alison Hayman Rutland Branch Head, Richard Kicksee Mission Branch Head, Kristy Woodcock Salmon Arm Branch Head, Kristy Hennings Vernon Branch Head, and Marigje Toepfer Oliver Head, Lucie Bergeron Revelstoke Branch Head, and Dianne Steinley Cherryville Branch Head.
- James Laitinen moved from Salmon Arm to become head of collections for the system.

The ORL was also strengthened by adding new talented faces. This included Jeremy Sundin as CFO at the management team level. And at the branch or headquarters level it included Chris Stephenson Kelowna Branch Head and Jessica Whu Westbank Branch Head as well as many other new librarians and support staff throughout the system.



CHANGE OF SERVICES

Change also included new programming. Highlights included the Makercrew 3D system wide summer tour.



Salmon Arm Branch Renovations

In 2018 we embarked on a renovation of the Salmon Arm branch. ORL received a lot of feedback from the community as to what would serve best the people of Salmon Arm and surrounding areas. The updated branch will feature a flexible large meeting room, a study room, reconfiguring of the layout and new paint and washrooms. We are excited to see how our efforts will impact the community.

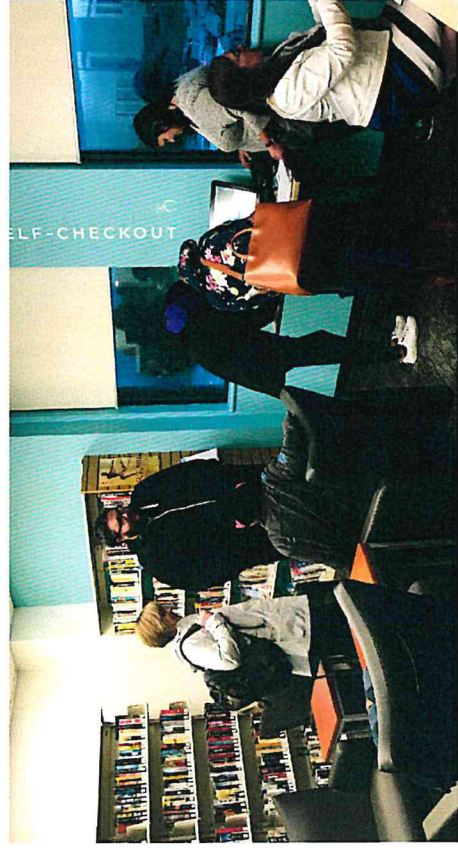


Westside Learning Lab a new branch Tech Hub

Planning and construction were well on their way in 2018 for a new Westside Learning Lab branch. This new location will focus on technology, innovation and learning while accommodating the meeting and gathering space needs of the community.

New Branch at UBCO

Late fall we also opened a small location within UBCO Library for holds pickup and returns and a small browsing collection. This new branch was a fruit of years of efforts and collaboration between UBCO and ORL





Patrons attended
ORL programs and used
Library meeting spaces
8% increase since 2016

519,567

ORL eBooks &
eAudio Checkouts



47%
INCREASE
SINCE
2016

740

Hours spent
learning new
languages through
Rosetta Stone

13%
INCREASE SINCE 2016



1,622,850

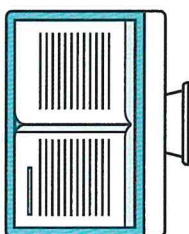
Patrons walked through our doors



1,301,103

Number of times patrons logged on
to use wifi

19%
INCREASE
SINCE
2016



620,143

PressReader
Articles
Read

50%
INCREASE SINCE 2016

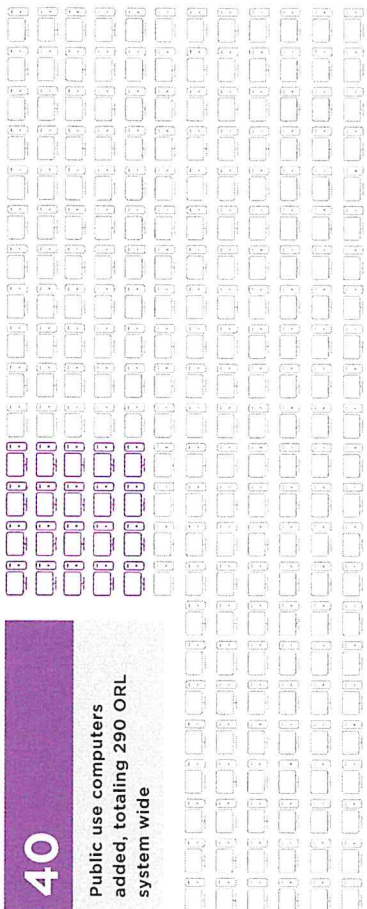


106,003

Active cardholders in 2018

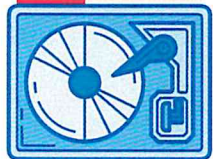
40

Public use computers
added, totaling 290 ORL
system wide



2,303,332

Patrons visited
our website



57 TB

Terabytes of wireless
data traffic



6,644

ORL programs ran in 2018,
28% INCREASE SINCE 2016



3,274

Adults attended
programs
68% INCREASE SINCE 2016

2,796,898

Books, magazines and other
materials borrowed



2,799

Hours spent learning new
skills though Lynda.com
55% INCREASE SINCE 2016



Challenge

STAFF SHORTAGE OR VACANCY

Related to all of the staff moves above was the challenge of operating for much of the year with new staff, or with significant numbers of other staff away due to maternity leave, unfilled or slow to fill vacancies, or illness. This stretched the existing staff significantly and added additional pressures to try to continue to meet the needs of the public and move the ORL forward on our strategic directions.

CHANGING NEEDS OF OUR COMMUNITIES

The ORL is continuing to try to evolve to meet the diverse communities that we serve. Significant challenges we are adapting to included

- More visible Homeless and other diverse need population. A significant amount of training and attention was invested in educating staff as to how to deal with people of diverse needs and backgrounds.
- Security of our larger branches. We added full time security for our two largest branches to ensure the public and staff are and feel safe, and we did additional security training for staff in these and other branches
- Expansion of programming continued as can be seen from our statistics. This is continuing to grow for all ages and backgrounds, whereas until recently it was more narrowly focused to primarily children.



Chances / Opportunities

Finally, the Library continues to focus on chances.

Chances to follow our mission, which is connecting curious minds.

And our Vision of providing learning, innovation, creativity, and a connected community.

We know that we have not arrived, but we feel that during 2018 we continued, in spite of the change and challenges, to take great strides in the right direction. This happened through the focus and handwork of everybody connected to the ORL, and through the continuing strong support of our communities. We appreciate the past, and look forward to the future.

Thank you to everyone who donated or contributed time and/or resources in support of Okanagan Regional Library and your local branches of the ORL. Your contributions make a big difference.



Karla Kozakevich
Library Board Chair



Don Nettleton
Chief Executive Officer

Statement of Operations

Okanagan Regional Library District Statement of Operations and Accumulated Surplus				
For the year ended December 31	2018	2018	2017	2017
	Actual	Budget	Actual	Actual
Revenue				
Assessments (Schedule 2)	\$16,965,470	\$16,965,465	\$16,580,526	\$16,580,526
Province of British Columbia grant	1,008,062	1,008,008	1,008,026	1,008,026
Other grant revenue	56,162	83,500	48,479	48,479
Other revenue (Schedule 3)	626,649	428,327	585,587	585,587
	18,656,343	18,486,100	18,194,538	18,194,538
Expenses (Note 6)				
Amortization	2,903,865	-	2,684,976	2,684,976
Children's programs	44,032	19,333	41,925	41,925
Delivery/transportation	87,656	96,084	81,537	81,537
Operating expenses	10,563,233	10,426,534	10,961,118	10,961,118
Direct local branch expenses (Schedule 4)	787,801	790,000	779,691	779,691
Electronic materials	2,138,929	2,632,526	2,270,771	2,270,771
Headquarters supportive services	1,335,215	1,818,656	1,342,317	1,342,317
Salaries and benefits	-	-	40,789	40,789
Operating (Schedule 5)	17,860,751	15,783,133	18,203,124	18,203,124
Loss on disposal of tangible capital assets	795,592	2,702,967	(8,586)	(8,586)
	18,955,407	18,955,407	18,963,993	18,963,993
Annual surplus (deficit) (Note 9)				
Accumulated surplus, beginning of year	\$19,750,999	\$21,658,374	\$18,955,407	\$18,955,407
Accumulated surplus, end of year				

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.





Serving 30 communities:

Armstrong	Hedley	Lumby	Oliver	Revelstoke	South Shuswap
Cherryville	Kaleden	Mission	Osoyoos	Rutland	Summerland
Enderby	Kelowna	Naramata	Oyama	Salmon Arm	UBC-O
Falkland	Keremeos	North Shuswap	Peachland	Sicamous	Vernon
Golden	Lake Country	Okanagan Falls	Princeton	Silver Creek	Westbank



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Kelowna, BC V1W 3P6



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Shelley Schnitzler

From: Shelley Schnitzler
Sent: June-04-19 4:21 PM
To: Shelley Schnitzler
Subject: FW: Partners call for submissions for increased public library funding: \$20 million in 2020

From: Don Nettleton <dnettleton@orl.bc.ca>

Date: June 4, 2019 at 3:58:40 PM PDT

To: "Amanda Shatzko (amanda.shatzko@rdno.ca)" <amanda.shatzko@rdno.ca>, Andrew Casson <acasson@spallumcheentwp.bc.ca>, Bob Evans <bevans@sicamous.ca>, Brian Harvey <bharvey@osoyoos.ca>, Caleb Moss <cmoss@csrd.bc.ca>, Dalvir Nahal <dnahal@vernon.ca>, Dave Mattes <dmattes@oliver.ca>, Erin Carlson <ecarlson@summerland.ca>, Jason Friesen <jason.friesen@westkelownacity.ca>, Jay Simpson <jsimpson@csrd.bc.ca>, "Karla Kozakevich" <kkozakevich@rdos.bc.ca>, Linda Fisher <linmf@telus.net>, "Lori Mindnich" <lorideann2@gmail.com>, Loyal Wooldridge <lwooldridge@kelowna.ca>, Pat Cochrane <pcochrane@coldstream.ca>, Patrick Van Minsel <pvanminsel@peachland.ca>, Randy McLean <rmclean@princeton.ca>, "Sherry Philpott-Adhikary" <sphilpott_7@msn.com>, Steven Cross <scross@revelstoke.ca>, Tim Lavery <tlavery@salmonarm.ca>, Todd McKenzie <mckenzie@lakecountry.bc.ca>, Tom Konek <tkonek@wfn.ca>, Tundra Baird <tundrabaird@gmail.com>, Wayne Carson <wayne.carson@cord.bc.ca>

Cc: Management <Management@orl.bc.ca>

Subject: FW: Partners call for submissions for increased public library funding: \$20 million in 2020

This is a followup from some of the discussions taking place at the last Board meeting. I wanted to send it out to all of you as it is somewhat time sensitive.

The message below from the BC Libraries Cooperative, on behalf of the Library partners group which includes the BCLTA which you are part of and the ABCPLD that I belong to is a good summary of the provincial budget push that is taking place over the next several weeks and months. If you have any opportunity to either write letters yourselves or respond in any meetings you may have with provincial officials, please help push the consistent points and messages that the partners are presenting which are outlined below, so that the province hears a unified message and voice.

Thank you,
Don

Don Nettleton CPA,CA

Chief Executive Officer

Okanagan Regional Library | Administrative Centre

1430 KLO Road Kelowna British Columbia V1W 3P6 Canada

(250) 860-4033 x2491
dnettleton@orl.bc.ca
www.orl.bc.ca

This e-mail is confidential and may be privileged. Any use of this e-mail by an unintended recipient is prohibited. If you receive this e-mail in error please notify me immediately and delete it.

From: BC Libraries Cooperative <office@bc.libraries.coop>

Sent: June 4, 2019 9:30 AM

To: Don Nettleton <dnettleton@orl.bc.ca>

Subject: Partners call for submissions for increased public library funding: \$20 million in 2020



Dear members and public library supporters,

As you know, provincial funding for public libraries in British Columbia has not increased for the past decade. In preparation for the BC Government's Select Standing Committee on Finance and Government Services Consultations for the Budget 2020, the BC Public Library Partners (Partners) have prepared a letter template and key message points that we hope you will use and share with your network of BC public library supporters to advocate for increased funding next fiscal.

The more submissions that the Standing Committee receives in support of increased funding for public libraries, the stronger the impact of our collective voice. You can send a letter as a library supporter, as someone working in a library, as a library board, or as another community group or organization.

As you build your message for your submission or presentation to the committee, please use the following points so that your message resonates with the provincial government and is part of amplifying the shared messages coming from a large community of public library directors, trustees, staff, and supporters.

1. You can make a written, audio or video submission to the Select Standing Committee [here](#).

- If you want to make a written submission, here is a [letter template](#) that you can use.

2. Include concrete examples of how your public library is part of:

- Making life more affordable,
- Providing better public services
- Building a strong sustainable economy
- Furthering Reconciliation and the TRC Calls to Action.

Use the rallying call \$20M in 2020 to identify your submission or presentation as part of a larger community working together to increase provincial funding for public libraries.

3. Once you have your submission ready, please send copies of it to:

- [Minister Fleming, Ministry of Education](#)
- [Your local MLA](#)
- [The BC Public Library Partners](#)

The Partners will compile your letters and use them for future meetings with those who influence and make BC budget directions and decisions.

Add your voice to the \$20M in 2020 campaign and follow the Partners' [Twitter](#) and [Instagram](#) feeds throughout the summer for Partner updates and ways for you to be part of this campaign.

Thank you for all that you do every day as library directors, staff, and library supporters and for taking the time to make a submission or presentation to the Select Standing Committee on Finance and Government Services.

As always, please let me know if you have any questions or comments about the work of the Partners or the BC Libraries Cooperative.

Kevin Millsip
Executive Director
[BC Libraries Cooperative](#)

The BC Public Library Partners

In our shared work, the Partners (Association of BC Public Library Directors, BC Library Trustees Association, BC Library Association and BC Libraries Cooperative) focus on increasing funding for public libraries and on ensuring that the government understands the full role and unique value of public libraries in communities across BC.

We do this work through a non-partisan lens and by changing, with a consistent and unified message and approach, the provincial narrative around the value of public libraries.

We meet and work with those who influence and make the decisions about provincial funding and resourcing of public libraries. When we demonstrate to them through evidence, through your stories, and by connecting with their goals, they listen to us and the members we represent.

BC Libraries Cooperative
#330-268 Keefer St.
Vancouver British Columbia V6A 1X5
Canada

This email is intended for dnettleton@orl.bc.ca.
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COUNCIL REPORT
Development Services
For the June 11, 2019 Council Meeting

DATE: May 28, 2019 **File:** DP 18-36
TO: Jim Zaffino, CAO
FROM: Jaleen Rousseau, Planner
RE: Development Permit with Variances (File No. DP 18-36)
Address: 1980 Upper Sundance Drive
Legal: Lot 1, DL 2044, ODYD, Plan EPP74050
Owner: Krisma Developments Inc.
Agent: Robert Lee / MARA NATHA Architecture Ltd.

RECOMMENDED MOTION:

THAT Council authorize the issuance of a Development Permit (DP 18-36) to construct 25 townhomes in six buildings located at 1980 Upper Sundance Drive subject to conditions outlined in the attached Development Permit; and

THAT Council authorize the following variances to City of West Kelowna Zoning Bylaw No. 0154 in accordance with the attached Site Plans, as follows:

- That the required number of loading spaces be reduced from 2 to 1;
- That the maximum allowable collective retaining wall height be increased from 2.5 m to 3.8 m (for one internal retaining wall only);
- That the maximum building height of Block C be increased from 12.0 m to 12.69 m;
- That the maximum building height of Block E be increased from 12.0 m to 12.88 m and
- That the interior side parcel boundary be reduced from 4.5 m to 4.39 m.

THAT issuance of the Development Permit be withheld pending the receipt of landscape security for the landscape plan attached to DP 18-36 as Schedule 'C' in the amount of \$213,361.90;

THAT if the Development Permit has not been issued within one year from the date of approval, the Permit shall be deemed to have been refused and the file closed.

RATIONALE:

- The proposal provides medium density housing options in the Shannon Lake Neighbourhood;
- The proposal is consistent with the Multiple Family Development Permit Guidelines contained in the OCP. The building design includes a variety of architectural detailing and character in association with a landscape plan which serves to soften the transition from boulevard edge to building edge.
- The proposal includes the redirection and improvement of an existing pedestrian trail linkage through the protected covenant area to connect to existing area trails;

- The proposal conforms to the primary uses and regulations outlined in Zoning Bylaw No. 0154 for the Medium Density Multiple Residential Zone (R4), with the exception of several variances which are considered to have minimal impact to adjacent properties; and
- The proposed height variance is specific to two of the buildings, located at the rear of the parcel, and is not anticipated to result in inconsistent development patterns in relation to neighbouring parcels along this portion of Upper Sundance Drive.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14 (s. 490) of the *Local Government Act* to issue a Development Permit. This Development Permit is specifically for form and character of a multiple family residential development. Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

BACKGROUND:

In 2007 a Development Permit (DP 06-34) was approved by the Regional District of Central Okanagan for a 141 unit development in the form of apartments and townhomes. This development proposal was only partially completed when subdivision of the subject property and the parcel to the west occurred resulting in abandonment of a full build-out in accordance with DP 06-34 (2009). Twelve townhouse units were originally proposed for what is now the subject property. In 2008 (DP 08-13) this was further amended to replace townhomes with 125 unit apartment complex. Prior to the sale of the subject property, a site-specific text amendment was approved restricting the development of apartment buildings (2015). This amendment did not limit the height regulations (12.0 m) for the site which are the same as similarly zoned neighbouring R4 parcels.

Proposal

The applicant is seeking the issuance of a Form and Character Development Permit to accommodate the construction of six townhome complexes at 1980 Upper Sundance Drive. The development includes a total of 25 units: two 4-bedroom units, six 3-bedroom units, and 17 2-bedroom units. Two parking spaces within a garage are provided for each unit, in addition to five onsite parking spaces for visitors (includes one accessible) and one loading space. The proposal includes the development of a pedestrian trail through an existing covenant area located along the east and north portions of the property that will provide a formal neighbourhood link to Shannon Springs Park. Three variances are being requested facilitate the development respecting the maximum height of an internal retaining wall, the maximum height of two buildings,



Figure 1: Depiction of Site Topography with Approximate Parcel Boundaries

and a reduction in the number of required loading spaces and a reduction to the side parcel boundary setback (west).

Location and Surrounding Uses

The 0.818 ha (2.021 acres) subject property is located within the Shannon Lake Neighbourhood on Upper Sundance Drive (*Attachments 2 & 3*). The property is vacant, slopes from Upper Sundance Drive (south) to the rear of the parcel (north), with a more gradual grade change in elevation from west to east. The property was previously graded as a part of the adjacent development to the west, which includes apartment buildings (*Figure 1*). Uses surrounding the subject property include:

- North – Single Family Residential (R1) zone and Medium Density Multiple Residential (R4) zone in the form of duplexes.
- West – Medium Density Multiple Residential (R4) in the form of apartments
- East – Single Family Residential (R1) zone
- South – Medium Density Multiple Residential (R4) zone in the form of townhomes

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property maintains a Land Use Designation of *Low Density Multiple Family (LDMF)*, which anticipates semi-detached and attached townhouses building forms. The purpose of this designation is to provide a broader range of housing opportunities in areas served by transit and in walking distance to community amenities, shops and services, while acknowledging adjacent land uses. The proposal is aligned with the LDMF designation.

Development Permit Areas:

The proposed development is subject to three of the City's DPAs: Hillside; Sensitive Terrestrial Ecosystem; and Form and Character Multiple Family development.

In accordance with the OCP, the Hillside and Sensitive Terrestrial Ecosystem DPAs are considered to be adequately addressed for this application for the following reasons:

- Site development is to occur primarily on the portion of the subject property that has been previously disturbed;
- A Section 219 No Build / No Disturb covenant (LB122037) is currently registered to title which addresses preservation of the steepest slopes and existing vegetation (abutting the north and east parcel boundaries);

The Form and Character DPA for General and Multiple Residential development guidelines encourage pedestrian oriented design, safe communities, and visual interest through careful and thoughtful site design, building form and character, and landscaping. The proposal is found to be in general accordance with these guidelines.

Form & Character:

The OCP design guidelines encourage design and orientation that is sensitive to adjacent uses. The proposal is generally tailored to the physical character of the site, as the townhome complexes follow the natural topography. The portion of the property closest to Upper Sundance Drive is at a higher elevation than the rear of the parcel. The property includes steep slopes located primarily at the rear, which were protected by a No-Build covenant registered to title in 2007. The six townhouse buildings are arranged along an internal access road where all units have garage access. The units fronting Upper Sundance Road are two storeys (*Figure 2*). All six buildings are three storeys along the internal access road (*Figure 3*). However, units at the rear of the parcel are greater in height facing the covenant area due to retaining walls on the steep slope (*Figures 2, 3 & 4*). The site design also accommodates statutory right of ways for utility services and a parking easement in favor of the adjacent apartment development to the west.

The units include private outdoor space that includes screening and careful placement to ensure privacy of residents from adjacent units. Refer to Figure 4 for the proposed site plan.



Figure 2: Rendering - View of Proposed Development Fronting Upper Sundance Drive



Figure 3: Rendering – View of Proposed Development from Rear of the Subject Property (Northeast) Internal Access Road Shown Between Buildings

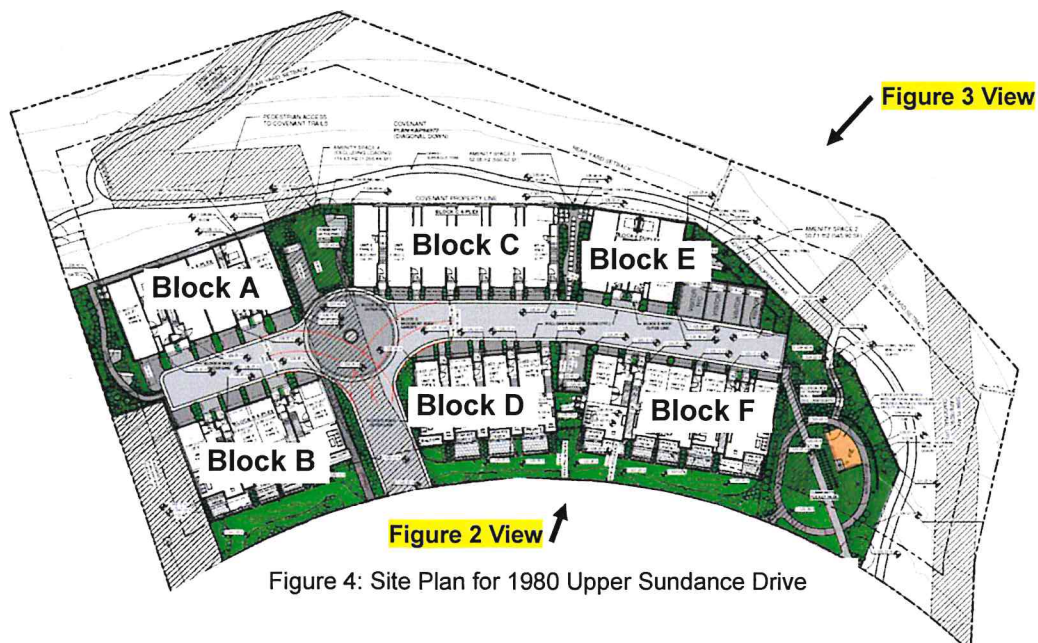


Figure 4: Site Plan for 1980 Upper Sundance Drive

The OCP design guidelines encourage consistency with surrounding development and design that incorporates variation to building facades and rooflines to minimize height and massing. The proposal utilizes a west coast design with simple colour and materials scheme, which unifies the six complexes on the site and complements adjacent development (*Attachment 4*).



Figure 5: Depiction of Form and Character at Full Buildout of the Subject Property



Figure 6: Depiction of Proposed Form and Character

The design incorporates both natural materials such as stone and wood as well as contemporary elements such as and Hardie panels in “Pearl Gray” and “Arctic White” colours. Railings are finished in charcoal powder coat with clear tempered glass. Landscape planters with wood screens are provided for each unit for privacy. The building design includes dramatic peaked roofs, large glass windows of various shapes and sizes, and deep vertical face articulation to create visual interest and depth to the buildings.

Landscape Plan:

The landscape plan includes a mix of trees, shrubs, ornamental grasses, groundcovers, and perennials (*Attachment 5*). Landscaping has been enhanced along the building edges to soften the transition to boulevard edge. The subject property has varied terrain and the proposed development is supported by retaining walls with landscaping terraces to soften the appearance of concrete and enhance the visual interest. Figure 3 illustrates the manner in which proposed landscaping will serve to soften and in some cases screen these walls.

The outdoor amenity space has been designed to limit retaining walls located within statutory right of ways and accommodate the steep sloping site. The proposal includes a natural playground structure for children and benches. A nature trail is to be constructed around the development through the ESA covenant area in accordance with a Statutory Right of Way covenant for pedestrian access on the title of the property. This pedestrian trail will replace the temporary pathway through the centre of the site.

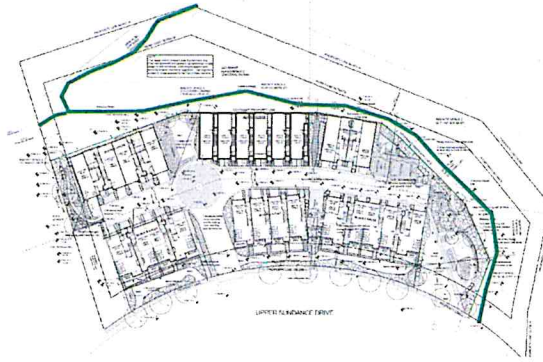


Figure 7: Nature Trail Location

The total landscape security is \$170,689.52 (\$213,361.90 at 125%). Prior to the issuance of the Permit, it is recommended that the submission of security be required to ensure installation of the landscape plantings and hardscaping are completed.

Zoning Bylaw No. 0154

The proposal conforms to the principal uses and regulations outlined in the Zoning Bylaw for the Medium Density Multiple Family Zone (R4), including density, parcel coverage, frontage, and parking for residents of the development. The proposal is inconsistent with some regulations applicable to the R4 zone including; minimum loading space requirements, height of a retaining wall, interior side setback and the height of two of the six townhome structures. However, the variances required to address these inconsistencies are considered to be acceptable when considered in conjunction with the overall proposal and its relation to the surrounding uses. Table 1 below provides a summary of the off-street parking provisions forming part of the proposal.

Table 1: Parking Summary

Table 1: Parking Summary Type of Parking	Required/Permitted Spaces	Spaces Provided
Standard Parking Space	50	50 (garage)
Visitor Parking Space	5	5
Accessible Parking Space	1	1
Total Vehicle Parking Spaces	55	55
Loading Spaces	2	1*

*Variance requested required number of loading spaces by 1.

Variance Requests:

The applicant is requesting several variances to the City's Zoning Regulations to facilitate the development. They are as follows:

- 1) Reduction in the required number loading spaces from 2 to 1 (s.4.10.1).
- 2) Increase to the maximum allowable collective retaining wall height from 2.5 m (8.4 ft) to 3.8 m (12.4 ft) [s.3.12.1].
- 3) Reduction to the interior side parcel boundary from 4.5 m (14.7 ft) to 4.39 m (14.3 ft) [s.10.10.5.g.3].
- 4) Increase to the maximum allowable height of a building as follows:
 - a. Block C Building from 12.0 m (39.3 ft) to 12.69 m (41.6 ft); and
 - b. Block E Building from 12.0 m (39.3 ft) to 12.88 m (42.2 ft).

See Attachment 6 for site plan depicting the location of requested variances.

Loading Spaces:

The applicant is requesting a reduction to the required number of loading spaces from two spaces to one space due to lack of area within the development plan to accommodate the additional space (See Figure 8 for location of loading space). The provision of loading spaces are intended to accommodate larger vehicles on the site for moving and delivery. One space is provided at the north end of the development (east of Block A) directly across from driveway access into the site. Moving and deliveries typically occur infrequently and as such impacts resulting from the requested reduction of loading spaces are anticipated to be minimal. Additionally, as the City is currently undertaking a Zoning Bylaw review, an evaluation of required loading spaces has been planned as part of this review. Based on the limited necessity of loading spaces on a daily basis and the density of the proposed development staff are recommending support of this variance request.

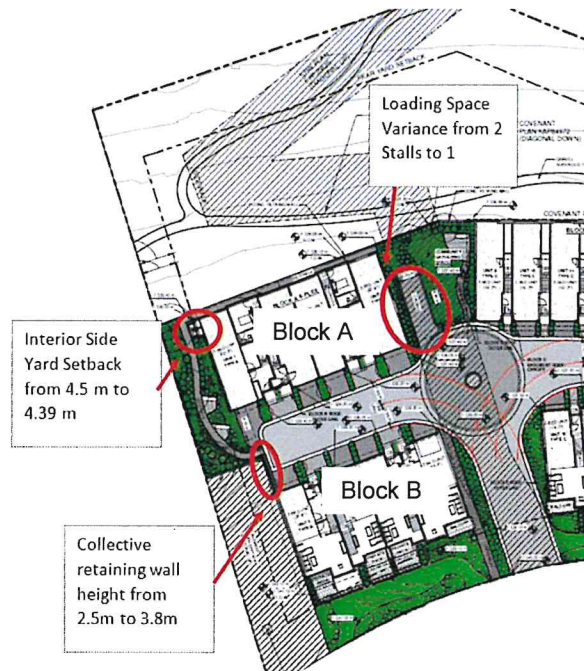


Figure 8: Location of Variances on Western Half of Subject Property

Retaining Wall Height:

The proposal includes a two-tiered retaining wall located at the western terminus of the internal access road. These two retaining walls are spaced 0.20 m (0.65 ft) apart requiring their heights to be measured collectively in accordance with the City's Zoning Bylaw (See Figure 8 for location of retaining wall).

The Zoning Bylaw maintains the following retaining wall regulations (S.3.12):

- .1 The maximum height of any individual retaining wall is 2.5 m (8.2 ft).
- .2 Individual retaining walls shall not be closer than 2.0 m (6.6 ft) apart, measured from the outer face of each retaining wall.
- .3 Despite 3.12.2, individual retaining walls may be constructed less than 2.0 m (6.6 ft) apart, measured from the outer face of each retaining wall, but will be collectively considered an individual retaining wall for the purpose of determining height.

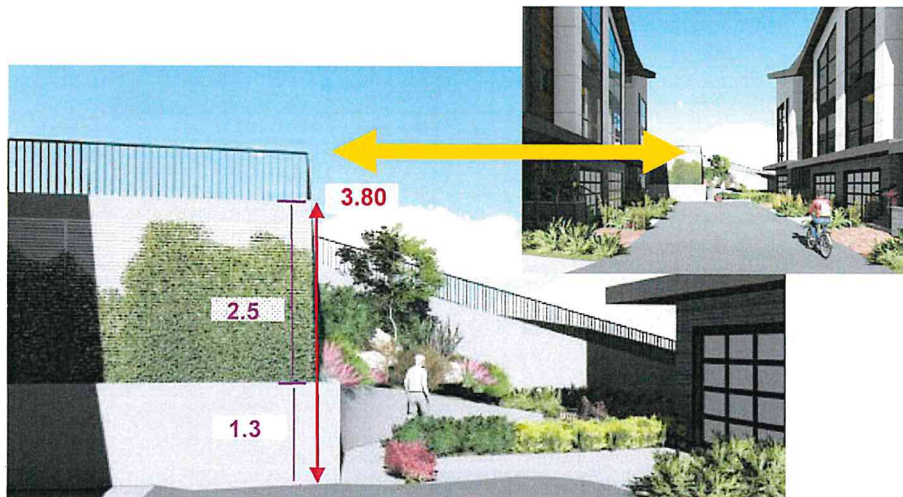


Figure 9: Two-Tiered Retaining Wall

The proposal includes several retaining walls throughout the site. All walls are within acceptable wall heights, with the exception of a two-tiered wall at the western terminus of the internal roadway. From the eastern side (internal to the development) this two-tiered wall has a collective measurement of 3.8 m (12.4 ft), which is 1.2 m (4.2 ft) higher than what is permitted in the Zoning Bylaw (See Figure 8). This side of the wall reduces in height as it continues north along the western parcel boundary (Figure 9). Substantial landscaping is proposed to reduce the visual appearance of collective wall height and a guardrail is located on top of the wall for safety.

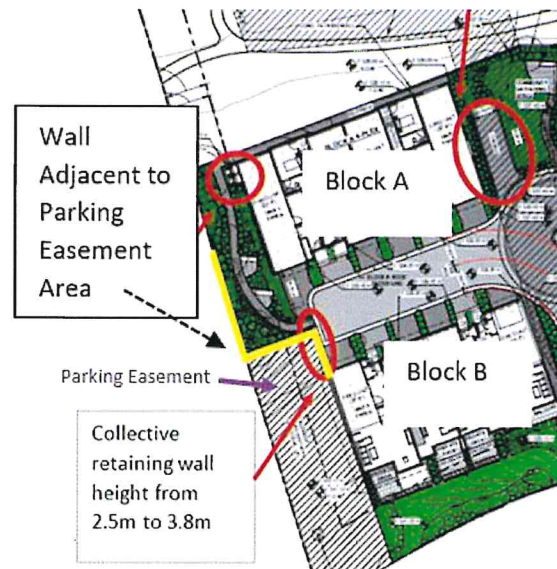


Figure 10: Retaining Wall Proximity to Parking Easement

The larger, outer retaining wall adjacent to the parcel to the west jogs around the parking easement area utilized by the neighbouring residents. The top of the wall on this side will be level with the grade of the parking area (Figure 10). It then continues in this manner north along the western parcel boundary, except for a small segment that is exposed at a maximum of 0.5 m (1.5 ft).

The visual impact of collective wall height for this small segment of retaining is visible only internally to the development and is mitigated by landscaping. Staff are recommending support of this variance request.

Interior Side Parcel Boundary:

The applicant is requesting a reduction to the interior side parcel boundary (west parcel boundary) from 4.5 m (14.7 ft) to 4.39 m (14.3 ft) to accommodate an electrical room located on the northwest corner of Block A (See Figure 8 for location of electrical room). Intrusion into the setback by this small structure is anticipated to be insignificant to adjacent properties and will be screened by landscaping. Staff are recommending support of this variance request.

Building Height:

The applicant is requesting a variance to building heights for Block C from 12.0 m (39.3 ft) to 12.69 m (41.6 ft) and Block E from 12.0 m (39.3 ft) to 12.88 m (42.2 ft). These structures are located at the rear of the parcel. (See Figure 11 for location of buildings requiring a variance). The request for a variance to height for Blocks C and E are to accommodate retaining walls that abut the structures where the natural terrain slopes steeply to the north. The retaining

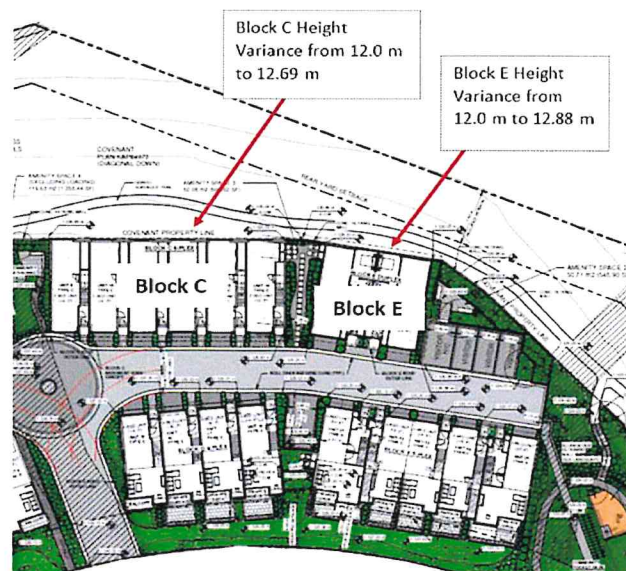


Figure 11: Location of Variances on Easter Half of Subject Property

BLOCK E BUILDING (Rear Elevation)

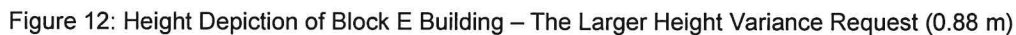


Figure 13: View into the Development Looking East

Figure 14: Visual Breaks in Building Massing Shown in Yellow

blocked by the large evergreen trees located within the ESA covenant area. Staff are recommending support of this variance request.

Technical Review

The subject property can accommodate emergency vehicle access and has ensured that sightlines onto Upper Sundance Drive are not obstructed. The subject property can be serviced by community water and sewer, and there is sufficient capacity in existing systems. A geotechnical report indicates that the subject property is safe for the intended use and a sealed Landslide Assessment Assurance Statement has been provided.

Covenants

Title documents of interest registered on the subject property include the following:

- A No Build / No Disturb Covenant (LB122037) which requires the preservation of steepest slopes and existing vegetation (abutting the north and east parcel boundaries). This covenant includes the requirement for construction of a non-urban walkway through the covenant area at time of Development Permit; and
- An Easement (CA6169686) prohibiting construction of buildings or structures and securing three parking spaces in favour of the adjacent parcel (existing apartment development) on the southwestern corner of the subject property adjacent to Upper Sundance Drive

Public Notification

In accordance with the *Local Government Act*, letters were sent to all property owners and their tenants (311 notices) within 100 metres of the subject property (*Attachment 8*). A Development Application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. As of the date of this report, fifteen submissions have been received from the public. These letters were received prior to the City's notification letter being sent out detailing the proposed variances, however they are attached to this report for Council's review (*Attachment 9*). Some of the correspondence appears to reflect a misunderstanding respecting the nature of the application citing opposition to proposed rezoning of the property.

Many of the letters are from residents of Camber Heights, a recent townhouse development located across Upper Sundance Drive from the subject property and zoned Medium Density Multiple Family Zone (R4). The concerns raised are in relation to:

- The density of the existing neighbourhood
- Traffic volumes and related safety concerns on Upper Sundance Drive
- The expectation of single family development on the subject property
- Impacts to existing views resulting from retaining the rear portion of the land in order to create more buildable area
- Associated building heights in relation to the previous decision to remove the apartment designation from the site.
- Lack of parking in the area and request for additional on-site parking
- Impacts of reduction in loading space
- Consideration/conformance to the Official Community Plan direction for low rise building form.

Delegations for Development Applications

In addition, the City has received a request from the developer of the adjacent Camber Heights development (Mr. Ryan Tamblyn) to address Council on this issue. As per Council's Policy:

3. Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a development variance permit... Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

Discussion

It is noted that on-street parking in the area continues to be a concern brought forward by local residents. This appears to be primarily related to the existing Sundance Ridge development, and construction related traffic associated with the current development in the area. However, the parking requirements (including visitor) as proposed by this application remain in accordance with the bylaw and the variance is only in relation to the required loading spaces.

Further, although a height variance is requested, the building heights for units fronting Sundance Drive are in accordance with the bylaw (2 storeys visible from Sundance Drive and <12 m in height). As the variance only pertains to several buildings at the rear of the site where the final roofline elevations are similar to those buildings fronting Sundance Drive, redesign of those units may not eliminate impacts to neighbouring properties.

Should Council wish to hear from the public on the matter, it is advisable to focus the discussion on the proposed variances, as Council and the applicant are bound to adhere to the Form and Character Development Permit Guidelines as outlined in the OCP.

ALTERNATE MOTIONS:

1. Postpone Consideration of Development Permit with Variances DP 18-36

THAT Council postpone consideration of Development Permit (DP 18-36).

Council may wish to postpone the issuance of the Development Permit and require the applicant to redesign components of the proposal in accordance with the City's Zoning Bylaw or Official Community Plan Development Permit Guidelines. Options to reduce the building heights/design may be explored to eliminate the need for a height variance.

2. Deny Consideration of Development Permit with Variances DP 18-36


THAT Council deny Development Permit (DP 18-36).

Council may wish to deny the requested variances and require the applicant to redesign the proposal in accordance with the City's Zoning Bylaw and/or Official Community Plan Development Permit guidelines. If the proposal was revised to avoid the proposed variances, the site plan and proposed building siting would have to be redesigned and the Development Permit would require further consideration by Council.


Respectfully submitted,



Jaleen Rousseau
Planner



Bob Dargatz
Development Manager




Brent Magnan
Planning Manager



Nancy Henderson
GM of Development Services

Approved for Agenda


for Jim Zaffino, CAO

June 6/19
Date

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Development Permit with Variances DP 18-36 (not all documents attached)
2. Context Map
3. Subject Property Map
4. Site Plan and Architectural Design Drawings
5. Landscape Plan
6. Site Plan Depicting the Location of Requested Variances
7. Rendering Illustrating Retaining Wall Height Impacting Building Height
8. Public Notification Map
9. Public Letters



CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH VARIANCES
DP 18-36

To: Krisma Developments Inc., Inc. No. BC1133039
 102-10277 154 Street
 Surrey, BC, V3R 4J7
 c/o
 Mara + Natha Architecture Ltd
 285 – 9600 Cameron St
 Burnaby, BC, V3J 7N3

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the City of West Kelowna described below, and any and all buildings, structures and other developments thereon:

LOT 1, DL 2044, ODYD, PLAN EPP74050
 (1980 Upper Sundance Drive)

3. This Permit allows the construction of 25 townhouse units in 6 buildings, up to three storeys in height and in the **Multiple Family and Intensive Residential Development Permit Area (DPA 3) Design Guidelines**, subject to the following conditions and related Schedules:
 - A. The siting, exterior design, and finish of buildings are to be in accordance with the Architectural submission (site plan, elevations, renderings, and materials and colour schedule) by Mara + Natha Architecture Ltd., dated November 2017, 24 Issued For DP Resubmission May 16 2019 and attached within Schedule "A" subject to the following:
 - B. The dimensions and siting of the structures to be constructed on the land be in accordance with Civil Engineering Drawings by CTQ Consultants Ltd., Drawings C-01 to C-05 for site servicing, grading, sediment control, and fire truck turning movements dated February 2019 and Functional Servicing Report dated February 14, 2019 and attached within Schedule "B".
 - C. The landscaping to be provided on the land be in accordance with Landscape Drawings and associated cost estimate by PD Group Landscape Architecture Ltd, dated September 10, 2018, REV 6 and attached within Schedule "C"; and
 - D. All construction activities to be conducted on the land be in general accordance with the Geotechnical Investigation Report by Geopacific, dated July 5, 2018 and attached within Schedule "D".
 - E. The following variances to Zoning Bylaw No. 0154 are included as part of this Development Permit:

- i. That the required number of loading spaces be reduced from 2 to 1;
- ii. That the maximum allowable collective retaining wall height be increased from 2.5 m to 3.8 m at the western terminus of the internal roadway;
- iii. That the maximum building height of Block C be increased from 12.0 m to 12.69 m;
- iv. That the maximum building height of Block E be increased from 12.0 m to 12.88 m and
- v. That the interior side parcel boundary be reduced from 4.5 m to 4.39 m.

4. As a condition of the issuance of this Permit the following requirements shall be satisfied:

- A. The City of West Kelowna is holding a landscape security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of the Permit within the time provided, the City of West Kelowna may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out below, the security shall be returned to the Permittee. There is filed accordingly:

An Irrevocable Letter of Credit or Bank Draft in the amount of \$213,361.90.

- 5. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof. Should any changes be required to this permit, please ensure that you obtain written approval from City of West Kelowna prior to making any changes.
- 6. Construction abutting the No Disturb covenant area (LB122037) shall not impact the covenant area.
- 7. If this Development Permit has not been issued within one year from approval, Development Permit DP 18-36 with Variances shall be deemed to have been refused and the file will be closed.
- 8. **This Permit is not a Building Permit.**
- 9. Subject to the terms of the permit, where the holder of a permit issued under the *Local Government Act* does not substantially commence any construction with respect to which the permit was issued within one year after the date it is issued, the permit lapses.

AUTHORIZING RESOLUTION NO. CXXX/19 PASSED BY THE MUNICIPAL COUNCIL ON JUNE XX, 2019.

Signed on _____

City Clerk

I hereby confirm that I have read and agree with the conditions of Development Permit DP 18-36 with Variances and will ensure that copies of the Permit will be provided to onsite personnel at time of construction.

Signed on _____

Property Owner or Agent

ISSUED on _____

Attached Schedules:

Schedule "A"

1. Mara + Natha Architecture Ltd., dated November 2017, 24 Issued For DP Resubmission May 16 2019

Schedule "B"

1. Civil Engineering Drawings by CTQ Consultants Ltd., Drawings C-01 to C-05 dated February 2019

Schedule "C"

1. Landscape Plan and Associated Cost Estimate by PD Group Landscape Architecture Ltd, dated September 10, 2018, REV 6

Schedule "D"

1. Geotechnical Investigation Report by Geopacific, dated July 5, 2018 Rock Fall Protection Email dated

H:\DEVELOPMENT SERVICES\PLANNING\3060 Development Permits\3060-20 Permits\2018\DP 18-36 1980 Upper Sundance Dr\Permit\DP 18-36.docx



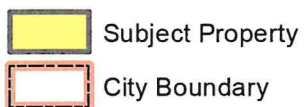
CITY OF
WEST
KELOWNA

CONTEXT MAP: DP 18-36



File: DP 18-36

Legal Description: Lot 1, DL 2044, ODYD, Plan EPP74050



0 150 300 600 Metres





SUBJECT PROPERTY: DP 18-36



File: DP 18-36

Legal Description: Lot 1, DL 2044, ODYD, Plan EPP74050

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres



1:2,500

Date: 2018-11-14

An aerial perspective of a modern residential complex. The development consists of several multi-story buildings with dark, angular, grey roofs and white facades accented with orange panels. The buildings are arranged in a row, with some featuring balconies and large windows. To the right of the buildings is a paved road with a white curb. Several cars are parked along the road: a red car, a white car, and a blue car. The area is landscaped with green grass, trees, and shrubs. A small, circular paved area is visible near the center of the development. The overall scene is brightly lit, suggesting a sunny day.

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Project Name
**WEST KELOWNA
 TOWNHOUSE
 DEVELOPMENT**

Project Address
 1800 UPPER SUNDANCE DRIVE
 WEST KELOWNA, B.C.

Sheet Name
**BLOCK A
 SOUTH & NORTH
 ELEVATION**

Sheet No.
A105

Project No.
 171102

Start of Project
 NOVEMBER 2017

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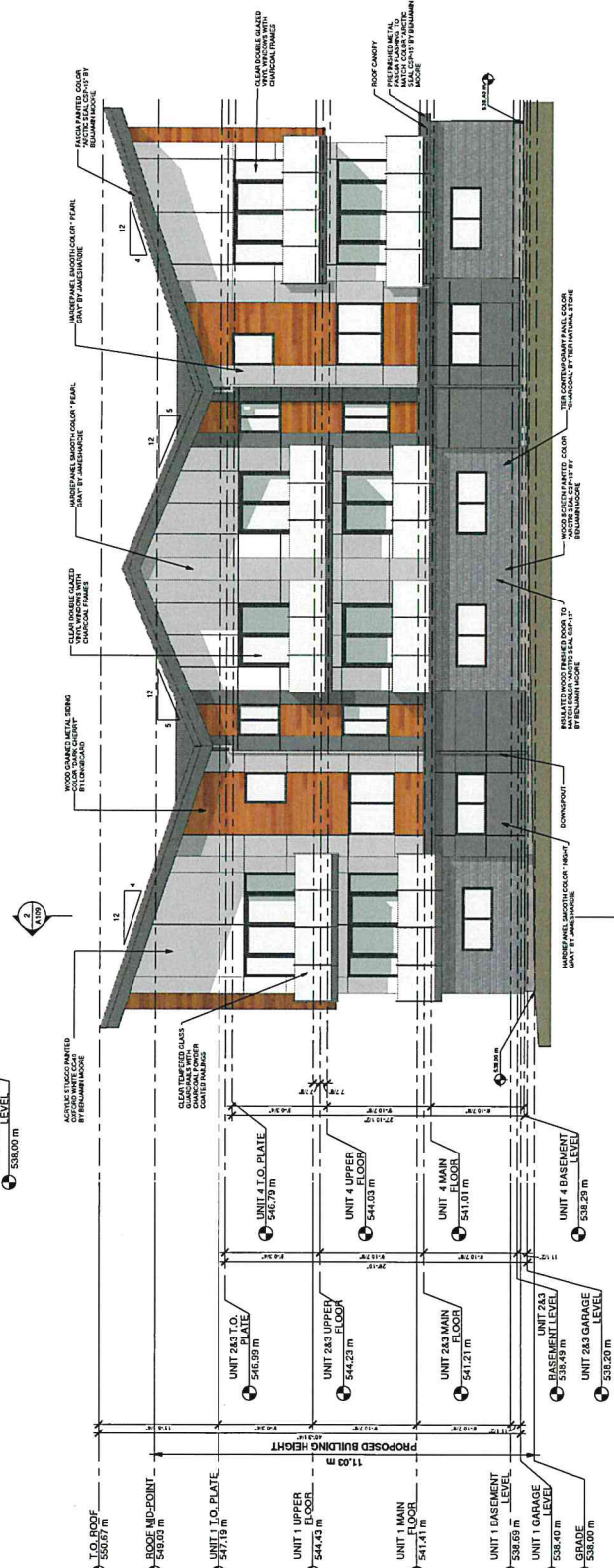
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② REAR (NORTH) ELEVATION
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Project Name
WEST KELOWNA TOWNHOUSE DEVELOPMENT

Project Address
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 WEST KELOWNA, B.C.

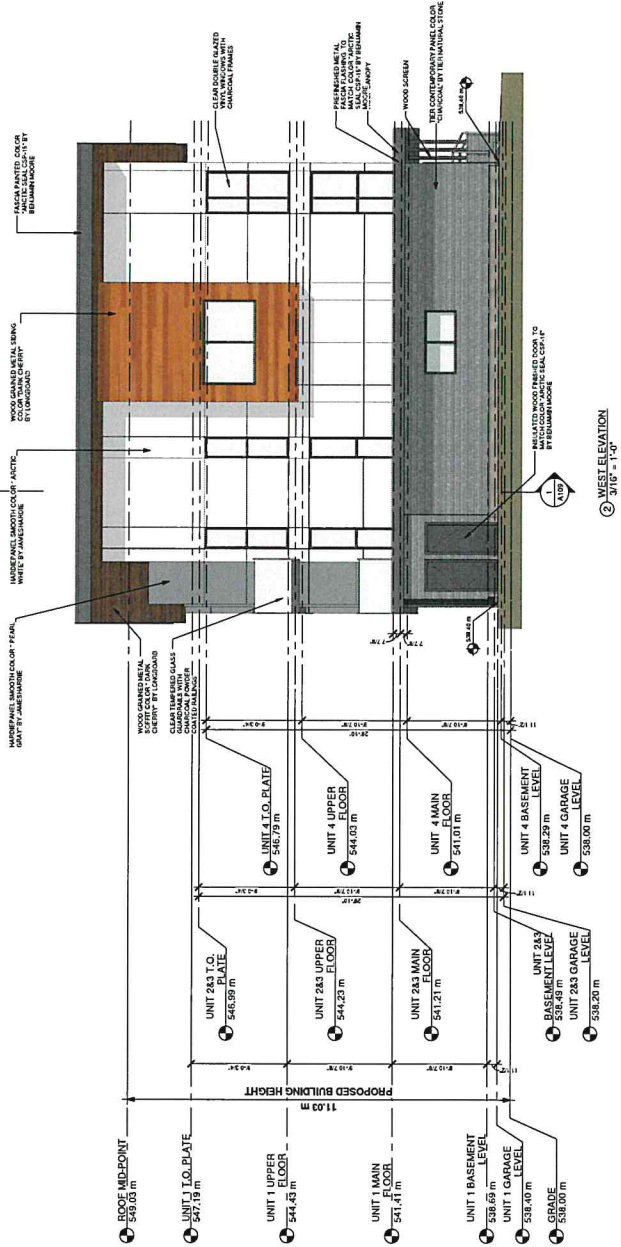
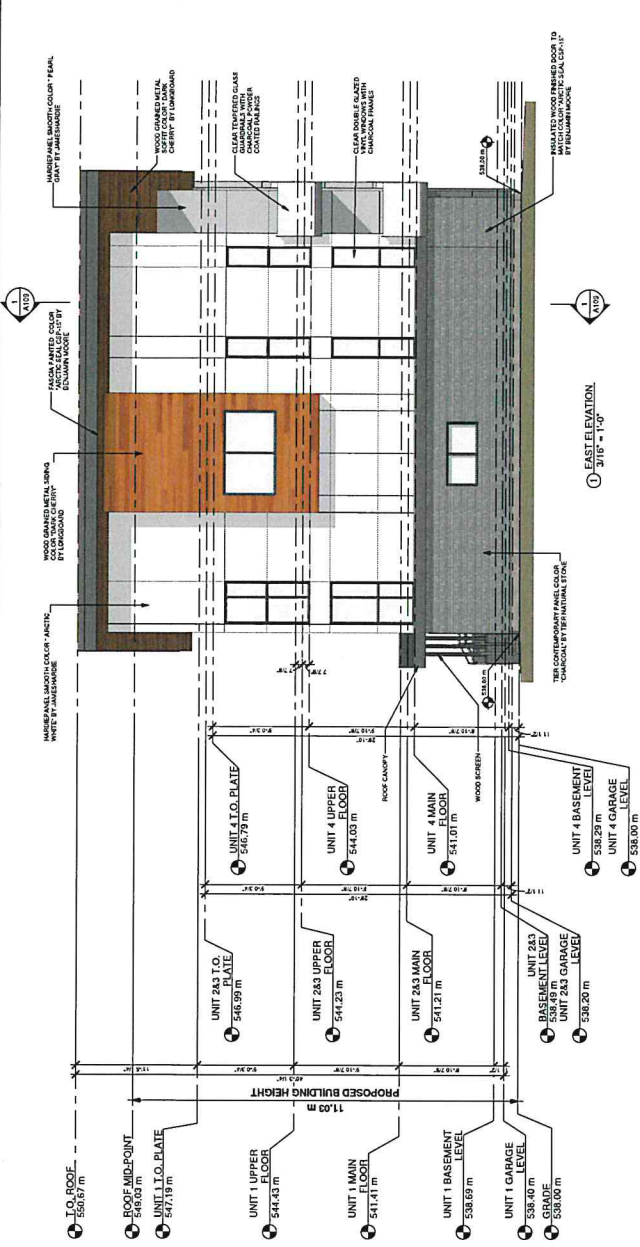
Block A EAST & WEST ELEVATION

Sheet No. **A106**

Project No. **171102**

Rev. No. **NOVEMBER 2017**

ARCHITECTURE LTD.
 285 - 1600 Cameron Street Burnaby B.C. V5G 7H5
 Tel: 604-430-2223
 Fax: 604-430-2413
 E-mail: info@mararchitect.com
 Web: www.mararchitect.com



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WEST KELOWNA
TOWNHOUSE
DEVELOPMENT

1800 UPPER SUNDANCE DRIVE
WEST KELOWNA, B.C.

Project Address
1800 UPPER SUNDANCE DRIVE
WEST KELOWNA, B.C.

Sheet No.
BUILDING SECTIONS

Sheet No.
A109

Project No.
171102

Date of Project
NOVEMBER 2017

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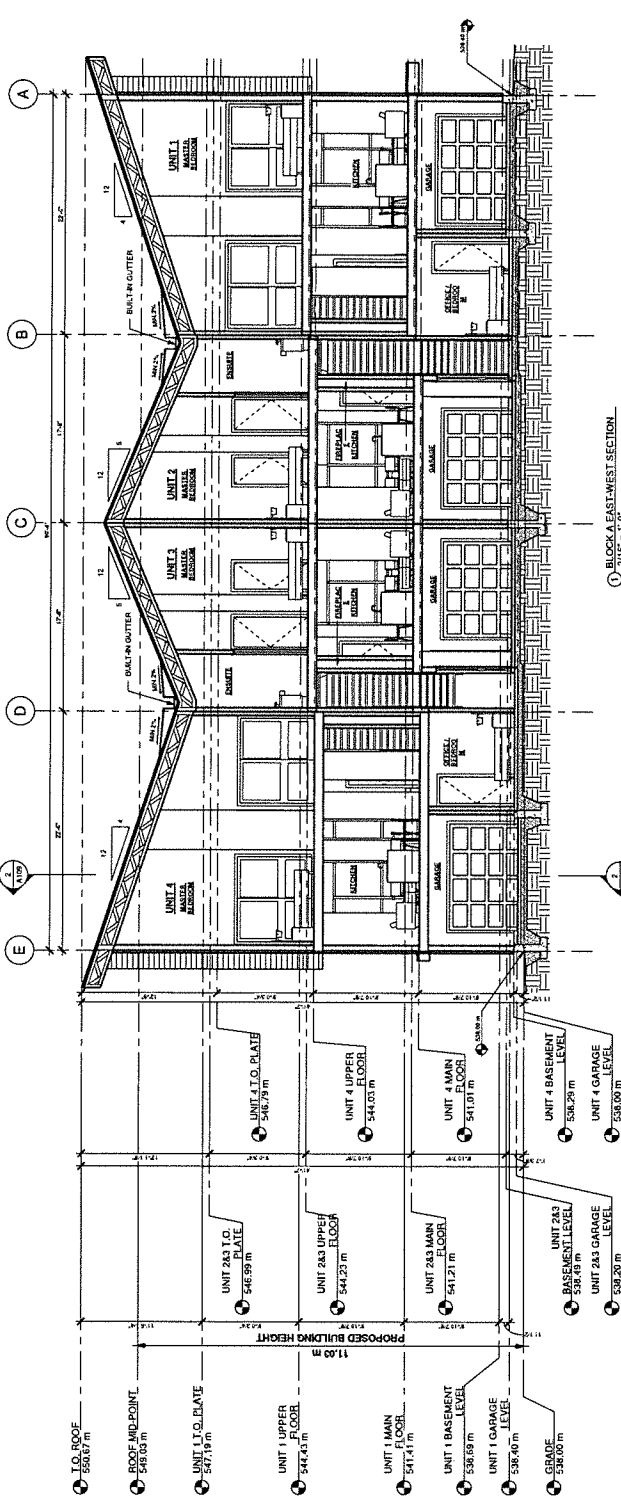
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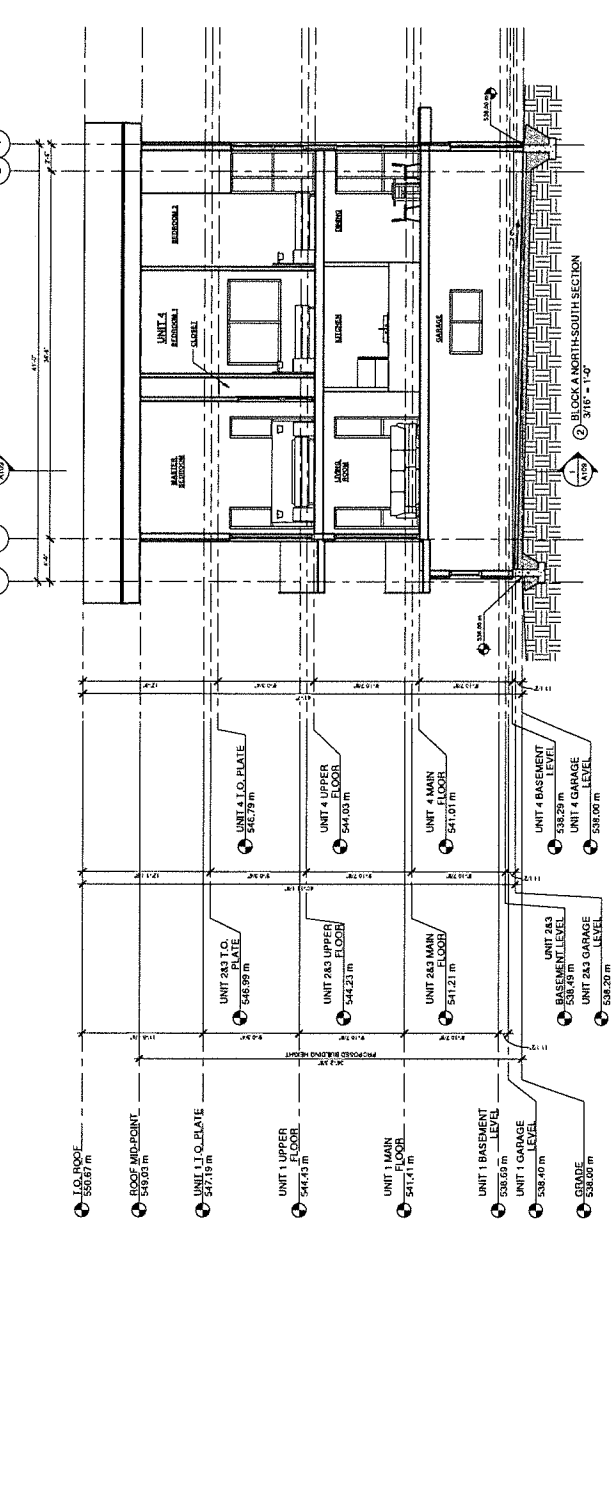
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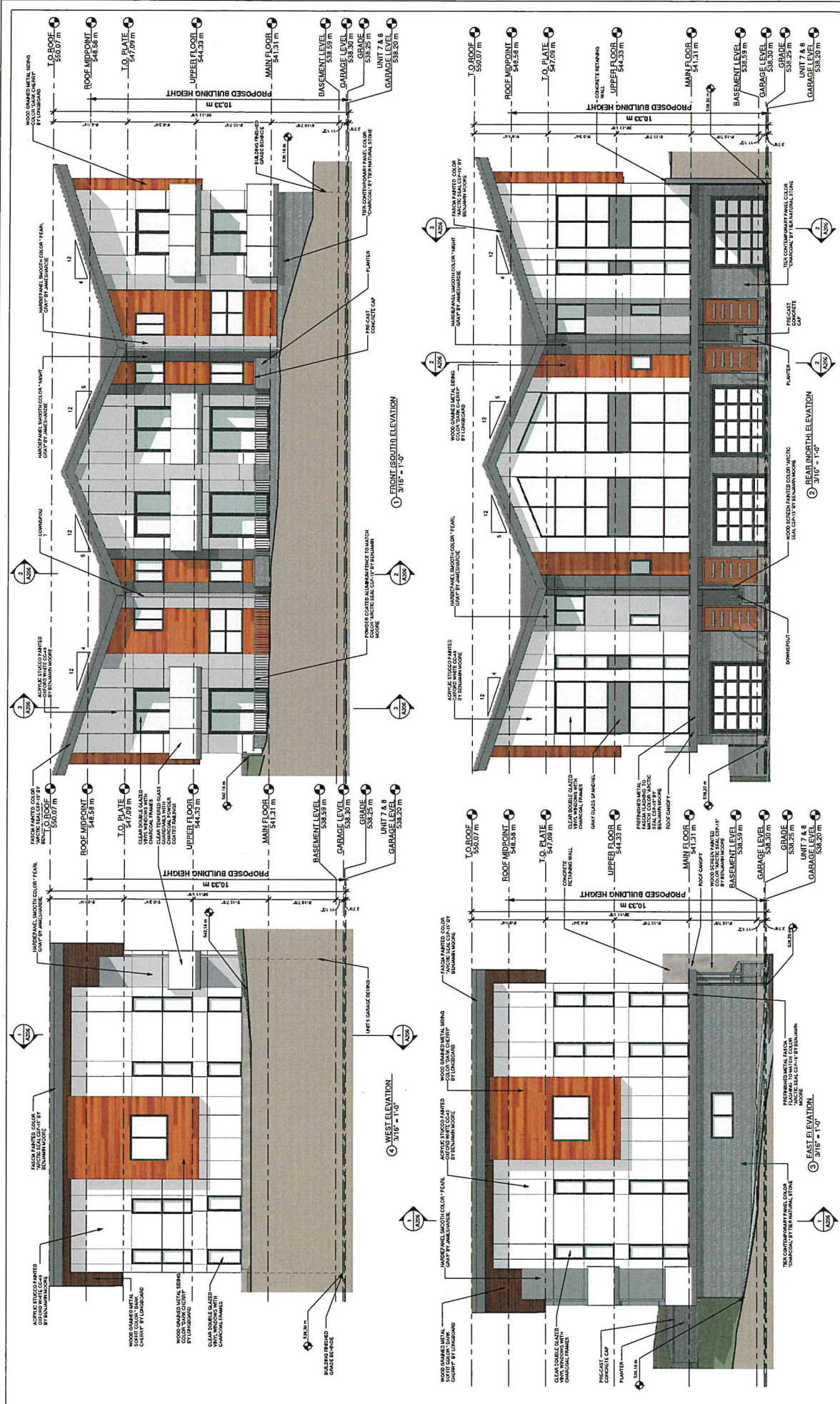
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2 BLOCK A NORTH-SOUTH SECTION
3'10" x 1'-0"

Sign & Seal
This drawing is the property of the Architect and shall remain his/her property. It shall not be reproduced, copied, or used in any way without the written consent of the Architect. The Architect shall not be responsible for any errors or omissions in this drawing. The Architect shall not be responsible for any damages or injuries resulting from the use of this drawing. The Architect shall not be responsible for any costs or expenses incurred by the client in connection with this drawing. The Architect shall not be responsible for any delays or interruptions in the completion of this drawing. The Architect shall not be responsible for any other matters relating to this drawing.

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<div>MARA + NATHA ARCHITECTURE LTD 285 - 1000 Camille Street, Kelowna, B.C. V1Y 7Y2 Tel: 250.860.4444 Fax: 250.860.4443 Email: info@maranatha.com Web: www.maranatha.com</div>														<div>WEST KELLOWNA TOWNHOUSE DEVELOPMENT</div>														<div>1980 UPPER SUNDRANCE DRIVE WEST KELLOWNA, B.C.</div>														<div>BLOCK B ELEVATIONS</div>														<div>A205</div>														<div>171102</div>														<div>NOVEMBER 2017</div>														<div>SIGN & 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<p>KELOWINA INHOUSE CLOPMENT</p>	<p>1980 UPRR SUNDANCE DRIVE WEST KELOWINA, B.C.</p>	<p>Project Address</p>	<p>Client Name</p>	<p>Block B BUILDING SECTIONS</p>	<p>Sheet No.</p>	<p>A206</p>
					<p>Project No.</p>	<p>17102</p>
					<p>Date of Project</p>	<p>NOVEMBER 2017</p>

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**WEST KELOWNA
TOWNHOUSE
DEVELOPMENT**

Project Address
1880 UPPER SUNDANCE DRIVE
WEST KELOWNA, B.C.

Block C
North and South
Elevations

Sheet No. A304

Project No. 171102

Start of Project

SIGN & SEAL

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C: 604.970-8413
Email: rob@marasarch.com

Web: www.mararch.com



Revision Schedule	
No	Description
1	REVISION 1
2	REVISION 2
3	REVISION 3
4	REVISION 4
5	REVISION 5
6	REVISION 6
7	REVISION 7
8	REVISION 8
9	REVISION 9
10	REVISION 10
11	REVISION 11
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98	REVISION 98
99	REVISION 99
100	REVISION 100

Project Name:
**WEST KELOWNA
TOWNHOUSE
DEVELOPMENT**

Project Address:
**1880 UPPER SUNDANCE DRIVE
WEST KELOWNA, B.C.**

Block Name:
**BLOCK C
EAST AND WEST
ELEVATION**

Sheet No.:
A306

Project No.:
17102

Issue No.:
NOVEMBER 2017

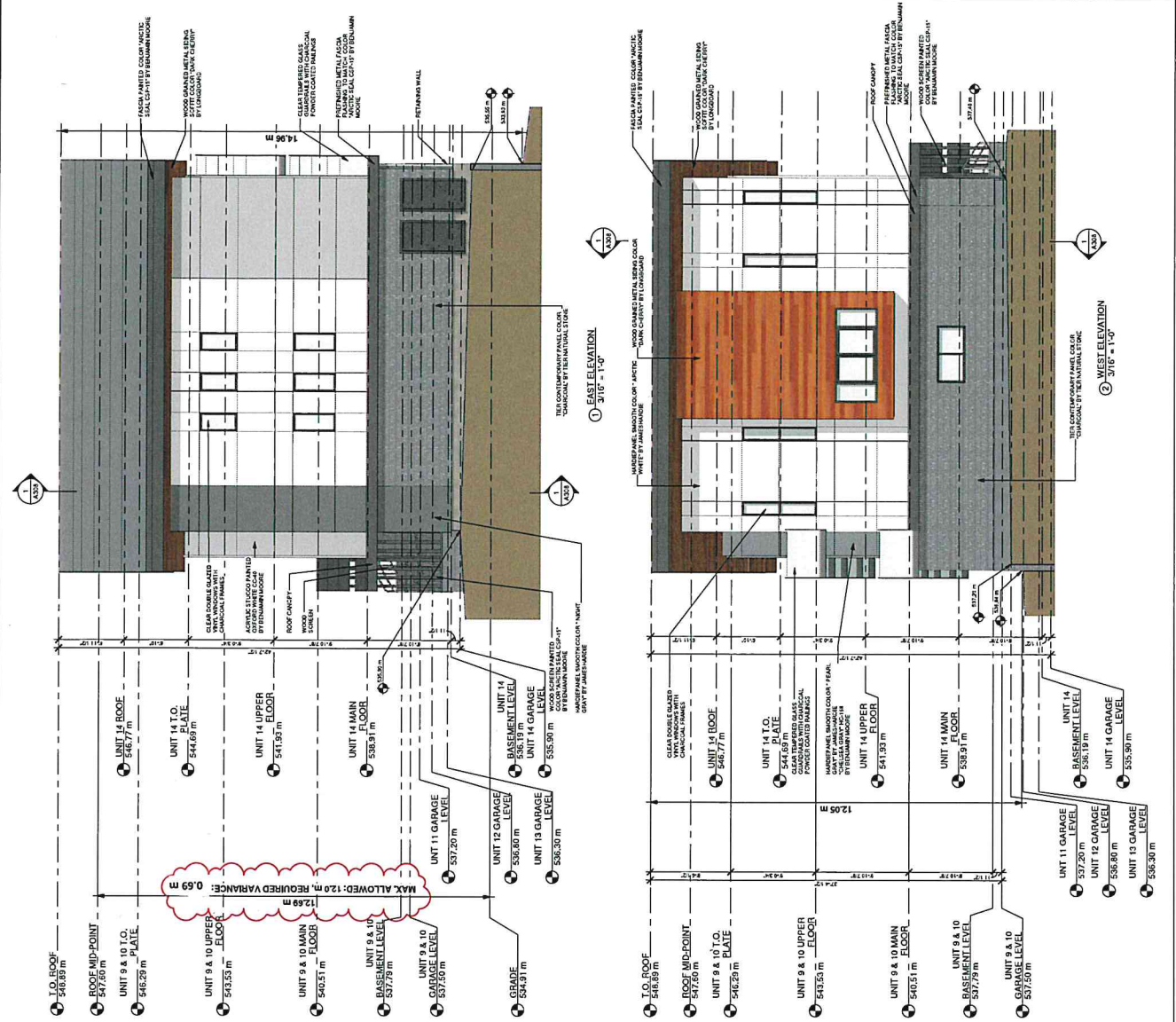
Prepared by:
MARA + NATHA

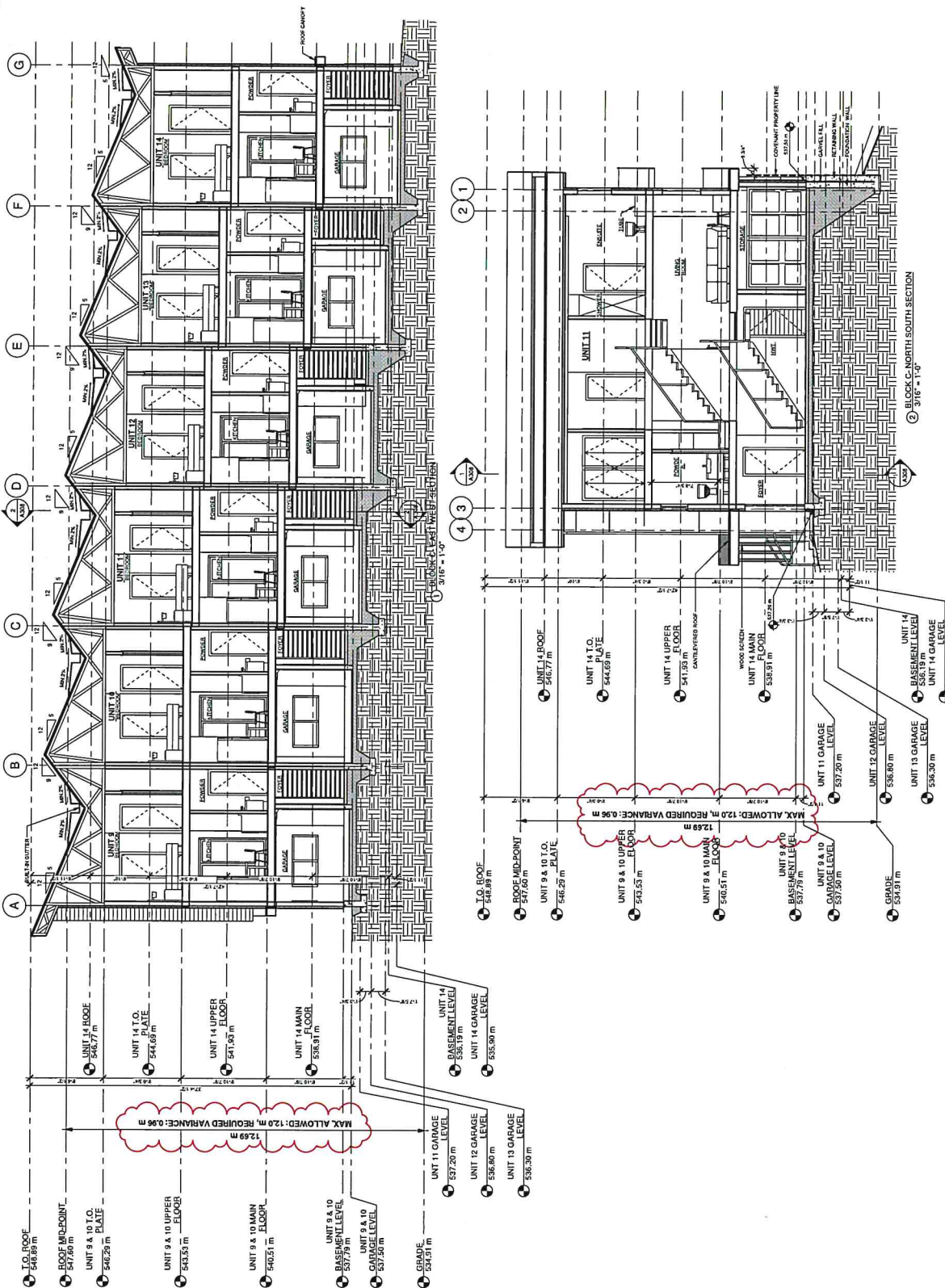
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MARA + NATHA

Approved by:
MARA + NATHA

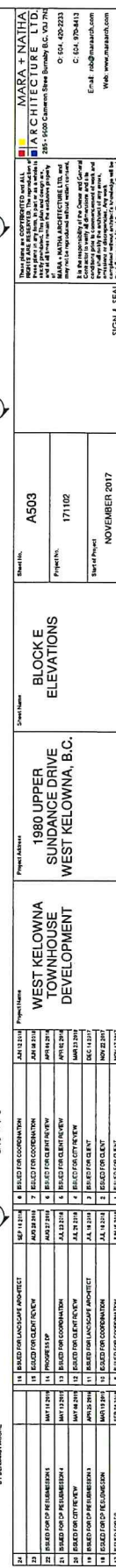
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Notes:
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. ALL ELEVATIONS ARE TO FINISH SURFACES UNLESS OTHERWISE SPECIFIED.
 3. ALL MATERIALS AND FINISHES ARE TO BE AS SHOWN ON THE DRAWINGS.
 4. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE BC BUILDING CODE AND ALL APPLICABLE REGULATIONS.
 5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND ALL APPLICABLE STANDARDS.
 6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE PROJECT SCHEDULE AND ALL APPLICABLE DEADLINES.
 7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE PROJECT BUDGET AND ALL APPLICABLE COSTS.
 8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE PROJECT RISK MANAGEMENT PLAN AND ALL APPLICABLE RISKS.
 9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE PROJECT QUALITY MANAGEMENT PLAN AND ALL APPLICABLE QUALITIES.
 10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE PROJECT COMMUNICATIONS PLAN AND ALL APPLICABLE COMMUNICATIONS.





<p>MARA + NATHA ARCHITECTURE LTD. 295 - 1000 Commons Street Burnaby B.C. V3J 7P6 O: 604-430-2333 C: 604-430-2413 E: info@maranatha.com Web: www.maranatha.com</p>		<p>WEST KELOWNA TOWNHOUSE DEVELOPMENT 1980 UPPER SUNDADE DRIVE WEST KELOWNA, B.C.</p>		<p>BLOCK C BUILDING SECTIONS</p>		<p>A308 Project No. 171102 Date of Project: NOVEMBER 2017</p>		<p>SIGN & SEAL</p>	
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Revision Schedule

No	Description	Date
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3	ISSUED FOR PERMITS	MAY 12/17
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99	ISSUED FOR PERMITS	MAY 12/17
100	ISSUED FOR PERMITS	MAY 12/17

WEST KELOWNA
TOWNHOUSE
DEVELOPMENT

Project Address
1880 UPPER SUNDANCE DRIVE
WEST KELOWNA, B.C.

Sheet No. A505

Project No. 171102

Date of Permit NOVEMBER 2017

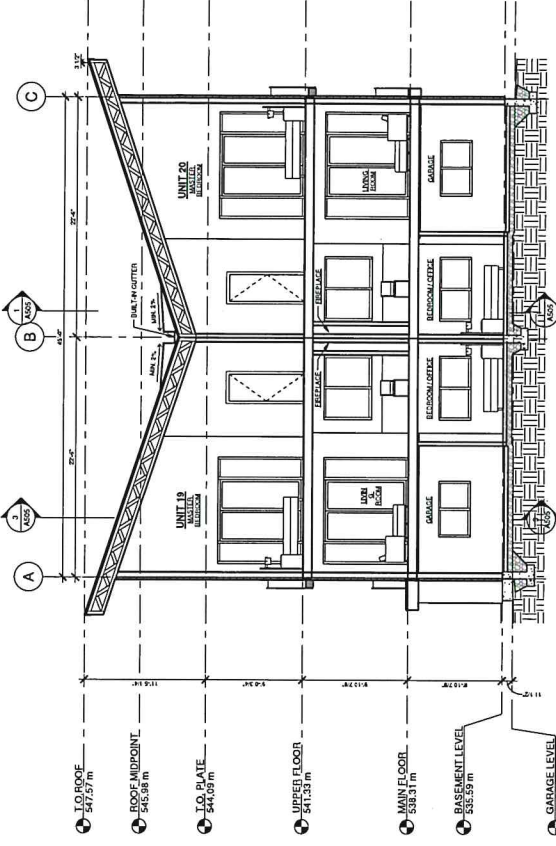
Sign & Seal

Three dimensions are provided and all other dimensions are to be taken from the drawings. The architect is responsible for the accuracy of the dimensions. The architect is not responsible for the accuracy of the dimensions. The architect is not responsible for the accuracy of the dimensions.

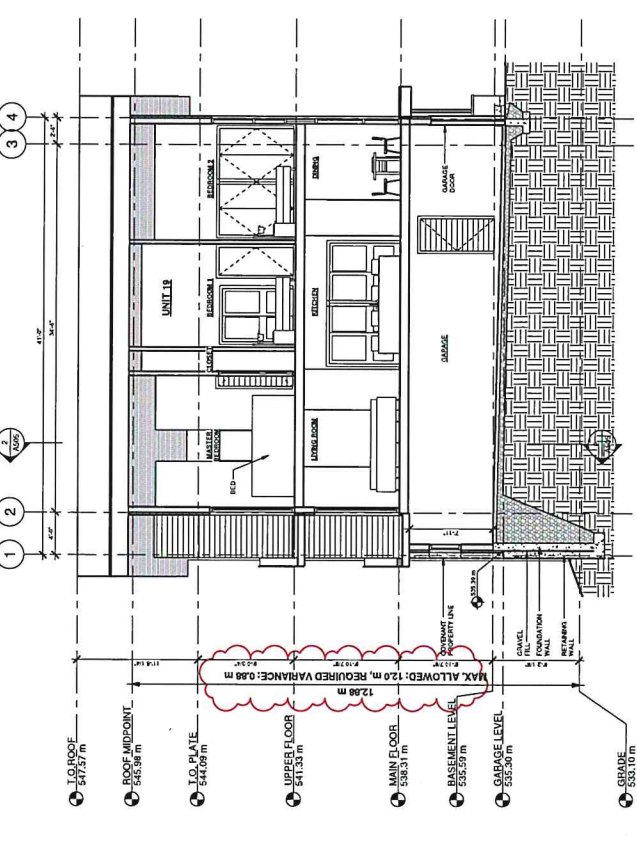
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C: 604. 870-9413
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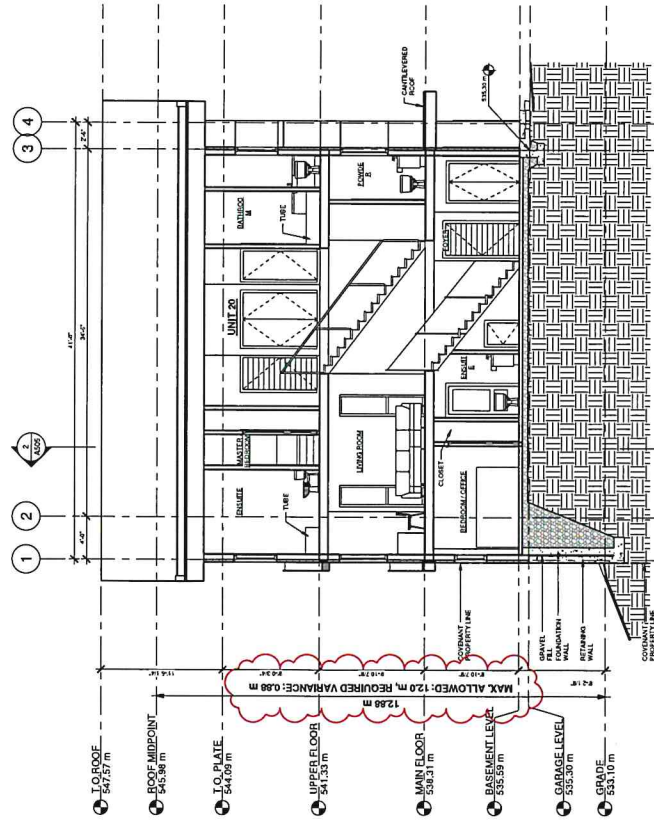
ASCE 408, 504



2 BLOCK E EAST-WEST SECTION
3/16" = 1'-0"



1 BLOCK E NORTH-SOUTH SECTION 2
3/16" = 1'-0"



1 BLOCK E NORTH-SOUTH SECTION
3/16" = 1'-0"

Revision Schedule

No	Description	Date
24		
23		
22		
21		
20		
19	14. SLOPED POLYURETHANE ROOFING	SEP 2016
18	14. SLOPED POLYURETHANE ROOFING	SEP 2016
17	14. SLOPED POLYURETHANE ROOFING	SEP 2016
16	14. SLOPED POLYURETHANE ROOFING	SEP 2016
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3	14. SLOPED POLYURETHANE ROOFING	SEP 2016
2	14. SLOPED POLYURETHANE ROOFING	SEP 2016
1	14. SLOPED POLYURETHANE ROOFING	SEP 2016

Project Name
WEST KELOWNA TOWNHOUSE DEVELOPMENT

Project Address
 1880 UPPER SUNDADE DRIVE
 WEST KELOWNA, B.C.

Sheet Name
BLOCK F EAST AND WEST ELEVATION

Sheet No.
A605

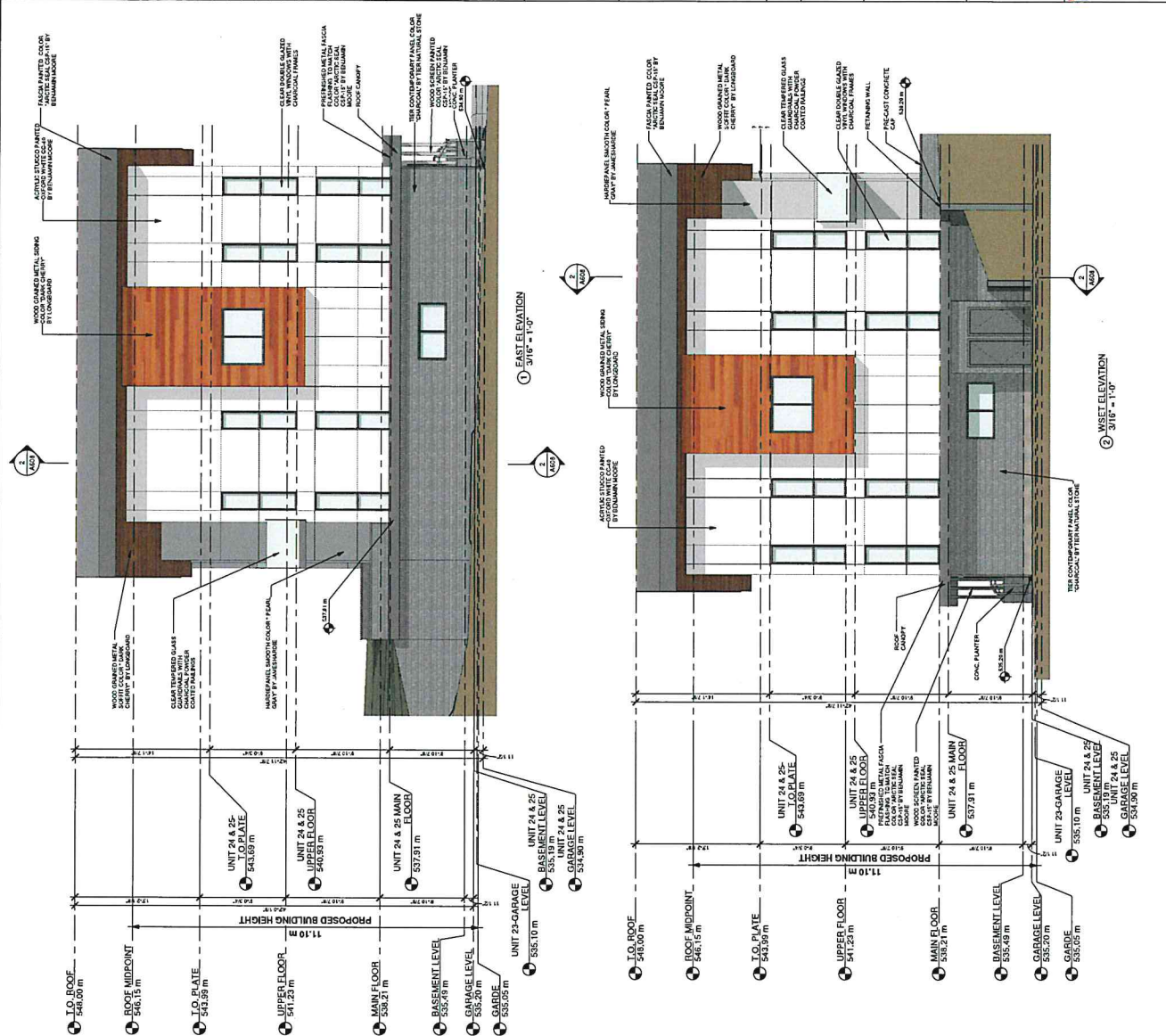
Project No.
 171102

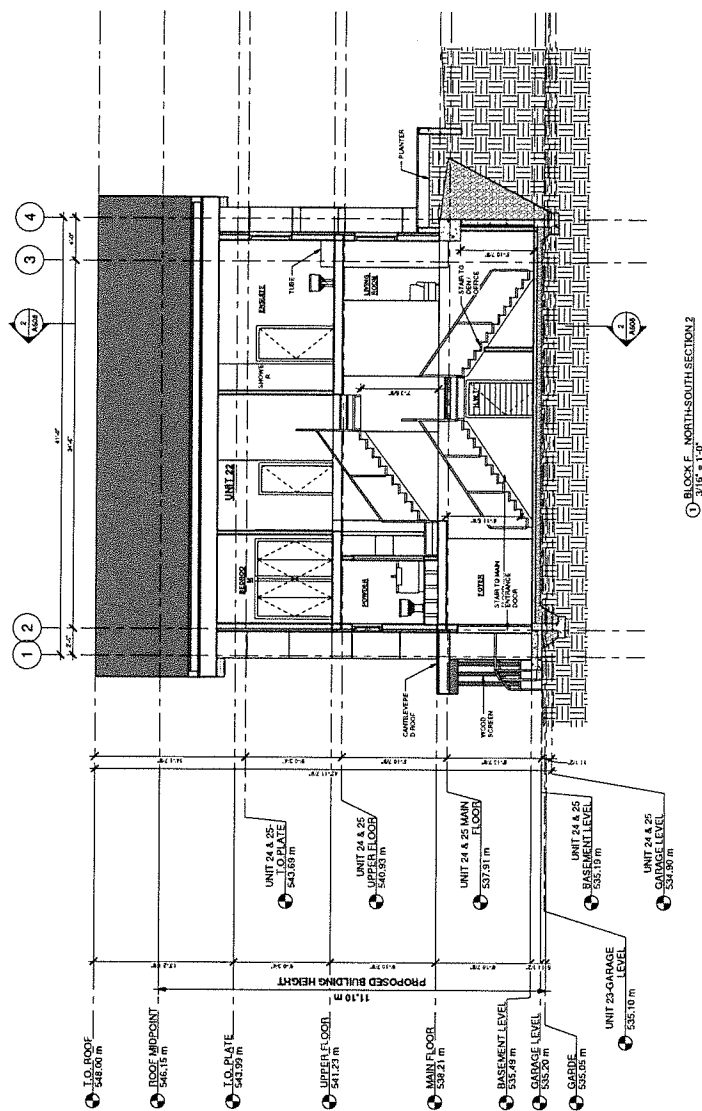
Sheet of Project
 NOVEMBER 2017

Sign & Seal

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7.4	7.5	7.6	7.7	7.8	7.9	8.0	8.1	8.2	8.3	8.4	8.5	8.6	8.7	8.8	8.9	9.0	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8	9.9	10.0	10.1	10.2	10.3	10.4	10.5	10.6	10.7	10.8	10.9	11.0	11.1	11.2	11.3	11.4	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4	31.5	31.6	31.7	31.8	31.9	32.0	32.1	32.2	32.3	32.4	32.5	32.6	32.7	32.8	32.9	33.0	33.1	33.2	33.3	33.4	33.5	33.6	33.7	33.8	33.9	34.0	34.1	34.2	34.3	34.4	34.5	34.6	34.7	34.8	34.9	35.0	35.1	35.2	35.3	35.4	35.5	35.6	35.7	35.8	35.9	36.0	36.1	36.2	36.3	36.4	36.5	36.6	36.7	36.8	36.9	37.0	37.1	37.2	37.3	37.4	37.5	37.6	37.7	37.8	37.9	38.0	38.1	38.2	38.3	38.4	38.5	38.6	38.7	38.8	38.9	39.0	39.1	39.2	39.3	39.4	39.5	39.6	39.7	39.8	39.9	40.0	40.1	40.2	40.3	40.4	40.5	40.6	40.7	40.8	40.9	41.0	41.1	41.2	41.3	41.4	41.5	41.6	41.7	41.8	41.9	42.0	42.1	42.2	42.3	42.4	42.5	42.6	42.7	42.8	42.9	43.0	43.1	43.2	43.3	43.4	43.5	43.6	43.7	43.8	43.9	44.0	44.1	44.2	44.3	44.4	44.5	44.6	44.7	44.8	44.9	45.0	45.1	45.2	45.3	45.4	45.5	45.6	45.7	45.8	45.9	46.0	46.1	46.2	46.3	46.4	46.5	46.6	46.7	46.8	46.9	47.0	47.1	47.2	47.3	47.4	47.5	47.6	47.7	47.8	47.9	48.0	48.1	48.2	48.3	48.4	48.5	48.6	48.7	48.8	48.9	49.0	49.1	49.2	49.3	49.4	49.5	49.6	49.7	49.8	49.9	50.0	50.1	50.2	50.3	50.4	50.5	50.6	50.7	50.8	50.9	51.0	51.1	51.2	51.3	51.4	51.5	51.6	51.7	51.8	51.9	52.0	52.1	52.2	52.3	52.4	52.5	52.6	52.7	52.8	52.9	53.0	53.1	53.2	53.3	53.4	53.5	53.6	53.7	53.8	53.9	54.0	54.1	54.2	54.3	54.4	54.5	54.6	54.7	54.8	54.9	55.0	55.1	55.2	55.3	55.4	55.5	55.6	55.7	55.8	55.9	56.0	56.1	56.2	56.3	56.4	56.5	56.6	56.7	56.8	56.9	57.0	57.1	57.2	57.3	57.4	57.5	57.6	57.7	57.8	57.9	58.0	58.1	58.2	58.3	58.4	58.5	58.6	58.7	58.8	58.9	59.0	59.1	59.2	59.3	59.4	59.5	59.6	59.7	59.8	59.9	60.0	60.1	60.2	60.3	60.4	60.5	60.6	60.7	60.8	60.9	61.0	61.1	61.2	61.3	61.4	61.5	61.6	61.7	61.8	61.9	62.0	62.1	62.2	62.3	62.4	62.5	62.6	62.7	62.8	62.9	63.0	63.1	63.2	63.3	63.4	63.5	63.6	63.7	63.8	63.9	64.0	64.1	64.2	64.3	64.4	64.5	64.6	64.7	64.8	64.9	65.0	65.1	65.2	65.3	65.4	65.5	65.6	65.7	65.8	65.9	66.0	66.1	66.2	66.3	66.4	66.5	66.6	66.7	66.8	66.9	67.0	67.1	67.2	67.3	67.4	67.5	67.6	67.7	67.8	67.9	68.0	68.1	68.2	68.3	68.4	68.5	68.6	68.7	68.8	68.9	69.0	69.1	69.2	69.3	69.4	69.5	69.6	69.7	69.8	69.9	70.0	70.1	70.2	70.3	70.4	70.5	70.6	70.7	70.8	70.9	71.0	71.1	71.2	71.3	71.4	71.5	71.6	71.7	71.8	71.9	72.0	72.1	72.2	72.3	72.4	72.5	72.6	72.7	72.8	72.9	73.0	73.1	73.2	73.3	73.4	73.5	73.6	73.7	73.8	73.9	74.0	74.1	74.2	74.3	74.4	74.5	74.6	74.7	74.8	74.9	75.0	75.1	75.2	75.3	75.4	75.5	75.6	75.7	75.8	75.9	76.0	76.1	76.2	76.3	76.4	76.5	76.6	76.7	76.8	76.9	77.0	77.1	77.2	77.3	77.4	77.5	77.6	77.7	77.8	77.9	78.0	78.1	78.2	78.3	78.4	78.5	78.6	78.7	78.8	78.9	79.0	79.1	79.2	79.3	79.4	79.5	79.6	79.7	79.8	79.9	80.0	80.1	80.2	80.3	80.4	80.5	80.6	80.7	80.8	80.9	81.0	81.1	81.2	81.3	81.4	81.5	81.6	81.7	81.8	81.9	82.0	82.1	82.2	82.3	82.4	82.5	82.6	82.7	82.8	82.9	83.0	83.1	83.2	83.3	83.4	83.5	83.6	83.7	83.8	83.9	84.0	84.1	84.2	84.3	84.4	84.5	84.6	84.7	84.8	84.9	85.0	85.1	85.2	85.3	85.4	85.5	85.6	85.7	85.8	85.9	86.0	86.1	86.2	86.3	86.4	86.5	86.6	86.7	86.8	86.9	87.0	87.1	87.2	87.3	87.4	87.5	87.6	87.7	87.8	87.9	88.0	88.1	88.2	88.3	88.4	88.5	88.6	88.7	88.8	88.9	89.0	89.1	89.2	89.3	89.4	89.5	89.6	89.7	89.8	89.9	90.0	90.1	90.2	90.3	90.4	90.5	90.6	90.7	90.8	90.9	91.0	91.1	91.2	91.3	91.4	91.5	91.6	91.7	91.8	91.9	92.0	92.1	92.2	92.3	92.4	92.5	92.6	92.7	92.8	92.9	93.0	93.1	93.2	93.3	93.4	93.5	93.6	93.7	93.8	93.9	94.0	94.1	94.2	94.3	94.4	94.5	94.6	94.7	94.8	94.9	95.0	95.1	95.2	95.3	95.4	95.5	95.6	95.7	95.8	95.9	96.0	96.1	96.2	96.3	96.4	96.5	96.6	96.7	96.8	96.9	97.0	97.1	97.2	97.3	97.4	97.5	97.6	97.7	97.8	97.9	98.0	98.1	98.2	98.3	98.4	98.5	98.6	98.7	98.8	98.9	99.0	99.1	99.2	99.3	99.4	99.5	99.6	99.7	99.8	99.9	100.0
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<p>Page 11 Name</p> <p>WEST KELOWNA TOWNHOUSE DEVELOPMENT</p>	<p>Project Address</p> <p>1980 UPPER SUNDANCE DRIVE WEST KELOWNA, B.C.</p>
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Sheet Name BLOCK F BUILDING SECTIONS	Drawing No. A609
	Project No. 171102
	Date of Project NOVEMBER 2017


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LEGEND



UPPER SUNDANCE DRIVE

CLIENT	PROJECT
Mani Bagga	25-Unit Townhouse Project
3018 Calgary Trail NW	1980 Upper Sundance Dr.
	SUBMITTAL NO. & C.
DRAW TITLE	DATE
Landscape Plan - Blocks B & D	16 September 2018
SCALE	VSHEET
PLOT#	DATE
1	1817
PROJECT No.	REV
	L-2 4



DESIGNED BY	
EXECUTED BY	
EXECUTED FOR	

PD Group
LONDON AND NEW YORK

270 - 7th Avenue, 10th Floor
New York, NY 10019-6501
Tel: 212 693 9000
Fax: 212 693 9001

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ARCHITECT

Mara + Natha Architecture Ltd.
285 - 9600 Cameron St.
Burnaby BC

ISSUE		DATE	DESCRIPTION
No.	1	2/25/18	PRELIM ISSUE FOR DP
	2	2/26/18	ISSUE FOR DP
	3	3/6/18	ISSUE FOR DP
	4	3/24/18	RE-ISSUE FOR DP
	5	3/26/18	RE-ISSUE FOR DP
	6	3/29/18	RE-ISSUE FOR DP
	7	4/10/18	ISSUED FOR DP APPROVAL

REVISION		DATE	DESCRIPTION
1	2/26/09		DETAILS ADDED
2	3/2/09		RETAINING WALLS REVISION ELEVATION ADDED
3	3/26/09		REVIS PER DISTRICT COMMENTS
4	3/26/09		WALL MOVE & WEST END OF PROPERTY



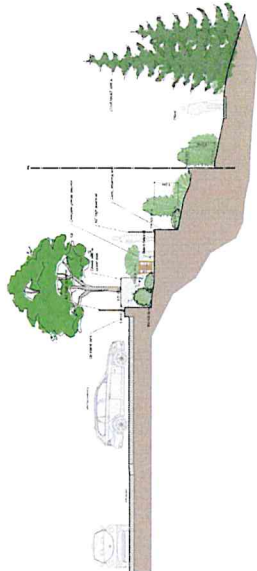
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- ### LEGEND

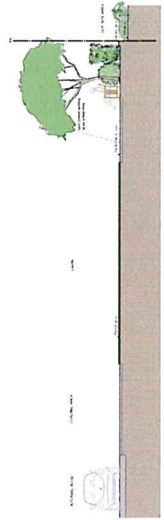
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PAGE 3
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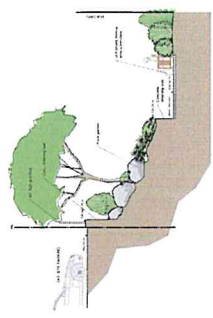
Page 73 of 319



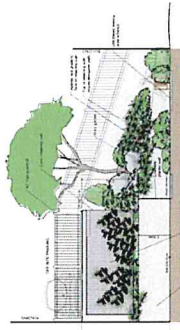
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L-5 SCALE: 1/8"=1'-0"



2 SECTION C - C (Dwg. L-3)
L-5 SCALE: 1/8"=1'-0"



3 SECTION D - D (Dwg. L-3)
L-5 SCALE: 1/8"=1'-0"



4 ELEVATION E - E (Dwg. L-3)

REVISION			ISSUE		
No.	DATE	DESCRIPTION	No.	DATE	DESCRIPTION
1	2/20/18	DEFINITION	1	2/20/18	PRELIMINARY FOR UP
2	2/20/18	RETAINING WALLS TO BE CONSTRUCTED	2	2/20/18	REUSE FOR UP
3	2/20/18	REUS FOR DISTRICT COMMENTS	3	2/20/18	REUSE FOR UP
4	2/20/18	PAVEMENT ON WEST END OF DRIVEWAY (SEE A.S.)	4	2/20/18	REUSE FOR UP
5	2/20/18	LAYOUT REUS FOR CITY COMMENT	5	2/20/18	REUSE FOR UP
6	2/20/18		6	2/20/18	REUSE FOR UP
7	2/20/18		7	2/20/18	REUSE FOR UP APPROVAL



NORTH




ARCHITECT
Mara + Natha Architecture Ltd.
285 - 9600 Cameron St.
Burnaby, BC

Seq	DATE	DESCRIPTION
1	2005-08	PRELIM ISSUE FOR DP
2	2005-08	ISSUE FOR DP
3	2005-09	RE-ISSUED FOR DP
4	2005-09	RE-ISSUE FOR DP
5	2005-09	RE-ISSUE FOR DP
6	2005-09	RE-ISSUE FOR DP
7	2005-09	ISSUED FOR DP APPROVAL

REVISION
DETAILED
DETAILS ASSIGNED
REVIS PER DISTRICT COMMENTS
FALL REVIS @ WEST END OF DRIVEWAY DETAIL 4.5 D.
LAYOUT REVIS FOR CITY COMMENT

No.	DATE
1	25/08/18
2	26/03/18
3	05/06/15
4	28/4/15
5	24/06/15

1



1001

Landscape Cost Estimate

1980 Upper Sundance Dr. W. Kelowna BC

Prepared by PD Group Landscape Architecture Ltd.
based on Landscape Drawings issued 24 April 2019

T: 604-904-9803

27/05/2019

Item	Off-site Quantity	On-site Quantity	Unit	Unit Price	Off-site Subtotal	On-site Subtotal
PLANTED AREAS:						
Decid. Tree 8cm cal.	10	24	ea.	600.00	6,000.00	14,400.00
Shrubs #5 pot		24	ea.	35.50	0.00	852.00
Shrubs #3 pot		114	ea.	25.00	0.00	2,850.00
Shrubs #2 pot		266	ea.	22.00	0.00	5,852.00
Specimen Shrub		10	ea.	25.00	0.00	250.00
Perennials #2 pot		561	ea.	12.00	0.00	6,732.00
Perennials #1 pot		561	ea.	12.00	0.00	6,732.00
50 cm Boxwood Hedge		31	ea.	28.00	0.00	868.00
Groundcover #2 pot		126	ea.	15.00	0.00	1,890.00
Grasses #3 pot		34	ea.	22.00	0.00	748.00
Grasses #2 pot		481	ea.	22.00	0.00	10,582.00
Growing Medium (450mm depth)	100	470	cu. m.	60.00	6,000.00	28,170.00
Mulch (50mm depth)		38	cu. m.	35.00	0.00	1,330.00
Subtotal:					12,000.00	81,256.00

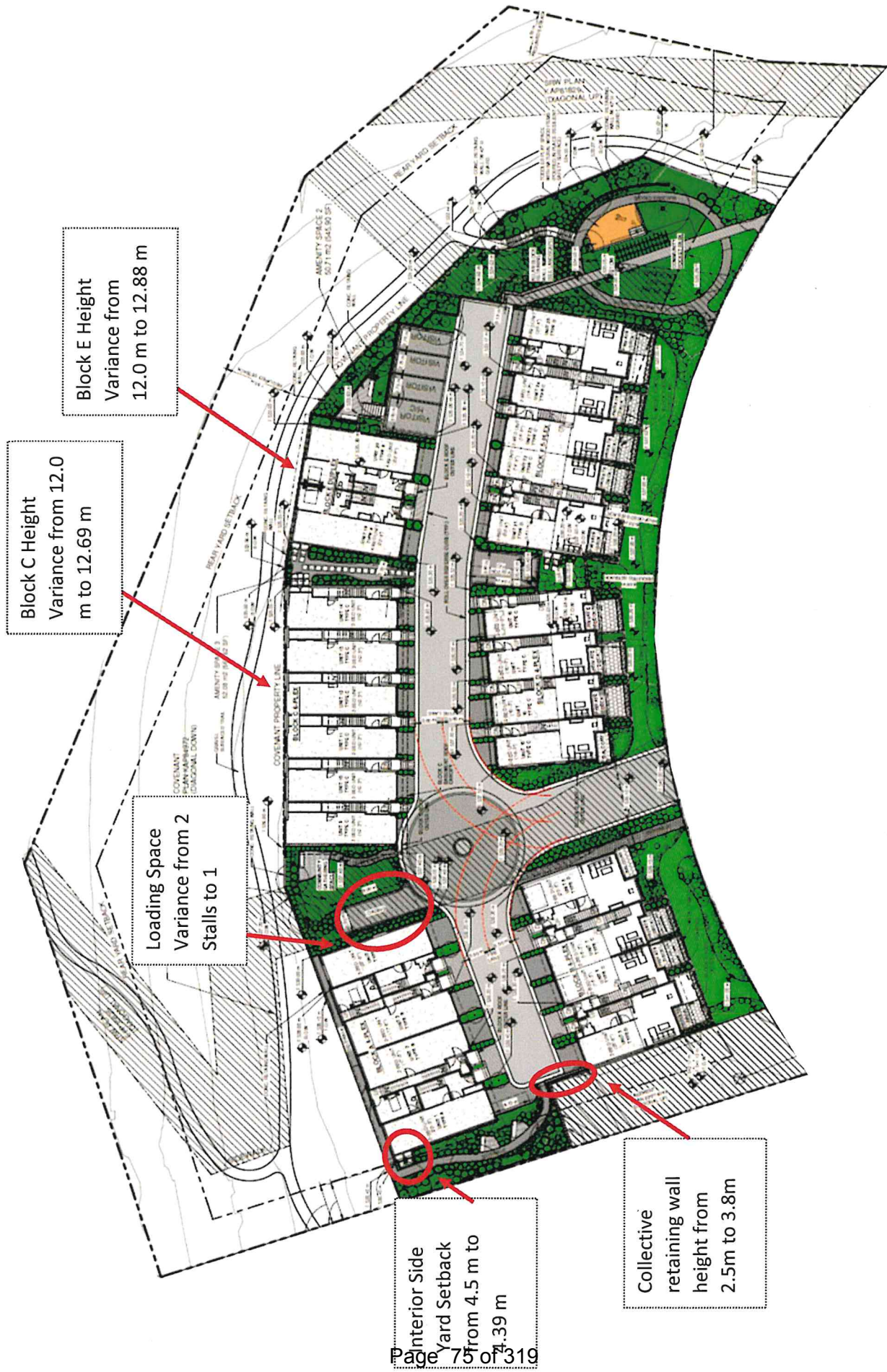
LAWN AREAS:						
Sod	90	300	sq. m.	10.00	900.00	3,000.45
Growing Medium (150mm depth)	14	45	cu. m.	60.00	810.00	2,700.00
Subtotal:					1,710.00	5,700.45

Grand Total Soft Landscaping					13,710.00	86,956.45
-------------------------------------	--	--	--	--	------------------	------------------

HARD LANDSCAPE/SITE FURNISHINGS						
45 x 45cm Hydrapressed Concrete Unit Pavers	120	sq.m.	65.00	0.00	7,800.00	
Holland Concrete Unit Pavers	133	sq.m.	85.00	0.00	11,305.00	
Metropolitan Conc. Unit Pavers	96.5	sq.m.	125.00	0.00	12,062.50	
Reinforced gravel surface	120.25	104	sq.m.	50.00	6,012.50	5,200.00
Poured-in-place rubber crumb play area surface	18.5	sq.m.	175.00	0.00	3,237.50	
Trellis Shade Structure w/benches	1	Item	9,500.00	0.00	9,500.00	
Free-standing benches (MLB 1050 with back)	5	ea	1,750.00	0.00	8,750.00	
Natural timber play features	Group	Item	2,250.00	0.00	2,250.00	
Irrigation system	1	Item	15,500.00	0.00	15,500.00	
Grand Total Hard Landscaping/Site Furnishings				6,012.50	75,605.00	
Total Landscape Costs					19,722.50	162,561.45
Plus GST @ 5%					986.13	8,128.07
GRAND TOTALS					20,708.63	170,689.52

NOTE: Above costs include for supply and installation

SITE PLAN DEPICTING THE LOCATION OF REQUESTED VARIANCES



RENDERING ILLUSTRATING RETAINING WALL HEIGHT IMPACTING BUILDING HEIGHT

BLOCK C BUILDING (Rear Elevation)



*The City's Zoning Bylaw dictates the manner in which grade is determined and height. Height is measured differently based on type of development (ie. accessory structure, single family dwelling, multi-family dwelling, etc)

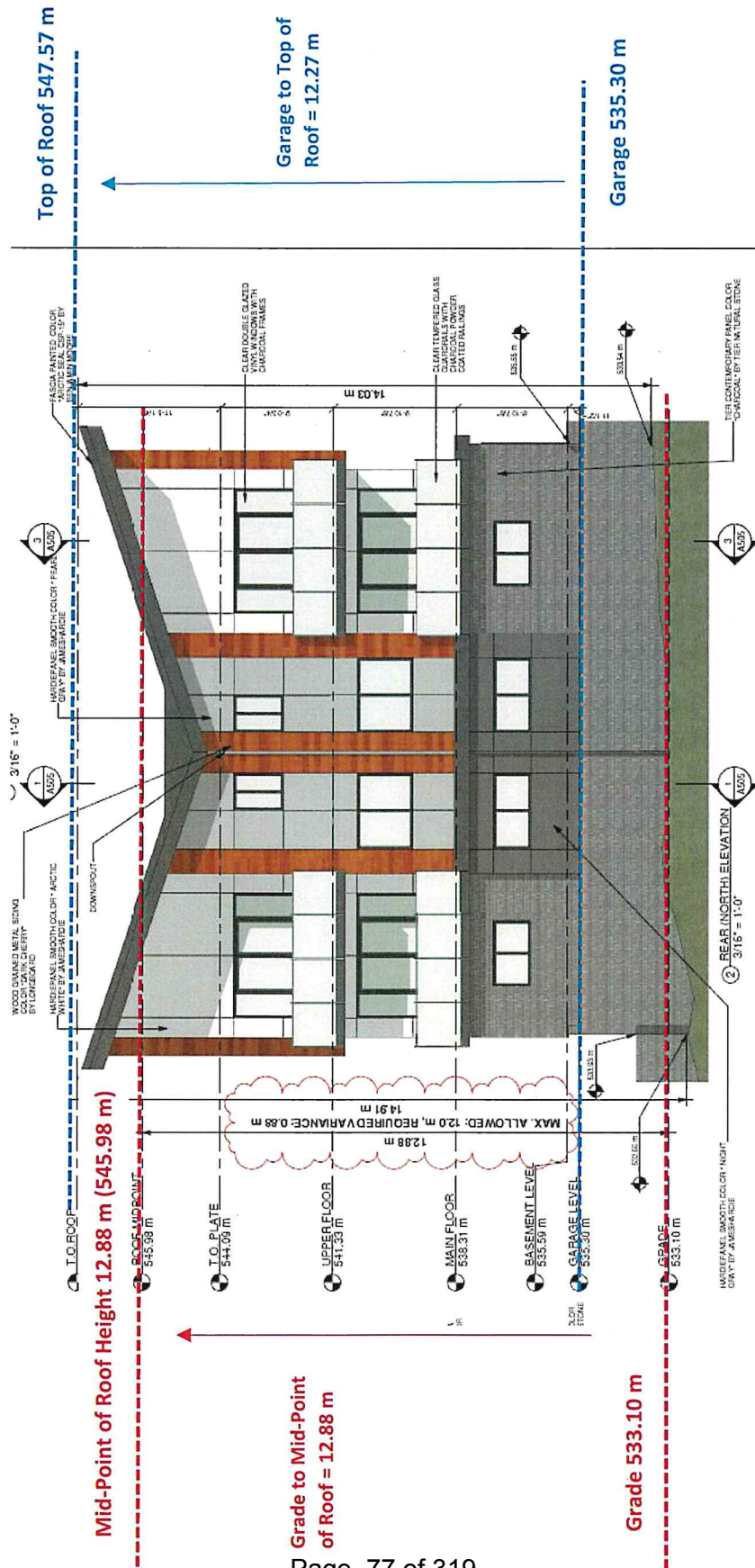
West Kelowna Zoning Bylaw Part 2 – Interpretation:

HEIGHT means, for multiple residential buildings and non-residential buildings, the vertical distance measured from grade to the highest point of the roof surface of a flat roof or the mid-point between eave and ridge of a sloped roof.

GRADE means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as those used or intended for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

RENDERING ILLUSTRATING RETAINING WALL HEIGHT IMPACTING BUILDING HEIGHT

BLOCK E BUILDING (Rear Elevation)



*The City's Zoning Bylaw dictates the manner in which grade is determined and height. Height is measured differently based on type of development (ie. accessory structure, single family dwelling, multi-family dwelling, etc)

West Kelowna Zoning Bylaw Part 2 – Interpretation:

HEIGHT means, for multiple residential buildings and non-residential buildings, the vertical distance measured from grade to the highest point of the roof surface of a flat roof or the mid-point between eave and ridge of a sloped roof.

GRADE means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as those used or intended for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

DP 18-36 with Variances GIS Mail Notification Map



Legend

Landmarks

- Cemetery
- City Hall
- Community Centre
- Dam
- Fire Hall
- Museum

Basemap Layers

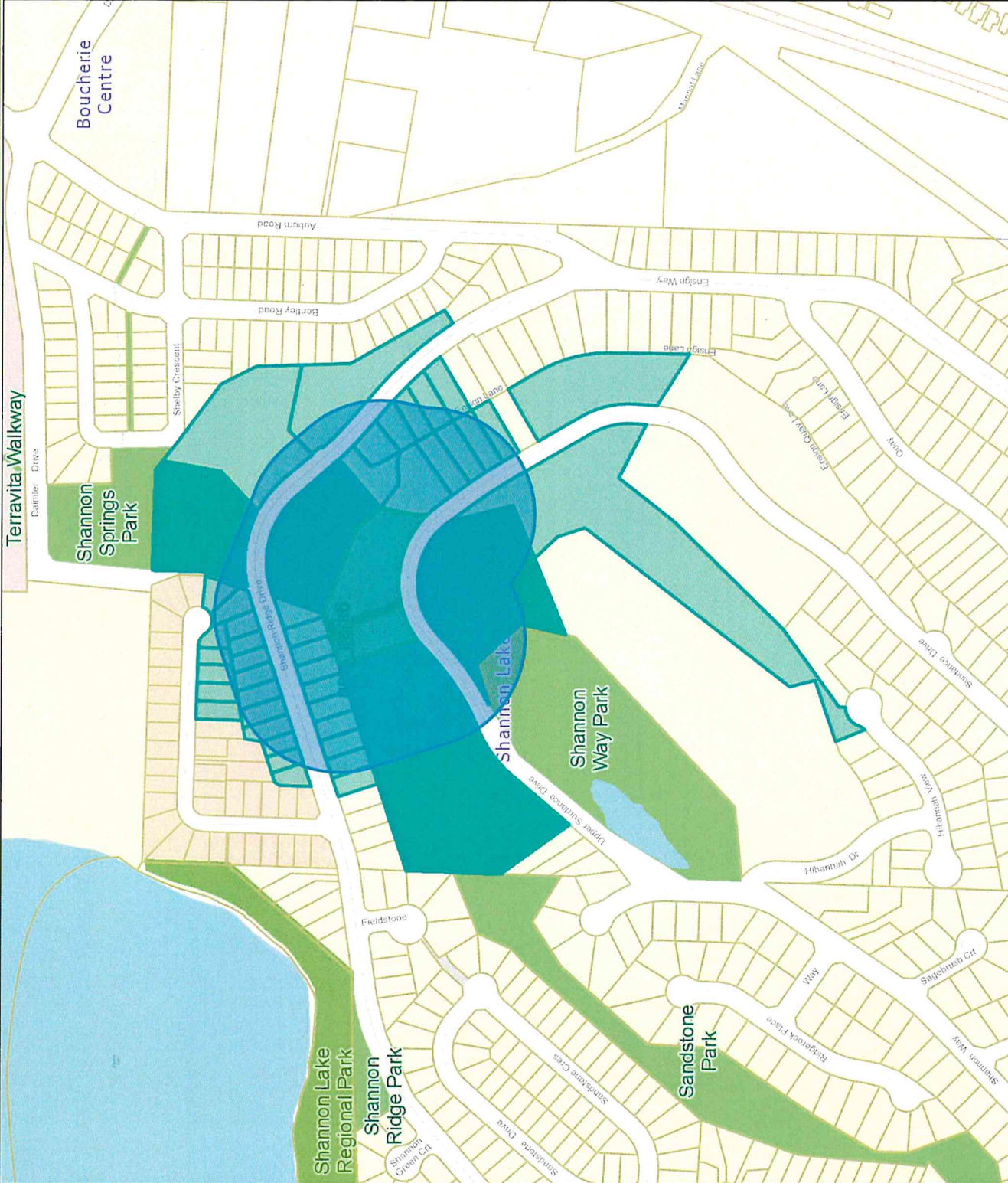
- VK Admin Boundary
- Regional Admin Boundary
- Highway
- River / Stream
- Intermittent Stream
- Parcels
- Ownership
- Land Strata
- Building Strata
- Common Property
- Crown Land

Waterbody

- Lake Access
- Regional Park
- Municipal Park
- Westbank First Nation
- Lease
- Park
- Road Right-Of-Way
- Walkway
- Common Access

Scale 1 : 5,129

Notes



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



0 130 261 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna (2015)

Map Produced on: 5/24/2019 9:33:35 AM

May 26, 2019

To: City of West Kelowna

Regarding: 1980 Upper Sundance Drive development proposal

Please be advised that as owners of #20 – 2161 Upper Sundance Drive (Camber Heights) - we are highly opposed to the acceptance of any requested variances to building height, retaining wall height, parking, and side parcel boundary distance for the proposed development on 1980 Upper Sundance Drive. Camber Heights development has obviously considered and adhered to the City of West Kelowna's residential building rules and restrictions and considered, expected, and relied on the same adherence for any and all future developments around Camber Heights prior to building for a variety of salient reasons including value determination. Fortright approval of the requested variance changes would obviously negate the intended rationale for residential building standards and not only impact Camber Heights aesthetics and property value, however, it may also prove to impact prospective developers from considering West Kelowna as a trustworthy and viable city to invest. Simply put, from our perspective acceptance of the variances request would be an unjust and unacceptable violation that may have far-reaching implications.

Thank you for *opposing* the request for variances.

Sincerely,

Shane Henry & Marylene Rivet

From: Mike Anderson [REDACTED]
Sent: May-15-19 5:02 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau <Jaleen.Rousseau@westkelownacity.ca>
Cc: Mike Anderson [REDACTED]; Ryan Tamblyn [REDACTED]
Subject: Proposed development permit

To Whom it may concern;

Regarding the development permit for 1980 Upper Sundance drive.

It has come to my attention that the permit is requesting variances in building height, retaining wall height, parking and side parcel boundary distance.

I hope this council will not accept this clear attempt to bypass the zoning requirements as it will have a profound impact the beautiful views we have, add more cars to an already crowded street parking situation and definitely devalue our home.

- We do not think the building height variance is on the best interest of the entire area
- The retaining wall variance is a way to lift the ground to add even more height (obviously to bypass height restrictions)
- Asking for 5 parking + 1 handicap spots for 25 units will force a lot of cars to park on the street

Kind Regards
Mike and Sonia Anderson
#18 2161 Upper Sundance Drive
West Kelowna, V4T 3M9

From: Connie Hattum [REDACTED]
Sent: May 16, 2019 3:20 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau <Jaleen.Rousseau@westkelownacity.ca>
Cc: Ryan Tamblyn [REDACTED]
Subject: Concerns re Variance Requests for 1980 Upper Sundance Drive

Hello,

I am a homeowner at Camber Heights 2161 Upper Sundance Drive in West Kelowna. I have just recently purchased this property.

I have become aware that there is a development permit pending for 1980 Upper Sundance Drive across the street from Camber Heights that is requesting variances in building height, retaining wall height, parking and side parcel boundary distance. I understand that this request, if granted, would violate the zoning requirements by exceeding the building height limits, raising the ground height of the property with larger retaining walls and providing inadequate parking.

Regarding the parking, the side streets in this area are already extremely congested with parked vehicles and traffic. In fact, there are some safety concerns as often one oncoming vehicle needs to stop to allow another to go through as there is not enough room for 2 vehicles to pass. In addition, there are safety risks for the pedestrians/home owners who are crossing the street to gain access to the nearby apartment complex or crossing to get to the park on the opposite side. Along with the additional moving traffic, there is limited visibility due to the number of vehicles that are parked on the street. There are also many children in the neighbourhood, so sight lines and safety are of the utmost importance. In addition to these concerns around traffic and pedestrian safety, if approved, these changes would have a negative impact on the home owners at Camber Heights in terms of congestion and potentially obstructing views which was one of the key selling features of this development.

In summary, the three main points of contention are:

1. Building height variance. The developer seeks to increase building height obstructing views of Camber Heights owners.

2. Retaining wall variance- The developer seeks to lift the ground level of the back of property by adding larger retaining walls which ultimately increases building heights and bypasses height restrictions.

3. Parking- The developer has only provided 5 parking spots including 1 H/C. Although this meets the minimum zoning requirements, city staff made Camber Heights put in a total of 17 additional parking stalls 12 of which were visitor because of the congestion on upper Sundance drive. The development on 1980 upper Sundance has 25 units in total and is providing much less parking which will add to the already congested street parking.

As a homeowner and a concerned citizen, I would request that the application for the variances be denied.

Can you please provide me with confirmation of receipt of this message.

Please feel free to contact me if you have any questions.

Respectfully,

Connie Hattum

Unit 13-2161 Upper Sundance Drive, West Kelowna



From: Jason McGowan [REDACTED]
Sent: May 17, 2019 8:47 AM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau <Jaleen.Rousseau@westkelownacity.ca>
Subject: 1980 Upper Sundance Drive - Development Proposal Variance

Dear Mayor & Council members,

Regarding the announcement of the above development I unfortunately find this deeply troubling.

My wife & I moved into Camber Heights earlier this February. This is a complex of five buildings, housing six suites into total. A well designed, architecturally & uniquely planned development by 'Millennial Developments Corp'. It got our attention way back into early 2018 where we recognised it's potential for quietness & favourable views of both Shannon Lakes Golf Course & spectacular mountainous & valley views looking beyond the city of Kelowna.

We were always aware of the potential of future development on the other side of the road to the right of the condominium complex named Sundance Ridge, but we were re-assured by the developer 'Ryan Tamblyn' that this was zoned for low level housing similar expected & anticipated to street addresses 1948, 1952 & 1956, etc, etc on Upper Sundance Drive - in other words single level homes with a lower level basement going down the bank. Certainly nothing to restrict or take away our spectacular views.

But now, if we had known of this potential change in re-zoning that is requesting variance(s) in building height, retaining wall height, parking and side parcel boundary distance, then we probably would not have invested here in Camber Heights.

What is disturbing, essentially 'Mara & Natha' are attempting to bypass the zoning requirements on the land by increasing the building height (to two to three story town-homes inclusive of roof-top decks), raising the ground height of the property with larger retaining walls and providing less than required parking. If approved this has the potential to definitely obstruct views for the majority of owners here at Camber Heights. It also further congests the already congested street parking. When quizzing Ryan of this potential in re-zoning, he clearly stated that if he had known, then there would have been no way he would chosen this parcel of land to build Camber Heights on.

What I also disappointedly feel is that this future developer is taking a total disregard for its surrounding existing residents. It appears a total lack of concern & a naive decision in obstructing & in some cases blocking entire views to Camber Heights has been taken. This changes the dynamics of our entire home surroundings. Most owners @ Camber Heights are either semi or fully retired. They have worked hard over the years to get to this point, to have a quiet place & to enjoy spectacular views. Ryan Tamblyn saw the potential to provide us this, but possibly now this could all be dashed by this one developer that wants to 'fully' change the zoning.

I ask, please take some time, drive up & view Camber Heights & it's surroundings. This is a unique, well built, good looking development. As owner's we take pride in investing up here. I sincerely hope you can make the right decision & NOT pass this proposal & keep to the original zoning.

Jason McGowan (one of many deeply concerned residents @ Camber Heights)

#4

Rebecca Narinesingh

From: MARILYN ELSENHEIMER [REDACTED]
Sent: May 17, 2019 12:57 PM
To: MayorAndCouncil
Cc: Jaleen Rousseau
Subject: 1980 Upper Sundance Drive DP Variance

We are recent inhabitants of Camber Heights located directly across from a newly proposed development and are concerned that the proposed variances will not only affect our view which we paid a premium for as well as the congestion in the area. There is already a considerable amount of congestion on this road already and our builder Ryan Tamblyn had to have 17 visitor parking per 30 units whereas this new development has only proposed 5 visitor parking spots per 24 units. This is not only unfair but will greatly impact parking on Upper Sundance Drive. I implore you to not allow the requested variances in building height, retaining wall height, parking and side parcel boundary distance. We appreciate your looking into this matter.

Sincerely Brian & Marilyn Elsenheimer Sent from my iPad

Mayor & Council	<input checked="" type="checkbox"/>	GM Development Services	<input checked="" type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	Planning	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Information Services	<input type="checkbox"/>	Building	<input type="checkbox"/>
Deputy CAO	<input type="checkbox"/>	GM Engineering & Public Works	<input type="checkbox"/>
Bylaw Enforcement	<input type="checkbox"/>	Engineering	<input type="checkbox"/>
Communications	<input type="checkbox"/>	Facilities	<input type="checkbox"/>
Finance	<input type="checkbox"/>	Parks & Recreation	<input type="checkbox"/>
Fire Rescue	<input type="checkbox"/>	Facilities	<input type="checkbox"/>
Purchasing	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

Mark & Dianne Hancock
22 – 2161 Upper Sundance Drive
West Kelowna BC V4T 3M9

May 20, 2019

Mayor and Council
City of West Kelowna
2760 Cameron Road
West Kelowna BC V1Z 2T6

Dear Mayor and Council:

RE: Development Permit Pending for 1980 Upper Sundance Drive

This letter is in adamant opposition to the proposed variances in building height, retaining wall height, parking and side parcel boundary distance at the above noted address.

Purchasing a home is the biggest personal investment people make in their community and the trust placed in the city and its government to protect individual rights in that investment is of the utmost importance. Other than the need to provide the necessary space and amenities required, the next biggest factor when purchasing a home in the Okanagan is location and view. When purchasing their home owners trust the information provided to them regarding zoning and future plans in the area.

Owners in Camber Heights are all affected greatly by the variances proposed in the pending development permit for 1980 Upper Sundance Drive. We are all negatively impacted by the following:

1. Building Height Variance: Our view of Shannan Lake Golf Course would be completely obstructed.
2. Retaining Wall Variance: Lifting the ground level of the back of the property by adding larger retaining walls would increase building heights, bypassing height restrictions and further obstructing views.
3. Five Parking Spots for the entire development of 25 units: Upper Sundance Drive is already dangerously crowded with current street parking making two-way

traffic impossible throughout most of the street. In addition to restricting the two-way traffic, the entrance to Camber Heights has become dangerous due to extremely restricted visibility when exiting our development due to already overcrowded street parking.

We are extremely upset with these proposed variances. Enjoyment of our property and views aside, they are dangerous to the safety of all residents. Please do not allow these changes to proceed!

Sincerely,



Mark and Dianne Hancock
Unit 22, Camber Heights

cc: Ryan Tamblyn, CEO, Millennial Developments Corp.

#5

From: Dianne Hancock [REDACTED]
Sent: May 20, 2019 3:53 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau
<Jaleen.Rousseau@westkelownacity.ca>
Cc: [REDACTED]
Subject: Development Permit Pending for 1980 Upper Sundance Drive

Please see attached letter.

Mark & Dianne Hancock
Unit 22, Camber Heights
2161 Upper Sundance Drive
West Kelowna BC V4T 3M9

Sent from [Mail](#) for Windows 10

From: Glenn Rayson [REDACTED]
Sent: May 20, 2019 10:45 AM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau <Jaleen.Rousseau@westkelownacity.ca>
Cc: Ryan Tamblyn [REDACTED]; Brenda Rayson [REDACTED]
Subject: 1980 Upper Sundance Drive DP Variance

Good day Mayor & City Council members,

My wife and I recently relocated to West Kelowna from Cloverdale (Clayton Heights) for many reasons but especially to get away from commuting and congested & overcrowded streets. I'm sure you've seen the news reports of how horribly congested street parking is in the Clayton Heights area near Katzie Elementary, not to mention driving down overcrowded side streets (safety hazard) & overcrowded schools. Please don't make the same mistake here. Please learn from their mistakes.

We purchased at Camber Heights because we loved the location in West Kelowna and the tranquil views we would be able to enjoy from our ground floor unit. We purchased our ground floor unit because we have a dog (German Shepherd Cross) and wanted to give her a large yard to run around in. Ryan Tamblyn and his team were upfront and honest right from the beginning by letting us know there would be a development going in across the road (1980 Upper Sundance Dr.) however it wouldn't block out our views and not be an eye sore. We were advised the development would be built starting below road level and only go as high as the trees just north of the development on the slope. Of course we would prefer to not have anything built in front of us but we realize that's not possible and accepted the height of the development as proposed by Ryan & his team.

Unfortunately to everyone's surprise, this development is asking to be rezoned and increase their overall height thus almost completely blocking out our views...to say we're pissed is an understatement. This will have a drastic impact on our property values not to mention our loss of privacy by having this development look right into our units! We bought here under a completely different premise...this is not right or fair to allow a massive change to their structural design after so many of us purchased at Camber Heights based on their original design. Had this development been built ahead of time before Camber Heights, I'm sure Camber Heights would've had to drop the purchase prices significantly and many would probably still be for sale due to the loss of views & privacy. I know for a fact, we probably would've reconsidered purchasing here had this development been built prior to Camber Heights. We wanted to get away from townhouse living and the "fishbowl" effect and were seeking to enjoy the Okanagan valley & mountain views.

Also the lack of visitor parking that is being proposed for the site is completely ridiculous! How can anyone assume that 5 visitor parking stalls is enough for 25 units?!? If Camber Heights was required to put in 17 visitor parking stalls for 30 units...why are these guys not having to put in 12 visitor stalls? Like I said before, please don't make the same mistake Cloverdale/Clayton

Heights did by allowing overcrowded and congested streets. Developments like this should have enough visitor stalls so that very little street parking will be required.

I hope you, as our Mayor & City Council member, will consider the serious impact these proposed changes will have on us at Camber Heights who have already purchased and moved in. We all relocated to West Kelowna and purchased here because of the location and tranquil views...please don't take that away from us. This development should not be allowed to rezone after the fact. Again...please learn from other city councils (Cloverdale/Clayton Heights) past mistakes...

Thank you for your time.

Glenn & Brenda Rayson

#7

-----Original Message-----

From: john kenny [REDACTED]

Sent: May 20, 2019 6:12 AM

To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>

Cc: Ryan Tamblyn [REDACTED]; Thao [REDACTED]

Subject: Variances To 1980 Upper Sundance Drive

Re: Variances To 1980 Upper Sundance Drive

Dear Mayor Milsom and Council,

We, as long time residents of the City of West Kelowna, are writing to strongly object to the proposed building variances requested by the developer of 1980 Upper Sundance Drive. It is our understanding that the developer is requesting variances in building height, retaining wall height, parking and side parcel boundary distance.

If approved, these variances have the potential to obstruct our home's views and further congest the already congested street parking. The zoning restrictions on 1980 Upper Sundance Drive (especially building height) were one of the reasons we chose to purchase our current property.

We feel confident that you, as Mayor and Council of the City of West Kelowna, have the good judgement to reject this developer's requests for variances. We believe these variances are not in the best interest of the residential community in the vicinity of 1980 Upper Sundance Drive.

Thank you for your consideration,

John and Thao Kenny
#11-2161 Upper Sundance Drive,
West Kelowna,
BC V4T 3M9

From: [REDACTED] <[REDACTED]>
Sent: May 21, 2019 10:11 AM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau <Jaleen.Rousseau@westkelownacity.ca>
Cc: Rtamblyn [REDACTED]
Subject: Letter regarding Shannon Lake Development
Importance: High

William and Danielle Brown
12-2161 Upper Sundance Drive
West Kelowna, BC V4T3M9
[REDACTED]

May 20, 2019
Mayor and Council
City of West Kelowna, BC
2760 Cameron Road
West Kelowna, BC
V1Z 2T6

Dear Mr. Milsom and Council,

Last May, my husband and I made an important decision for our family and sold our West Kelowna home of seventeen years. We purchased our unit in Camber Heights, on Upper Sundance Drive, when the development was breaking ground. We were concerned about what kind of development would be going in across the street on Upper Sundance Drive and were told that there would be homes, but that they would be single level homes. We have just been informed that this is not the case.

We have been notified that the developer, Mara + Natha Architecture Ltd. Permit #18-36, is attempting to bypass the zoning requirements on the land across the street from Camber Heights, by raising the ground and installing larger retaining walls to alter the original zoning requirements.

Not only are we upset about the possibility of losing our natural surroundings, but we are extremely concerned about the other problems that will occur if this development is passed. The larger retaining walls that the developer is looking to install, will destroy what little natural land that is left providing a small tree belt for the homes below Upper Sundance Drive. Another major concern of ours, and the neighbouring developments and homes, is the lack of parking and road safety issues.

Upper Sundance is already a very crowded street when people are parked along the roadside. We walk our dog along the sidewalk and in the small wooded area on Upper Sundance Drive and it is already overly congested. Anymore vehicle traffic on this street would make it most definitely unsafe. As parents of a new driver, we are always worried about road safety.

It is difficult to see around all of the parked cars, trucks and trailers on Upper Sundance Drive, which makes it hard to park and pull out of a parked position. We worry, that the new proposed development will not have enough parking for all tenants in their building and will only meet the minimum zoning requirements. The two existing condominiums on Upper Sundance Drive do not have enough parking to accommodate their current tenants and the road cannot handle anymore congestion.

As neither of us work for the City of West Kelowna, clearing streets, collecting garbage or ensuring street safety for our community, we can only imagine how difficult and unsafe, it will be for the city employees to do their respected jobs if more road congestion is permitted.

The zoning restrictions were put into place to protect our community and homeowners. Please help us keep our homes and neighbourhood safe by not allowing Mara + Natha Architecture Ltd. to bypass the zoning requirements.

We respectfully ask, that you take all of our valid concerns into consideration when you are making the decision on whether to pass this proposed development. Thank you for your valued time and consideration with this serious matter.

Sincerely,

William and Danielle Brown

From: Michael Campbell [REDACTED]
Sent: May 22, 2019 9:19 AM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>
Cc: Ryan Tamblyn [REDACTED]
Subject: Zoning Variances DP 18-36 (1890 Upper Sundance Dr)

Dear council,

The developer Mara +Natha Architecture Ltd.is requesting **zoning variances** that will impact me directly. I am **apposed** to the proposal as outlined below.

One of the main reasons that we purchased a unit at 2161 Upper Sundance Dr. was because of the unobstructed green space view. **With the existing zoning for 1890 Upper Sundance the VALUE and VIEW of my property would be preserved. This has translated into a premium in purchase price and an iNCREASE IN TAXES PAID to the City of West Kelowna.** The zoning variances are attempting to **bypass** the current development zoning status by increased retaining wall height and increasing building height. This can not be approved!

This past winter Upper Sundance Drive was reduced to single lane traffic due to the number of vehicles on both sides of the road. This resulted in some vehicle near misses. This situation has continued into the spring as evident by the repeated attempts of the street sweepers to clean the winter gravel. DP 18-36 **does not provide sufficient parking spaces for the number of units proposed.** Considering the amount of congestion currently this is not acceptable!

The zoning rules are have two purposes in my mind, one is to protect the intrinsic values of our city and the second is to careful consider future development. The proposed zoning variances do NEITHER.

Respectively

Mike Campbell
 21-2161 Upper Sundance Dr.
 West Kelowna.
 [REDACTED]

From: Eric Thompson [REDACTED]
Sent: May 26, 2019 10:01 AM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau
<Jaleen.Rousseau@westkelownacity.ca>; Ryan Tamblyn [REDACTED]
Subject: 1980 Upper Sundance Drive

We are owner residents of #30 2161 Upper Sundance Drive.

We have become aware that there is a development permit pending for 1980 Upper Sundance drive across the street from Camber Heights that is requesting variances in building height, retaining wall height, parking and side parcel boundary distance. If approved as requested this will obstruct our sightlines and further congest the already congested street parking. The current zoning restrictions on the property, especially building height were one of the reasons we chose to purchase in Camber Heights. Additionally, the developer is proposing that only 5 parking spots including 1 H/C be provided. Although this meets the minimum zoning requirements, city staff made Camber Heights put in a total of 17 additional parking stalls 12 of which were visitor because of the congestion on upper Sundance drive. The development on 1980 upper Sundance has 25 units in total, only 5 less than Camber Heights, and is proposing much less parking which will add to the already congested street parking.
Eric & Debra Thompson

11

From: Shane Henry [REDACTED]
Sent: May 26, 2019 9:19 AM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau
<Jaleen.Rousseau@westkelownacity.ca>; [REDACTED]
Subject: 1980 Upper Sundance Drive Variances Proposal

Please refer to attached,

Sincerely,

Shane Henry & Marylene Rivet

Sent from [Mail](#) for Windows 10

From: TERRY TINLINE [REDACTED]
Sent: May 28, 2019 4:46 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau
<Jaleen.Rousseau@westkelownacity.ca>
Cc: [REDACTED]
Subject: Variance1980 Upper Sundance

Dear Mayor and Council,

We live at 2161 Upper Sundance. The development permit pending at 1980 Upper Sundance is across the street from our home at Camber Heights. The developer wants variances in

1 (building height)

2 (retaining wall height)

3 (less onsite parking) thus putting cars in the street which is already overcrowded

building height would destroy our and neighbors' view on main and lower floors

The view was one of the main reasons that we chose this complex for our new home. We were told by our developer that any building across the street would not interfere with our sight lines as that was what they were told.

Our complex has 17 visitor parking spots on site and our understanding is that 1980 has only 5. This will greatly add to on-street parking as well as difficult snow removal and street cleaning in spring.

We are asking that the original variances be adhered to.

Best Regards Terry and Bonnie Tinline

City of West Kelowna

Date: May 23rd 2019

Attn: Jaleen Rousseau

2760 Cameron Rd.

West Kelowna, BC

V1Z 2T6

Dear Jaleen,

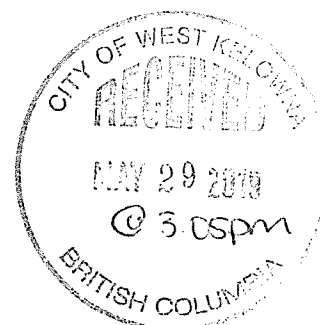
We have become aware that there is a development permit pending for 1980 Upper Sundance drive across the street from Camber Heights that is requesting variances in building height, retaining wall height, parking and side parcel boundary distance. Essentially, they are attempting to bypass the zoning requirements on the land by increasing the building height, raising the ground height of the property with larger retaining walls and providing less than required parking. If approved this has the potential to obstruct views of our property at Camber Heights and further congest the already congested street parking. The zoning restrictions on the property especially building height were one of the reasons we chose our property at Camber Heights.

As a property owner at Camber Heights, I am strongly opposing these variances due to the potential negative impacts on our property and neighborhood view, its value and the quality of living there.

Sincerely

Roy Manoff CEO

Silk Scarf Capital Ltd.



#14

From: Carol Malmas [REDACTED]
Sent: June 4, 2019 8:43 AM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau <Jaleen.Rousseau@westkelownacity.ca>
Cc: Ryan Tamblyn [REDACTED]; [REDACTED]
Subject: Variance Application - 1980 Upper Sundance Drive

Dear Mayor Milsom, Council and Ms. Rousseau,

My name is Carol Malmas. My husband, Brian Malmas and I recently moved in to our new home at Camber Heights - 2161 Upper Sundance Dr in West Kelowna.

We are writing to you to express our opposition to the application that has been submitted, requesting a variance for the building permit on 1980 Upper Sundance Dr.

As you know, this developer has made an application to change it's building design, by increasing the building height. If approved, this has the potential to seriously impact the view for all of the owners at Camber Heights and alter the community plan in place for our area. We also understand that sufficient parking will not be part of the developers plans, which is going to significantly increase street parking which is already very congested.

Our developer at Camber Heights was made to increase the parking in our developments plans, as it was already recognized that an increase in residents was going to further impact an already congested parking situation.

We have lived in Shannon Lake for over 25 years now and have always enjoyed the scenic views of this peaceful community. We specifically chose to purchase in Camber Heights because of it's location, design, and the views it offers.

We were told about this new housing development when we made the decision to purchase in Camber Heights, however at the time the building plan in place was set to proceed within the existing By-laws and Community Plan, and the approved height of the building was not going to be an issue for Camber residents.

We strongly oppose this variance application and respectfully request that you do not approve it. While we understand the need for growth and development in our community, we believe the current By-laws and Community Plans are designed to allow everyone to enjoy the beautiful views and vistas that West Kelowna has to offer.

Sincerely,

Brian and Carol Malmas
17-2161 Upper Sundance Dr
West Kelowna BC V4T 3M9

From: Ryan Tamblyn [REDACTED]
Sent: June 5, 2019 12:29 PM
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>; Jaleen Rousseau
<Jaleen.Rousseau@westkelownacity.ca>
Subject: DP 18-36 Opposition

Dear Mayor and Council,

Please see attached our letter of opposition to DP 18-36. We would ask that this letter be included in the minutes of the June 11, 2019 council meeting where DP 18-36 is set to be voted on. I will also be attending this meeting on behalf of Millennial Developments Corp/Camber Heights Developments LP and the Strata of Camber Heights homeowners where I hope to be afforded the opportunity to speak.

Sincerely,

Ryan Tamblyn

CEO

Millennial Developments Corp
Suite 1100 1631 Dickson Ave
Kelowna, BC V1Y 0B5



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June 5, 2019

Mayor and Council
City of West Kelowna
2760 Cameron Road
West Kelowna BC V1Z 2T6

RE: DP 18-36 for 1980 Upper Sundance Dr.

Dear Mayor & Council Members,

The purpose of this letter is to oppose the variances sought by Mara + Natha Architecture Ltd on 1980 Upper Sundance Drive. Specifically, the variances in building height, retaining wall height, and parking.

Based on our review of the 18-36 Development Permit we feel that the developer is attempting to bypass the zoning requirements on the land by increasing the building height, raising the ground height of the property with larger retaining walls and providing less than required parking. If approved the building height and retaining wall variances will completely obstruct views of some of our lower and main floor units, substantially lowering property values of homes at Camber Heights greatly impacting the existing residents and our ability to sell the remaining units.

Similarly, the lack of visitor and loading parking provided by the developer of DP 18-36 (5 visitor & 1 loading) for 25 units will considerably add to the already substantial congestion on upper Sundance drive. During the development permit process for Camber Heights (DP 17-01) we were told that in order to receive support from city staff we would need to exceed the minimum visitor parking requirements of 6 spots because of the existing congestion on Upper Sundance drive. We agreed to this and added a total of 17 additional parking spaces, 12 of which were designated visitor. We ask that the same consistency by city staff and council be applied to DP 18-36, which would require them to add at least 5 more visitor parking spots and 1 more loading spot.

Site: 2161 Upper Sundance Drive
West Kelowna, BC V4T 3M9
Office: Suite 1100 1631 Dickson Ave
Kelowna, BC V1Y 0B5

Prior to purchasing the Camber Heights site at 2161 Upper Sundance Drive we reviewed the zoning restrictions on 1980 Upper Sundance Drive to ensure that our owners views would not be obstructed. It was our understanding that In October of 2015, Council adopted a site-specific text amendment to the R4 Zone (Bylaw 154.23) that retained the use and density provisions of the R4 Zone, but prohibited apartments as a building form on this property. OCP policy discourages the development of medium and high-density apartments where access to the development is required through existing single-family areas. This came with a specific height restriction and based on our calculations of existing ground height and a typical 3-story design the buildings on 1980 upper Sundance drive would reach ground height of our bottom units and would not obstruct views. With the variance currently being requested with DP 18-36 of increasing the building height and raising the ground height this raises the buildings approximately 9-10 feet completely blocking the views of the homes on our lower level as well as some on the mid-level.

The City of West Kelowna's Official Community Plan (OCP) adopted in 2011., sets out a series of Objectives and Policies that direct future land use and servicing decisions. The subject property is part of a neighbourhood within the OCP Growth Management Designation. As such, the desired attributes are: low and medium density residential land use comprising a variety of ground-oriented residential types in **low-rise building form**; accessible neighbourhood parks; sensitive hillside development where hazards from slip and rockfall are minimized; and high aesthetic standards of built form, landscape value **and protection of views** are encouraged. (OCP Table 3 Growth Management Designation Summary).

Neighborhood Objectives are to:

1. Maintain and enhance the character and livability of existing neighbourhoods;
2. Increase housing choice and neighbourhood amenities in a manner that complements existing neighbourhood character;
3. Protect, restore and integrate environmental features such as watercourses, hillsides and habitat areas within neighbourhoods; and
4. Facilitate pedestrian access, with potential links to transit services. (OCP Sec. 3.2.6)

The proposed development permit 18-36 does not conform to these key Objectives, in the following ways.

1. Increase in building height violate the “low rise building form guideline” laid out in OCP table 3 Growth Management Designation Summary.
2. Increase in building height eliminates the “protection of viewsapes” that are encouraged in OCP table 3 Growth Management Designation Summary, by blocking the views of neighboring properties.
3. Lack of onsite visitor parking ignores the “Maintain and enhance the character and livability of existing neighbourhoods” laid out in OCP Sec. 3.2.6, by increasing congestion on neighboring streets.
4. Lack of onsite visitor parking dismisses “Facilitate pedestrian access” laid out in OCP Sec. 3.2.6, by increasing safety issues for pedestrians caused by street parking congestion.

Multiple Family and Intensive Residential (DPA 3) objectives are intended to ensure that residential development is well designed, and appropriately integrated into the community. Emphasis is placed on pedestrian scale to ensure that infill development preserves and enhances the positive architectural, landscape and sense of place aspects of the neighbourhood. DP 18-36 in its current form clearly does not meet these guidelines as laid out in the community plan as referenced above and for that reason, we ask that this development permit is denied.

In discussions with city staff from the planning department we were told that even though variances were sought on DP 18-36 **impacts to neighbouring properties were not considered when determining if staff supported this application.** We feel that this was a mistake and ask that the city of West Kelowna planning department re-consider their support of this application, closely considering the impacts on neighboring properties as required in the official community plan for West Kelowna.

After reviewing the Development Permit application on 1980 Upper Sundance drive it is our opinion that some modifications to the building & site design along with the addition of more parking would help integrate the development into the surrounding community and align with the OCP objectives. These modifications could include a lower roof pitch & height, reduced grade level using a sloped downward road entrance and some additional parking stalls.

Site: 2161 Upper Sundance Drive
West Kelowna, BC V4T 3M9
Office: Suite 1100 1631 Dickson Ave
Kelowna, BC V1Y 0B5



In closing we would like to reiterate the grave financial impact approving DP 18-36 in its current form would have on the individual owners at Camber Heights and us as the developer; Millennial Developments Corp. Losing the viewsapes of a substantial number of units would drastically reduce the values of properties at Camber Heights and hamper our ability to sell the remining units. This would lead to severe revenue loses and damages which we would have no choice but to seek compensation for.

We trust that the city of West Kelowna's Mayor and Council after hearing our concerns will adhere to the official community plan and deny the application for DP 18-36.

Sincerely,



Ryan Tamblyn
Project Director & CEO
Camber Heights Developments LP.
Millennial Developments Corp.

Site: 2161 Upper Sundance Drive
West Kelowna, BC V4T 3M9
Office: Suite 1100 1631 Dickson Ave
Kelowna, BC V1Y 0B5

www.camberheights.com



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 2
Adoption Date: 2018-SEP-04

SUBJECT: DEVELOPMENT APPLICATION DELEGATION REQUEST

Purpose:

This policy outlines the process for applicants and the public to address Council or Council Committees for the following development applications: Official Community Plan amendments, Zoning amendments, development permits, development variance permits, Agricultural Land Commission applications (requiring notification as per the *Agricultural Land Commission Act*) and temporary use permits.

Policy:

1. An Official Community Plan amendment or Zoning amendment application or where staff support the application.

These types of applications are considered by Council in a process that mandates an opportunity for public input through a public hearing following first and second readings. The process includes comprehensive public notification, advertisement, and is the appropriate venue for anyone to provide input. Therefore delegations from the applicant and members of the public will not be considered prior to the public hearing. At the discretion of Council, however, Council may ask questions of the applicant for the purposes of clarification only during a Council meeting where the application is being considered.

Should Council, regardless of the positive staff recommendation, consider not giving first and second reading to the application, the applicant may be provided an opportunity to address Council. Council may limit the time permitted.

2. An Official Community Plan amendment or Zoning amendment application where staff do not support the application.

When staff do not support an application, the developer may wish to address Council prior to Council considering first and second readings. In these cases, delegation requests will be accepted on an application to not support, by Legislative Services until 4:00 p.m., the business day prior to the Council meeting.

3. A development variance permit application, Agricultural Land Commission application (requiring notification as per of the *Agricultural Land Commission Act*), or application for a temporary use permit.

Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a development variance permit, Agricultural Land Commission application (e.g. Agricultural Land Reserve Exclusion application) or, a temporary use permit. Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

4. Applications which do not require or allow for public input.

The public or the applicant are not provided an opportunity to address Council prior to Council considering any application which does not require or allow for public input (e.g. Development Permits and Non-Farm Use applications). Council's decision to approve or deny an application must fall within the parameters of enabling legislation and not be based on extraneous factors which would exceed Council's statutory authority.

Previous Revision/s: 2008-APR-22 2018-FEB-27



COUNCIL REPORT
Development Services
For the June 11, 2019 Council Meeting

DATE: June 4, 2019 File: TUP 18-05
TO: Jim Zaffino, CAO
FROM: Corey Scott, Planner
RE: Application: Temporary Use Permit (TUP 18-05)
Legal: Lot B, DL 434 & 523, ODYD, Plan KAP76165
Address: 1375 Green Bay Road
Owner: Green Bay Landing Inc.

RECOMMENDED MOTION:

THAT Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of one year subject to the conditions outlined in the attached permit (Attachment 1); and,

THAT Council deny the request to utilize the additional two manufactured home sites (#16B and #19B) for recreational vehicles.

RATIONALE:

The recommended motion is based on the following:

- No significant alterations to what is already existing are required for the proposal;
- The shortened time period to 1-year gives the resident on manufactured home site (pad) #15A time to search for alternative accommodations;
- The use of recreational vehicles (RVs) in residential zones for extended periods of time is prohibited under Zoning Bylaw No. 0154;
- The use of recreational vehicles for long-term residential tenure could result in adverse health and safety impacts, as the BC Building and Plumbing Codes do not apply to RVs, and;
- A submission coordinated by Green Bay Property Owner Association was received that outlines the concerns of 25 neighbouring residents, 22 of which are against the proposal.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Section 493 (2) (b) of the *Local Government Act* to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. A TUP may be extended once for up to three years at the discretion of Council.

BACKGROUND:

The proposal is a request for a temporary use permit to allow a use on the subject property that is not a permitted under the property's zoning designation.

Location and Surrounding Uses

The subject property is a 2.53-hectare mobile home park (Green Bay Mobile Home Park) in the South Boucherie neighbourhood. It is zoned (RMP) for manufactured home park use and has a Single Family Residential Official Community Plan Land Use Designation. Surrounding land uses (Attachments 2 & 3) include:

- North, Single Family Residential (R1) parcels;
- West, Green Bay Bible Camp – zoned for Institutional and Assembly (P2) use;
- East, Single Family Residential (R1) parcels and Osprey Park (P1-zoned road end);
- South, Green Bay Bible Camp (P2) and Green Bay Landing, which is zoned (RC4) for Single Family Residential use.

Proposal

The request is the result of a complaint to Bylaw, as it was discovered that one of the manufactured home pads (15A) had a recreational vehicle (RV) parked on it (Figure 1). The RV has been located on the pad for over a year. RVs are not a permitted use within the RMP zone. In addition, the owner is also requesting two other sites (16B and 19B – Figure 2), to be used by recreational vehicles. The additional pads currently have unoccupied mobile homes on them that would be removed should approval be given.



Figure 1 - Site 15A with RV currently sited on pad.

The temporary use permit application is only for the three manufactured home pads in Green Bay Mobile Home Park. The application is meant to address the current non-conformity on site 15A as well as the challenges of mobile home replacement on the two additional pads. No other pads are being proposed for this use and a new application would be required, should the property owner desire to use additional sites for recreational vehicles.

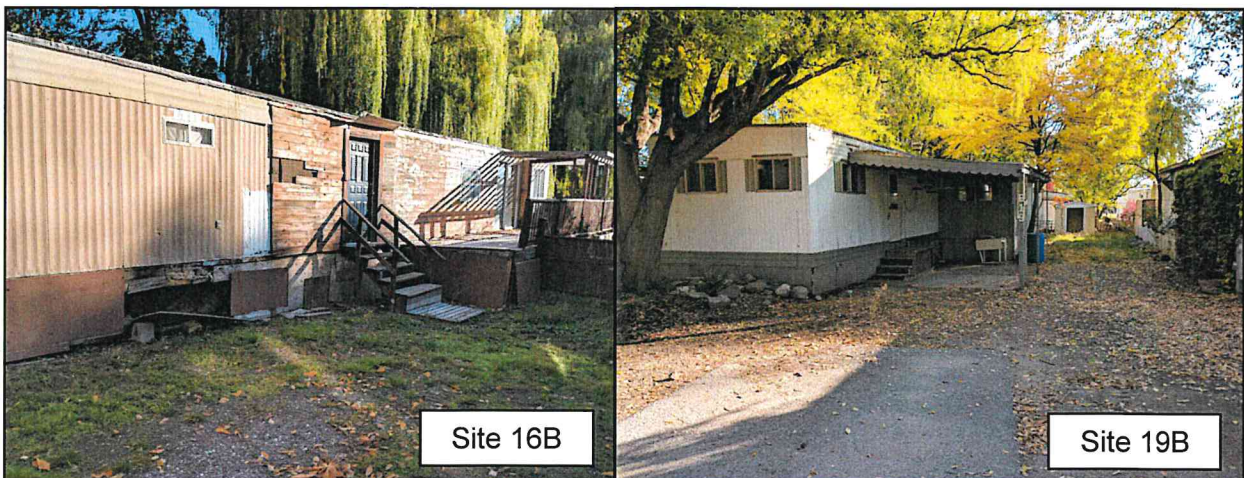


Figure 2 - Sites 16B and 19B with mobile homes currently sited on pads.

Applicant Rationale

The applicant has noted that currently the three pads have major constraints in replacing the existing mobile homes with new ones. Attached (Attachment 4) is the applicant's rationale. To summarize:

1. Given the age of the existing mobile homes, they are non-compliant with current BC Building Code regulations;
2. The existing mobile homes are also non-compliant with the City's floodplain regulations (see Zoning Bylaw section below for more detail);
3. As the existing mobile homes were built only a few feet from the canal, their current siting does not meet Provincial environmental regulations (the Riparian Areas Regulation – RAR);
4. The applicant suggests that utilization of the three pads for RVs provides an opportunity for more housing options, where there is a desperate need for modestly priced housing;
5. Removal of permanent structures reduces the potential for damage associated with flooding on the property, and;
6. The request is a short-term solution to keep the pads generating revenue for the applicant while they begin to address the long-term concerns associated with the Park's non-conformities and aging infrastructure.

POLICY, LEGISLATION AND BYLAW REVIEW:

Official Community Plan (OCP) Bylaw No. 0100

The subject property has a Residential Official Community Plan Land Use Designation. One of the primary objectives of Residential land uses is to ensure that housing development is appropriate and sensitive to the surrounding uses and form and character of an area. Allowing RVs on the mobile home pads would not be considered sensitive to surrounding uses, as their use is more aligned with a "Tourist Commercial" activity. The applicant has noted that the RVs would be used by the same long-term renters of the pads and would not be utilized for tourist-related activity.

Screening, either through landscaping or other means, could be used as a way to manage the inconsistent form and character of the proposed RV use. Any screening would need to meet the Aquatic Development Permit Area (DPA) Guidelines, as the subject property falls within the Aquatic DPA (DPA5).

From a policy perspective, considering recreational vehicles as long-term housing poses a number of challenges. RVs cannot be considered a form of housing suitable for long-term tenure for the reasons outlined in the Zoning Bylaw and Technical Review sections below.

Zoning Bylaw No. 0154

Floodplain Regulations

Green Bay Mobile Home Park is constrained in its ability to meet the floodplain regulations within the Zoning Bylaw.

Section 3.24 of the Bylaw requires that the:

Top of any pad supporting any space or room that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above 343.66m Geodetic Survey of Canada datum for a parcel abutting Okanagan Lake (S.3.24.1(a)).

As the canal is effectively a reach of the Lake, it is given the same consideration with respect to this (343.66m) flood construction level. The three pads under application are below this

minimum required elevation. As such, the pads would need to be raised in order for new mobiles to be sited on them; however, under S.3.24.3 of the Zoning Bylaw:

Any landfill placed to elevate a floor system or pad to achieve the levels specified in Section 3.24.1 shall be sited at least 15.0m from the natural boundary of Okanagan Lake.

Since the canal bisects the property, achieving this required 15.0m setback as well as the 4.0m front parcel boundary setback only leaves about 3.0 to 5.0m of buildable width on many of the sites in the Mobile Home Park. Figure 3 (below) demonstrates the required setbacks on Pad 15A and the approximate buildable area that remains.



Figure 3 - Developable Area of Pad 15A under Zoning Bylaw No. 0154 Regulations (RMP siting and Floodplain Setback) *Note: This image is for illustrative purposes. Measurements are approximations and may be subject to error.

Given the siting constraints, the applicant would require the approval of a floodplain exemption to reduce the required floodplain setback to locate new mobiles on the pads. Such an exemption would require a separate application and a report from a professional engineer stating that the site may be used safely for the intended use, which would require an engineered solution to elevating the pads above the 343.66m flood construction level.

It would also require Development Permit approval and a report from a Qualified Environmental Professional. The engineered solution would have to complement the recommendations of the environmental report to ensure that the resulting design is environmentally sensitive. The applicant has noted that this approval process is too great to consider on a pad by pad basis. Such a proposal would need to meet both the Province's Flood Hazard Land Use Management Guidelines and the City's Aquatic Development Permit Area Guidelines in order to be considered supportable.

Another potential direction could be to explore opportunities to raise the existing pads outside of the 15.0m setback area and locate new mobiles on the remaining sections of the pad spaces. This replacement scenario would likely require a significant variance to the front parcel setback and a custom-designed unit that meets the required manufactured home specification.

Recreational Vehicle Use

The Zoning Bylaw defines an RV as a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers and tent trailers. RVs are not considered to be a suitable form of housing for long-term residential tenure, as they are meant for temporary accommodation. Additionally, the Zoning Bylaw prohibits the use of recreational vehicles in residential zones for more than ten days in any one period of thirty consecutive days. As such, the request is to temporarily permit recreational vehicles, which is contrary to the provisions of the Zoning Bylaw.

TECHNICAL REVIEW:

As recreational vehicles are not buildings or structures they are not subject to BC Building and Plumbing Code requirements. This could pose problems with the long-term use of RVs as they

are not specifically designed for long-term year-round tenure. As such, there could be potential air quality and servicing limitations.

Sanitary Waste Disposal

The RV situated on pad 15A has a direct connection into the municipal sanitary sewer system. This appears to be an illegal connection that was made without approval from the City. It has been noted that these connections are not suitable for RVs, as their plumbing fixtures are not designed to connect to a municipal sanitary sewer system. Additionally, as the BC Plumbing Code does not apply to RVs, there are no regulatory measures in place to ensure the connections are made correctly.

Should the applicant's request receive Council approval, approval from the General Manager of Engineering would be required to keep the existing connection and allow for two additional connections to the municipal sanitary sewer system.

Advisory Planning Committee

On May 15, 2019 the APC considered the temporary use permit application. Highlights of the discussion were focused on:

- trying to accomplish the highest and best use of the property under its current land use designation;
- recognizing that the subject property is challenging given the regulations that apply, and;
- the permitting process that would be required to achieve replacement of mobile homes could take more than the typical 2-3 months given the requirement of a Floodplain Exemption and Aquatic Development Permit and the reporting requirements associated with each.

The APC provided the following resolution:

THAT the APC recommend support of TUP 18-05, 1375 Green Bay Mobile Home Park with the following conditions:

- Restrict the TUP to pad 15A only;
- Limit the TUP time period to two years;
- Require a connection to the City sewer system as approved by the General Manager of Engineering.

DISCUSSION:

As part of the proposal, the applicant is requesting:

1. The pads to be used by RVs for year-round, full-time residential tenure;
2. The RVs to be directly connected to the municipal sanitary sewer system, and;
3. The temporary use permit to be issued for a period of three years.

Given the policy direction in the Official Community Plan, recreational vehicles cannot be considered to be suitable long-term housing accommodations. They pose a number of concerns with respect to health and safety, as the BC Building and Plumbing Codes are not applicable to them. However, it is recognized that the existing resident (15A) would need to find alternative accommodations should the applicant's request not receive Council approval. As such, approval of the temporary use for a reduced period of one year is recommended, subject to the following conditions:

- only pad 15A, with the existing RV on it, shall remain;
- no additional structures can be constructed on the recreational vehicle;
- it must remain mobile, with wheels and hitch remaining and must not be skirted-in;

- the existing sanitary service connection must receive approval from the General Manager of Engineering, and;
- the temporary use must cease after the one year covered under the permit.

Additionally, Council has the authority to require the use to be seasonal. Should Council wish to permit the use on a seasonal basis, use between the months of March to October would be recommended.

PUBLIC NOTIFICATION:

In accordance with the *Local Government Act*, 141 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (Attachment 6), an advertisement was placed in the June 5, 2019 edition of Westside Weekly, and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, one submission from the Green Bay Property Association, which included 25 formal responses from surrounding property owners has been received (Attachment 7).

In addition, the City has received a request from the applicant, the mobile home park manager, and the resident of 15A to appear as a delegation to Council to speak to the nature of the application as well as some of the nuances associated with the property (Attachment 8). As per Council's Policy:

3. Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a temporary use permit... Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

ALTERNATE MOTIONS:

1. Denial of the Application

THAT Council deny a temporary use permit (TUP 18-05) to allow recreational vehicles on manufactured home sites #15A, #16B, and #19B at 1375 Green Bay Road.

Should Council deny the requested temporary use permit, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal six months after initial Council consideration.

2. Approval as requested by the applicant

THAT Council approve a temporary use permit (TUP 18-05) to allow recreational vehicles on manufactured home sites #15A, #16B, and #19B at 1375 Green Bay Road for a period of three years subject to the conditions outlined in the permit.

Should Council approve the requested temporary use permit, direct connections to the municipal sanitary sewer system will require approval from the General Manager of Engineering.

3. Approval of Manufactured Home Site #15A for a 3-month period

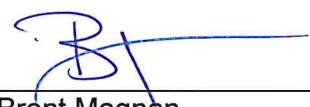
THAT Council Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of 3 months subject to the terms outlined in the permit.

4. Conditional approval of all three pads that is relatively consistent with the provisions of the Zoning Bylaw and the BC Building and Plumbing Codes

THAT Council approve a temporary use permit (TUP 18-05) to allow a recreational vehicle on manufactured home site #15A at 1375 Green Bay Road for a period of 3 years subject to the conditions outlined in the permit.


Respectfully Submitted,


Corey Scott
Planner


Brent Magnan
Planning Manager


Nancy Henderson
General Manager of Development Services

for

Approved for Agenda	
 Jim Zaffino, CAO	<u>June 6/19</u> Date

Powerpoint: Yes ☒ No ☐

Attachments:

- 1) Draft TUP 18-05
- 2) Subject Property Map
- 3) Context Map
- 4) Applicant Rationale
- 5) Site Map
- 6) Public Notification Area Map
- 7) Public Correspondence
- 8) Delegation Request and Delegation Request Policy



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 18-05**

TO: Green Bay Landing Inc.
3697 Green Bay Landing
West Kelowna, B.C. V4T 2B7

1. This Permit is issued subject to compliance with all of the Bylaws of the District of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

Lot B, DL 434 & 523, ODYD, Plan KAP76165 (1375 Green Bay Road)

3. This Temporary Use Permit (TUP 18-05) allows for manufactured home site (pad) #15A located at 1375 Green Bay Road to be used for recreational vehicles for a period of one year, subject to the following conditions:
 - a. That no additional recreational vehicles or similar camping vehicles be permitted on the parcel;
 - b. That no physical structures be constructed and attached to the subject recreational vehicles;
 - c. The recreational vehicle shall remain mobile (i.e. with wheels and hitch present on the unit);
 - d. Connection to the municipal sanitary sewer system must receive approval from the General Manager of Engineering;
 - e. That the activities associated with the temporary use cease following expiration of the temporary use permit.
4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
5. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. CXXX/XX PASSED BY THE MUNICIPAL COUNCIL ON
JUNE 11, 2019.

EXPIRY DATE:

ISSUED ON:

Signed on

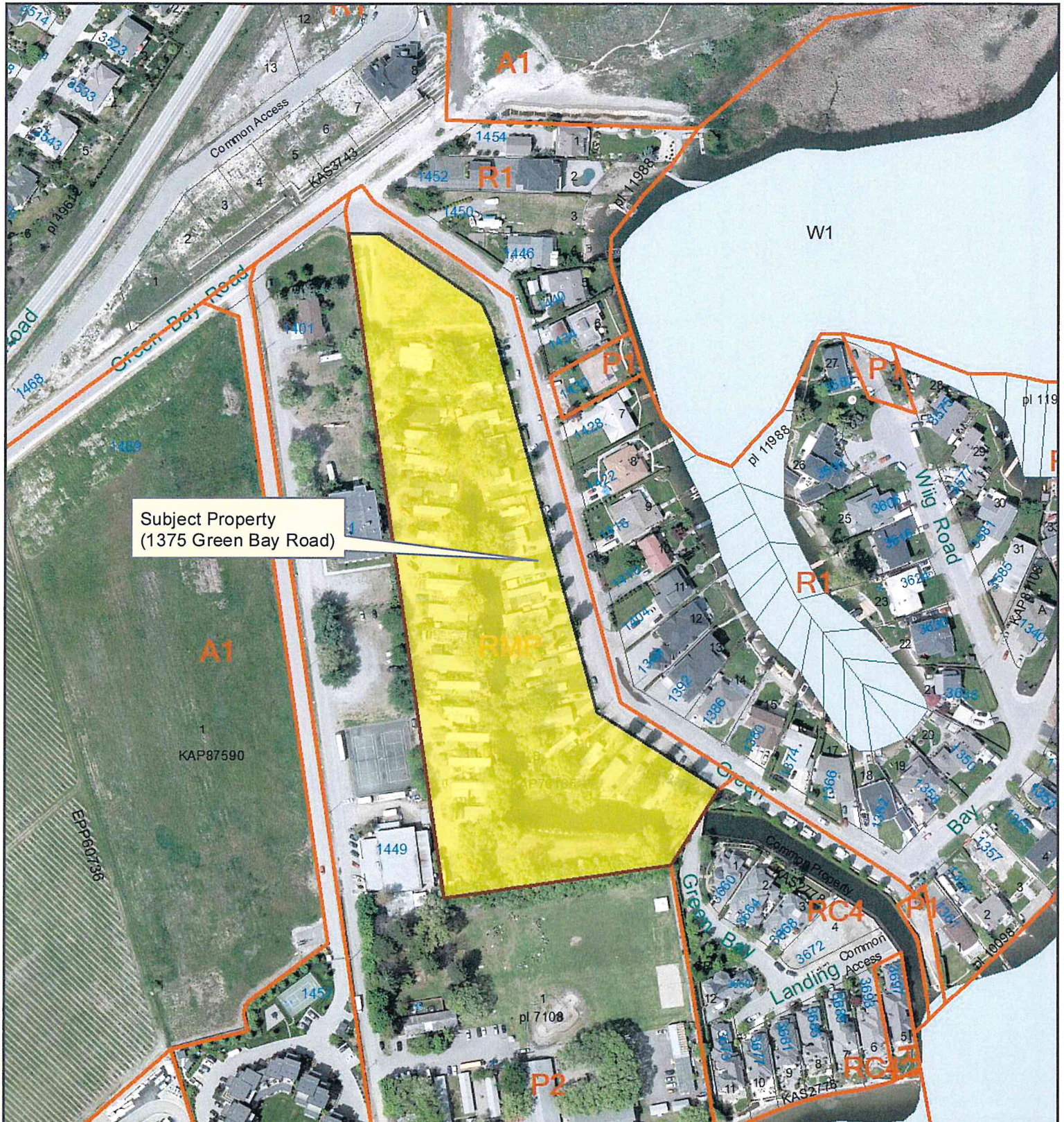
City Clerk

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H:\DEVELOPMENT SERVICES\PLANNING\4520 Permits - Individual\4520-20 Temporary Use Permits (TUP)\2018\TUP 18-05 1375 Green Bay Rd\Permit\TUP 18-05.docx



SUBJECT PROPERTY: TUP 18-05



File: TUP 18-05

Legal Description: Lot B, DL 434 & 523, ODYD, Plan KAP76165

LEGEND

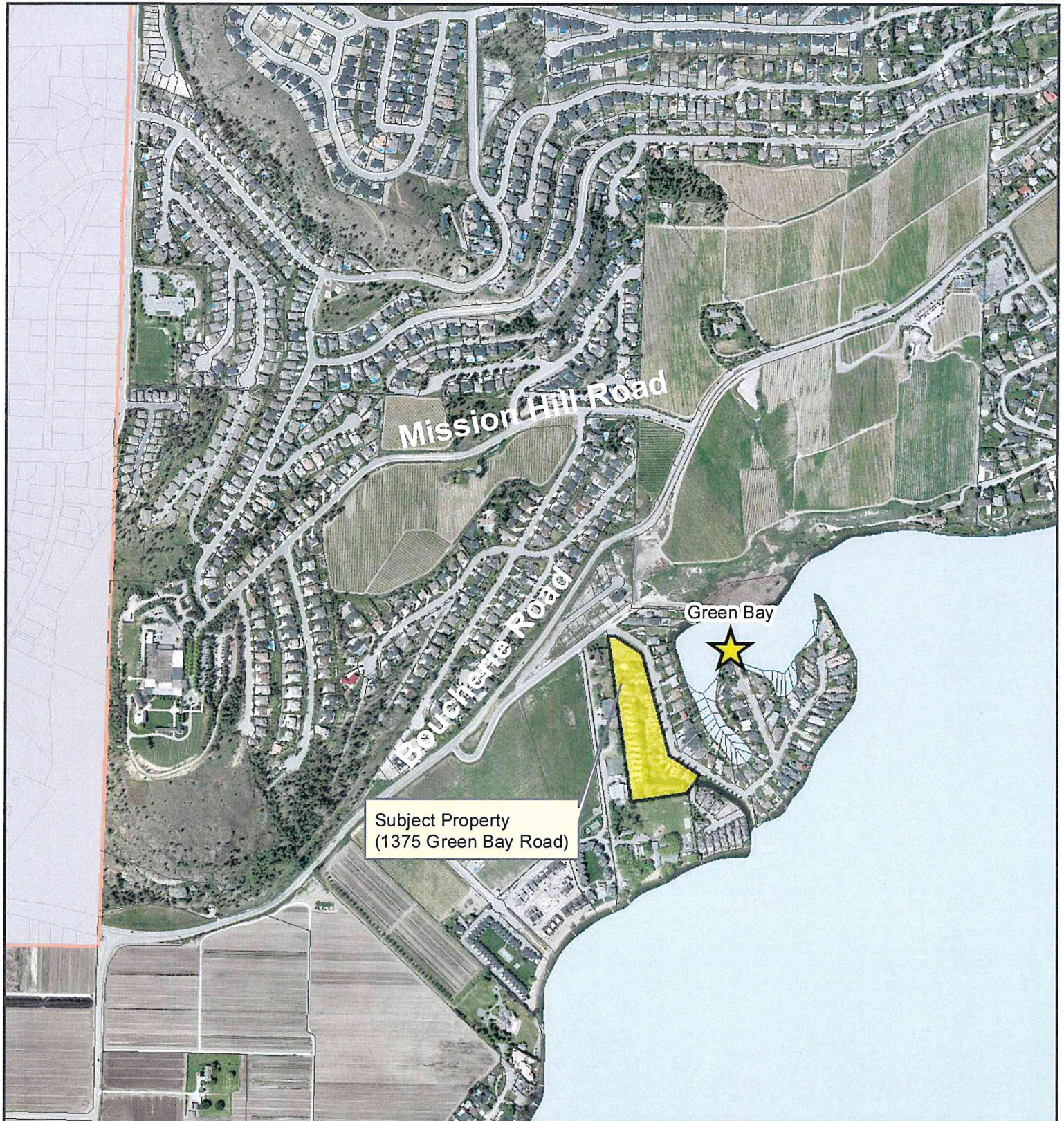
- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres





CONTEXT MAP: TUP 18-05



Subject Property
(1375 Green Bay Road)

File: TUP 18-05

Legal Description: Lot B, DL 434 & 523, ODYD, Plan KAP76165



Subject Property



City Boundary

150 300 600
Metres



Revised Applicant Rationale – Received via e-mail correspondence on March 24, 2019.

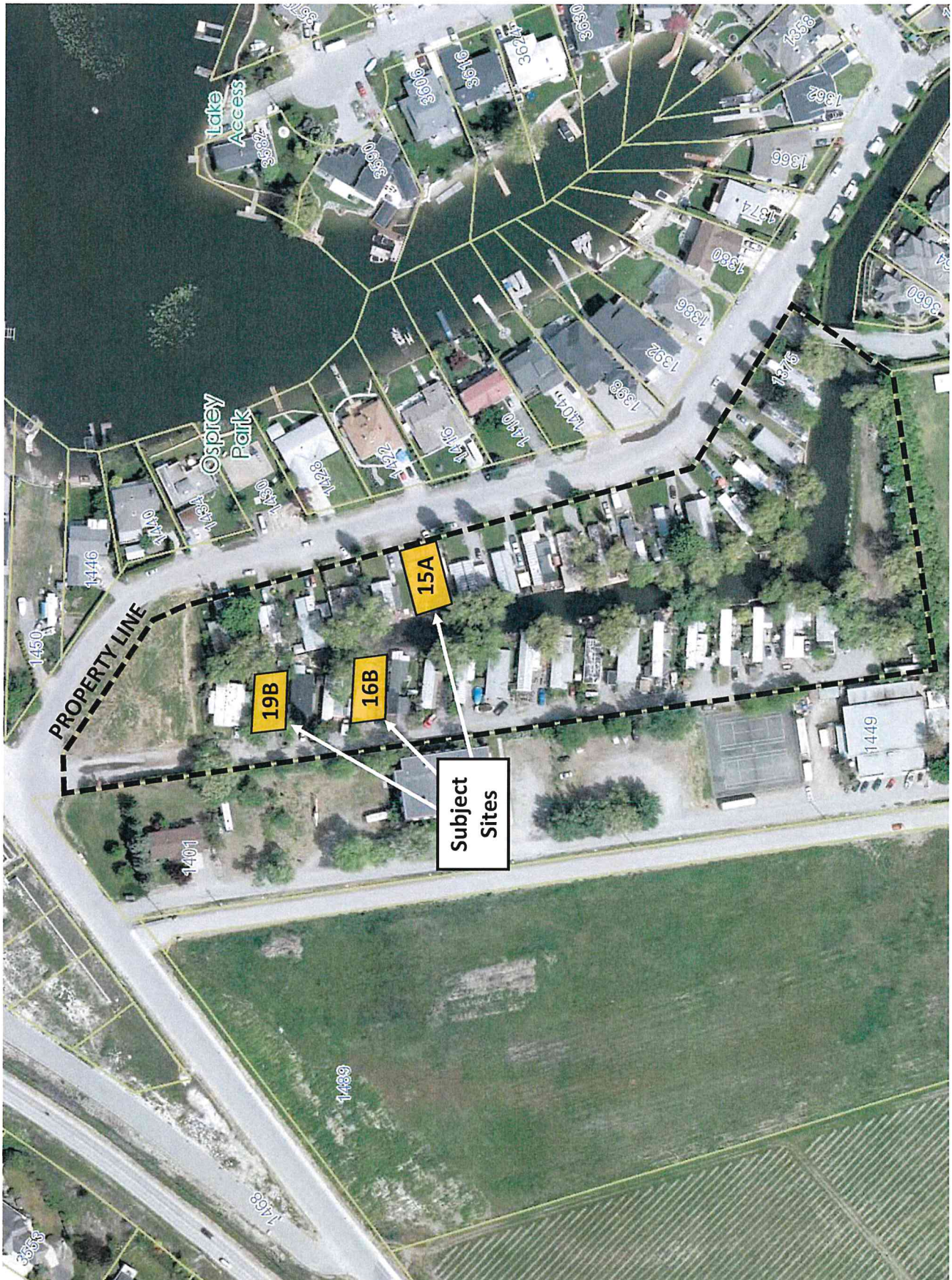
Rationale for a Temporary Permit for 15A, 16B, and 19B - 1375 Green Bay Road, West Kelowna (Green Bay Mobile Home Park)

1. The Green Bay Home Park is in a park like environment with a canal bisecting the property. This is a lovely, but low lying area, that is prone to flooding in the spring time. The City/ Province of BC have determined that all new construction in this area shall be raised up to a level of 343 meters above sea level. In addition, they must be located 15 meters back from the canal.
2. The mobile home park was built in the early sixties, and most of the homes abut the canal, and are only set back a few feet from the canal front.
3. The City/Province has decreed that although the current mobile homes do not meet the current requirements they are 'grandfathered in' and can stay in their current location. This applies to both elevation and setbacks.
4. If any pad is vacated then no new mobile home may be placed on the pad unless it is located 15 meters from the water and is raised up to a level of 343 meters above sea level. In most cases that cannot be achieved.
5. We currently have a lovely RV located on pad 15A. It is of newer construction and has been on site for over a year. According to the City inspectors it cannot remain on this site as it does not meet the manufacturing standards required of mobile homes. This is a bit odd in that **NONE** of our mobile homes meet that standard. Most of our homes are 40-50 years old and are far from meeting current standards.
6. In addition, we have mobile homes located at 16B and 19B that are totally decrepit and completely unlivable. They are currently boarded up and unoccupied.
7. We would like to remove 16B and 19B and have them replaced with new mobile homes, however, they cannot meet the standards outlined above in point 1.
8. Our request is that you allow us a temporary permit to allow RV's to occupy 15A, 16B and 19B. They can easily be removed in case of flooding and will meet a desperate need for modestly priced housing in our community.
9. To date enormous sums of money have been spent to protect the mobile home park from flooding. It is almost certain that flooding will continue over time at which point the government (Municipal and Provincial) will spend additional large sums to compensate for the loss or damage to the existing mobile homes. For every RV on site no compensation will be required as they will have been readily towed away.

I wish to emphasize the we are only applying for a TEMPORARY REZONING. This is a short term solution. In the long term this property will not be able to withstand continuous flooding. The earthen walls of the canal will not stand up. The water and sewer pipes will not withstand the movement of the flooded soil, and the erosion of soil will impact the stability of the old mobile homes. Nature is trying to reclaim this land!

I don't know how long this mobile home park can continue it's tenure but in the interim I want to keep it functioning. Placing RV's on the 3 sites noted above will help maintain the Park and make it presentable within the Green Bay neighbourhood.

I want to make it very clear that we are not trying to replace a mobile home park with a short term RV Park. If you allow us to place RV's on these three pads i can assure you that NO short term rentals will be allowed. Many of our current tenants live only part time in the mobile home park as they work in a variety of far flung locations. I foresee future RV tenants will keep their RV's in the park on a full time basis but only occupy them part time.



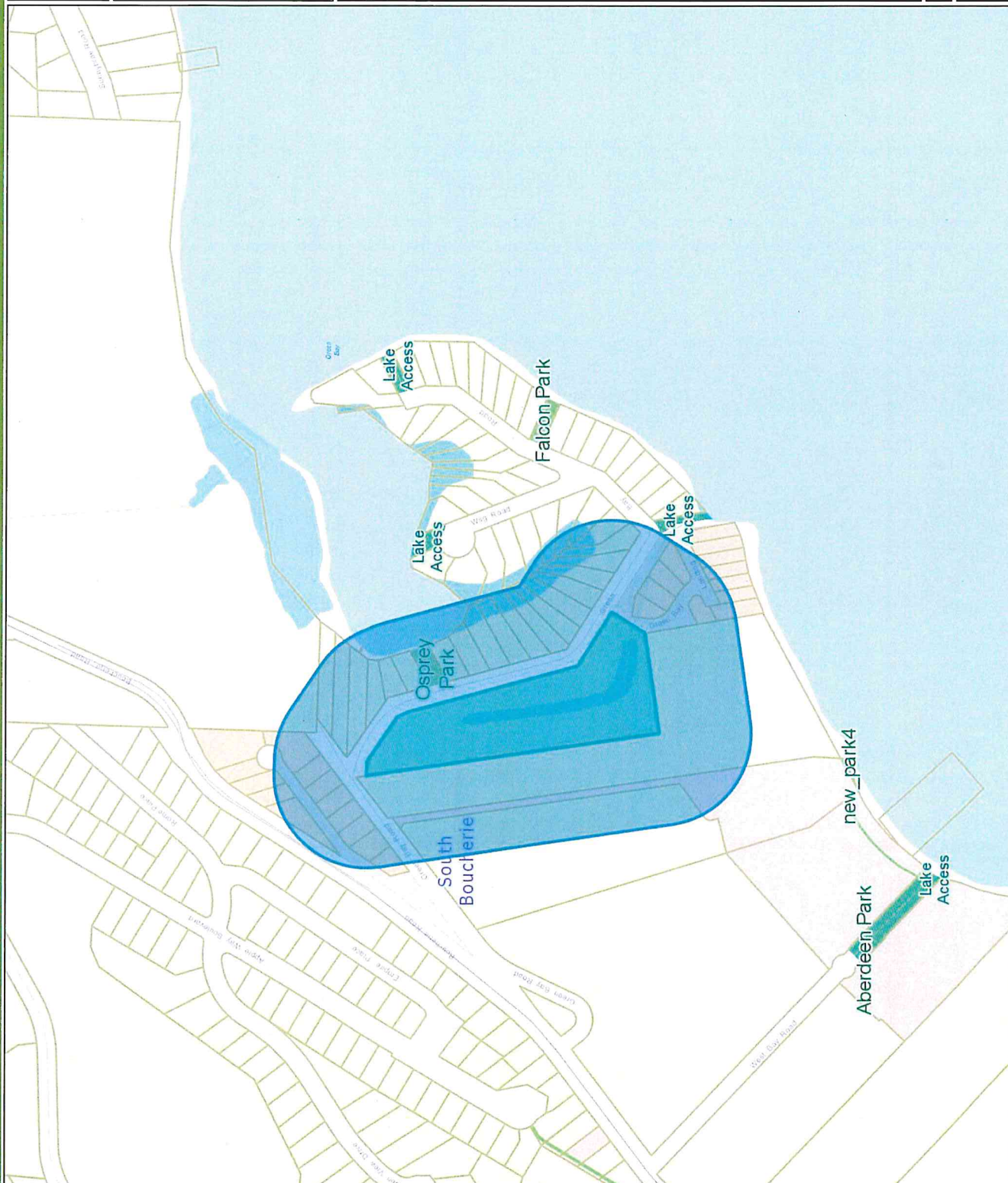
TUP 18-05 GIS Mail Notice



Legend
Landmarks
 Cemetery
 City Hall
 Community Centre
 Dam
 Fire Hall
 Museum
Basemap Layers
 WK Admin Boundary
 Regional Admin Boundary
 Highway
 River / Stream
 Intermittent Stream
 Parcels
 Waterbody
 Lake Access
 Regional Park
 Municipal Park
 Westbank First Nation
 Lease
 Park
 Road Right-Of-Way
 Walkway
 Common Access
 Ownership
 Land Strata
 Building Strata
 Common Property
 Crown Land

Scale 1 : 6,000

Notes



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



0 152 305 Meters

Map Projection: NAD_1983_UTM_Zone_11N
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Map Produced on: 5/23/2019 3:13:37 PM

Rejection of Proposal File # TUP 18 – 05

Location 1375 Green Bay Road

Legal Description Lot B DLS 434 and 523 ODYD Plan KAP76165



May 31, 2019

Green Bay Property Owners Association

1359 Green Bay Road

Attention: City Clerk

Green Bay Property Owners Association regrets that we are unable to accept or in agreement with the proposal file number TUP 18 – 05 a temporary use permit to permit recreational vehicles on site 15a, 16b and 19b.

Green Bay Property Owners Association members understand the difficulty for redevelopment for old infrastructure to new infrastructure specifications and standards which does affect all homeowners or land developers wanting to redevelop by Okanagan Lake.

Green Bay Property Owners Association members have noted in an article from 2003 newspaper that we are for the new development with Green Bay Landing and the idea for the future development of the Mobile Park. The members of Green Bay area are not for recreational vehicle as the answer for the new development. We are in agreement with applicant that much needed improvements are needed for this mobile park along with the beautification for the area but again not in agreement with this proposal of recreational vehicles given a temporary permit.

Please accept this letter with the addition of the correspondence emails from our members.

Best Regards GBPOA



DEVELOPMENT PROPOSAL

File No.: TUP 18-05

Applicant: Green Bay Landing Inc.

Summary:

Temporary Use Permit to permit recreational vehicles on site #15A, 16B & 19B.



For more information...

This application will be scheduled for Council consideration. Please contact the undersigned for additional details.

Developer Contact

Agent: Ted Wenner
250-215-3877
greenbaymbpark@hotmail.com

City Contact

Planner: Corey Scott

778-797-8830

Corey.Scott@westkelownacity.ca

www.westkelownacity.ca

2760 Cameron Road, West Kelowna, BC

From: Melvin Jordison
Sent: November 21, 2018 9:33 AM
To: Beatrice Kline
Subject: Re: Development Proposal

Re: 1305 Green Bay road, West Kelowna.

Geraldine and I don't want the mobile park turned back to a campground again which we think it would become if this proposal was passed So we are definitely against the proposal as it stands. Thanks Mel & Geraldine Jordison.

Sent from my iPad

> On Nov 21, 2018, at 9:54 AM, Beatrice Kline [REDACTED] wrote:

>

> They are wanting to put temporary 3-6 years of letting recreational vehicles on the 3 empty lots instead of park models. Concerns this would be opening more recreational vehicle in the area for year round living. Neighbours would like it stopped would rather see future development that does not include recreational vehicles for affordable living which is the theme the city and developer are going to present it to the city.

> So I need to know who is for it and who is against it .

> Thanks

> Bea

>

> Sent from my iPad

>

>> On Nov 21, 2018, at 8:21 AM, Melvin Jordison [REDACTED] wrote:

>>

>> We received the e- mail from Len and Diane. The picture attached is too blurry to tell us where the lots are and what kind of recreational vehicle their taking about and how long these recreational vehicles would be on site. Do you have anymore information?

>>

>> Sent from my iPad

Bea Kline

From: JILLIAN HENDERSON [REDACTED]
Sent: November 21, 2018 11:10 AM
To: Bea Kline; Beatrice Kline
Cc: steve
Subject: Fwd: Development Proposal
Attachments: image1.jpeg

Hi Bea,

Steve and I are both ok with this proposal.

Thanks, Jill
[REDACTED]

From: "Len and Diane" [REDACTED]
Sent: Wednesday, November 21, 2018 6:21:27 AM
Subject: Fwd: Development Proposal

Subject: Development Proposal

Hello Green Bay Owners,

Your Homeowners Association has received many concerns from some neighbours that they do not want any recreational vehicles on any of the sites by the Proposal posted at the mobile home park.

They are not against future development just no recreational vehicles.
On November 15 the G.B.P.O.A had a meeting with this topic on the agenda.
The directors felt it was important to vote on and to write a letter on behalf of the neighbourhood of our concerns. It was passed and we will be writing a letter.

What your Association needs from you, the homeowners, is an email sent to Bea about your concerns and if you are for the City proposal or against the City proposal. If you have sent an email already to Corey Scott please forward it to Bea. Please include your name and address as confirmation that you live in Green Bay. We need to get everyone's email to be effective.

email to [REDACTED]

Best Regards
G.B.P.O.A

Bea Kline

From: [REDACTED]
Sent: November 21, 2018 9:23 AM
To: [REDACTED]
Subject: No to recreational vehicles

Wayne and Ronne Heal are strongly opposed to the development proposal (file no. : TUP 18-05 APPLICANT: Green Bay Landing Inc.) for recreational vehicles being used as part time or full time residences on any of the sites at the mobile home park indicated on the development proposal sign.

Wayne and Ronne Heal
3581 Wiig Road
West Kelowna, BC
V4T 2B7

[REDACTED]
Sent from my iPad

From: Bea Kline
Sent: November 21, 2018 9:16 AM
To: Bea
Subject: Fwd: Development Proposal

Sent from my iPad

Begin forwarded message:

From: Denis Kruse <[REDACTED]>
Date: November 21, 2018 at 6:57:37 AM PST
To: " " <[REDACTED]>
Subject: Development Proposal

Good morning Bea,

Betty and I are both against the City of West Kelowna proposal #TUP 18-05. We are not opposed to development of the property but are opposed the type of development currently proposed.

*denis & betty kruse
1337 Greenbay Road
West Kelowna, BC
V4T 2B6*

[REDACTED]

Bea Kline

From: Joan Rowein [REDACTED]
Sent: November 22, 2018 4:46 AM
To: [REDACTED]
Subject: RV Proposal

Sent from [Mail](#) for Windows 10

We are against the proposal for RV parking in the mobile park of Green Bay for reasons that you are already aware. I have talked to Corey by phone & stipulated our concerns. Thank you for the community letter on all of our behalf.

Tim & Joan Rowein
1358 Green Bay Road
[REDACTED]

Bea Kline

From: R FITZPATRICK - [REDACTED]
Sent: November 21, 2018 5:44 PM
To: [REDACTED]
Subject: Recreational Property Proposal - Green Bay

Good Evening Bea

As per the e-mail we received in relation to the proposal which would allow recreational vehicles/trailers to occupy site at the Green Bay Mobile Park we are not in favor of this proposal.

Roy and Elaine Fitzpatrick
1347 Green Bay Road
West Kelowna

Thank you;

Roy

Bea Kline

From: Len and Diane [REDACTED]
Sent: November 21, 2018 4:42 PM
To: [REDACTED]
Subject: Fwd: Development Proposal

Begin forwarded message:

From: Rob Anderson [REDACTED]
Date: November 21, 2018 at 9:32:59 AM EST
To: Beatrice Kline [REDACTED], Len and Diane [REDACTED]
Subject: Re: Development Proposal

Hi,

I live at 1310 Green Bay Rd, and I agree with the Green Bay Home Owner's Association.

Where as I am not against development, I am **absolutely against** the current mobile home park on my street being allowed recreational vehicles. I moved down here to live on the water amongst a neighbourhood of nice houses and pay fairly high taxes to the municipality in order to do so. I did not move down here to live in a recreational vehicle park. Allowing a development of recreational vehicles would be a catastrophe for the neighbourhood.

Thank you for hearing my concerns.

Rob Anderson.

On Wed, Nov 21, 2018 at 6:14 AM Len and Diane [REDACTED] wrote:

Subject: Development Proposal

Hello Green Bay Owners,

Your Homeowners Association has received many concerns from some neighbours that they do not want any recreational vehicles on any of the sites by the Proposal posted at the mobile home park.

They are not against future development just no recreational vehicles. On November 15 the G.B.P.O.A had a meeting with this topic on the agenda. The directors felt it was important to vote on and to write a letter on behalf of the neighbourhood of our concerns. It was passed and we will be writing a letter.

What your Association needs from you, the homeowners, is an email sent to Bea about your concerns and if you are for the City proposal or against the City proposal. If you have sent an email already to Corey Scott please forward it to Bea. Please include your name and address as confirmation that you live in Green Bay. We need to everyone's email to be effective.

email to: [REDACTED]

From: Robert & Maureen

Sent: November 21, 2018 4:48 PM

To: [REDACTED]

Subject: recreational vehicles prop0sal

My wife and I we are not against future development just no recreational vehicles m y name is Robert ,
stewart and Maureen stewart we have lived in green bay since we bought our lot in 1973 and built our
home in 1976 this is for file no tup 1905 green bay landing inc

Robert and Maureen stewart
[REDACTED]

Bea Kline

From: Kelly Gillam <[REDACTED]>
Sent: November 21, 2018 2:52 PM
To: Bea Kline
Subject: Recreational Vehicles - GreenBay Area/s

Hello Bea,

I am writing to convey our concerns on the rumours floating about that they are discussing the allowance of parking and potentially occupying recreational type vehicles along Greenbay Road and in and about the Greenbay area/s. We strongly rebut this, and want no part of it whatsoever. Our home was purchased in what was believed to be a respectable area for just shy of \$2M, and we certainly were not purchasing in this area to live in a god awful trailer park, or heaven forbid, an RV park???

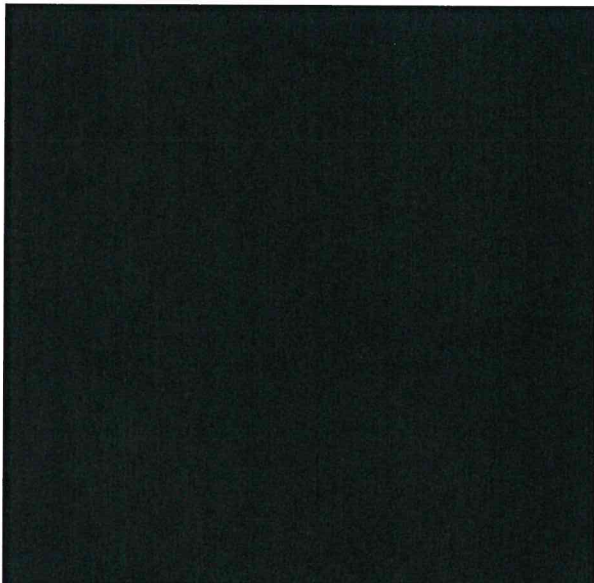
Who comes up with these absurd ideas anyways?? Certainly not anyone that has any significant investment in the area, nor respect for the community in which we all live and take pride in!

Please let us know if there is anything we can do to further support the fight against this atrocity.

Thank you in advance

Regards,

Kelly Gillam
President



From: Hans Hoogendam
Sent: November 23, 2018 11:14 AM
To: Kline Bea & Rick
Subject: Development Proposal

Bea

I know we are not currently in Green Bay but I want it to be put on notice that we are 100% against allowing recreational vehicles in Green Bay area. Allowing this will result in Green Bay having a campground atmosphere. This is a residential area! Allowing recreational vehicles will likely attract transient people. This is not in the best interest of Green Bay.

If you need anything else to make sure this does not happen please let us know

Hans and Shirley Hoogendam
1353 Green Bay Road

From: Diane Rinn
Sent: November 23, 2018 5:21 PM
To: BEA KLINE
Subject: Green Bay Development Proposal

MY name is Diane Rinn I live at 1422 green bay Road
West Kelowna V4t 2B8

I am against the Development Proposal for Recreational Vehicles
Applicant ; Green Bay Landing Inc
File number TUP 18 05.

Diane Rinn

Bea Kline

From: Murray and Debby Savard [REDACTED]
Sent: November 24, 2018 3:40 PM
To: [REDACTED]
Subject: GreenBay

We, Dr. Murray and Debby Savard, home owners in GreenBay, are very concerned with the City's consideration to allow RV parking in the Mobile home park across from us, on Greenbay Rd.

We have a small, friendly, very desirable, neighbourhood here in GreenBay. Every one of us residents works extremely hard to protect the natural beauty, safety,.....environment and wildlife of our Bay, the neighbourhood, and our community.

It can get very congested in the summer with many users, tourists, renters, boaters, and such, as it is, but we all welcome the intrusion. We are proud to share.

We have not had any support from our Council to date, but have managed to maintain our wonderful "Landmark".

Pictures of GreenBay can be found all over the world.

It would devastate our efforts as a united community to add any kind of transient population.

We have lived harmoniously beside Green Bay Bible camp for many, many years.

We support each other's respect for the whole area, and have a very strong working relationship.

We strongly believe that allowing seasonal, temporary transients, with no invested interest in the neighbourhood would seriously jeopardize all of our efforts, investment, and harmony.

All for financial gain ?

Sincerely, Dr. Murray & Debby Savard
[REDACTED]

Bea Kline

From: Gary Gylytiuk [REDACTED]
Sent: December 6, 2018 6:22 AM
To: 'Dale Dubinsky'
Cc: 'Bea Kline'
Subject: RE: Green Bay - Response from Dale Dubinsky

Thanks Dale

Bea Can you print an include this with the others Thanks

-----Original Message-----

From: Dale Dubinsky [REDACTED]
Sent: December 5, 2018 1:10 PM
To: [REDACTED]
Subject: Green Bay

To whom it may concern.

I am writing to you in regards to the new proposal of development permits. (Ted Werner) I am strongly apposed of the application that has been advertised (seasonal rentals.) This is a Residential area that I invested in a house and home under the existing zoning restrictions.

I feel that that what Ted is proposing is acceptable and should not be granted the permits.

Some of my concerns are

- 1) parking
- 2) condition of RV unit
- 3) extra traffic moving in the confined area as Green Bay is a crescent .
One way in one way out.

3) Green Bay residents take pride in keeping the Neighbourhood safe and environmentally friendly .

With seasonal people

moving in and out threw out the year I believe that could be jeopardized.

4) also I am really concerned about the way the existing trailer park is being run to date .

There does not seem to be any type of standard to be upheld in the age or condition of existing trailers.

5) I feel that this type of application if granted will not improve the area only make it worse.

Thank you

Dale Dubinsky
1334 Green Bay rd.
West kelowna

Sent from my iPhone

November 4, 2018

To whom it may concern

We are residents of 3616 Wiig Rd in the Green Bay Area.

This is in Regards to a Developments Proposal for a Trailer Park on Green Bay Landing.
File No.: TUP 18-05

Summary:

Temporary Use Permit to permit recreational vehicles on
Site #15A, 16B, 19B

We do NOT approve of this Proposal.

This will bring in a constant change of unknown people and RV's staying for short stints much like a campground. We bought in Green Bay knowing that it has a long standing of residential neighbours. We know each of our neighbours and work together in keeping it safe along with helping keep this unique bay beautiful for all to enjoy. Most of the residents have million dollar houses which have paid this if not more only to see it turn into a campground type area. We feel this is going to decrease our property value, bring in more crime only to need more funding for this area which has been difficult already.

The City of West Kelowna should rethink this Proposal as we feel it will cause more damage and concerns for all of us.

[Redacted Signature]

Eric Norman

[Redacted Signature]

Mary Stone

3616 Wiig Rd
West Kelowna, B.C

Bea Kline


From: ROBERTA AGENT [REDACTED]
Sent: December 7, 2018 12:51 PM
To: [REDACTED]
Subject: RV Site proposal for Green Bay

To The City of West Kelowna We are against any development of RV sites in the Green Bay Area. My option as a realtor and property owner believe this would adversely effect our property values as well as make it a campgrounds for parties. We are not against redevelopment of the site but NOT RV sites!!

Thank you for your email

Mitch and Roberta Gullacher,

Licensed in BC



From: [REDACTED]
Sent: December 10, 2018 8:12 PM
To: Beatrice Kline
Subject: Issues

Re: The RV's in the mobile home park, it's a no from Peter Bang.

Re: The Drainage, Yes of course we would like this, but as we live in the world of changing weather issues especially the last 2 years, I can understand that financially this could be a project that may have to be revisited at a future date, not forgotten.

Peter Bang



[FREE Animations for your email](#)

[Click Here!](#)

From: Lisa Plocktis
Sent: December 10, 2018 9:43 PM
To: [REDACTED]
Subject: Development Proposal

Dear Bea:

We do not approve of the Development Proposal for Recreational Vehicles for Green Bay Mobile Park.

The temporary nature of recreational vehicles will change the culture of the otherwise permanent residential dwellings in our neighbourhood. We are concerned that the recreational vehicle owners may not properly dispose of their waste, may start short term rentals leading to increased traffic of large recreational vehicles, and may not care for their properties as permanent home owners would to maintain the value of their property.

Thanks,
Lisa Plocktis

3630 Wiig Rd
West Kelowna
V4T2B7

Bea Kline

From: Beatrice Kline [REDACTED]
Sent: December 11, 2018 7:47 PM
To: Bea Kline
Subject: FW: Green Bay - Development Proposal

Sent from [Mail](#) for Windows 10

From: [Kelly Petersen](#)
Sent: December 11, 2018 6:13 PM
To: 'Beatrice Kline'
Cc: [REDACTED]
Subject: Green Bay - Development Proposal

Based upon this info- I do not support the development permit to allow people living year round in their RV, 5th-wheels, etc.

Pls feel free to post my objection as required

Thx

From: terry balfour

Sent: December 12, 2018 5:55 AM

To: [REDACTED]

Subject: Development Proposal For Green Bay Mobile Home Park

We reside at 1416 Green Bay Road, West Kelowna B.C. and are definitely against the Development Proposal for Green Bay Mobile Home Park allowing recreational vehicles. The element of the overall neighborhood will change if this proposal is approved by West Kelowna council.

Currently we have a number of neighbors who reside in the Mobile Home Park and have spent a lot of money improving their properties as have we who live in single family homes in the Green Bay area of West Kelowna.

We feel if the mobile park starts to develop as a recreational vehicle park neighboring property values will be affected in a negative way.

There have been a number of sales in the park in 2018 for decent dollars. If RV's are allowed to move in than expect prices within and outside the park to fall as well as the demand as the general public will hesitate about buying in an area allowing RVs.

Also, there is a noise factor. People on holidays have a tendency to party a lot more than normal while on holidays. If the mobile home park is allowed to accept RV's (coming and going) than the spirit of the park will change as well.

Lastly, from our point of view, the current owner does little to maintain the park and if it wasn't for the current individual mobile home owners putting in the effort to maintain their individual lots than the park would not look as good as it does today. The park owner will certainly not maintain any RV designated lots.

So the question is why allow RV's in neighborhood when the only person to benefit is one individual and that person is the park owner?

We ask City Council to turn down this proposal.

Terry Balfour and Linda Macmillan

December 20, 2018

CITY OF WEST KELOWNA

ATTENTION: Mr. Corey Scott

Dear Sir:

Re: File No. TUP 18-05
Green Bay Landing Inc.

I am opposed to this application.

I am not opposed to redevelopment. I just don't think this is the right choice for our neighbourhood.

I think the City of West Kelowna should consider grandfathering areas like Green Bay and Pritchard Drive concerning the new flood plain regulations. The new regulations make it impossible to rebuild or redevelop in these areas. Instead of the large setbacks perhaps the new buildings could be raised up to a higher level and keep the same distance from the water.

I also feel Mr. Wenner could rejuvenate/remodel these mobile homes and make them saleable. They could use the existing footprint. Or he could sell them to someone that is interested in doing so.

Yours truly

Sherene Youngberg
1380 Green Bay Road

DEC. 14TH 2018

THIS SHOULD NOT BE ALLOWED AT ALL
I THINK ITS A DISGRACE TO OUR
NEIGHBORHOOD THAT THEY WANT TO
MAKE THE MOBILE HOME PARK ON
GREENBAY RD. INTO PARTIAL R.V. SITES
FOR SHORT TERM OCCUPANTS AND
DIFFERENT PEOPLE COMING & GOING
IN OUR SMALL GREENBAY AREA.
WE HAVE JUST RECENTLY BECOME
A BLOCK WATCH NEIGHBORHOOD SO WE
ALL KNOW WHATS GOING ON IN OUR
QUIET AREA
MY WIFE AND I AND MANY OTHERS I KNOW
ARE TOTALLY AGAINST THIS HAPPENING

KEN & BEV HARRISON
1366 GREENBAY RD.
WEST KELOWNA
V4T 2B4

From: Beatrice Kline
Sent: December 14, 2018 12:45 PM
To: Beatrice Kline
Subject: FW: Development Proposal

Sent from [Mail](#) for Windows 10

From: [Len and Diane](#)
Sent: December 13, 2018 5:07 PM
To: [Bea Kline](#)
Subject: Fwd: Development Proposal

Begin forwarded message:

From: Anita Rau [REDACTED]
Date: December 13, 2018 at 2:31:59 PM EST
To: Len and Diane [REDACTED]
Subject: Re: Development Proposal

We are definitely against The Development Proposal for Recreational Vehicles for Green Bay Mobile Park.

Dennis and Anita Rau

From: [REDACTED]
Sent: December 17, 2018 5:49 PM
To: [REDACTED]
Subject: development proposal

Ruth Johnson
Heinz Bartkowski
1351 Green Bay Rd
West Kelowna B.C.
V4T 2B6

We are strongly against the Development Proposal for Recreations Vehicles for Green Bay Mobile Park.

Ruth Johnson/ Heinz Bartkowski

From: Len and Diane
Sent: November 22, 2018 5:26 PM
To: Bea Kline
Subject: Recreational vehicle proposal

Dear Green Bay Presidents,
I am NOT in favour of having recreational vehicles on Green Bay Road in the mobile Park.
Regards,
Diane and Len Fettig
1398 Green Bay Road

From: Bea Kline
Sent: November 21, 2018 9:09 AM
To: Bea
Subject: Fwd: Rv park

Sent from my iPad

Begin forwarded message:

From: Gary Grimes < >
Date: November 21, 2018 at 8:50:15 AM PST
To:
Subject: Rv park

Not against rv park probably better than what's there, but it has to be two weeks an out!
GCG 1333-green Bay Rd

Sent from my iPhone

Bea Kline

From: [REDACTED]
Sent: November 21, 2018 7:45 AM
To: [REDACTED]

Hi Bea

*Doug Keith
1450 Greenbay Rd.*

I don't have a problem with them having recreational vehicles, so I guess I am in favour of the proposal.

*Thanks
Doug*

[REDACTED]
Doug Keith
[REDACTED]

Shelley Schnitzler

From: noreply@esolutionsgroup.ca
Sent: June-03-19 1:04 PM
To: Delegation Requests
Subject: New Response Completed for Request to Appear As a Delegation

Hello, Please note the following response to Request to Appear As a Delegation has been submitted at Monday June 3rd 2019 1:03 PM with reference number 2019-06-03-003.

- **Request to appear as a delegation on:**
6/11/2019
- **Name of person making the presentation:**
Ted Wenner,
- **Name of the group or organization that the person is representing:**
Green Bay Landing Inc
- **Daytime phone number:**
- **Email address:**
- **Presentation title:**
Rationale for temporary rezoning of 3 pads at Green Bay Mobile Home Park
- **What is your request to Council?**
I have already sent in a full presentation that will be given to each Council Member. I would also like the current tenant of Pad 15A to comment on his existing home and how well it works in the Park.

[This is an automated email notification -- please do not respond]

Shelley Schnitzler

From: Shelley Schnitzler
Sent: June-07-19 8:18 AM
To: Shelley Schnitzler
Subject: FW: File no: TUP 18-05

-----Original Message-----

From: Mark Davis
Sent: June-03-19 7:37 PM
To: info west kelowna <info@westkelownacity.ca>
Subject: File no: TUP 18-05

Attn: City Clerk

I Mark Davis am asking permission to speak to council regarding my occupation of 1375 GreenBay road unit 15A file number TUP18-05

Sent from my iPad

Corey Scott

From: GreenBay MobileHomePark
Sent: June 3, 2019 9:43 PM
To: info west kelowna
Cc: Corey Scott
Subject: Attn: City Clerk

To Whom It May Concern

Please may I be considered to speak at the upcoming hearing on June 11th, 1.30pm for 1375 Green Bay Rd,
File No: TUP 18-05.

Thank you
Sandy James
Green Bay Mobile Home Park Manager



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 2
Adoption Date: 2018-SEP-04

SUBJECT: DEVELOPMENT APPLICATION DELEGATION REQUEST

Purpose:

This policy outlines the process for applicants and the public to address Council or Council Committees for the following development applications: Official Community Plan amendments, Zoning amendments, development permits, development variance permits, Agricultural Land Commission applications (requiring notification as per the *Agricultural Land Commission Act*) and temporary use permits.

Policy:

1. An Official Community Plan amendment or Zoning amendment application or where staff support the application.

These types of applications are considered by Council in a process that mandates an opportunity for public input through a public hearing following first and second readings. The process includes comprehensive public notification, advertisement, and is the appropriate venue for anyone to provide input. Therefore delegations from the applicant and members of the public will not be considered prior to the public hearing. At the discretion of Council, however, Council may ask questions of the applicant for the purposes of clarification only during a Council meeting where the application is being considered.

Should Council, regardless of the positive staff recommendation, consider not giving first and second reading to the application, the applicant may be provided an opportunity to address Council. Council may limit the time permitted.

2. An Official Community Plan amendment or Zoning amendment application where staff do not support the application.

When staff do not support an application, the developer may wish to address Council prior to Council considering first and second readings. In these cases, delegation requests will be accepted on an application to not support, by Legislative Services until 4:00 p.m., the business day prior to the Council meeting.

3. A development variance permit application, Agricultural Land Commission application (requiring notification as per of the *Agricultural Land Commission Act*), or application for a temporary use permit.

Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a development variance permit, Agricultural Land Commission application (e.g. Agricultural Land Reserve Exclusion application) or, a temporary use permit. Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

4. Applications which do not require or allow for public input.

The public or the applicant are not provided an opportunity to address Council prior to Council considering any application which does not require or allow for public input (e.g. Development Permits and Non-Farm Use applications). Council's decision to approve or deny an application must fall within the parameters of enabling legislation and not be based on extraneous factors which would exceed Council's statutory authority.

Previous Revision/s: 2008-APR-22 2018-FEB-27



COUNCIL REPORT
Development Services Department
For the June 11, 2019 Council Meeting

DATE: June 3, 2019 File: DP 18-33
TO: Jim Zaffino, CAO
FROM: Jaleen Rousseau, Planner
RE: Application: Development Permit with Variances (DP 18-33)
Address: A 3746 Wetton Road
Legal: Lot A, DL 5059 & 5069, ODYD, Plan 19238, Except Plan EPP69262
Owner: Pelican Properties Ltd., Inc. No. BC1144682
Agent: New Town Architecture and Engineering Inc.

RECOMMENDED MOTION:

THAT Council postpone the issuance of a Development Permit (DP 18-33) to construct 24 stacked townhouse units in 3 buildings, and direct the applicant to revise the proposal to include the required parking stalls as per the zoning regulation.

RATIONALE:

While multiple family development is desirable within this area, the current proposal attempts to achieve a density of units which are unattainable without the application of variances (building height, parking and rear parcel boundary setback). Some of the requested variances may be supported by staff. However, the proposal includes a request for a large reduction in the number of required parking stalls. A parking reduction of this size is anticipated to result in negative impacts to future residents of the site as well as those of the surrounding area. Although staff have encouraged the applicant to revise the proposal to meet the parking requirements, the applicant has requested to bring the application forward to Council as is.

LEGISLATIVE REQUIREMENTS:

Council has authority under Part 14 (s. 490) of the *Local Government Act* to issue a Development Permit. This Development Permit is specifically for form and character of a multiple family residential development. Section 498 of the *Local Government Act* gives Council the authority to issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

BACKGROUND:

Proposal

The applicant is requesting the issuance of a Form and Character Development Permit with Variances to facilitate the construction of 24 stacked townhouse units in 3 structures on the subject property. The proposal in its entirety includes:

- 12 one bedroom and 12 two bedroom units;
- Rooftop decks (12);
- 36 parking stalls (21 regular, 11 small car, 2 accessible, 2 visitor, 1 loading);
- 16 bicycle stalls;
- Amenity space (interior courtyard, 6 community garden beds, children's slide, pergola seating area)

The requested variances pertain to parking, building height to accommodate access to rooftop decks and slope of the land, and proximity of a building to the rear parcel boundary setback. The applicant has provided a proposal summary (*Attachment 2*).

Location and Surrounding Uses

The 2,359.32 m² (0.58 acres) subject property is corner parcel located adjacent to Smith Creek and in close proximity to Gellatly Bay (See *Attachments 3 & 4*). The parcel underwent a land exchange with the City to acquire a portion of the Witt Road Right of Way in exchange for the property west of Smith Creek. The parcel currently maintains a fourplex and slopes from the east down to the west where the rear yard abuts Smith Creek (*Figure 1*).

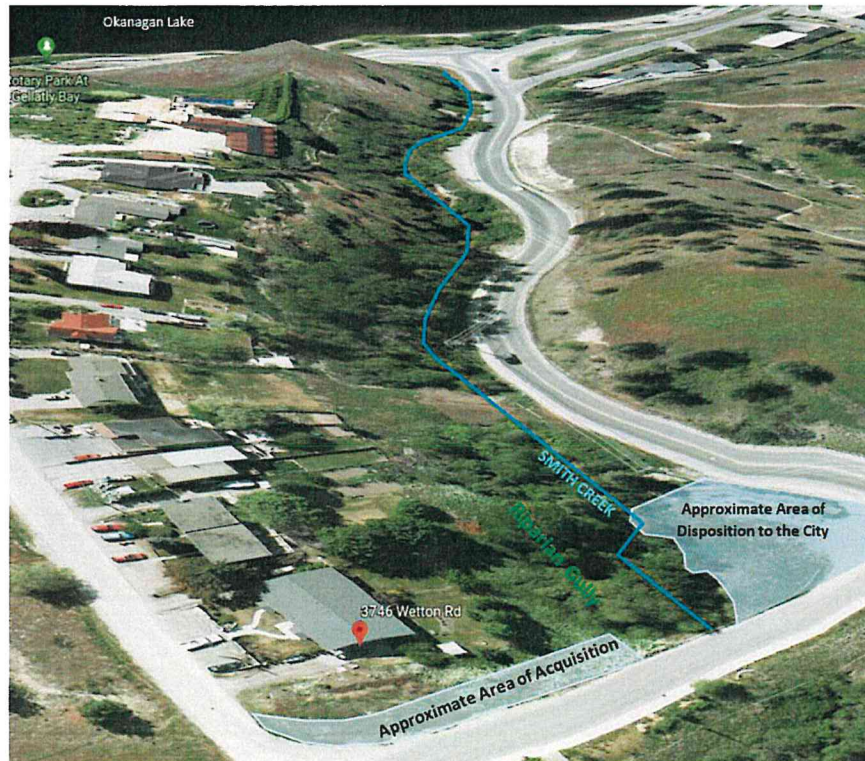


Figure 1: Site Context

Uses surrounding the subject property include:

- North – Witt Road, Lions Manor (Westbank Centre Multiple Residential Zone R5) and Carate Municipal Park (undeveloped).
- East – Agricultural Zone A1 parcel within the Agricultural Land Reserve.
- West – Gellatly Road and Westbank First Nations IR#9
- South – Low Density Multiple Residential Zone R3 (existing fourplex)

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property maintains a Land Use Designation of *Low Density Multiple Family (LDMF)*, which anticipates semi-detached and attached townhouses. The purpose of this designation is to provide a broader range of housing opportunities in areas served by transit and in walking distance to community amenities, shops and services, while acknowledging the adjacent land uses. The proposal is aligned with the LDMF designation.

Development Permit Areas (DPAs)

The proposed development is subject to three of the City's DPAs: Aquatic, Sensitive Terrestrial Ecosystem, Hillside and Form and Character Multiple Family development.

Aquatic & Sensitive Terrestrial Ecosystem

The OCP supports development where it is sensitive to aquatic and sensitive terrestrial features and incorporates long term protection for areas of high sensitivity. The subject property slopes down from Wetton Rd to the southwest where the rear yard abuts Smith Creek. Given the level of protection and restoration afforded to Smith Creek (see Technical section), the development is in accordance with the OCP guidelines.

Hillside

The OCP supports hillside development where it is sensitive to topography, does not result in hazardous conditions to future residents and/or neighbours of the site. The guidelines encourage long term protection of slopes over 30%. Given adherence to the geotechnical recommendations (see Technical section), the development is in accordance with the OCP guidelines.

Form and Character

The Form and Character DPA for General and Multiple Residential development guidelines encourage pedestrian oriented design, safe communities, and visual interest through careful and thoughtful site design, building form and character, and landscaping. The proposal is found to be in general accordance with these guidelines.

Site design of the parcel has been influenced by topography, proximity to aquatic features (Smith Creek and associated riparian gully) and applicable development regulations (setbacks, site access, etc). The portion of the property closest to Wetton Road is at a higher elevation than the rear of the parcel.

The three townhouse structures are arranged in a U-shape with a central courtyard that is accessible from Wetton Road (Figure 2). A single loading space and three visitor parking stalls (one accessible) are located within the front of the property adjacent to Wetton Road access. This access extends through the parking area and into the courtyard to ensure fire fighting access. Bollards are in place to restrict general traffic from entering the courtyard beyond the visitor parking. A second site access is proposed from Witt Road to accommodate

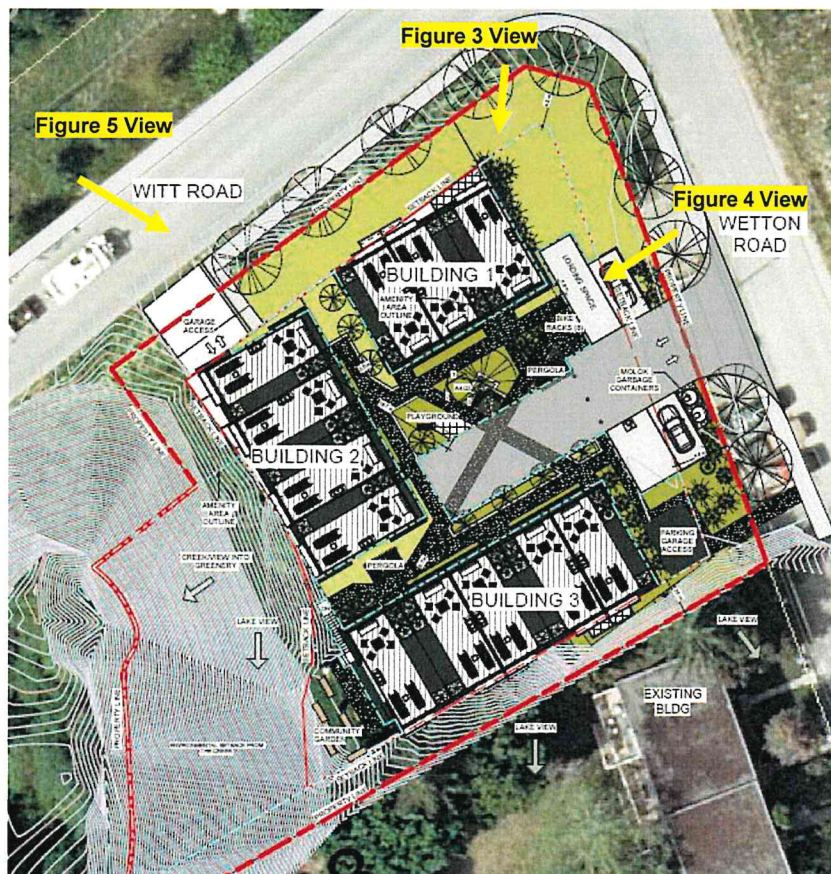


Figure 2: Site Design

Development Permit with Variances (File No. DP 18-33, A3746 Wetton Road)

access to an underground parking garage. Pedestrian access to and from the garage is located adjacent to Building 3 and is visible in Figure 3. See *Attachment 5* for site plans and architectural rendering of the proposed development.

The townhouse units are accessed from the central courtyard. One bedroom units are located on the main level and include exterior decks. Two bedroom units are located on the second floor and include access to rooftop decks with lake views. All units are oriented into the courtyard (Figures 3, 4 & 5).



Figure 3: Rendering – View of Proposed Development from the Corner of Wetton and Witt Roads.



– Figure 4: Rendering – View of Internal Courtyard



Figure 5: Rendering – View of Proposed Development from Witt Road.

Landscaping & Amenity Space

Amenity space provisions exceed the minimum required amount of space and include landscaped areas, a children's slide and community gardens. The landscape plan is divided into two components: Landscaping for the developed portion of the site and riparian plantings for the SPEA in the rear of the property (Figure 6).

Landscaping exclusive to the development includes a mix of trees, shrubs, ornamental grasses, groundcovers, and perennials. The plan includes provisions of green walls, seating areas and six community garden plots for the benefit of residents.

In accordance with recommendations contained within the environmental assessment, removal of invasive vegetation from the SPEA followed by restorative plantings are planned for the riparian area.

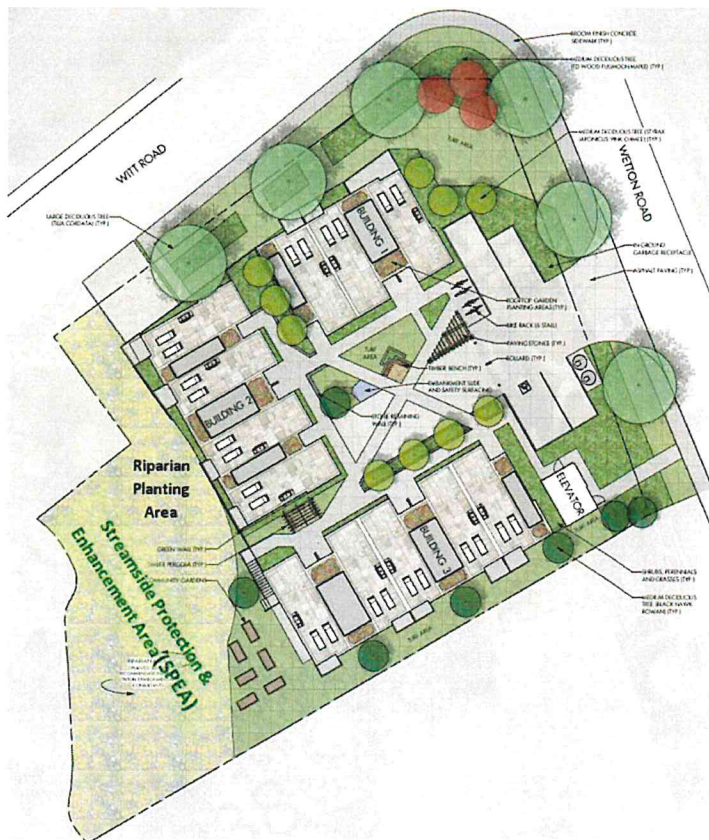


Figure 6: Landscape Plan for DP 18-33

The total landscape security is \$63,908.00 (\$79,885.00 at 125%). Prior to the issuance of the Permit, it is recommended that the submission of security be required to ensure installation of the landscape plantings and hardscaping are completed.

Zoning Bylaw No. 0154

The proposal conforms to the principal uses and regulations outlined in the Zoning Bylaw for the Low Density Multiple Family Zone (R3), including density, parcel coverage and frontage. The proposal is inconsistent with some regulations applicable to the R4 zone including; parking, building height and rear parcel boundary setback. The height and rear parcel boundary setback are considered to be acceptable when considered in context with the site. However, the parking variance is not supported as it is anticipated to result in negative impacts to future residents of the site as well as those of the surrounding area.

Variance Requests:

The applicant is requesting the following variances to the City's Zoning Regulations to facilitate the development. They are as follows:

1. To reduce the number of required parking stalls from 53 to 36 and to increase the number of permitted small car stalls from 10 to 11;
2. To increase the allowable building height from 9.0 m to 14.0 m; and
3. To reduce the required rear parcel boundary setback for Building 2 from 7.5 m to 4.5 m.

1. Parking

The City's Zoning Bylaw requires that all townhouse developments include the provision of 2.0 parking spaces per unit regardless of number of bedrooms. The applicant proposes to allocate 1.2 spaces per one bedroom unit and 1.5 spaces per two bedroom unit for a total of 33 spaces, in addition to the provision of visitor, accessible and loading spaces. This request would result in a 30% reduction in required parking.

Table 1 below provides a summary of the off-street parking provisions as proposed by the applicant.

Table 1: Parking Summary

Type of Parking	Required Spaces ¹	Spaces Provided (DP 18-33)
Standard Spaces	31	21
Accessible Spaces	2	2
Small Car Spaces	15	11*
Visitor Spaces	5	2
Total Parking Spaces	53	36

*Up to 30% of the total number of required parking spaces may be provided for small cars in Multiple Residential Zones. At 48 stalls, 15 small car stalls would be permitted. At 33 stalls 10 stalls would be permitted. The proposal includes one additional small car stall than what would be permitted.

The proposal includes the provision of one loading space as required.

The applicant's rationale for the request is that the site is in close proximity to Westbank Centre and therefore should be considered as an area of 'transition' into Westbank Centre and in turn should benefit from a parking reduction.

The boundaries of Westbank Centre extend down to the property (Lions Manor) across Witt Road from the subject property. The City's Zoning Bylaw contains reduced parking requirements for parcels located within the boundaries of Westbank Centre due to its proximity

¹ The City's Zoning Bylaw asserts that where parking calculations result in fractional numbers that the requirement shall be rounded to the next highest whole number (P.4, S. 4.2).

to transit and amenities which serve to reduce the necessity for automobile use (*Figure 7*). Development within Westbank Centre must allocate 1.0 spaces per one bedroom unit and 1.25 spaces per two bedroom unit. The applicant asserts that the allocation of 1.2 spaces per one bedroom unit and 1.5 spaces per two bedroom unit is in excess of the parking requirements for Westbank Centre and are appropriate for an area in close proximity to the boundaries of Westbank Centre.

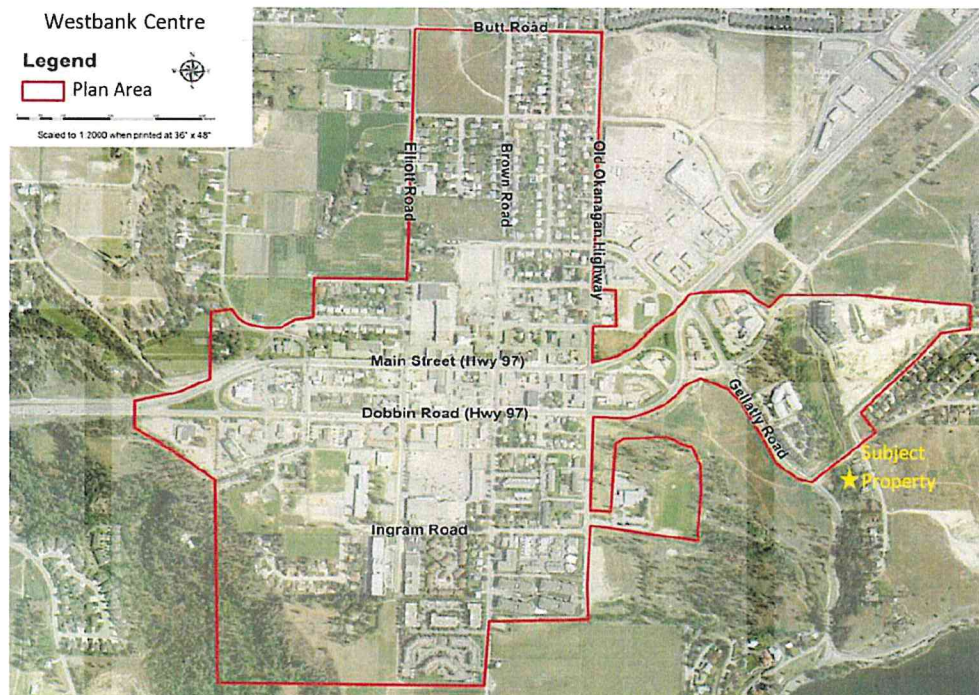


Figure 7: Westbank Centre Area

It is noted that the Carrington/Gellatly area of Westbank Centre was originally included based on existing zoning. However, the area is sufficiently removed from the core of Westbank Centre and is not necessarily considered a 'transition' area.

The parking reductions offered in Westbank Centre are based on availability of on and off-street parking availability. The City is currently undertaking a Westbank Centre parking study, which indicates that on and off-street parking in the core commercial area of Westbank Centre is currently underutilized.

Staff are not in support of the requested parking variance for the following reasons:

- If approved, the parking variance is anticipated to result in negative impacts to future residents of the site as well as those of the surrounding area. Insufficient parking on-site will result in daily on-street parking by residents and visitors of the development.
- There is concern that a 30% reduction in the number of required parking spaces in conjunction with the proposed allocation of small car parking spaces (11 spaces) will contribute to parking issues anticipated on Wetton and Witt Roads.
- The proposal does not include adequate visitor parking provisions.
- The City's Zoning Bylaw review (currently underway) does not include plans to reconsider parking requirements for townhouse developments.
- The property is sufficiently removed from the core of Westbank Centre to not qualify for parking standard reductions.

Staff recommend postponing consideration of the application to allow the applicant an opportunity to redesign the proposal to achieve a balanced approach to density and parking provisions.

2. Height

The City's Zoning Bylaw allows a maximum building height of 9.0 m (29.5 ft) up to three storeys for the R3 zone. The applicant is proposing to increase the maximum allowable building height for three townhouse structures from 9.0 m to 14.0 m in accordance with the attached design drawings to facilitate a townhouse development with a partially exposed parkade and rooftop access on a sloping parcel (*Attachment 5*).

The development has been designed to include parking located underground, which is accessed from Witt Road. As the land slopes down towards Gellatly Road the parkade becomes increasingly exposed, with a maximum exposure of 3.0 m at the rear of Building 2 (*Figure 8*). The landscape plan includes the installation of large deciduous trees along this portion of the site that will serve to screen the parkade up to the garage access. This maximum degree of parkade exposure continues at the rear of the parcel. However, this will be screened by existing vegetation within the Smith Creek gully (*Figure 9*). The south side of Building 3 (opposite Building 2 on Witt Road) includes similarly exposed parkade without the garage access and is also landscaped with trees. The height of Buildings 1 and 3 fronting Wetton Road would 11.0 m (8.9 of habitable space and 2.1 m for the rooftop access).



Figure 8: Height Variance Greatest Area of Impact (Building 2) Adjacent to Witt Road

The applicant's rationale for the request is that the City includes roof access in the calculation of height, the slope of the land, and environmental site constraints (required 15 m SPEA).

Staff recommend support for the proposed height variance in consideration of slope of the land and associated environmental restrictions. Further, the proposed landscaping and existing Smith Creek vegetation will serve to screen the exposed parkade and limit visual impact of rooftop accesses. However, this support can only be given in conjunction with a proposal that includes adequate provisions for parking.

3. Rear Parcel Boundary Setback

The City's Zoning Bylaw requires development within the R3 zone to establish a rear parcel boundary setback of 7.5 m. The rear parcel boundary is an unusual configuration resulting in shortened parcel depth on a portion of the site. This is the portion for which the setback reduction is being requested.

Staff recommend support for the proposed rear parcel boundary variance in consideration of the configuration of the rear parcel boundary and existing vegetation within Smith Creek that would serve to screen the reduced setback. However, this support can only be given in conjunction with a proposal that includes adequate provisions for parking.

Technical Review

Site Access

The property is accessed off of both Witt and Wetton Roads (Urban Local Road). Frontage improvements will be required on both Roads to an urban local road standard, which includes the provision of a sidewalk on Wetton Road.

A traffic impact assessment is not required for developments less than 100 units as per the City's Standardized Terms of Reference. However, it is expected that the proposed development will result in increased volume of traffic currently experienced by residents of Wetton Road.

Site Servicing

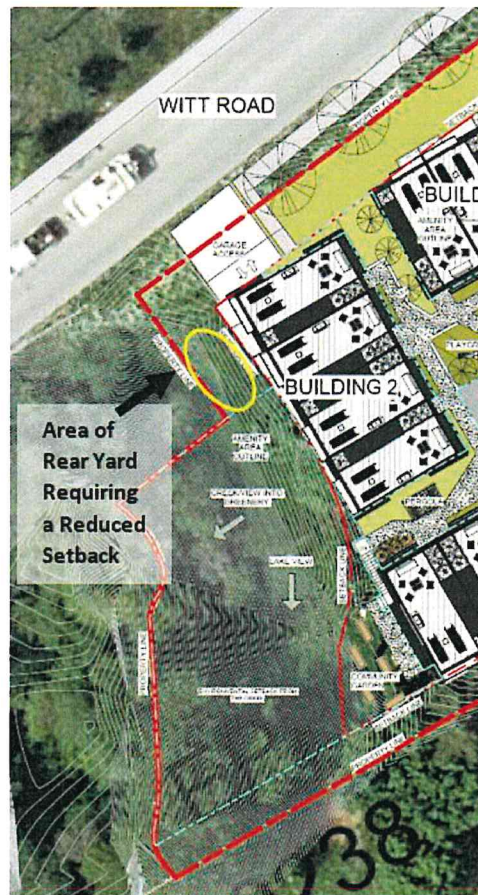
A Functional Servicing Report indicates that the property can be feasibly serviced for the proposed development by existing area services.

Aquatic & Sensitive Terrestrial Ecosystem

An environmental assessment has been completed for this property in consideration of its proximity to Smith Creek. The report requires a 15 m Streamside Protection and Enhancement Area (SPEA) setback from Smith Creek, where no development is to occur. The report identifies the gully forming the Smith Creek channel as a riparian feature necessitating protection. As such a Section 219 no disturb covenant has been included as a condition of the permit. Further, as previously disturbed lands are anticipated to be temporarily impacted within the 15 m setback area, full restoration of the lands immediately adjacent to the development will be required. It is



Figure 9: View of Property from Junction Witt & Gellatly Roads



noted that this is only for lands previously disturbed, and no disturbance of the existing riparian vegetation is authorized.

Geotechnical

In general, the subject property slopes down from Wetton Road towards Smith Creek. A geotechnical report has been completed for development of the site and confirms that the site is suitable for the proposed development from a geotechnical perspective. The report includes a recommendation for building foundations to be setback at a 3H:1V slope from Smith Creek and a no-build covenant to be placed on title at the rear of the property where it begins to slope down into the gully that forms the Creek channel. This recommended no-build covenant area is consistent with the riparian gully identified in the environmental assessment. A no-build/no disturb covenant to satisfy aquatic, sensitive terrestrial ecosystem and hillside features will be required as a condition of issuance of the Development Permit.

Public Notification

In accordance with the *Local Government Act* for the proposed variances, letters were sent to all property owners and their tenants (157 notices) within 100 metres of the subject property (*Attachment 8*). A development notice sign has been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260. The public notice included the following variance request: To increase the maximum allowable encroachment of a cantilevered deck/balcony for Building 3 to the interior side setback from 1.5 m to 0.6 m. However, the applicant has since provided information that confirms a variance is not necessary for the side parcel boundary setback. As of the date of this report, no submissions have been received from the public.

The applicant's agent has submitted a delegation request to address Council on the matter (*Attachment 8*). As per Council's Policy:

3. Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a development variance permit... Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

ALTERNATE MOTIONS:

1. Postpone Consideration of DP 18-33

THAT Council postpone the issuance of a Development Permit (DP 18-33) to construct 24 stacked townhouse units in 3 buildings, and direct the applicant to revise the proposal to meet building height, parking and parcel setbacks as per the Zoning Bylaw.

2. Approve Development Permit with Variances DP 18-29

THAT Council authorize the issuance of a Development Permit (DP 18-33) to construct 24 units in 3 buildings, subject to the conditions outlined in and attached to the Development Permit;

THAT Council authorize variances to West Kelowna Zoning Bylaw No. 0154 as follows:

- Table 4.1 *Required Parking Spaces* to vary the number of required spaces from 53 to 36;
- S.4.7.1(a) to vary the number of allowable small car spaces from 10 to 11;

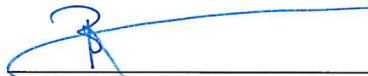
- S10.9.5(f) to vary the maximum allowable building height for 3 townhouse structures from 9.0 m to 14.0 m, in accordance with the designs attached Development Permit DP 18-33;
- S10.9.5(f).2 to vary the required rear parcel boundary setback from 7.5 m to 4.5 m;

THAT a Section 219 no build / no disturb covenant be registered for protection of the Smith Creek riparian corridor.

THAT issuance of the Development Permit be withheld pending the receipt of landscape security for the landscape plan attached to DP 18-33 as Schedule 'C' in the amount of \$79,885.00;

THAT if the Development Permit has not been issued within one year from the date of approval, the Permit shall be deemed to have been refused and the file closed.

Respectfully submitted,


for Jaleen Rousseau
Planner


Bob Dargatz
Development Manager


Brent Magnan
Planning Manager


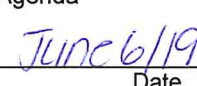

Nancy Henderson
GM of Development Services

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Development Permit DP 18-33
2. Applicant Proposal Summary
3. Subject Property Map
4. Context Map
5. Architectural Plans/Renderings/Elevations
6. Landscape Plan
7. Public Notification Map
8. Delegation request

Approved for Agenda

for  Jim Zaffino, CAO Date  June 6/19



CITY OF WEST KELOWNA
DEVELOPMENT PERMIT WITH VARIANCES
DP 18-33

TO: New Town Architecture & Engineering Inc.
 1464 St. Paul
 Kelowna, BC, V1Y 2E6
 c/o
 Pelican Properties Ltd., Inc. No. BC1144682
 15783 Pacific Ave
 White Rock, BC, V4B 1S5

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the City of West Kelowna described below, and any and all buildings, structures and other developments thereon:

Lot A, DL, ODYD, Plan EPP69264 (A 3746 Wetton Road)

3. This Permit allows for the construction of 24 stacked townhouse units contained within three (3) standalone buildings and partially exposed underground parkade in the Multiple Family and Intensive Residential (DPA 3) Development Permit Area subject to the following conditions and related Schedules:
 - a. Dimensions, siting, exterior design and finish of the buildings to be constructed on the land in accordance with Schedule 'A';
 - b. Landscaping to be in accordance with Schedule 'B';
 - c. All construction activities to be conducted on the land in general accordance with Schedule 'C'.
 - d. That the following variances to City of West Kelowna Zoning Bylaw No. 154 in accordance with the attached Building Elevation and Site Plan be included as part of this Development Permit:
 - i. A reduction in the number of required spaces from 53 to 36;
 - ii. An increase in the number of allowable small car spaces from 10 to 11;
 - iii. An increase in the maximum allowable building height for 3 townhouse structures from 9.0 m to 14.0 m, in accordance with the Development Permit; and
 - iv. A reduction in the required rear parcel boundary setback from 7.5 m to 4.5 m.

Environmental

4. Disturbance is prohibited within 15 meters of Smith Creek (SPEA).
5. To reduce foot traffic impacts to the riparian area snow and silt fencing shall be installed along the 15 m SPEA to delineate a no-go area (except for crews completing restoration works in the SPEA).
6. Construction activities to be in accordance with the attached environmental assessment by Triton Environmental Consultants.

Geotechnical

7. Building foundations must be setback at a 3H:1V slope from Smith Creek in accordance with the attached geotechnical report.

Security

8. As a condition of the issuance of this permit, the property owner shall deposit 125% of the cost estimate for the landscaping (\$79,885.00) as performance security to ensure installation of the required landscape plantings, as well as identified site signage/line painting in accordance with the City's Development Application Procedures Bylaw No. 131.
9. The City of West Kelowna will hold the security outlined above, to ensure that the development is carried out in accordance with this Permit and is refundable upon completion of the landscaping and site signage/line painting to the satisfaction of the City. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of the Permit within the time provided, the City of West Kelowna may by its servants, agents or contractors use the security to carry out the work or remediate any undeveloped portions of the site to restore a natural landscape. A professional rehabilitation plan may be required to restore the site.

No Build/No Disturb Covenant

10. As a condition of the issuance of this permit, the property owner shall register to title a No Build/No Disturb Covenant that provides protection in perpetuity to the SPEA in accordance with the Environmental Assessment by Triton Environmental Consultants Ltd dated January 2019 and the hillside below contour line 376 m, in accordance with the Interior Testing Services Ltd. January 9, 2019.

General Terms

11. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof. Should any change be required to this permit, please ensure that you obtain written approval from the City of West Kelowna prior to making any changes.
12. If this Development Permit has not been issued within one year from approval, Development Permit with Variance DP 18-33 shall be deemed to have been refused and the file will be closed.
13. **This Permit is not a Building Permit.**
14. Subject to the terms of the permit, where the holder of a permit issued under the *Local Government Act* does not substantially commence any construction with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

AUTHORIZING RESOLUTION NO. _____ PASSED BY THE MUNICIPAL COUNCIL
ON _____, 2019.

Signed on _____

City Clerk

As received on _____, there is filed accordingly an initial Irrevocable Letter of Credit or Bank Draft deposit in the amount of \$79,885.00.

I hereby confirm that I have read and agree with the conditions of Development Permit with Variances DP 18-33 and will ensure that copies of the Permit will be provided to onsite personnel at time of construction.

Signed on _____

Property Owner or Agent

ISSUED on _____

Attachments:

Schedule A:

- a. New Town Architecture & Engineering Inc., Wetton Rd Townhouses dated March 22, 2019;
- b. Triton Environmental Consultants, Environmental Impact Assessment dated January 2019; and
- c. Interior Testing Services Ltd, Geotechnical Investigation dated January 9, 2019.

Schedule B:

- a. Outland Landscape Architecture Conceptual Landscape Plan dated March 3, 2019 and Landscape Cost Estimate dated March 20, 2019.

Schedule C:

- a. New Town Architecture & Engineering Inc. Civil Design Drawings dated January 14, 2019.

Proposal for Development Permit 3746 Wetton Road, West Kelowna, BC

Introduction

This application is to facilitate the construction of a 24-unit townhouse community that will have 12 one-bedroom units and 12 two-bedroom units at 3746 Wetton Road. The subject site slopes towards Smith Creek and is just few blocks away from Okanagan lake. The proposed development will provide its residents with many recreational opportunities, with its location being in proximity to the lake, trails, dog parks, and commercial amenities.



Site Context

This project focuses mainly on social aspects of living and spending time outside. The location of the site offers proximity to the lake, creek, trails and dog beach. This 0.24ha site is in the Gellatly neighborhood of West Kelowna, northeast of Gellatly Road. Smith Creek traverses the site at the western portion of the property. The property is bordered by Witt Road to the North-West and Wetton Road to the East. The site is currently occupied by a fourplex. Development within the surrounding area is characterized by single family homes, duplexes and multi-family developments. The property is Zoned R3. The OCP Land Use Designation is Low Density Multiple Family.



Overview

This application for a Development Permit is to facilitate the construction of a planned community of attainable stacked townhomes. The proposed development will include 3 standalone buildings with 12 one-bedroom units on the ground level and 12 two-bedroom on the second level. The buildings are arranged in a “U” shape over a parking garage which creates a courtyard in the middle with a playground, shaded seating, a pergola, and bike racks.

There are 33 parking stalls + 12 bike stalls provided in the underground parking garage. There is also 3 parking stalls and 6 bike stalls provided as surface parking. The overall number of provided parking stalls is 36, which will require a variance of 17 parking stalls.

In addition to the project’s focus of providing its residents with a space to increase social capital and increase opportunities to spend time outside, the project’s focus is also to provide affordable accommodation. 50% of the units are one-bedroom, which are suitable for young single professionals. The other 50% of the units are two-bedroom, which are suitable for small families. For both cohorts, the rates of car ownership are less than a conventional 3-bedroom townhome. However, the zoning bylaw appears to have focused the rates of car ownership for residents of a 3-bedroom townhome by requiring 2 stalls be provided for each unit, with no change in parking requirement based on the number of bedrooms in each unit. The applicant would kindly like to acknowledge that the subject site is only across the road from the edge of West Kelowna’s Town Centre, where the parking requirements are far lower. Additionally, this location is serviced by local transit and is located nearby a main bus stop at Witt road and Gellatly road.

Form and Character

The homes are arranged in 3 contemporary styled buildings. Private patios, balconies and rooftop terraces with the lake views are offered in each of them. The 1-bedroom units on the main level provide affordable living for young single professionals. All units offer exterior decks and rooms have large openings to ensure all main living spaces are bright and feel large and open. All bedrooms are facing outwards into green space and all main living spaces are oriented into the courtyard or facing green walls, acting as a visual relief.

2-bedroom units with entrances on main level offer open concept living on the second level and two generous bedrooms with walk-in closets on the third level. All two-bedroom units have access to the roof decks with views to the lake. Planters on the terraces provide privacy and special separation is provided by using diverse shrubs and bushes. Sheltered bright stairways lead to the rooftop terrace, which triggers a height variance in the number of storeys. Although some jurisdictions don’t count roof access as a storey, the City of West Kelowna Zoning Bylaw does not exempt these structures from the height calculation. A variance will be required to allow a maximum height of 5 storeys from bylaw requirement of 3 storeys.



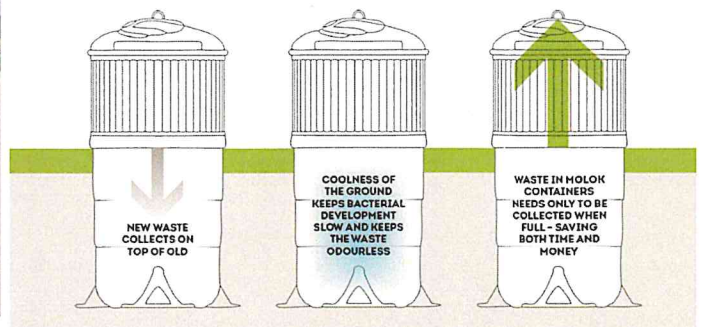


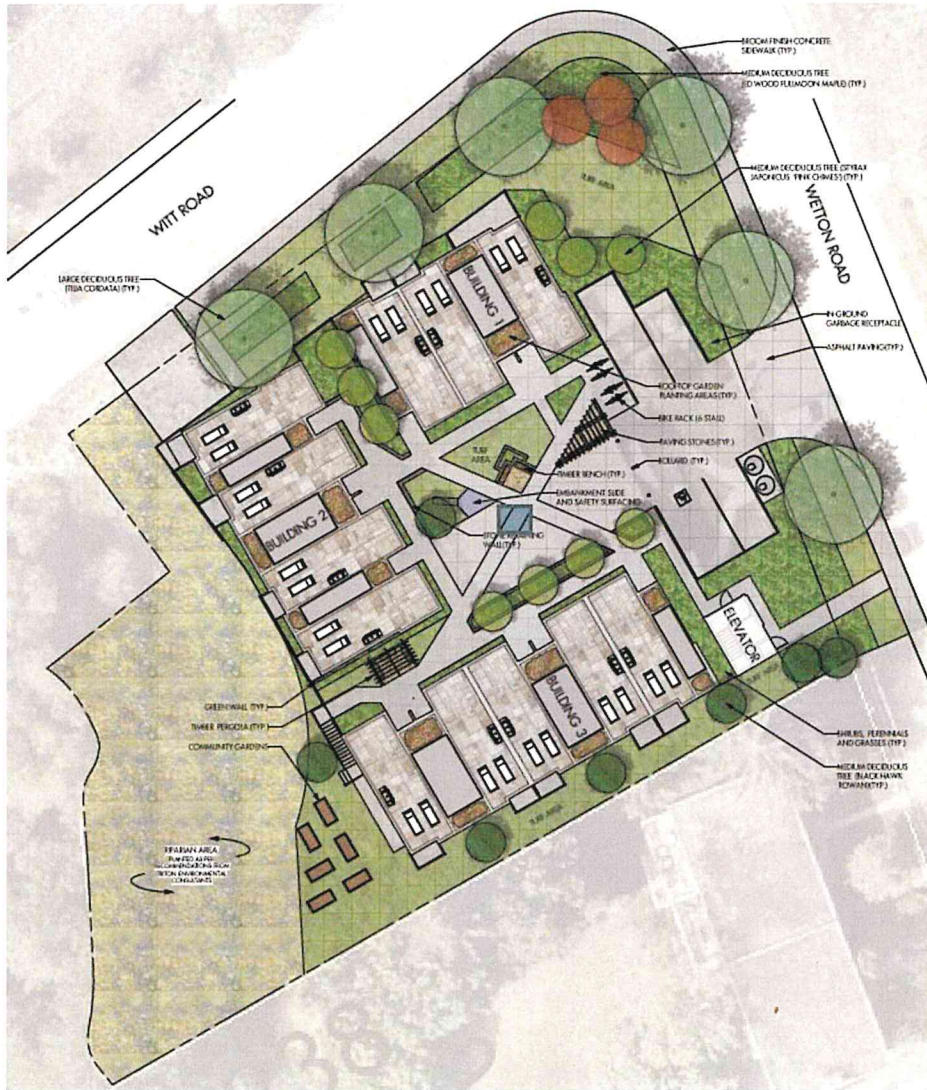
Landscape Treatment

The landscape treatment is focused on creating open space that encourages social interactions. In this case, a central courtyard that offers shaded seating areas, a playground for young children, which can be seen from all the units, and many opportunities for relaxing promenades. The courtyard wraps around the parking garage entry and bicycle parking area.

The landscape design also emphasizes healthy social living by creating an open space for a community garden. Its proposed location is on the lower level on the SW side of the property, which faces the creek. The creek is an environmentally sensitive area that will be restored to native plantings from its current condition of invasive weeds. The 15m setback area from the creek will be protected in perpetuity with a no build no disturb covenant.

The garbage disposal for the buildings have been incorporated into the landscape design. They are proposed to be located close to Wetton Road and will be Molok garbage containers that are screened and partially underground.





Summary

The proposed development is consistent with the City's goal for increasing density in existing neighborhoods. It complies with the Official Community Plan on a zoned property. The product form and character are derived from the evolving Okanagan Contemporary styling. Exterior materials are durable and highly fire resistant. The applicant kindly requests support from Staff and Council for this young family and young professional oriented housing project.



SUBJECT PROPERTY: DP 18-33



File: DP 18-33

Legal Description: Lot 1, DL 5059 & 5069, ODYD,
Plan 19238, Except Plan EPP69262

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

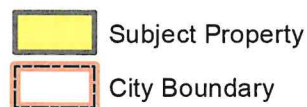
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Metres





File: DP 18-33

Legal Description: Lot 1, DL 5056 & 5069, ODYD,
Plan 19238, Except Plan EPP69262



0 150 300 600
Metres



RE-ISSUED FOR DEVELOPMENT PERMIT, MARCH 22, 2019



ARCHITECTURAL DRAWING LIST:

NEW TOWN ARCHITECTURE & ENGINEERING, INC.
1404 D St. Suite 200, B.C. V1T 2E1
Linda Argentea, Building Design Technician
P: 250 662 8155, fax: 250 662 5665
www.newtownarchitecture.com

[illegible]

CIVIL DRAWING LIST:

UPPER TOWN ARCHITECTURE & ENGINEERING INC.
1000 50th Ave. S.W. #100, B.C., V1R 2G5
Vancouver, B.C. V1R 2G5
Tel: 250-603-1125 Fax: 250-603-0915

3001	COVER PAGE
3002	GENERAL NOTES
3003	EXISTING FEATURES
3004	PROPOSED FEATURES
3005	SITE PLAN WITH ORTHO
1001	GRADING PLAN
2001	STORMWATER MANAGEMENT PLAN
3001	EROSION & SEDIMENT CONTROL PLAN
4001	EROSION & SEDIMENT STANDARD DETAILS
4002	SITE CROSS SECTION 1
4003	SITE CROSS SECTION 2
4004	SITE CROSS SECTION 3
4005	SITE CROSS SECTION 4

LANDSCAPE DRAWING LIST:

OUTLAND DESIGN LANDSCAPE ARCHITECTURE
15500 110th Road, Everett, WA 98203
Tina Babin, M.S., L.A., C.D.
P: 425.836.5679

APPENDIX 1

GEOTECH DRAWING LIST:

INTERIOR TESTING SERVICES LTD
191-195 Main Court, Kelowna, BC, V1Y 9L2
Kendall Archibald P. Eng.
Tel. 250-862-6642

GEOTECH REPORT

No	Date	Desu
1	18-09-14	ISS
2	19-01-14	RE-I
3	19-03-22	RE-I

project life

WETTON RD

project address
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WEST KELOW

project no. _____

file no. _____

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ALL CONTRACTORS ARE TO BE
 ADVISED THAT THE DRAWING IS
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Scale

Revisions	No	Date	Description
	1	18-09-18	ISSUED
	2	18-09-18	REVISED
	3	18-09-22	REVISED

Project Name
**WETTON RD
 TOWNHOUSES**

Project Address
**WETTON ROAD
 WEST MELBORNE**

Project No.
 40

Site No.
 40

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RENDERII

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Site No.
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A1



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2	19-01-14	REVISED	
3	19-03-14	REVISED	

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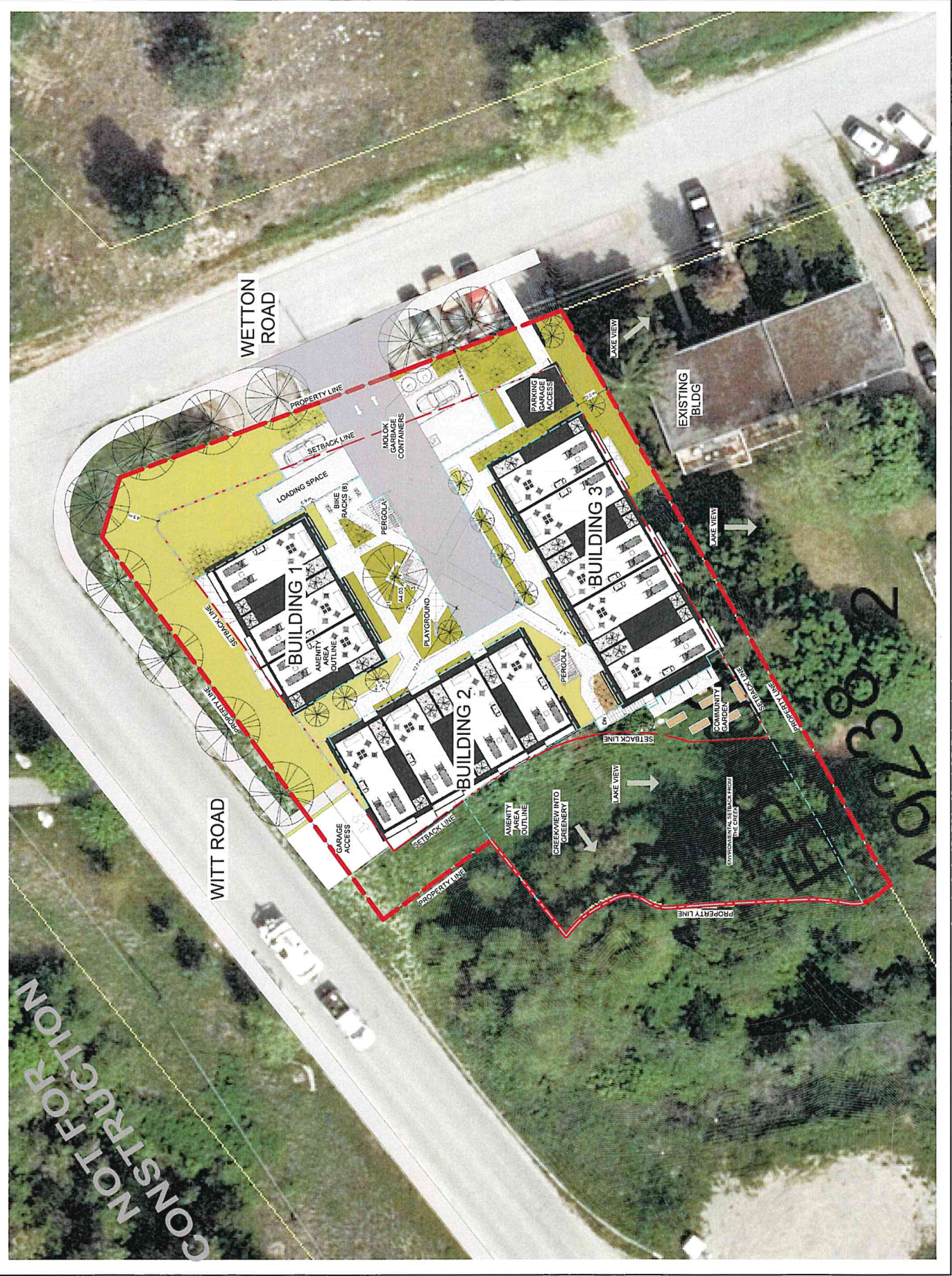
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 PROJECT NO.
 190014

Sheet Title
 SITE PLAN

Project No. 190014

Scale 1" = 10'

Sheet No. A2



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2	18-10-22	REVISED	
3	18-10-22	REVISED	

Project Name
WETTON RD TOWNHOUSES

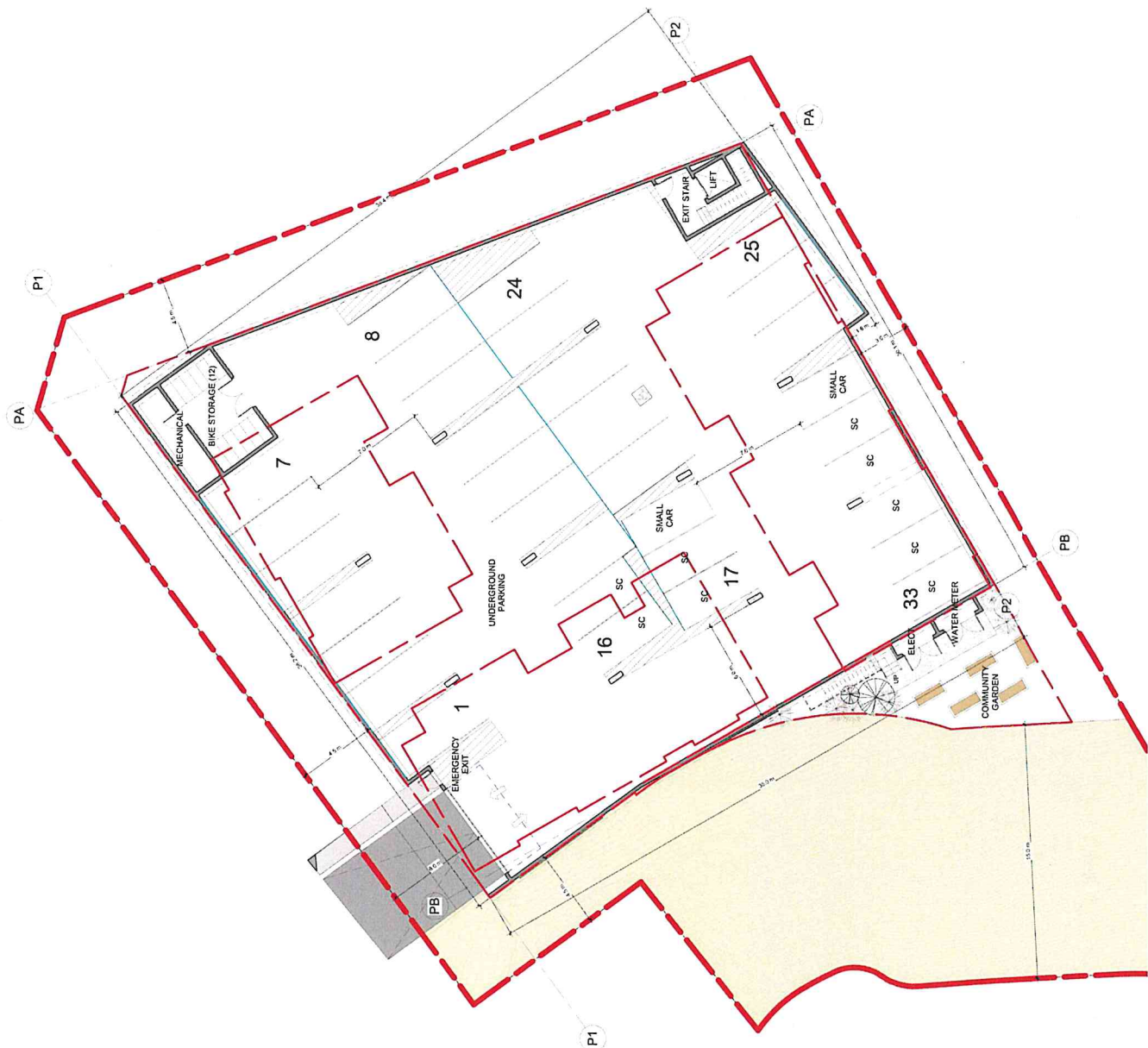
Project Address
**WETTON ROAD
WEST KELOWNA
BC V9A 5G6**

Project No
LEVEL 0 - PARKADE

Drawn By
Checked By
Approved By

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	3	19.03.22	REVISED

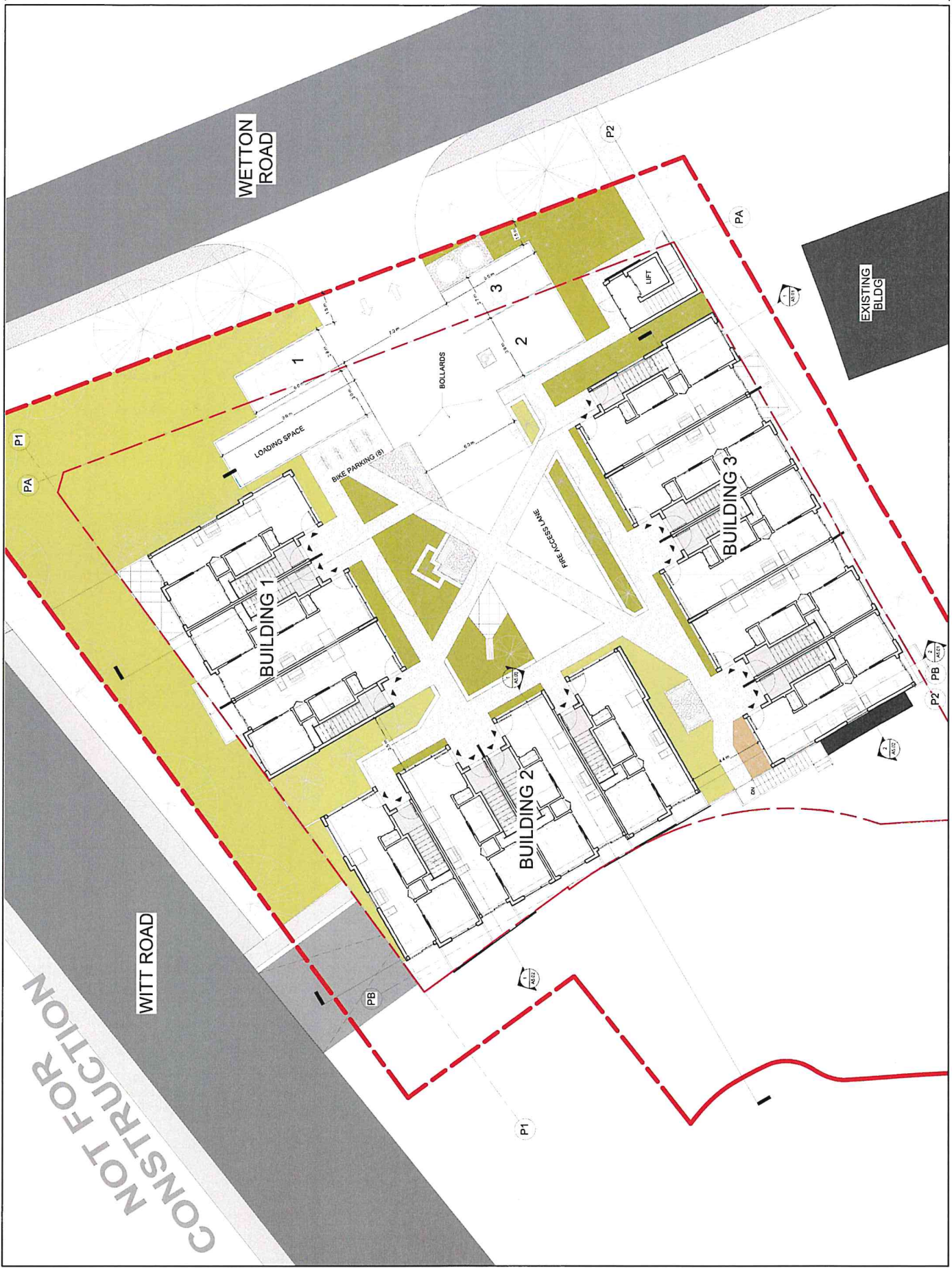
Project Name
WETTON RD TOWNHOUSES

Project Address
**WETTON ROAD
WEST MELBOURNE
VIC 3003**

Project Stage
LEVEL 1

Prepared By
Checked By
Approved By

A3



A3



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	1	18.09.14	ISSUED
	2	18.01.14	REVISION
	3	18.03.23	REVISION

Project title
**WETTON RD
TOWNHOUSES**

Project address
**WETTON ROAD
WEST KELOWNA**

Project no
LEVEL 3

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Sheet no
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Project no
LEVEL 3



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	3	18.09.22	REVISED

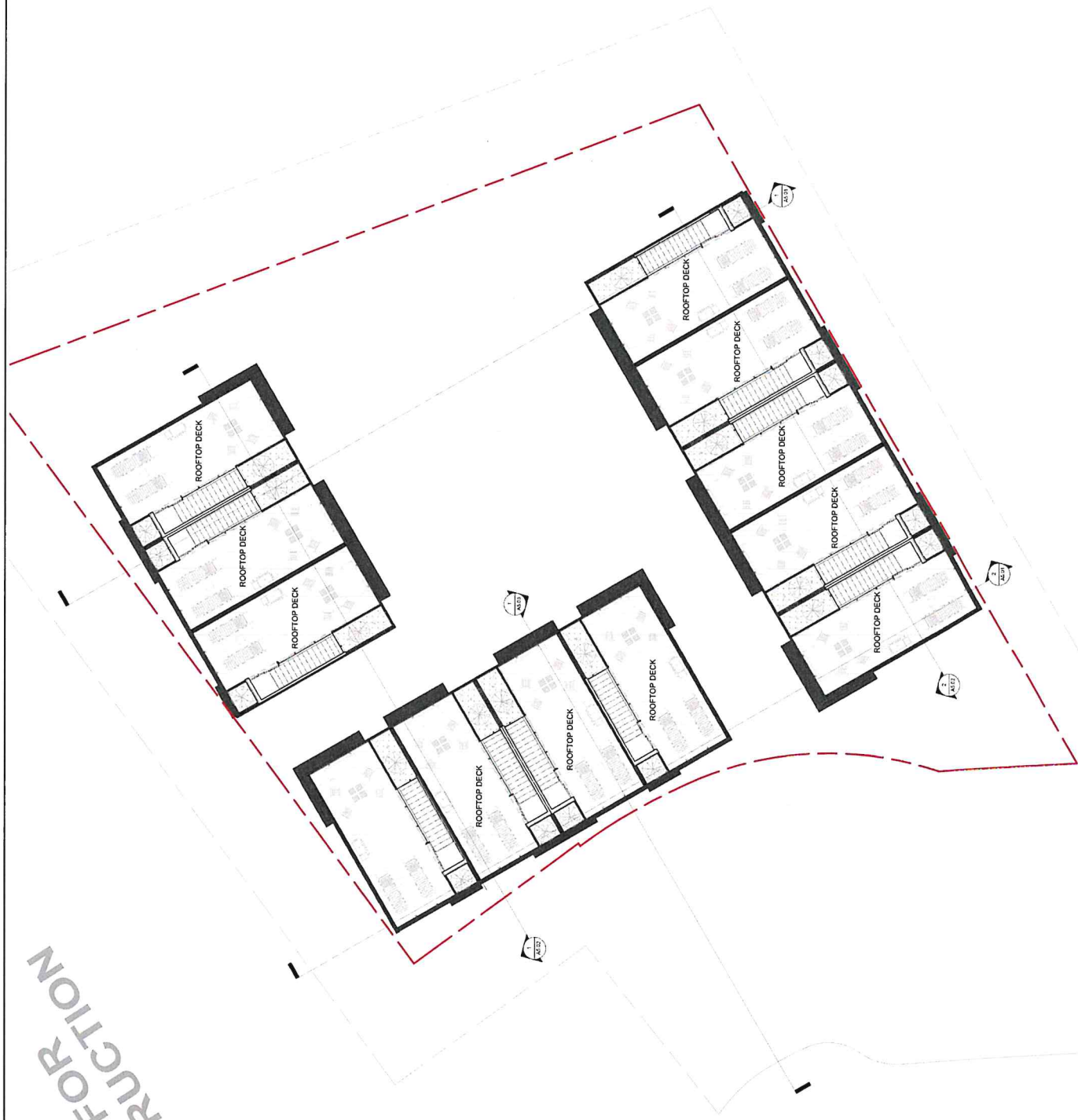
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Checked by
Approved by

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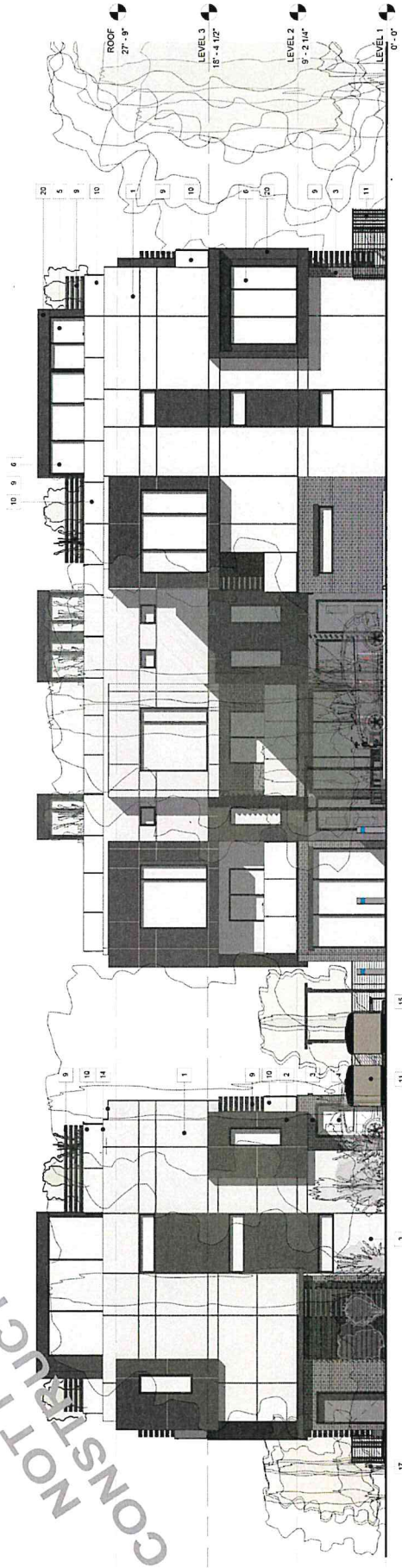
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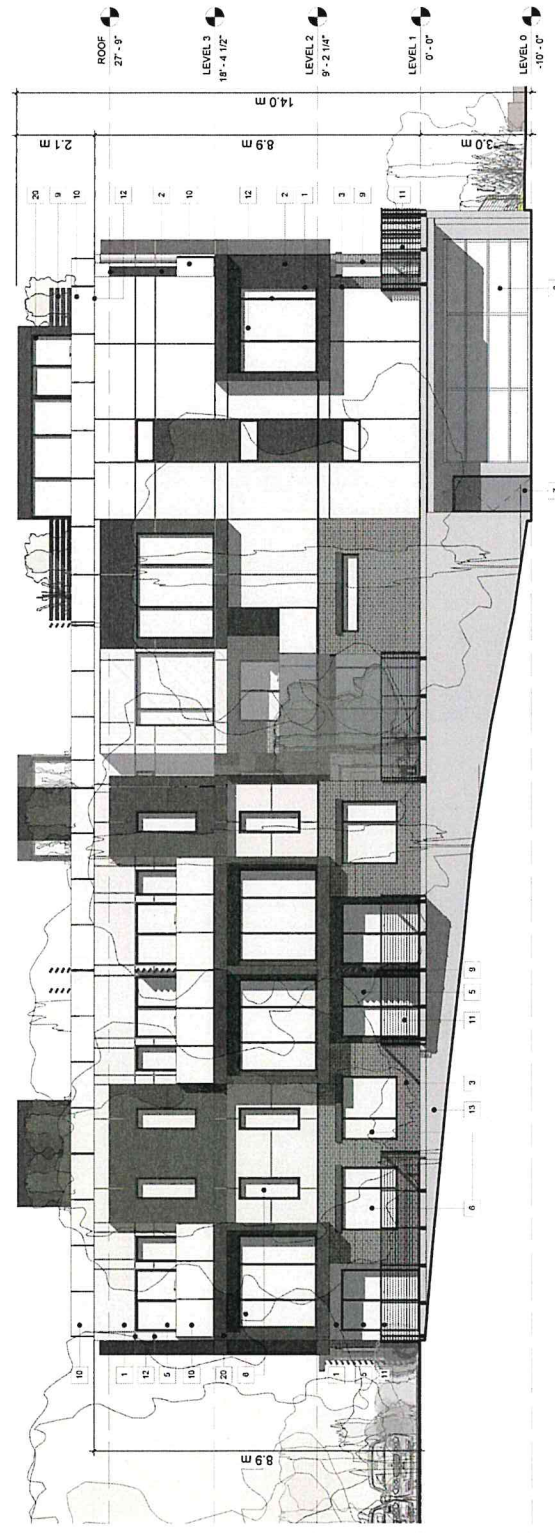
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2	18-10-11	REVISED	
3	18-03-22	RE-ISSUED	

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 Project Address
 WEITON ROAD
 WEST BLOOMINGTON, IL 60091
 Project No.
 18-03-22
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Sheet No.
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 3/16" = 1'-0"
 A4



1 Elevation NE
 3/16" = 1'-0"



2 Elevation NW
 3/16" = 1'-0"

NOTES

- PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED THE FOLLOWING STANDARDS:
- ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC IRRIGATION AND DRAINAGE SYSTEM.
 - ALL TREE AND SHRUB BEDS TO BE PLANTED IN A MINIMUM 50mm DOUGLASS FIR MULCH OR ROCK MULCH AS SHOWN IN PLANS. DO NOT PLACE WEED MAT OVER MULCH OR TREE AND SHRUB BEDS.
 - TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL LAYER.
 - TREE AREAS FROM SOIL SHALL BE NO. 1 LOAM GROWN FROM CERTIFIED SEED OR PROVED CULTIVARS REQUIRED FOR SALE IN BC, AND SHALL BE TOLERANT TO DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM SHALL BE PROVIDED TO ALL PLANTS. TREE PLANTS SHALL BE PLANTED IN GRADING AND DRAINAGE PITS.

RIPARIAN PLANT LIST

[illegible]

PLANT LIST

COMMON NAME		QTY	SIZE (SPACING & HUMBS)
TRAILS			
1	TO WOODS	3	4" x 10" O.C. SPACING
2	TO WOODS	7	6" x 10" O.C. SPACING
3	TO WOODS	10	6" x 10" O.C. SPACING
4	TO WOODS	15	6" x 10" O.C. SPACING
5	TO WOODS	20	6" x 10" O.C. SPACING
6	TO WOODS	25	6" x 10" O.C. SPACING
7	TO WOODS	30	6" x 10" O.C. SPACING
8	TO WOODS	35	6" x 10" O.C. SPACING
9	TO WOODS	40	6" x 10" O.C. SPACING
10	TO WOODS	45	6" x 10" O.C. SPACING
11	TO WOODS	50	6" x 10" O.C. SPACING
12	TO WOODS	55	6" x 10" O.C. SPACING
13	TO WOODS	60	6" x 10" O.C. SPACING
14	TO WOODS	65	6" x 10" O.C. SPACING
15	TO WOODS	70	6" x 10" O.C. SPACING
16	TO WOODS	75	6" x 10" O.C. SPACING
17	TO WOODS	80	6" x 10" O.C. SPACING
18	TO WOODS	85	6" x 10" O.C. SPACING
19	TO WOODS	90	6" x 10" O.C. SPACING
20	TO WOODS	95	6" x 10" O.C. SPACING
21	TO WOODS	100	6" x 10" O.C. SPACING
22	TO WOODS	105	6" x 10" O.C. SPACING
23	TO WOODS	110	6" x 10" O.C. SPACING
24	TO WOODS	115	6" x 10" O.C. SPACING
25	TO WOODS	120	6" x 10" O.C. SPACING
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45	TO WOODS	220	6" x 10" O.C. SPACING
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62	TO WOODS	305	6" x 10" O.C. SPACING
63	TO WOODS	310	6" x 10" O.C. SPACING
64	TO WOODS	315	6" x 10" O.C. SPACING
65	TO WOODS	320	6" x 10" O.C. SPACING
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67	TO WOODS	330	6" x 10" O.C. SPACING
68	TO WOODS	335	6" x 10" O.C. SPACING
69	TO WOODS	340	6" x 10" O.C. SPACING
70	TO WOODS	345	6" x 10" O.C. SPACING
71	TO WOODS	350	6" x 10" O.C. SPACING
72	TO WOODS	355	6" x 10" O.C. SPACING
73	TO WOODS	360	6" x 10" O.C. SPACING
74	TO WOODS	365	6" x 10" O.C. SPACING
75	TO WOODS	370	6" x 10" O.C. SPACING
76	TO WOODS	375	6" x 10" O.C. SPACING
77	TO WOODS	380	6" x 10" O.C. SPACING
78	TO WOODS	385	6" x



PRECEDENT IMAGERY





OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

Wednesday, March 20th, 2019

3746 Wetton Road
New Town
1464 St. Paul St. Kelowna, BC
C/o Lenka Aligerova
Via email to: lenka@newtownservices.net

Re: 3746 Wetton Road– Preliminary Cost Estimate for Bonding

Dear Lenka:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 3746 Wetton Road conceptual landscape plan dated 19/03/20;

- 897 square metres (9,655 square feet) of improvements = \$56,615.00
- 554 square metres of riparian planting (6,265 square feet) = \$7,293.00

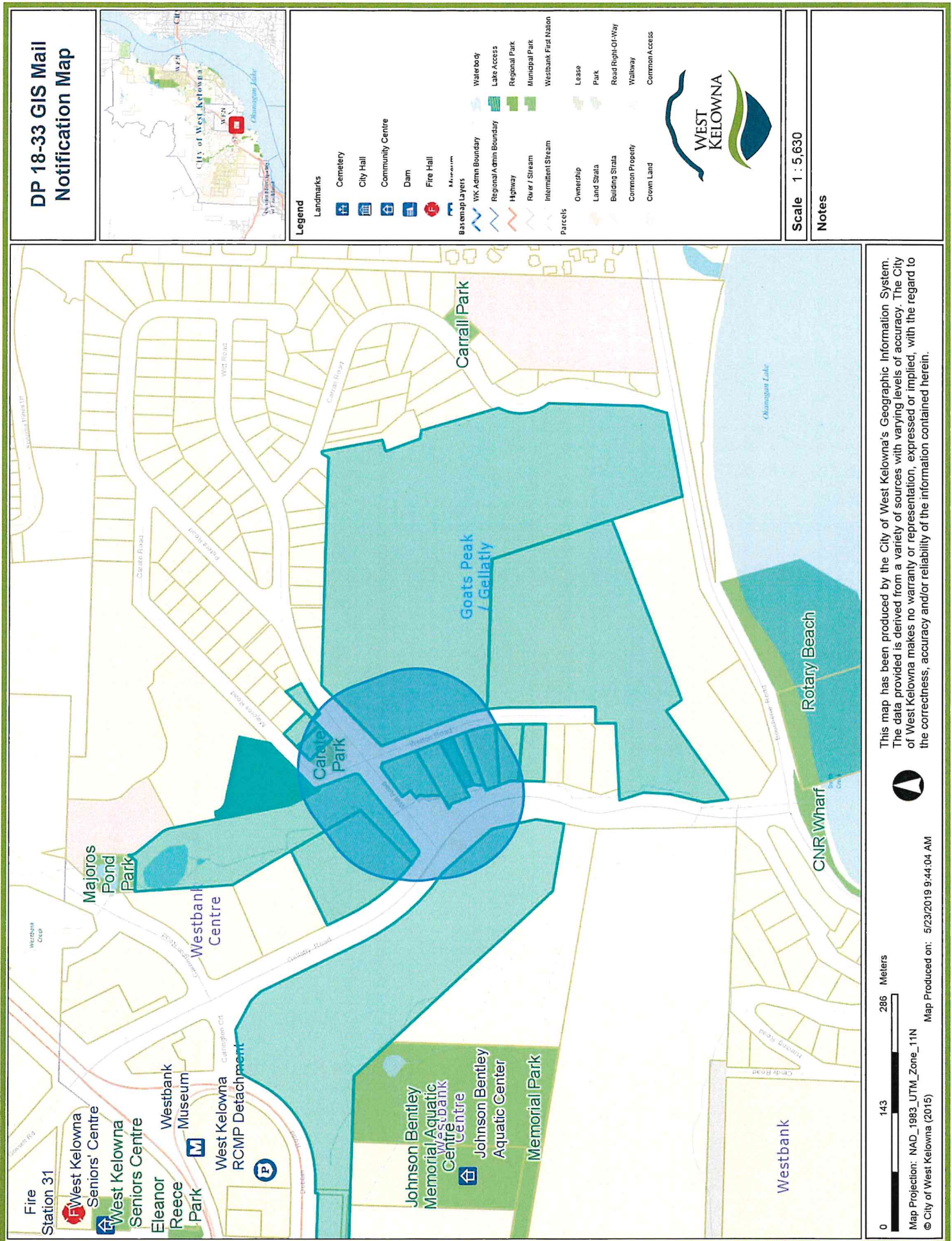
This preliminary cost estimate is inclusive of trees, shrubs, turf, mulch, topsoil & irrigation.

You will be required to submit a performance bond to the City of West Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA
as per
Outland Design Landscape Architecture

303-590KLO Road, Kelowna, BC, V1Y 7S2P 250.868.9270
outlanddesign.ca



Shelley Schnitzler

From: noreply@esolutionsgroup.ca
Sent: June-06-19 3:21 PM
To: Delegation Requests
Subject: New Response Completed for Request to Appear As a Delegation

Hello, Please note the following response to Request to Appear As a Delegation has been submitted at Thursday June 6th 2019 3:20 PM with reference number 2019-06-06-003.

- **Request to appear as a delegation on:**
6/11/2019
- **Name of person making the presentation:**
Keith Funk
- **Name of the group or organization that the person is representing:**
New Town Architecture and Engineering Inc
- **Daytime phone number:**
- **Email address:**
keithf@newtownservices.net
- **Presentation title:**
Wetton Road Low Density Housing
- **What is your request to Council?**
To be able to present to council and defend the proposed development for file DP 18-33.
- **Presentation points:**
As per the powerpoint presentation submitted to the City of West Kelowna.

[This is an automated email notification -- please do not respond]



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 2
Adoption Date: 2018-SEP-04

SUBJECT: DEVELOPMENT APPLICATION DELEGATION REQUEST

Purpose:

This policy outlines the process for applicants and the public to address Council or Council Committees for the following development applications: Official Community Plan amendments, Zoning amendments, development permits, development variance permits, Agricultural Land Commission applications (requiring notification as per the *Agricultural Land Commission Act*) and temporary use permits.

Policy:

1. An Official Community Plan amendment or Zoning amendment application or where staff support the application.

These types of applications are considered by Council in a process that mandates an opportunity for public input through a public hearing following first and second readings. The process includes comprehensive public notification, advertisement, and is the appropriate venue for anyone to provide input. Therefore delegations from the applicant and members of the public will not be considered prior to the public hearing. At the discretion of Council, however, Council may ask questions of the applicant for the purposes of clarification only during a Council meeting where the application is being considered.

Should Council, regardless of the positive staff recommendation, consider not giving first and second reading to the application, the applicant may be provided an opportunity to address Council. Council may limit the time permitted.

2. An Official Community Plan amendment or Zoning amendment application where staff do not support the application.

When staff do not support an application, the developer may wish to address Council prior to Council considering first and second readings. In these cases, delegation requests will be accepted on an application to not support, by Legislative Services until 4:00 p.m., the business day prior to the Council meeting.

3. A development variance permit application, Agricultural Land Commission application (requiring notification as per of the *Agricultural Land Commission Act*), or application for a temporary use permit.

Council may support an opportunity for both the applicant and members of the public to briefly address Council prior to Council considering the issuance of a development variance permit, Agricultural Land Commission application (e.g. Agricultural Land Reserve Exclusion application) or, a temporary use permit. Council may support such an opportunity regardless of whether the staff recommendation is to support or not support the application. Council may limit the time permitted.

4. Applications which do not require or allow for public input.

The public or the applicant are not provided an opportunity to address Council prior to Council considering any application which does not require or allow for public input (e.g. Development Permits and Non-Farm Use applications). Council's decision to approve or deny an application must fall within the parameters of enabling legislation and not be based on extraneous factors which would exceed Council's statutory authority.

Previous Revision/s: 2008-APR-22 2018-FEB-27



COUNCIL REPORT
Development Services
For the June 11, 2019 Council Meeting

DATE: June 4, 2019 File: Z 19-05

TO: Jim Zaffino, Chief Administrative Officer

FROM: Carla Eaton, Planner

RE: Application: Official Community Plan Amendment Bylaw No. 0100.56 and
Zoning Amendment Bylaw No. 0154.76 (Z 19-05)
Legal: Lot 1, DL 2602, ODYD, Plan KAP85779 Except Plan EPP21757
Address: 2370 Tallus Ridge Drive
Owner: Uday Development Inc. (BC1080647)
Agent: Protech Consulting / Kyle Lorincz

RECOMMENDED MOTION

THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.56, 2019 (File: Z 19-05); and

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.76, 2019 (File: Z 19-05); and

THAT Council direct staff to schedule the proposed bylaw amendments for Public Hearing.

RATIONALE

The recommended motion is based on the following:

- Residential policies encourage the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.
- While increasing the density from 8 units to approximately 17 units over the new R3 area, no additional disturbance is anticipated as the townhouse units will roughly follow the original site layout for the single family development.
- The future development permit process will address hillside (grading and rock fall mitigation) and form and character issues with the proposed townhouse development.
- The previous rezoning process already protected sensitive areas through the registration of a covenant, as well as secured right of way for trail connections through the site.
- The applicant has agreed to provide additional trail connections through the new development area at time of future development to be finalized as part of the future development permit.
- The proposal was supported by the City's Advisory Planning Commission (APC) and Agricultural Advisory Committee (AAC).

LEGISLATIVE REQUIREMENTS

Council has the authority under Part 14, s. 472 of the *Local Government Act* to amend the Official Community Plan and s. 479 to create and amend the Zoning Bylaw.

BACKGROUND

Context

The 64,264 m² (~16 acres) subject property is located in the Tallus Ridge neighbourhood, northwest of the intersection of Shannon Lake Road and Tallus Ridge Drive/Tuscany Drive. The surrounding land uses include (*Attachments 1 and 2*):

- North - Parks and Open Space (P1) in ALR
- East - Low Density Multiple Residential (R3) and Single Detached Residential (R1)
- South - Compact Single Detached Residential (RC3) and Agricultural (A1) in ALR
- West - Low Density Multiple Residential (R3), Medium Density Multiple Residential, and Parks and Open Space (P1)

Approximately 16,000 m² (~4.7 acres) of the property was rezoned in March 2016 (File: Z 14-06) to allow a single family residential development (Figure 1). The remaining portion retained its Agricultural (A1) and Low Density Multiple Residential (R3) zones. Despite the issuance of a Development Permit (File: DP 15-20) in late 2016 to a new owner to facilitate the subdivision of 9 single family lots and 1 multiple family lot (Figure 2), the property was not developed.

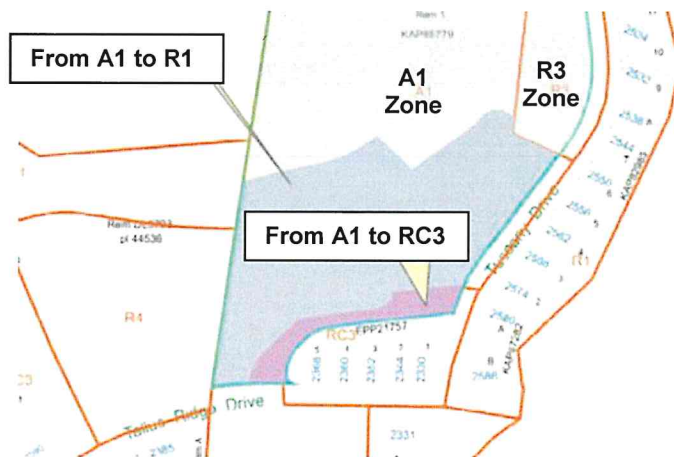


Figure 1 – Previous Amendment to R1 Zone (Z 14-06)

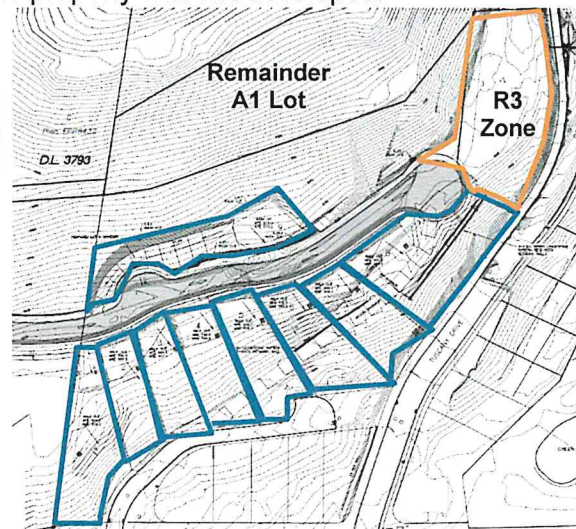


Figure 2 – Previous 9 Lot R1 Layout (DP 15-20)

Proposal

This Official Community Plan (OCP) and Zoning Amendment Application proposes to adjust the OCP land use designations and zoning boundaries to reduce the existing Single Detached Residential (R1) zone and to enlarge the Low Density Multiple Residential (R3) zone to facilitate the proposed subdivision of one (1) large multiple family strata lot and one (1) split zoned single family residential/agricultural remainder lot (*Attachments 3, 4, 5 and 6*). The new R3 zone (approx. 17 townhouse units) will be combined with the existing R3 zone (approx. 9 townhouse units) to facilitate the proposed 26 unit townhouse strata development (Figure 3 – shows the combined R3

zones in orange). The proposed amendments will also allow realignment of the A1 zone along the proposed strata road to ensure the Low Density Residential strata lot is not split zoned. The amendment will increase residential density from 8 single family dwelling units to approximately 17 townhouse dwelling units.

As with the previous rezoning and DP, although the parcel has frontage on both Tuscany Drive and Tallus Ridge Drive, access will be obtained off Mountains Hollow Lane (through the adjacent lands to the west) due to the topography of the site.

Policy and Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100

OCP land use designations for the subject property are Single Family Residential (SFR), Parks and Natural Area (PNA), Low Density Multiple Family (LDMF) and Medium Density Multiple Family (MDMF). The proposed amendment will reduce the size of the SFR designation by increasing the size of the MDMF designation (Figure 4 – Green Area), as well as reduce a very small portion of the Parks and Natural area designation (Figure 4 – Red Area) to facilitate the proposed development.

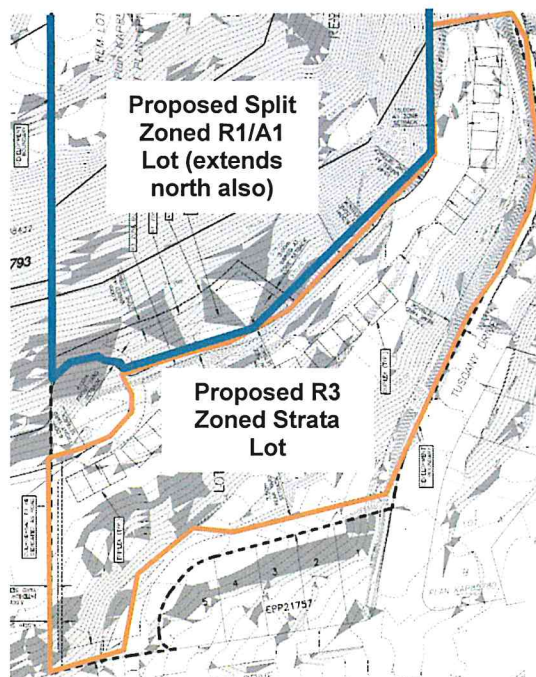


Figure 3 – Proposed Lot Layout

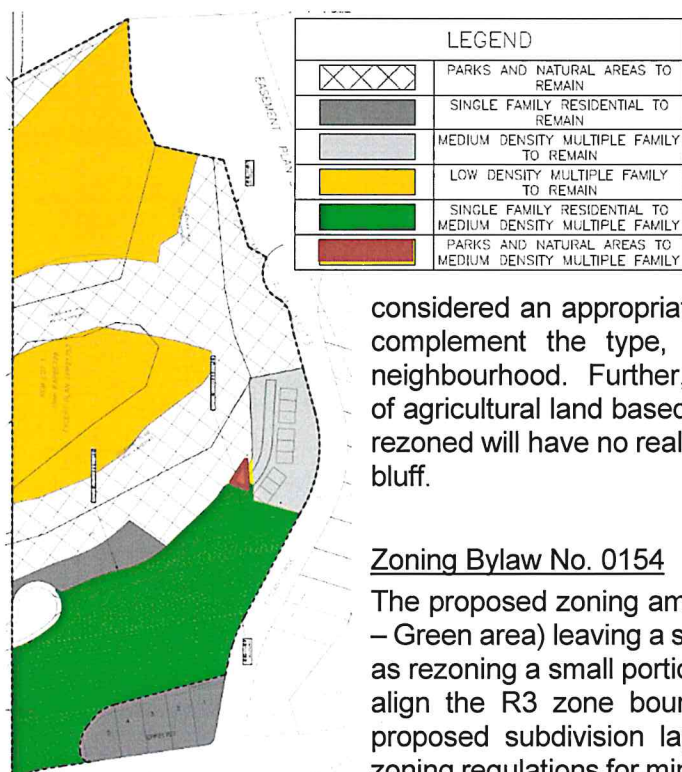


Figure 4 – Proposed Land Use Amendment

Recommendation of support is based on residential policy which encourages the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities. Additionally, the ground oriented townhouse development with at-grade private entrances is

considered an appropriate form of infill housing that has the ability to complement the type, form, scale and use of the surrounding neighbourhood. Further, agricultural policy encourages the valuation of agricultural land based on farm capability, where the A1 area being rezoned will have no real impact as the small area is essentially a rock bluff.

Zoning Bylaw No. 0154

The proposed zoning amendment will increase the R3 zone (Figure 5 – Green area) leaving a smaller R1 area (Figure 5 – Blue area), as well as rezoning a small portion of the A1 zone (Figure 5 – Red area) to realign the R3 zone boundary with the proposed strata road. The proposed subdivision layout meets the split zoned R1/A1 and R3 zoning regulations for minimum parcel area and frontage (*Attachments 7, 8 and 9*). A variance approved with development permit (DP 15-20) for the previous single family layout for the site to reduce the 15.0 metre agricultural setback from the R1 zone will continue to apply to the remaining R1 zoned area.

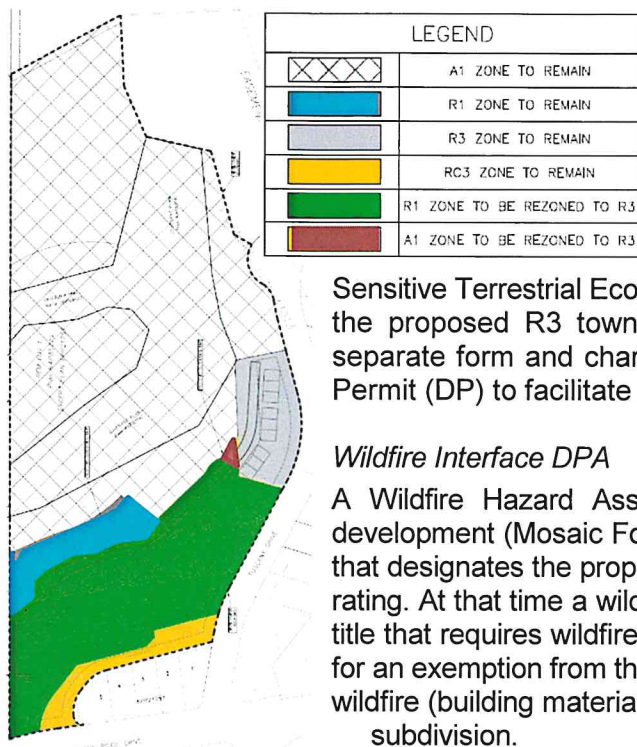


Figure 5 – Proposed Zoning Amendment

It is noted that the A1 zoning on the parcel is considered a remnant of a bulk agricultural zoning likely associated with nearby agricultural lands.¹

Development Permit Areas (DPA)

The subject property is located in the Hillside, Sensitive Terrestrial Ecosystem, and Wildfire Interface DPA. Additionally, the proposed R3 townhouse strata development will also require a separate form and character Multiple Family Residential Development Permit (DP) to facilitate any future Building Permits.

Wildfire Interface DPA

A Wildfire Hazard Assessment was completed as part of previous development (Mosaic Forest Management Ltd., dated January 24, 2006) that designates the property as having a moderate to high wildfire hazard rating. At that time a wildfire (mitigation) covenant was also registered on title that requires wildfire mitigation works prior to construction. To qualify for an exemption from the requirement to obtain a Wildfire Interface DP, a wildfire (building materials) covenant must be registered on title at time of subdivision.

Sensitive Terrestrial Ecosystem DPA

The proposal is exempt from the requirement to obtain a Sensitive Terrestrial Ecosystem DP based on recommendations in an Environmental Assessment that was completed as part of the associated rezoning application (File: Z 14-06). The recommendations included the protection of additional environmentally sensitive areas located near the north end of the parcel (outside the development area). A no build/no disturb restrictive covenant was registered on title as a condition of rezoning.

Hillside DPA

As noted above, a Hillside DP (DP 15-20) was issued for the previous single family residential subdivision, which will now only apply to the remaining R1 zoned area (Figure 6). The townhouse strata development in the larger R3 zoned area has proposed a new internal access road and site grading that will be required to be reviewed through a combined hillside and form and character DP as portions of the site are comprised of steep slopes. Existing site conditions noted with Council's previous consideration of the zoning and DP with variance included:

- Slopes typically in the range of 30 to +40%.
- A rock cut (cliff face) along Tuscany Drive typically in excess of 10 metres high up to 18 metres high.
- A rock cut in the vicinity of the proposed access road in the range of 8 to 10 metres high.

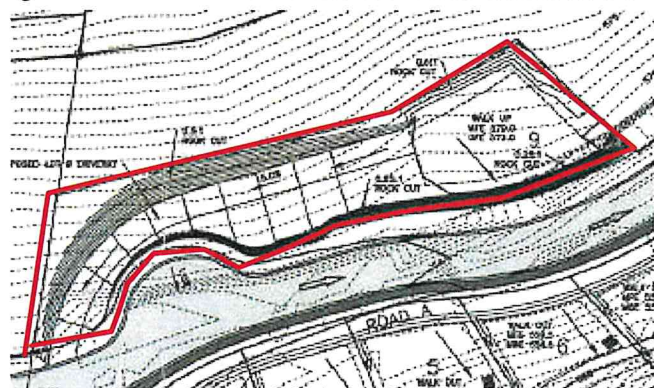


Figure 6 – Proposed R1 Portion of Split Zoned Lot

¹ The agricultural capability of the land is 80% - Class 6 and 20% - Class 7 (Ministry of Environment, Land Capability for Agriculture, Project No. 81-24PC, 1987). Class 6 and 7 land is not considered arable and would present difficulties with improvement. Noted limitations include topography and depth to solid bedrock.

- Additional site disturbances associated with unapproved preliminary road construction and site grading.

As a result of these conditions, a number of outstanding requirements associated with the R1 split zoned lot are recommended to be addressed at time of future subdivision. This includes the registration of a geotechnical covenant advising potential purchasers that there is a rock fall hazard associated with the driveway access which requires ongoing and routine maintenance of the rock cuts (i.e. scaling and removal of debris from the toe of the cut), and requires signage to warn about the rock fall hazard. Similar concerns may also apply to the larger R3 zone at time of subdivision, which will be considered with the future development permit for the proposed townhouse development.

Technical Review

Servicing

A Servicing Report was submitted that notes that the site can be adequately serviced. A 6.0 metre wide utility corridor for sanitary sewer and storm services is proposed extending from the proposed townhouse development road down to Tallus Ridge Drive. Additional review has noted that off-site watermain improvements are required to extend through the road reserve to the west, and stormwater runoff from the road extension must also be confirmed. Final design at time of future development permit must also consider stormwater routing and private storage for the townhouse development. It is recommended that any identified off-site servicing works are required to be constructed at time of future development as a condition of the zoning amendment.

Geotechnical

A Geotechnical Review was submitted (prepared by Interior Testing Services Ltd. and dated August 16, 2016) that notes that "the site is anticipated to be suitable for the proposed residential development and appears adequate for the intended purpose." The geotechnical engineer provides an opinion that the land may be used safely for the use intended, conditional upon several recommendations contained in the report. It is recommended that this report is updated as a condition of the future development permit and subdivision process, and that the updated Geotechnical Report form part of a geotechnical covenant required to be registered on title prior the approval of any building permits for or future subdivision of the subject property.

Rock Cut on Tuscany Drive

Additional review has noted that there are outstanding requirements from previous rezoning (Z 14-06) for rock scaling above Tuscany Drive that are required to be confirmed as complete. The rock cut along Tuscany Drive is approximately 280 metres long and has a height above the road that varies from 13 to 18 metres (Figure 7). As the report further recommends that the rock cut is scaled every five years and that the future strata development owners will inherit the maintenance and liability for the rock cut (approximately 194 m), this condition will also form part of the geotechnical covenant noted above. It is recommended that any outstanding rock scaling be done at time of development as a condition of zoning.

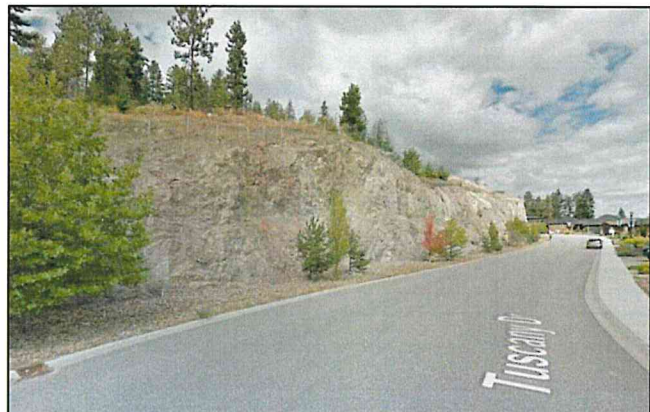


Figure 7 - Photo of rock cut along Tuscany Drive (on subject property)

Transportation and Site Access:

As noted previously, access to the site will be from a new road off Mountains Hollow Lane through the adjacent lands to the west. A portion of the new road is currently underway (Figure 8 – blue arrows) through works on the adjacent property authorized by development permit (DP 18-16). As the road will be dedicated but not constructed all the way to the subject property, it is recommended that any unfinished portion of the road (Figure 8 – red arrows) is required to be constructed as an off-site improvement at time of future development as a condition of the zoning amendment. From the property line, the owner has proposed a short access road to the site terminating in a cul de sac, which would be the access point for the private driveway to the R1 lot, as well as the access point for the private strata road.

Pedestrian Access:

As a condition of the previous rezoning, the owner registered a statutory right of way securing pedestrian access (CA5016164) along the north end of the property adjacent to the golf course.

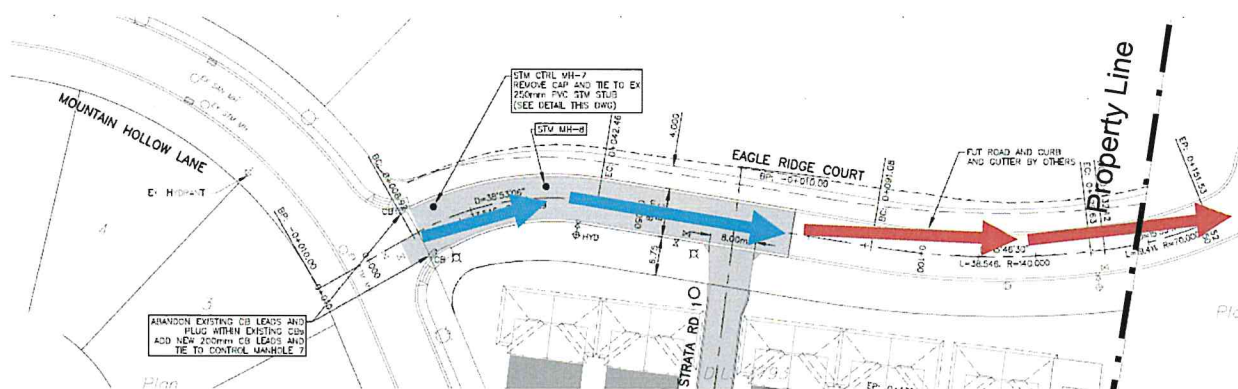


Figure 8 – Proposed Access from Mountains Hollow Lane to Subject Property

As the condition of this trail is poor, it is recommended that the trail is upgraded to the City's Nature Trail Standard at time of future development as condition of zoning amendment.

The previous development proposal also included a right of way over the proposed utility corridor that would have accommodated public access through the south end of the property, as well as requiring construction to a narrow multi-use trail standard. However, given that the conditions of DP 15-20 will not apply to the proposed R3 townhouse portion of the site as a new form and character DP will be required, it is recommended that the statutory right of way and construction of the pedestrian trail connection over the utility corridor is required at time of future development as a condition of the zoning amendment.

Referral Responses

A referral for the application was circulated to all departments and key agencies. No objections were noted, but general comments were received noting support for the off-site servicing recommendations and pedestrian connectivity improvements through the proposed development site.

Agricultural Advisory Committee (AAC)

The AAC considered the application on May 2, 2019 and carried the following motion:

THAT the AAC support file Z 19-05, 2370 Tallus Ridge Dr. as presented.

Advisory Planning Commission (APC)

The APC considered the application on May 15, 2019 and carried the following motion:

THAT the APC recommend support of file Z 19-05, 2370 Tallus Ridge Drive as presented.

ALTERNATE MOTIONS

Option 1: Postpone 1st and 2nd Reading

- 1) **THAT** Council postpone first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.56, 2019 (File: Z 19-05); and
- 2) **THAT** Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.76, 2019 (File No. Z 19-05).

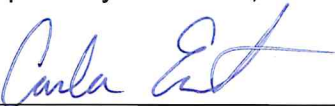
Should Council postpone consideration of the proposed bylaw amendments, further direction to staff on how to proceed is required.

Option 2: Deny the Application

- 1) **THAT** Council deny File: Z 19-05 for 2370 Tallus Ridge Drive.

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal six months after initial Council consideration.


Respectfully submitted,




Carla Eaton
Planner III



Bob Dargatz
Development Manager / Approving
Officer



Brent Magnan
Planning Manager




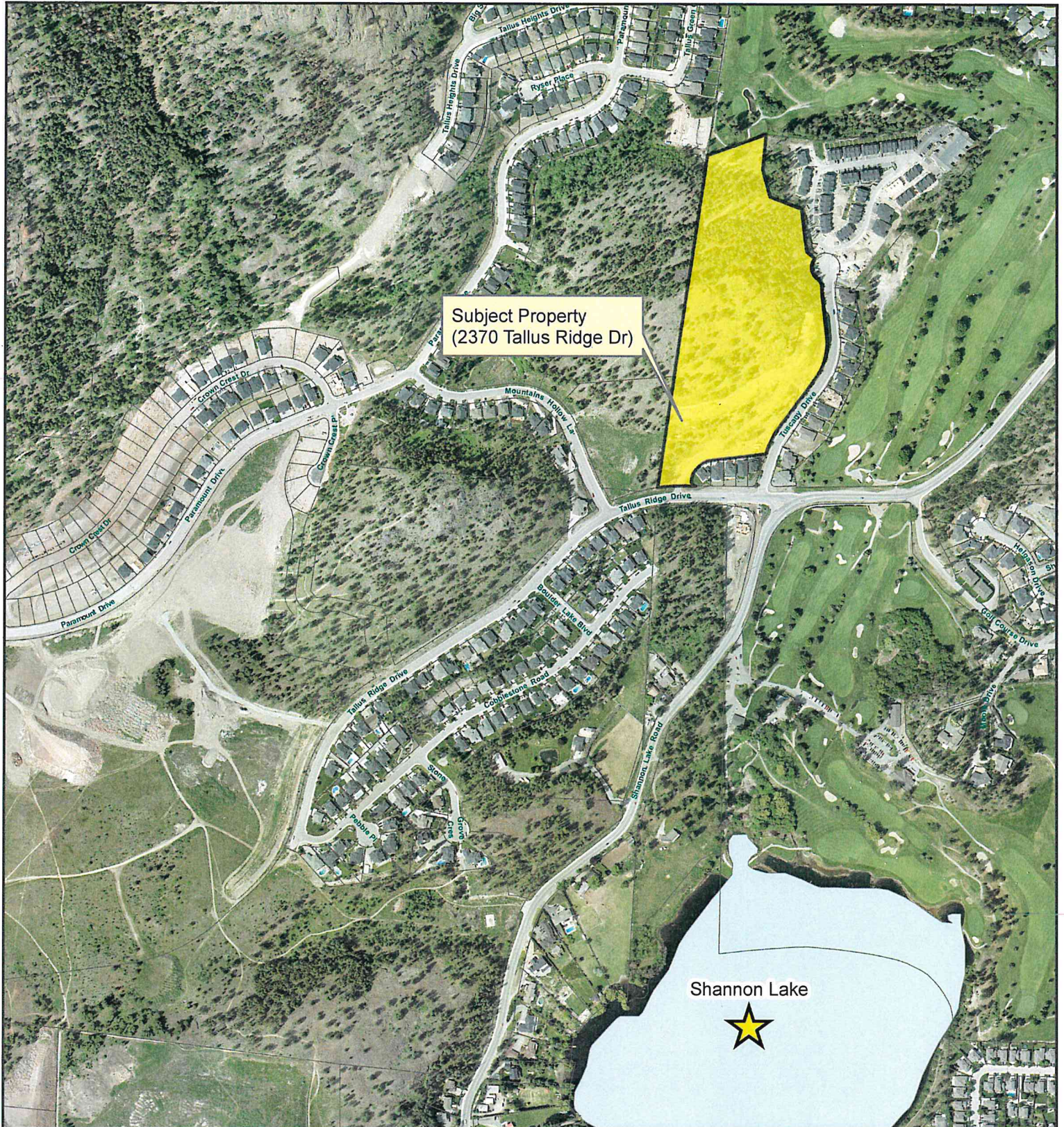
Nancy Henderson
General Manager of Development
Services

Powerpoint: Yes ☒ No ☐

Attachments:

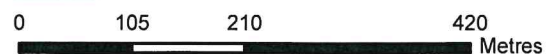
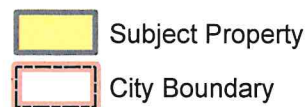
1. Context Map
2. Subject Property Map
3. Official Community Plan Amendment Bylaw No. 0100.56
4. Zoning Amendment Bylaw No. 0154.76
5. OCP Amendment Plan
6. Rezoning Plan
7. Agricultural (A1) Zoning Excerpt
8. Single Detached Residential (R1) Zoning Excerpt
9. Low Density Multiple Residential (R3) Zoning Excerpt

Approved for Agenda	
 for Jim Zaffino, CAO	<u>June 6/19</u> Date



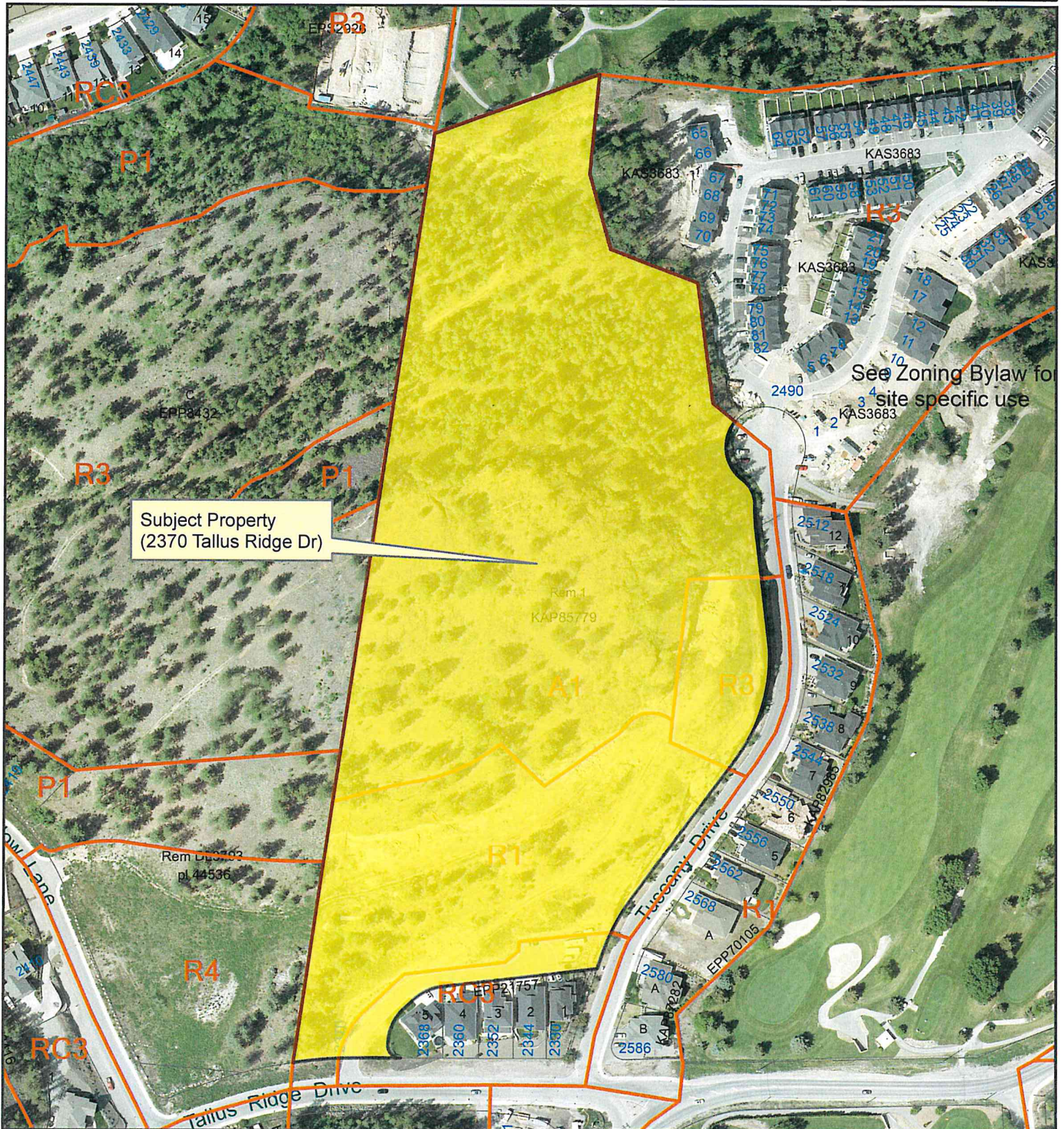
File: Z 19-05

Legal Description: Lot 1, DL 2602, ODYD, Plan KAP85779
Except Plan EPP21757





SUBJECT PROPERTY: Z 19-05



File: Z 19-05

Legal Description: Lot 1, DL 2602, ODYD, Plan KAP85779
Except Plan EPP21757

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres



CITY OF WEST KELOWNA**BYLAW NO. 0100.56****A BYLAW TO AMEND "OFFICIAL COMMUNITY PLAN BYLAW NO. 0100"**

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 0100.56, 2019".

2. Amendments

"City of West Kelowna Official Community Plan Bylaw No. 0100" is hereby amended as follows:

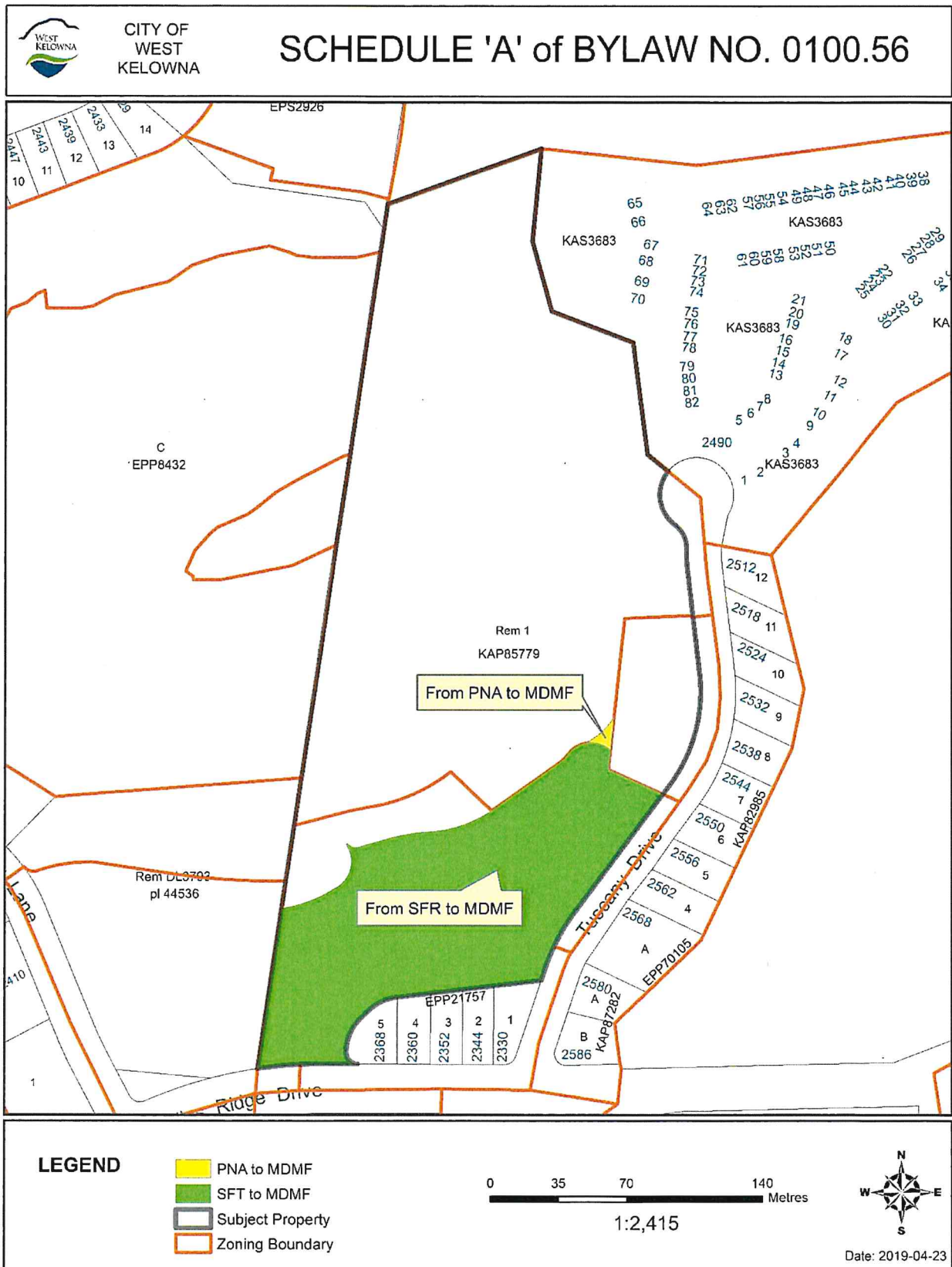
2.1 By changing the designation on a portion of Lot 1, District Lot 2602, ODYD, Plan KAP85779, Except Plan EPP21757, as shown on Schedule 'A' attached to and forming part of this bylaw, from Single Family Residential and Parks and Natural Area to Medium Density Multiple Family.

2.2 By depicting the change on "City of West Kelowna Official Community Plan Bylaw No. 0100 Schedule B" (Land Use map).

READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME THIS
ADOPTED

MAYOR

CITY CLERK



CITY OF WEST KELOWNA**BYLAW NO. 0154.76****A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.76, 2019".

2. Amendments

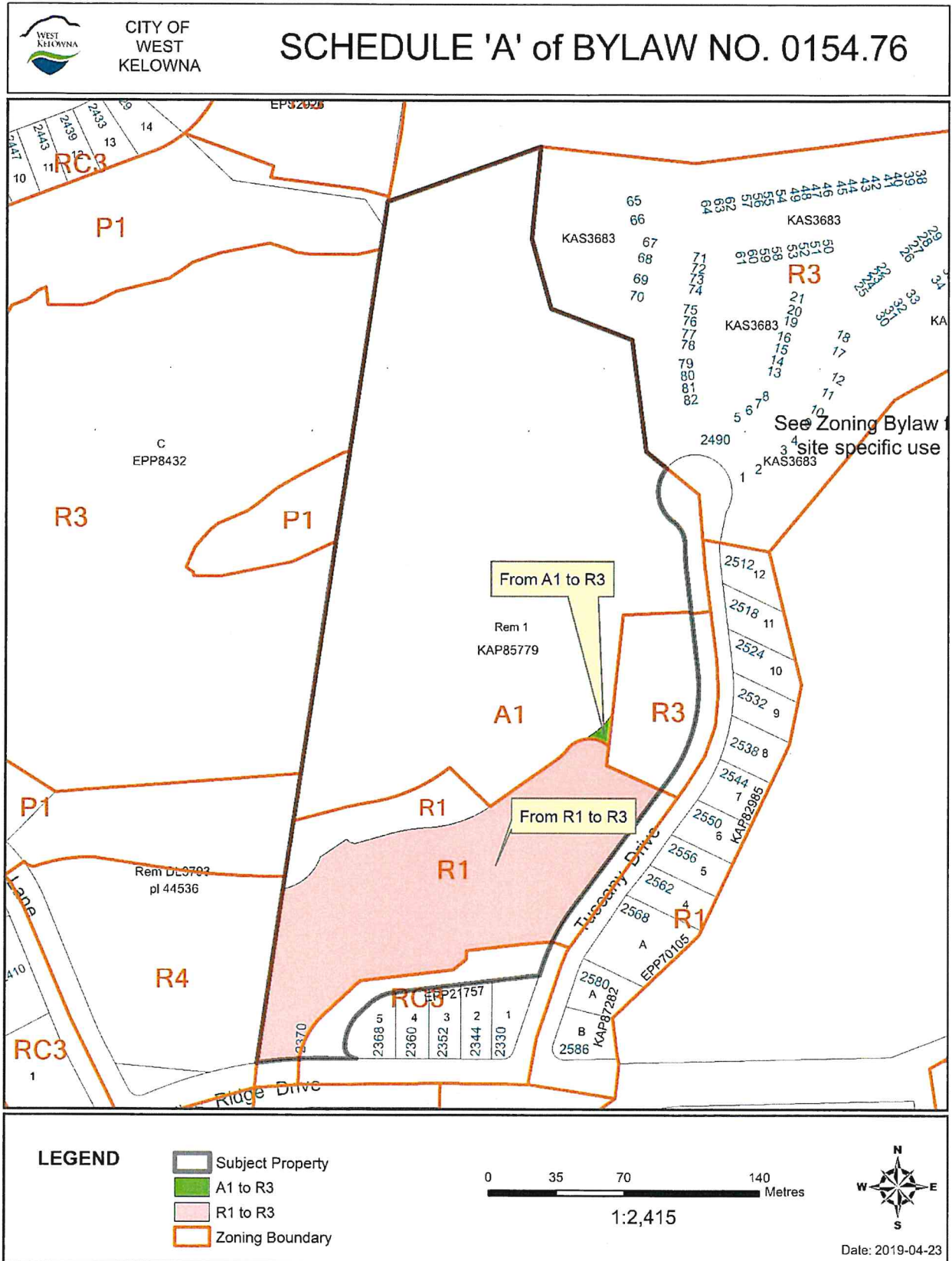
"Zoning Bylaw No. 0154" is hereby amended as follows:

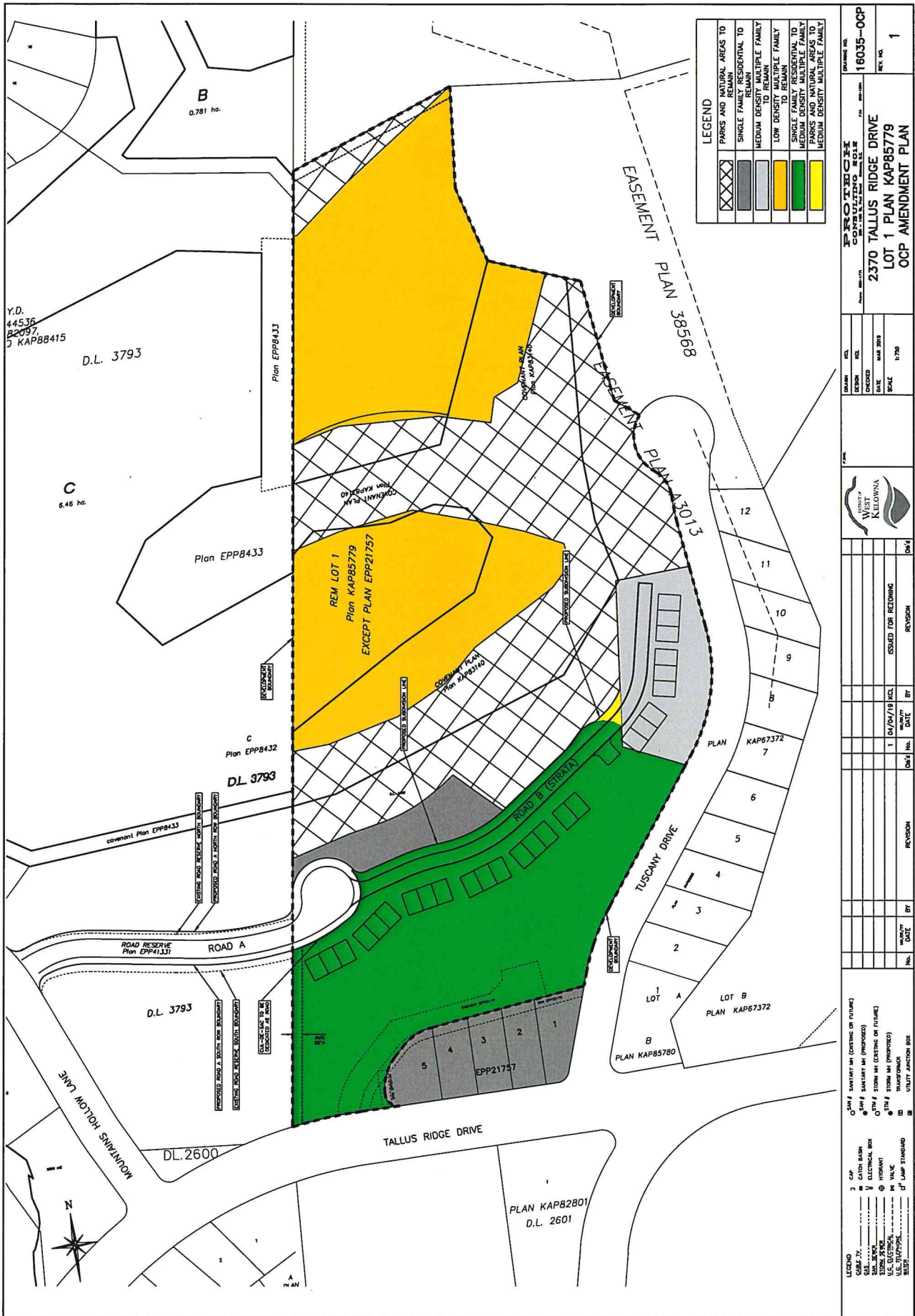
- 2.1 By changing the zoning on a portion of Lot 1, District Lot 2602, ODYD, Plan KAP85779, Except Plan EPP21757, as shown on Schedule 'A' attached to and forming part of this bylaw, from Single Detached Residential Zone (R1) and Agricultural (A1) to Low Density Multiple Residential Zone (R3).
- 2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

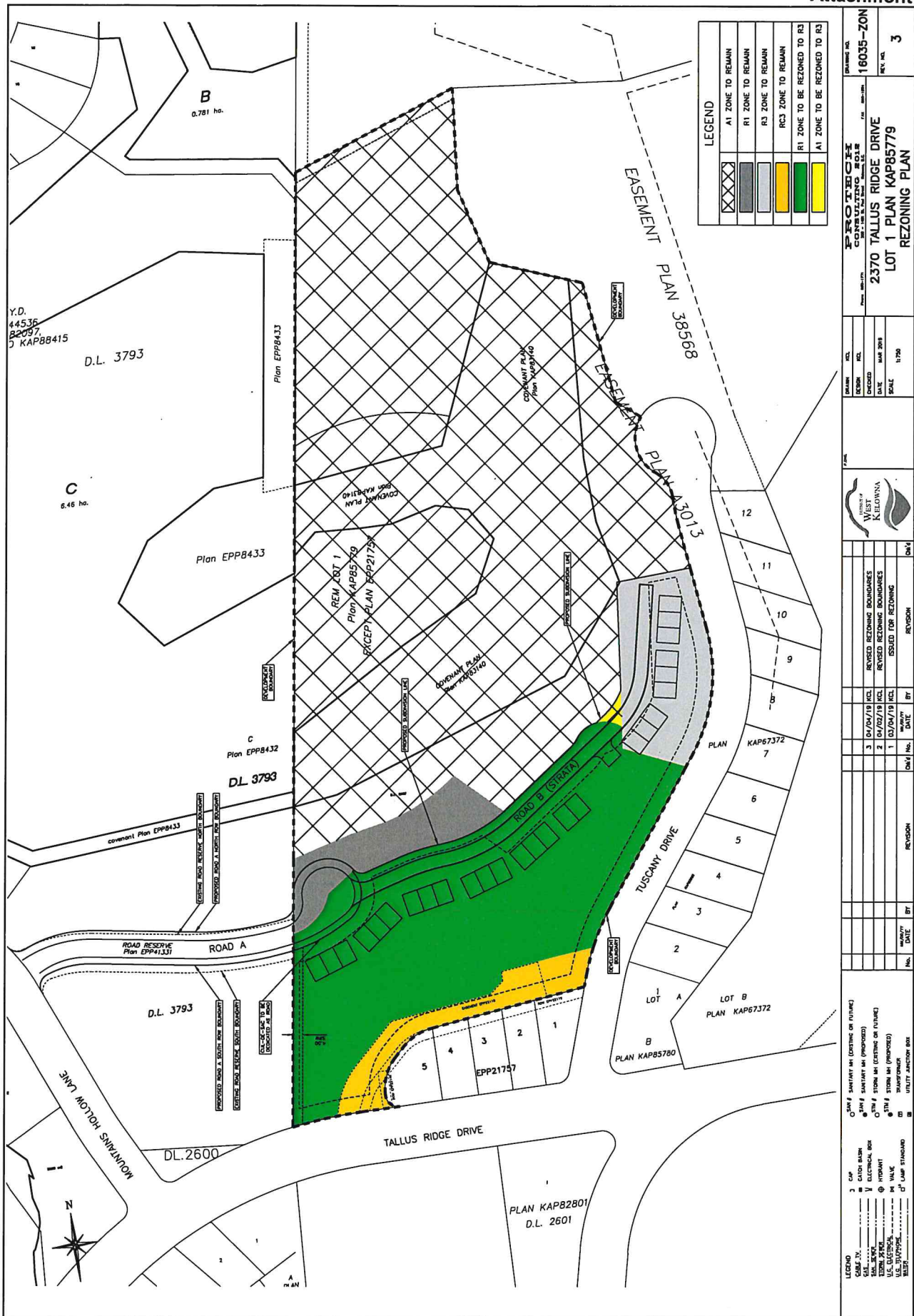
READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME THIS
ADOPTED

MAYOR

CITY CLERK







PART 8 – AGRICULTURAL ZONES

8.1 AGRICULTURAL ZONE (A1)

Bylaw No.
154.36

.1 Purpose

To accommodate agricultural operations and related activities located on parcels that are typically within the Agricultural Land Reserve.

.2 Principal Uses, Buildings and Structures

- (a) Agriculture, general
- (b) Agriculture, intensive
- (c) Brewery, distillery or meadery
- (d) Kennels, service on parcels 4 ha or greater
- (e) Greenhouse or plant nursery
- (f) Mobile home
- (g) Modular home
- (h) Riding stable
- (i) Single detached dwelling
- (j) Winery or cidery

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Agricultural worker dwelling
- (c) Agricultural worker dwelling, temporary
- (d) Agri-tourism
- (e) Agri-tourism accommodation
- (f) Bed and breakfast
- (g) Care facility, minor
- (h) Carriage house
- (i) Home based business, major
- (j) Kennels, hobby
- (k) Portable saw mill or shake mill
- (l) Retail sales of farm products or processed farm products
- (m) Secondary suite

.4 Site Specific Uses, Buildings and Structures

- (a) On Lot 23, DL 486, Plan 761, ODYD (except Plan KAP71035): one additional single detached dwelling
- (b) On Lot A, DL 3796, ODYD, Plan 29609: one additional single detached dwelling
- (c) On Lot 80, DL 1934, Plan 5381, ODYD, except Plan 16601: one additional single detached dwelling
- (d) On Lot A, DL 3480, ODYD, Plan KAP67210: Outdoor Storage

Bylaw No.
154.42

Bylaw No.
154.54

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	4.0 ha (9.9 ac), except it is: 2.45 ha (5.73 ac) on the western portion of DL 5075, ODYD, Except Plans 9213 and 12107
(b)	Minimum parcel frontage	30 m (98.4 ft) or 10% of the perimeter of the parcel, whichever is less
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Single detached dwelling, mobile home and modular home	Only 1 single detached dwelling or only 1 mobile home or only 1 modular home per parcel
.2	Agricultural worker dwelling including temporary	Subject to Sections 3.18 and 3.19
.3	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(d)	Maximum parcel coverage:	
.1	For all uses, buildings and structures other than a greenhouse	35%
.2	Greenhouse	75% less the parcel coverage of other uses
(e)	Maximum building height is 15.0 m (49.2 ft) except for the following:	
.1	Single detached dwelling and modular home	12.0 m (39.4 ft)
.2	Agricultural worker dwelling and mobile home	9.0 m (29.5 ft) to a maximum of 3 storeys
.3	Barn	20.0 m (65.6 ft)
.4	Accessory buildings and structures	8.0 m (26.2 ft)
.5	Carriage house	5.0 m (16.4) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking space is provided in the same building

SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	6.0 m (19.7 ft)
.2	Rear parcel boundary	3.0 m (9.8 ft)
.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	Watercourses	Subject to Section 3.23
(g)	Despite 8.1.5(f), the following uses, buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Intensive agriculture	30.0 m (98.4 ft)
.2	Buildings housing animals (other than intensive agriculture), kennel, riding stable and greenhouse	15.0 m (49.2 ft)

.6 Other Regulations - Reserve

10.4. SINGLE DETACHED RESIDENTIAL ZONE (R1)**.1 Purpose**

To accommodate low density single detached residential use on parcels of land that are 550 m² and larger.

.2 Principal Uses, Buildings and Structures

- (a) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
 (b) Bed and breakfast
 (c) Care facility, minor
 (d) Carriage house
 (e) Home based business, major
 (f) Secondary suite

.4 Site Specific Uses, Buildings and Structures

- (a) On Lot 1, Plan 44004, DL 581 ODYD, Except Plans KAP48178 & KAP53981: vineyard and one single detached/caretakers residence.

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	550 m ² (5,920.2 ft ²)
(b)	Minimum usable parcel area	330 m ² (3,552.1 ft ²)
(c)	Minimum parcel frontage	16.0 m (52.5 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Single detached dwelling	1 per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	
.1	Single detached dwelling	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Accessory buildings and structures	5.0 m (16.4 ft)
.3	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)
.4	Exterior side parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

.6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.4.5(f).1, the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).
- (b) Without limiting the application of the height regulation in Section 10.4.5(f).3, the height of any carriage house wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 1.5 storeys and 6.5 m (21.3 ft).
- (c) Despite Section 10.4.5(c), the parcel frontage may be less than 16.0 m (52.5 ft) for parcels on a cul-de-sac provided that the radius of the curvature along the parcel frontage is less than 160 m (524.9 ft) and the arc length along the parcel boundary is at least 12.0 m (39.4 ft) as illustrated in Figure 10.1.

[illegible]

- (a) The regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- (b) The regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

Schedule A

10.9.LOW DENSITY MULTIPLE RESIDENTIAL ZONE (R3)

.1 Purpose

To accommodate multiple residential in low density housing form.

.2 Principal Uses, Buildings and Structures

- (a) Care facility, major, in duplex or townhouse form only
- (b) Duplex
- (c) Group home, in duplex or townhouse form only
- (d) Townhouse

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Home based business, minor

.4 Site Specific Uses, Buildings and Structures

Bylaw No.
154.11

- (a) On Lots 1-16, District Lot 2045, ODYD, Strata Plan KAS1884: single detached dwellings

Bylaw No.
154.11

- (b) On Lots 1-73, District Lot 5070, ODYD, Strata Plan KAS2583: single detached dwellings and apartments.

Bylaw No.
154.11

- (c) Apartments on:

- (i) Lot A, District Lot 2602, ODYD, Plan KAP92694;
- (ii) Lot 41, District Lot 703, ODYD, Plan KAP88313;
- (iii) District Lot 2602, ODYD, Plan KAP83141, Except Strata Plan KAS3683, and District Lot 2602, ODYD, Strata Plan KAS3683;
- (iv) Lots 1-14, District Lot 2602, ODYD, Plan KAS3023;
- (v) Lots 1-142, District Lot 2601, ODYD, Strata Plan KAS3485;
- (vi) Lot 1, District Lot 434 and District Lot 2045, ODYD, Plan 36364; and
- (vii) the R3-zoned portion of Lot C, District Lot 2045, ODYD, Plan KAP60462; and
- (viii) Lot A, DL 2602, ODYD, Plan KAP80333

Bylaw No.
154.22

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	1000 m ² (10,763.9 ft ²)
(b)	Minimum usable parcel area	700 m ² (7,534.7 ft ²)
(c)	Minimum parcel frontage	30.0 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density	0.75 FAR
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less 18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
OUTDOOR AMENITY SPACE		
(h)	Minimum outdoor amenity space per unit	25 m ² (269.1 ft ²)

.6 Other Regulations

- (a) Where side-by-side duplex units or townhouses are subdivided under the *Land Title Act*, Sections 10.9.5(a), 10.9.5(b) and 10.8.9(c) shall not apply provided that each parcel so created contains not less than one half the minimum parcel area, not less than one half the minimum usable site area and not less than one half the minimum frontage specified in those Sections, and Section 10.9.5(g).3 shall not apply.

(b) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures,

Bylaw No.
154.06

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.



COUNCIL REPORT
Development Services
For the June 11, 2019 Council Meeting

DATE: June 6, 2019 File No. Z 11-15

TO: Jim Zaffino, CAO

FROM: Carla Eaton, Planner III

RE: Application: Official Community Plan Amendment Bylaw No. 0100.18 and
Zoning Amendment Bylaw No. 0154.15 (Z 11-15)

Legal: DL 521, ODYD, Except Plans 7784, 9264, 12153, 13075, 15854,
16046, 22092, 25478, 27025, 41547 and KAP50429

Address: 2796 Benedick Road

Owners: 1091094 B.C. Ltd.

Agent: AllNorth / Glen McCrae

RECOMMENDED MOTION:

THAT Council adopt City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.18, 2017 (File: Z 11-15); and

THAT Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.15, 2017 (File: Z 11-15).

RATIONALE:

The recommended motion is based on the following:

- The applicant has committed to dedication of a park adjacent to the access to Kalamoir Park and has agreed to construct park improvements at or before time of development.
- The applicant has provided a public pedestrian access (statutory right of way) through the property between Kalamoir Park and Casa Palmero Park.
- The applicant has provided a statutory right of way for future stormwater connections in accordance with the City's Master Drainage Plan.
- The applicant has committed to construct a number of off-site infrastructure improvements at or before time of development including water, storm water and roads.
- The applicant has committed to a number of on-site considerations to be addressed as a condition of future subdivision related to drainage, wildlife corridor protection and monitoring of the slide area.
- The applicant has committed to a number of development restrictions over the slide area and commitments related to monitoring of the slide area.
- The zoning conditions established at third reading have been met pending final confirmation of the registration of the legal documents noted above, which were filed at Land Titles Office on May 31, 2019.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14, s. 472 of the *Local Government Act* to amend the Official Community Plan and s. 479 to create and amend the Zoning Bylaw.

BACKGROUND:

This is an application to rezone the 6.1 ha property from Rural Residential Large Parcel Zone (RU4) to Single Detached Residential Zone (R1) and Rural Residential Small Parcel Zone (RU2); and to amend the OCP land use designation from Resource and Park and Natural Areas to Single Family Residential to facilitate a proposed subdivision of single family residential lots and 1 large rural residential lot (*Attachment 1 and 2*).

Zoning Conditions

The Council resolution at third reading established seven zoning conditions, as noted in the Council Report/Resolution History table below. The conceptual design drawings and cost estimates for the park and staging area improvements, as well as the off-site storm water, water and Benedick Road improvements were reviewed by the City and approved for use in the required covenants. As the zoning conditions have now been satisfied, which include pending confirmation of the registration of the legal documents, it is recommended that the amendment bylaws be adopted.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
Mar 12, 2019	<p>THAT Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.18, 2017 (File: Z 11-15); and</p> <p>THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.15, 2017 (File: Z 11-15); and</p> <p>THAT the wildlife corridor width not be accepted as proposed and that it be further reviewed for expansion at the Development Permit stage in concert with detailed subdivision designs; and</p> <p>THAT Council direct staff to schedule the bylaws for consideration of adoption following:</p> <ul style="list-style-type: none">• Submission of the following conceptual design drawings and cost estimates to the satisfaction of the General Manager of Development Services prior to registration within the required covenants noted below:<ul style="list-style-type: none">○ Park and staging area improvements;○ Off-site storm water infrastructure improvements;○ Off-site water infrastructure improvements; and○ Off-site road improvements to Benedick Road;• Registration of a blanket pedestrian Statutory Right of Way for future connections through the subject property between Kalamoir Park and Casa Palmero Park;• Registration of a blanket Statutory Right of Way for future stormwater connections through the rural lot in accordance with the City's Master Drainage Plan;	C122/19

	<ul style="list-style-type: none"> • Registration of a Section 219 covenant that requires: <ul style="list-style-type: none"> ○ The dedication and construction of the proposed park and staging area as a condition of future subdivision; ○ The collection and piped conveyance of drainage from the Lakeridge Road area through the subject property to the stormwater system as a condition of future subdivision; ○ The expansion of the wildlife corridor in accordance with the Hillside Development Permit guidelines at time of subdivision; ○ Requires ongoing monitoring of the slide area during development of the residential site in accordance with reporting and recommendations of the geotechnical engineer; • Registration of a Section 219 covenant that restricts future subdivision until the following items have been constructed in general accordance with the approved conceptual design drawings and cost estimates: <ul style="list-style-type: none"> ○ Off-site storm water infrastructure improvements; ○ Off-site water infrastructure improvements; and ○ Off-site road improvements to Benedick Road; • Registration of a Section 219 Covenant on the rural lot that: <ul style="list-style-type: none"> ○ Restricts the developable area to ensure that no infrastructure or development be placed in the slide area until such time as the slide area has been deemed safe by a Geotechnical Engineer; ○ Requires future development proposals/applications to include a record of ongoing geotechnical monitoring; and ○ Acknowledges that the owner agrees to save harmless the City in the event of any future geotechnical event should it occur. 	
Dec 11, 2018	Public Hearing held	N/A
Nov 27, 2018	Information Only Report	N/A
Jul 12, 2018	<p>THAT Council give second reading to City of West Kelowna Official Community Plan Bylaw Amendment No. 0100.18, 2017; and</p> <p>THAT Council give second reading to City of West Kelowna Zoning Bylaw Amendment No. 0154.15, 2017; and</p> <p>THAT Council direct staff to schedule the Public Hearing.</p>	C306/18
May 8, 2018	<p>THAT Council defer second reading to City of West Kelowna Official Community Plan Bylaw Amendment No. 0100.18, 2017; and</p> <p>THAT Council defer second reading to City of West Kelowna Zoning Bylaw Amendment No. 0154.15, 2017.</p>	C216/18

Sep 5, 2017	<p>THAT Council give first reading to City of West Kelowna Official Community Plan Bylaw Amendment No. 0100.18, 2017; and</p> <p>THAT Council give first reading to City of West Kelowna Zoning Bylaw Amendment No. 0154.15, 2017; and further</p> <p>THAT Council direct staff to schedule the application for consideration of second reading subject to receipt of a revised Storm Water Management Plan to the satisfaction of the General Manager of Development Services.</p>	C409/17
Mar 28, 2017	<p>THAT Council postpone first and second reading of the proposed Zoning Bylaw and Official Community Plan Amendments and direct staff to seek a decision from the Regional District of Central Okanagan on the drainage proposal and to provide Council with additional information on the issue of the proposed civic infrastructure.</p>	C215/17
Nov 22, 2016	<p>THAT Council direct staff to continue to process the OCP and Zoning Bylaw amendment application for 2796 Benedick Road (File: Z 11-15) by providing the applicant with an additional 6 month extension.</p>	C387/16
Mar 24, 2015	<p>THAT Council defer consideration of the proposed Zoning Bylaw and Official Community Plan Amendments (File Z 11-15) and direct staff to provide additional information prior to consideration of the bylaws including the following information:</p> <ul style="list-style-type: none"> • A revised servicing report, including an update on sanitary sewer capacity; • A revised storm water management plan; • Preliminary concept drawings and road cross-section that provides detail regarding Benedick Road improvements; • Geotechnical study on slide area; • Parkland and trail connections confirmed. 	C139/15
May 28, 2013	<p>THAT Council postpone consideration of proposed Zoning Bylaw (871.264 and 871.265) and Official Community Plan Amendments (0100.18 and 0100.19) (File: Z 11-15); and</p> <p>THAT Council direct staff to schedule the application for first reading pending receipt of the following information to the satisfaction of the Director of Development Services:</p> <ul style="list-style-type: none"> • Geotechnical reporting confirming the site is safe for the intended use; • A revised functional servicing report; • A revised traffic impact assessment; • A revised storm water management plan. 	C181/13

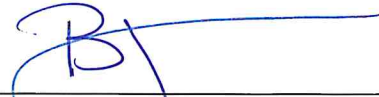
Respectfully submitted,



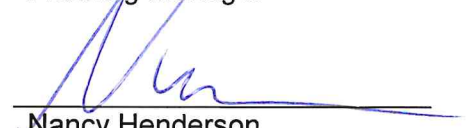
Carla Eaton
Planner III



Bob Dargatz
Development Manager



Brent Magnan
Planning Manager



Nancy Henderson
GM of Development Services

Powerpoint: Yes ☐ No ☒

Approved for Agenda


Jim Zaffino, CAO

June 6/19
Date

Attachments:

- 1) Official Community Plan Amendment Bylaw No. 0100.18
- 2) Zoning Amendment Bylaw No. 0154.15

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2011\Z11-15 Benedick Road\Reports\4th Reading\Adoption Rep v2.docx

CITY OF WEST KELOWNA

BYLAW NO. 0100.18

A BYLAW TO AMEND "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT NO. 0100.18, 2017".

2. Amendments

"CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100" is hereby amended as follows:

- 2.1 By changing the designation on a portion of District Lot 521, ODYD, Except Plans, 7784, 9264, 12153, 13075, 15854, 16046, 22092, 25478, 27025, 41547 and KAP50429 as shown on the Schedule 'A' attached to and forming part of this bylaw from Parks and Natural Areas to Single Family Residential; and
- 2.2 By changing the designation on a portion of District Lot 521, ODYD, Except Plans, 7784, 9264, 12153, 13075, 15854, 16046, 22092, 25478, 27025, 41547 and KAP50429 as shown on the Schedule 'A' attached to and forming part of this bylaw from Resource Land to Single Family Residential; and
- 2.3 By depicting the changes on "CITY OF WEST KELOWNA OFFICIAL COMMUNITY PLAN BYLAW NO. 0100 Schedule B" (Land Use map).

READ A FIRST TIME THIS 5TH DAY OF SEPTEMBER, 2017

READ A SECOND TIME THIS 24TH DAY OF JULY, 2018

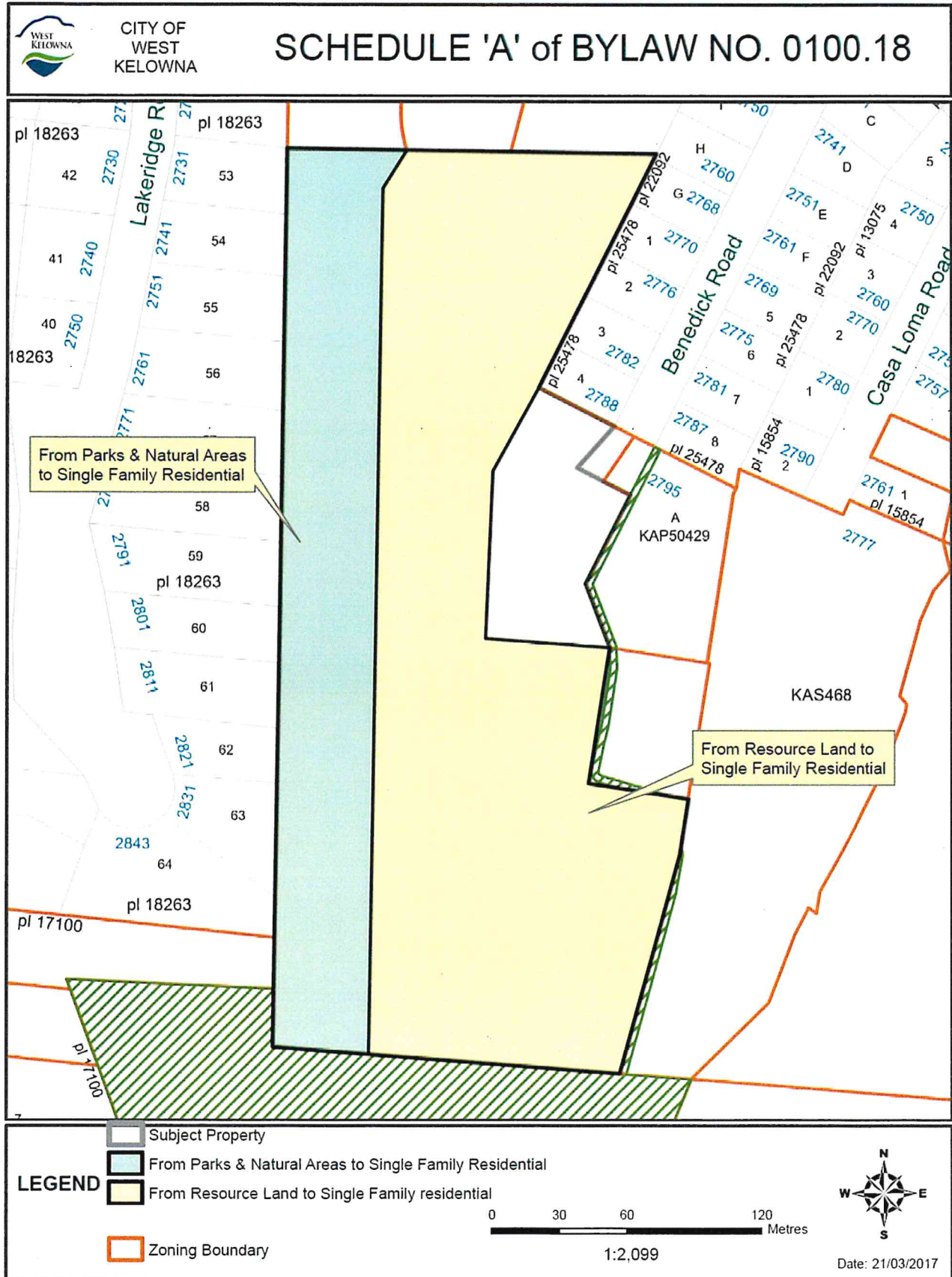
PUBLIC HEARING HELD THIS 11TH DAY OF DECEMBER, 2018

READ A THIRD TIME THIS 12TH DAY OF MARCH, 2019

ADOPTED THIS

MAYOR

CITY CLERK



CITY OF WEST KELOWNA

BYLAW NO. 0154.15

A BYLAW TO AMEND "ZONING BYLAW NO. 0154"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.15, 2017".

2. Amendments

"City of West Kelowna Zoning Bylaw No. 0154" is hereby amended as follows:

2.1 By changing the zoning on a portion of District Lot 521, ODYD, Except Plans 7784, 9264, 12153, 13075, 15854, 16046, 22092, 25478, 27025, 41547, and KAP50429 as shown on the Schedule 'A' attached to and forming part of this bylaw from Rural Residential Large Parcel Zone (RU4) to Single Detached Residential Zone (R1) and Rural Residential Small Parcel Zone (RU2).

2.2 By depicting the changes on "ZONING BYLAW NO. 0154 Schedule B" (Zoning Bylaw Map).

READ A FIRST TIME THIS 5TH DAY OF SEPTEMBER, 2017

READ A SECOND TIME THIS 24TH DAY OF JULY, 2018

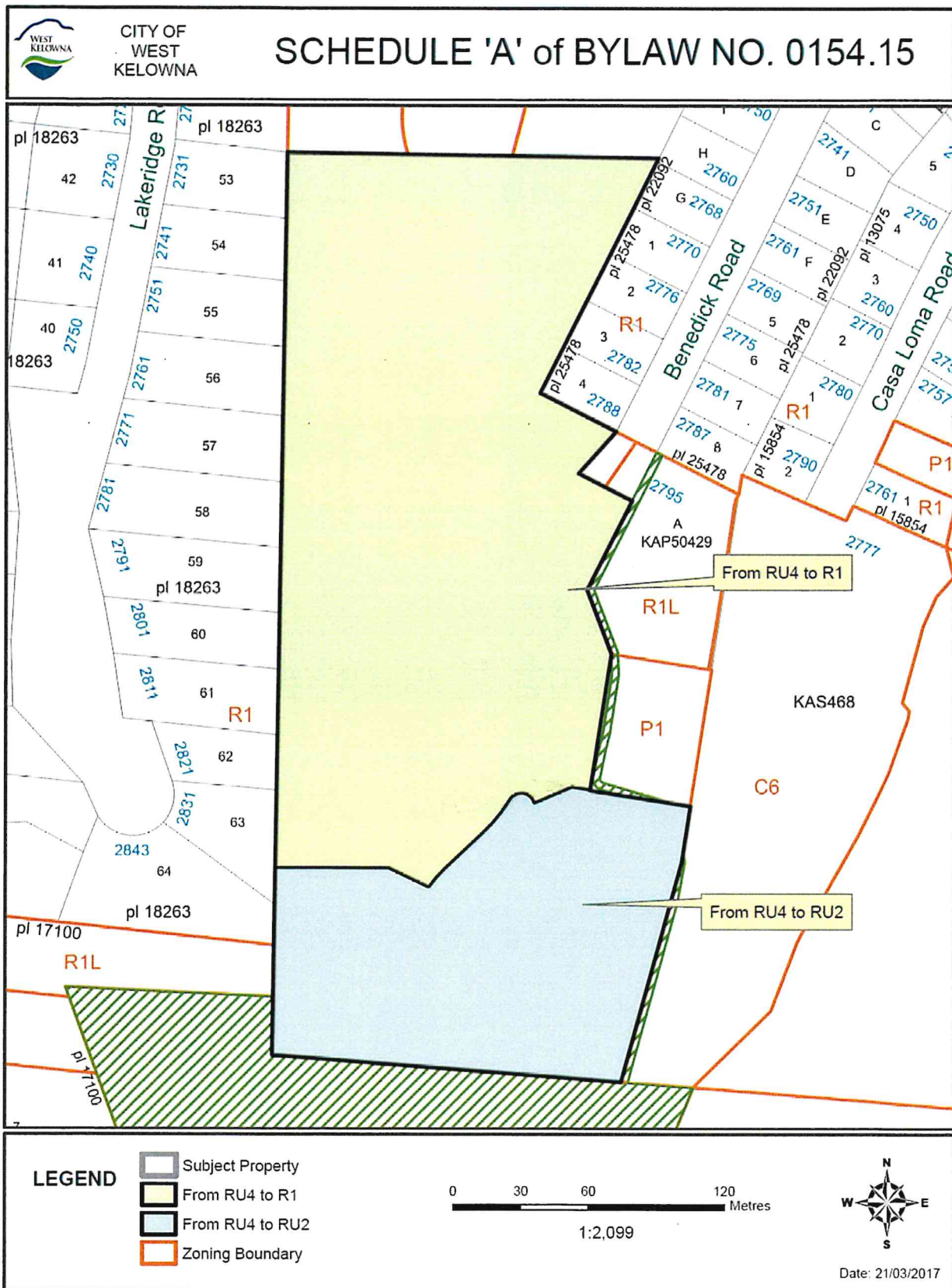
PUBLIC HEARING HELD THIS 11TH DAY OF DECEMBER, 2018

READ A THIRD TIME THIS 12TH DAY OF MARCH, 2019

ADOPTED THIS

MAYOR

CITY CLERK





COUNCIL REPORT
Development Services
For the June 11, 2019 Council Meeting

DATE: June 4, 2019 File: DVP 19-04
TO: Jim Zaffino, CAO
FROM: Hailey Rilkoff, Planner
RE: Application: Development Variance Permit (DVP 19-04)
Address: 2680 Campbell Road
Legal: Lot 3, Block 1, DL 485, ODYD, Plan 10798
Owner/Agent: Emma and Ian Crosthwaite

RECOMMENDED MOTION:

THAT Council authorize the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 S.10.4.5(g).2 and S.10.4.5(g).3 to reduce the Rear Parcel Boundary Setback from 3.0m to 1.2m and to reduce the Interior Side Parcel Boundary setback from 1.5m to 0.3m for an existing pool house in accordance with the attached permit: and,

THAT Council authorize the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 S.10.4.5(g).3 to reduce the Interior Side Parcel Boundary setback from 1.5m to 0.3m for an existing shed in accordance with the attached permit.

RATIONALE:

The recommended motion is based on the following:

- The shed and pool house on the subject property were existing structures when the current owners purchased the subject property in July of 2018;
- The applicant has submitted a petition with signatures of support from four neighbouring properties;
- No negative impacts are anticipated to result from approval of the requested variances.

LEGISLATIVE REQUIREMENTS:

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

BACKGROUND:

A bylaw enforcement complaint triggered the need for a Development Variance Permit and Building Permit for two existing accessory buildings when the applicants began rebuilding the existing shed structure. Neither the shed nor the pool house were permitted when originally built by the previous property owner(s).

Location and Surrounding Uses

The subject property is an R1 zoned parcel with a Single Family Residential OCP future land use designation. It is located in the Casa Loma neighbourhood and is surrounded by the R1 Single Family Residential Zoned parcels.

Proposal

The applicant is requesting a variance to reduce the Side Yard setback for an existing shed and to the Side & Rear Yard setbacks for an existing pool house (See Figure 1).

Pool House

The pool house is located in the South East corner of the property and is approximately 9.1 m² and 4 m high (98 ft² and 13 ft high). The ground floor contains mechanical equipment for the pool and the second story is currently being used for storage (previous owners used the second storey as a children's playhouse). The siting is 0.3 m from the Interior Side Parcel Boundary and 1.2 m from the Rear Parcel Boundary requiring a Variance. The building's height conforms to the Zoning Bylaw as the maximum height for accessory buildings in the R1 Zone is 5.0 m (16.4 ft). As the pool house is under 100 ft² no building permit is required.

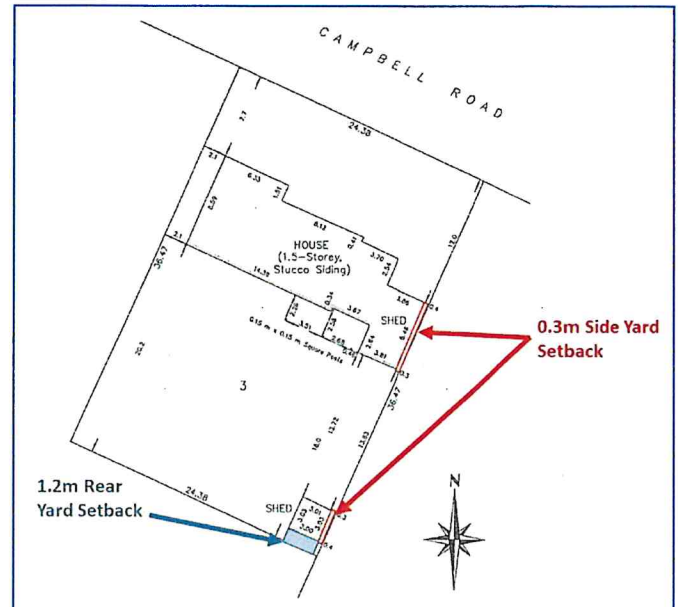


Figure 1 - Site Plan

Shed

The shed is attached to the garage of the single family dwelling on the East side of the property and is approximately 25 m² (floor area) and 2.9 m high (270 ft² and 9.6 ft high). The siting is 0.3 m from the Interior Side Parcel Boundary requiring a Variance. A building permit is currently in-stream for the shed. The Building Department has been working with the applicant regarding this permit who are aware that fire rated walls and non-combustible siding will be required due to the proximity to the property line and is a condition of the variance permit if approved.

Applicant Rationale

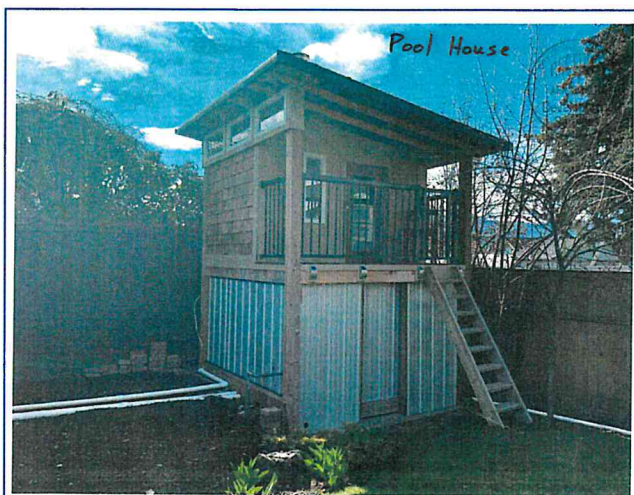


Figure 2 - Pool House

Pool House Setbacks – This building pre-dates the applicants' purchase of the property. They are not planning on making any changes to the structure, but would like to keep it as it is now.

The applicant feels it would be difficult and cost prohibitive to increase the setback by moving the structure, because of the permanent pool equipment housed within it. In the past the upper level of the pool house was used as a children's playhouse and is currently being used for storage. The pool house is no longer used as a playhouse, and, the applicants believe there should be no concerns about privacy.



Figure 3 - Shed

Shed Setback – The shed structure under construction replaces a similar sized shed, which was built in the same space by a previous owner. The applicants felt the previous structure was dilapidated, and was not structurally sound or visually appealing. The proposed replacement shed will match the style of the house, and will be more aesthetically pleasing. The applicants feel this would add to street appeal of the neighbourhood. The side yard is screened with a cedar hedge and taller trees

The applicants have included four signatures of support from neighbouring properties (*Attachment 4*).

POLICY, LEGISLATION AND BYLAW REVIEW

Zoning Bylaw

The subject property is zoned Single Detached Residential (R1). The purpose of this zone is to accommodate low density single detached residential use on parcels of land that are 550 m² and larger.

10.4.5 R1 Regulations Table

Siting Regulations	R1 Zone	Proposed
Rear Parcel Boundary	3.0 m (9.8ft)	1.2 m for pool house
Interior Side Parcel Boundary	1.5 m (4.9 ft)	0.3m for shed 0.3m for pool house

REFERRAL COMMENTS:

This application was considered by internal departments. There were no major concerns as part of the review process that were not addressed by the applicant.

PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0131. Additionally, variance notification letters were sent to all property owners and their tenants within 100 meters of the subject property (48 letters total). At time of writing this report, no public correspondence has been received regarding this application.

ALTERNATE MOTIONS

THAT Council deny the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 to reduce the Interior Side Parcel Boundary setback and the Rear Parcel Boundary Setback for an existing pool house; and

THAT Council deny the issuance of a Development Variance Permit (DVP 19-04) for 2680 Campbell Road to vary Zoning Bylaw No. 0154 to reduce the Interior Side Parcel Boundary setback for an existing shed.

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

Respectfully submitted,


Hailey Rilkoff
Planner




Brent Magnan
Planning Manager


Nancy Henderson
General Manager of Development Services

Powerpoint: Yes ☒ No ☐

Attachments:

1. Development Variance Permit
2. Subject Property Map
3. Site Photos
4. Proposal Summary and Signatures of Support
5. Public Notification Map

Approved for Agenda	
 for Jim Zaffino, CAO	 June 6/19 Date

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**CITY OF WEST KELOWNA
DEVELOPMENT VARIANCE PERMIT
DVP 19-04**

To: Emma and Ian Crosthwaite
2680 Campbell Road
West Kelowna, BC V1Z 2V3

1. This Permit is issued subject to compliance with all of the Bylaws of the City of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands within the City of West Kelowna described below thereon:

Lot 3, Block 1, DL 485, ODYD, Plan 10798 (2680 Campbell Road)

3. This permit allows for an existing pool house to be sited within the rear and side parcel boundary setbacks and an existing shed to be sited within the side parcel boundary setback. Specifically this permit varies Section 10.4.5(g).2 of Zoning Bylaw No. 0154 to reduce the required rear parcel boundary setback from 3.0m to 1.2m and Section 10.4.5(g).3 of Zoning Bylaw No. 0154 to reduce the required side parcel boundary setback from 1.5m to 0.3m, subject to the following conditions:
 - a. Fire rated walls and non-combustible siding for the shed is required due to the proximity to the property line.
4. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
5. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. CXXX/19 PASSED BY THE MUNICIPAL COUNCIL ON JUNE XX, 2019.

ISSUED ON XXXXX XX, 2019

Signed on _____, 2019

City Clerk

Schedule A:

1. Site Survey Respecting Pool House and Shed Siting

B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT 3, BLOCK 1, DISTRICT LOT 485,

O.D.Y.D., PLAN 10798

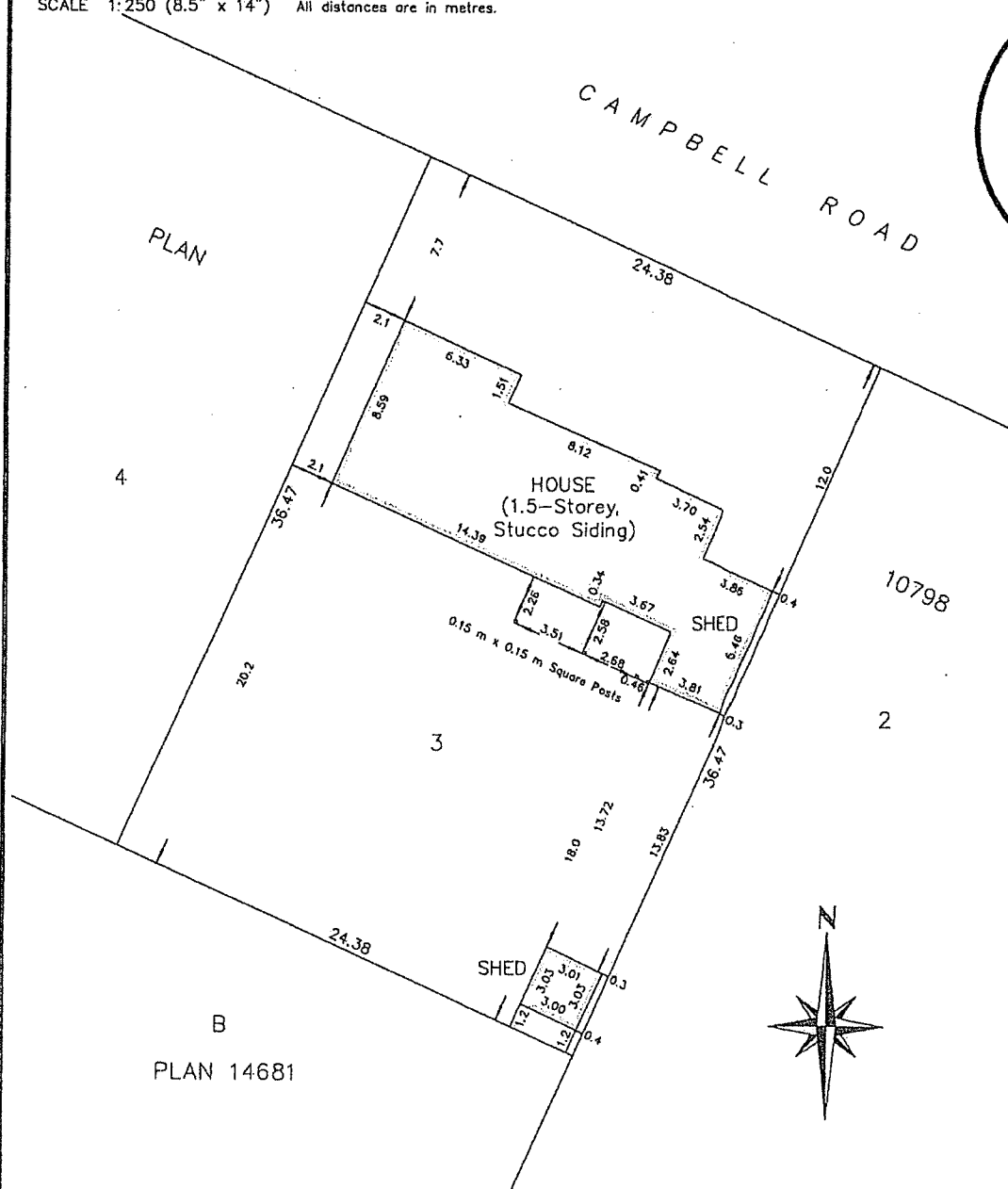
PID: 009-534-521

FILE No: 15401 SC

CIVIC ADDRESS: 2680 CAMPBELL ROAD, WEST KELOWNA

SURVEY DATE: JANUARY 15, 2019

SCALE 1:250 (8.5" x 14") All distances are in metres.



Certified correct this 22nd day of January, 2019.

ROBERT T. MACDONALD

B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

RUNNALLS DENBY*british columbia land surveyors*

259A Lawrence Avenue Phone: (250)763-7322

Kelowna, B.C. V1Y 6L2 Fax: (250)763-4413

Email: rob@runnallsdenby.com

© THIS PLAN IS PROTECTED BY COPYRIGHT.

DUE TO THE SCARCITY OF LEGAL SURVEY EVIDENCE, THE LEGAL BOUNDARIES SHOWN ARE ACCURATE ONLY TO +/- 0.1 m.

TES AND MEASUREMENTS TO EXTERIOR OF BUILDINGS.

THIS DOCUMENT WAS PREPARED FOR MORTGAGE AND MUNICIPAL PURPOSES AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT, IAN CROSTHWAIT.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.



SUBJECT PROPERTY: DVP 19-04



LEGEND

- Subject Property
- Zoning Boundary
- Parcels

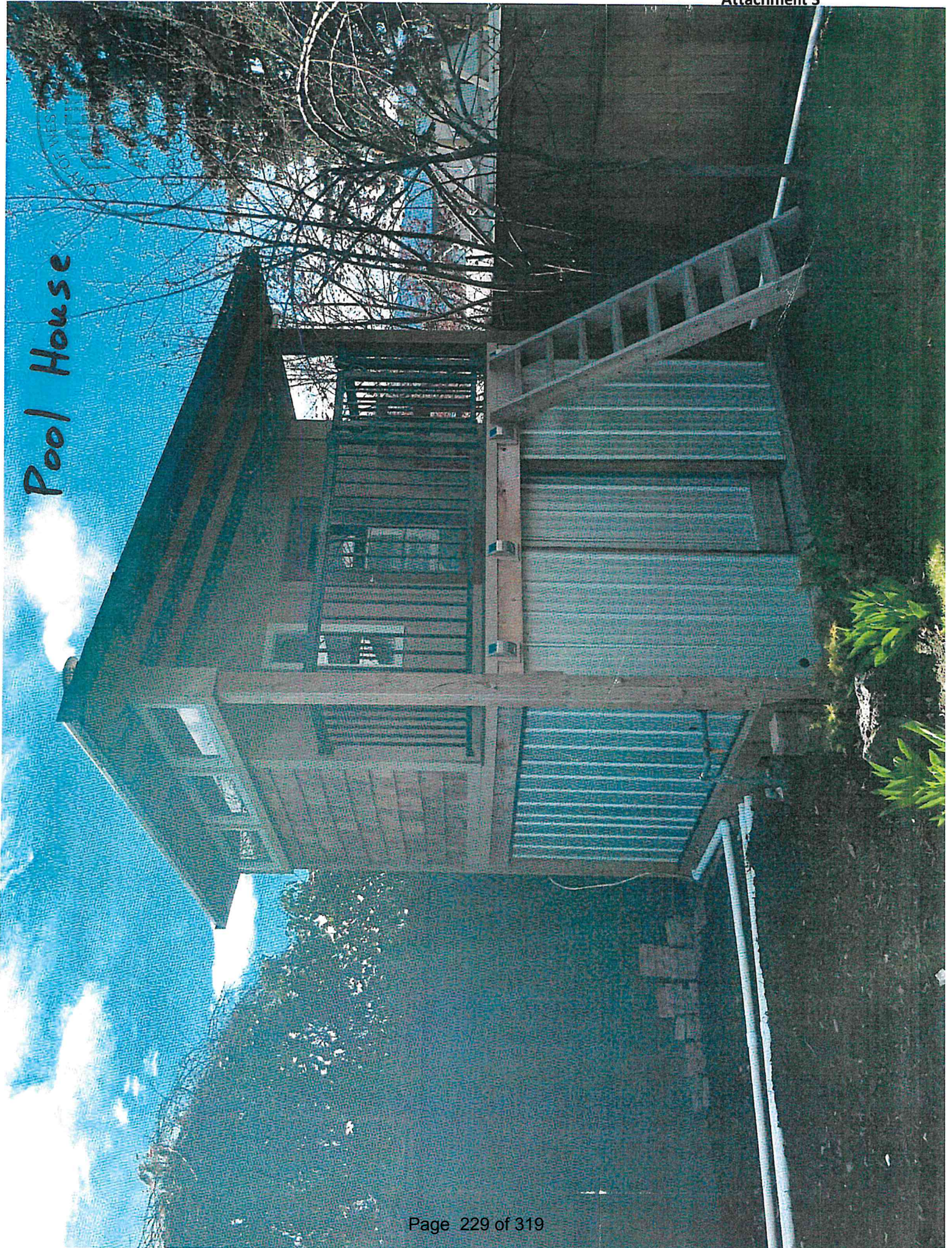
File: DVP 19-04

Legal Description: Lot 3, Block 1, DL 485, ODYD, Plan 10798

0 35 70 140
Metres



Pool House



Shed





Dear Neighbour >

We are requesting variances relating to two structures on our property, which is located at 2680 Campbell Road, West Kelowna.

Variance #1:

This refers to the partially built storage shed located at the front of the property, adjacent to the house.

We are requesting a variance to reduce the set back from the 1.5m requirement, to the current setback of 0.3m.

This structure replaces a similar-size shed, which was built in the same space by a previous owner. The previous structure was dilapidated, and was not structurally sound or visually appealing. The proposed replacement will match the style of the house, and will be safer and aesthetically pleasing, thus adding to street appeal of the neighbourhood

Variance Application #2 >

This refers to the two-story pool house located in the back corner of the property.

We are requesting a variance to:

- a) *Reduce the set back from the 1.5m requirement, to the current setback of 0.3m*
- b) *Increase the height of the structure from the 6.5ft maximum requirement to the current height of 13.0ft.*

This building pre-dates our purchase of the property. It has been there since (at least) 2009.

We are not planning on making any changes to the structure, but would like to keep it as it is now.

It would be extremely difficult and expensive to increase the setback or reduce the height of this structure, because of the permanent pool equipment housed within. The roof has a solar pool-heating system, which would make reducing the height a significant challenge.

The upper level of this structure is used only for storage. As we do not have children, it is no longer used as a playhouse, so there is no concern about privacy.

Your support with these applications is greatly appreciated.

To help facilitate the application process, we are asking that you sign the attached petition, indicating that you do not oppose the variances as stated above.

Sincerely,

Emma and Ian Crosthwaite

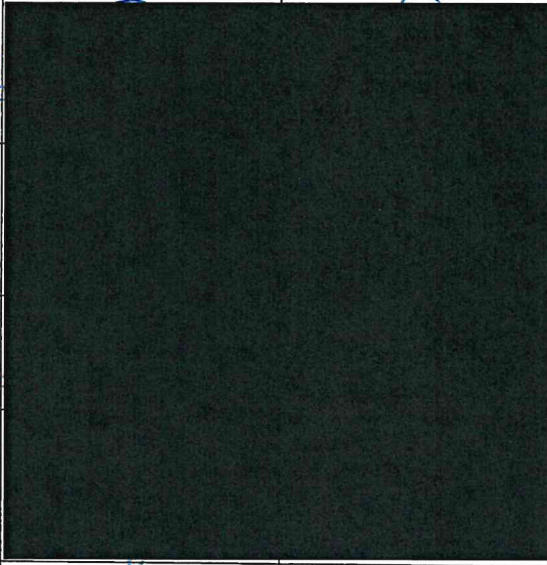
OVER →

2680 Campbell Road, West Kelowna BC. V1Z 4A4

Regarding Variance Applications for 2680 Campbell Road, West Kelowna BC

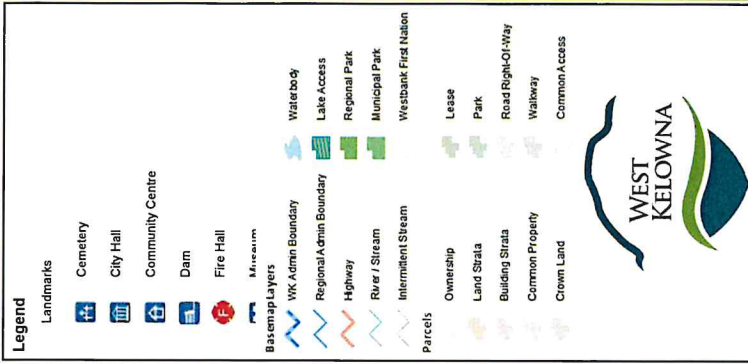
I agree with the Variance #1 and Variance #2 applications as outlined above.

Please sign below to indicate your support of each application.

Name / Address	Variance #1	Variance #2	Date
Reid Armstrong 2670 Campbell Rd West Kelowna BC V1Z 1T3			Apr 14 2019
Patty Curran 2664 Campbell Rd. West Kelowna B.C. V1Z 1T1			APRIL 14 2019
Dallas Hadwell 2720 Cass Lane Rd West Kelowna, V1Z 1T7			Apr 14/2019
Myron Odermatt 2690 Campbell Rd. West Kelowna BC V1Z 1T3			Apr 15/19

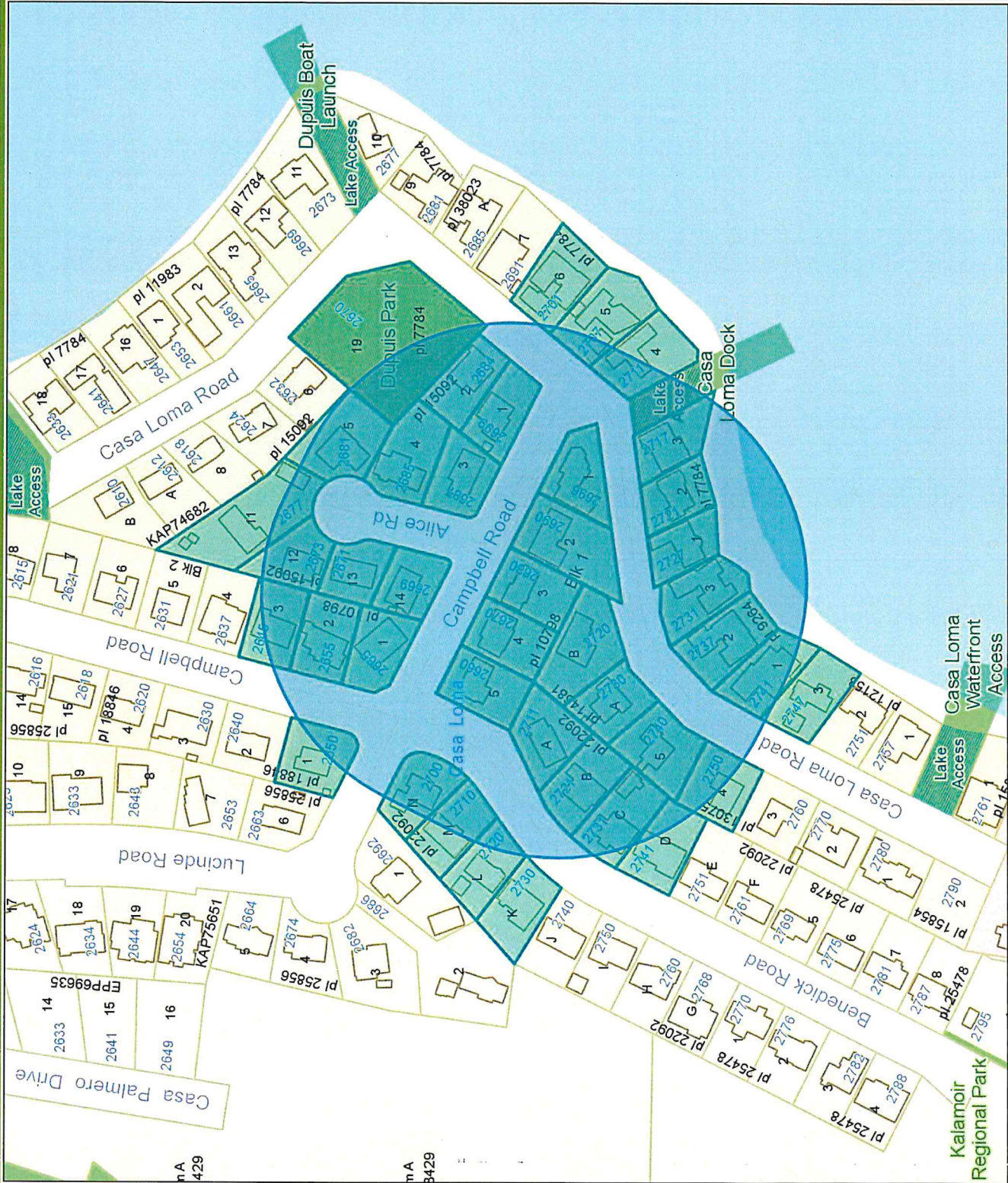
Thank-you for your support!
Emma and Ian Crosthwaite
2680 Campbell Road, West Kelowna BC.

DVP 19-04 GIS Mail Notification Map



Scale 1:2,451

Notes



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



0 62 125 Meters

Map Projection: NAD_1983_UTM_Zone_11N

Map Produced on: 5/23/2019 8:45:06 AM

© City of West Kelowna (2015)



COUNCIL REPORT
Engineering and Public Works
For the June 11, 2019 Council Meeting

DATE: June 4, 2019 File: Westbank Cemetery Bylaw No. 0166
TO: Jim Zaffino, CAO
FROM: Stacey Harding, Parks and Fleet Operations Manager
RE: Westbank Cemetery Bylaw Service Review

RECOMMENDED MOTION:

THAT Council give first, second and third readings to Westbank Cemetery Amendment Bylaw No. 0166.03, 2019.

RATIONALE:

To ensure the Westbank Cemetery is operated in a cost effective manner, periodic operational reviews and cost comparisons are conducted. Operational recommendations are based on industry changes and seeking efficiencies. Staff recommendation is based on a renewed comparison of actual operating costs vs revenue to achieve true financial self-sustainability, which includes internal debt payment for previous capital improvements. On May 28, 2019, Council directed staff to increase fees to the industry average plus 35% and a review of expenses verse revenues. Council has made it clear that the facility be run on a user pay basis and it not be funded or subsidized by taxation.

LEGISLATIVE REQUIREMENTS:

Compliance with the *BC Consumer Protection Act*.

BACKGROUND:

Since the dissolution of the Westbank Irrigation Improvement District in 2007, the Westbank Cemetery has been operated by the City of West Kelowna. The last service review and bylaw revision was completed on December 8, 2015.

Since the City started operating the Westbank Cemetery, approximately \$1,400,000 in capital improvements have been completed. The projects have enhanced the aesthetics and beautification of the facility but also added service options.

The range of services offered at the Westbank Cemetery include:

- Full size burial plots
- In ground cremation plots
- Columbarium niches
- Mausoleum crypts
- Family Estate Columbaria's
- Scatter garden
- Ossuary
- Memorialization Plaque Wall

SERVICE REVIEW PROCESS

Service reviews are good business practice and establish due diligence if the facility is audited by Consumer Protection B.C. Our service reviews have two components; firstly, a comparison of **Fees** to that of similar cemetery services offered within our region. This is to identify if we are competitive and to ensure we are fairly and equitably maximizing revenue. Additionally, an internal expense vs revenue analysis is done to confirm that the facility is operated at a break-even rate. Secondly, the **Operational** component, which looks at providing industry leading client burial services by using the most cost effective measures.

Understanding Fee Breakdowns

There are two rate classes, resident and non-resident rates. The non-resident rate is an 18% surcharge for non property tax paying clients.

When purchasing a plot, crypt or niche clients pay the base fee plus a care fund fee or often called the Perpetual Care Fund and a Maintenance Fee. The Care fund, 33.33% for plots, 11.63% for niches, is accumulated over the operating life of the facility and used for the care and operating expenses after the cemetery is full. This is a mandated requirement in the Provincial legislation. The second fee is the Maintenance Fund which is a 15% City fee intended to help fund ongoing annual or unforeseen maintenance costs.

A notable fee change is the inclusion of the opening and closing fee and the first shutter engraving for both the Mausoleum and Columbarium in the total plot cost. This was done to simplify the client's purchase experience.

An example of the fee breakdown is shown below:

Current Fees	Burial Plot Base Fee	Care Fund 33.33%	Maintenance Fund 15 %	Total Cost
	\$ 615	\$ 205	\$ 92	\$ 912

New Fee Structure Example

Casket Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$912	\$1,187	\$1,602
Kelowna	\$1,714		
Peachland	\$1,635		
Vernon	\$1,420		
Penticton	\$1,400		
Oliver	\$1,142		
RDOS	\$495		
Osoyoos	\$775		

Cremation Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$608	\$534	\$721
Kelowna	\$800		
Peachland	\$779		
Vernon	\$425		
Penticton	\$434		
Oliver	\$361		
Kamloops	\$590		
Osoyoos	\$275		

Open/Close Casket Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$726	\$885	\$1,194
Kelowna	\$945		
Peachland	\$1,015		
Vernon	\$1,068		
Penticton	\$1,386		
Oliver	\$686		
RDOS	\$660		
Osoyoos	\$592		

Open/Close Cremation Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$220	\$254	\$343
Kelowna	\$413		
Peachland	\$224		
Vernon	\$322		
Penticton	\$294		
Oliver	\$210		
RDOS	\$110		
Osoyoos	\$239		

Operational Changes

A comprehensive review of the Bylaw has identified several areas to amend. Reasoning for changes have been included beside each identified amendment, some of which include:

- 7.15 Containers – language changes to include the growing trend of Green Burials. This includes that service must be done by a licenced funeral practitioner and in strict compliance with Consumer Protection BC and the *Cemetery, Interment and Funeral Act of BC*.
- 7.16 Cremated Remains Containers – existing language is too restrictive and limits our client's options. Changes made to include containers made of other products having sentimental value.
- 11.2 Conformation – existing language is not inclusive of the newly developed areas or the requirement to seek a Memorial Permit for installation. It also exposes some liability if a marker was damaged through no fault of the City. Changes made to accommodate the new, poured in place marker curbs, and that the care and repair of markers are the responsibility of the purchaser.
- 11.2.1 Flat Memorial Tablets – existing language does not include installation of markers on the new, poured in place marker apron.
- 11.2.1a Pillow Markers – existing language does not include the allowable dimensions of a pillow marker.
- 11.2.2 Upright Memorial markers – the existing language specifies that upright markers can only be installed in designated areas. Changes made to remove this restriction and create a broader service option for our clients.
- Add 11.2.3 Memorial Wall Plaques – as this is a new service the description and details needs adding to the Bylaw.

FINANCIAL IMPLICATIONS:

The cemetery is set up to be a self-sustaining service, completely funded by user fees. The proposed new fees are meant to be sufficient to cover the operating costs of the cemetery as well as the internal debt servicing for the Capital improvements.

The maintenance fund collected at the time of sale is meant to help cover expenses as sales and expenses fluctuate. Currently the maintenance fund has a balance of approximately \$23,000.

In 2018, the cemetery expenses came in slightly under budget, as did revenue. They are directly linked as the delivery of service is driven by the sale of a plot.

In 2019, the operating budget is \$162,036.

At the May 28, 2019 Council meeting staff was directed to,

- Establish industry cost averages for services and add a 35%.
- Provide a break down of expenses vs revenue and forecast what further annual increases may be required to stay ahead of the curve of increasing operating costs.

- When establishing industry averages only consider facilities from Penticton in the south through to Vernon in the north (Note: as this was not a component of the Council Resolution the original valley wide averaging must remain the comparison.)

These items have been addressed and can be found in the table below.

CEMETERY	estimated # of sales	Rate	2019 Budget
Estimated Revenue			
Plot&Marker Fees (incl. care & maintenance fund)	22	\$ 1,602	- 35,244
Plot - Open /Close	22	\$ 1,194	- 26,268
Cremation (incl. care & maintenance fund)	7.7	\$ 721	- 5,552
Cremation - Open /Close	7.7	\$ 343	- 2,641
Mausoleum			-
Columbarium (incl. care& maintenance fund)	8	\$ 4,191	- 33,528
Columbarium - Open /Close	8	\$ 297	- 2,376
Liners and Pillows			- 15,000
Services and additional items			- 42,213
Total Revenue			-\$ 162,822
Projected Expenses			
Salaries			61,475
Expenses			32,300
Transfer to Care Fund			4,761
Cemetery-internal Debt Principal			23,829
Cemetery-internal Debt Interest			39,671
Total Expense			\$ 162,036
(Surplus)/Deficit			-\$ 786

With respect to forecasting future fee increases, it is very difficult to forecast revenues from sales. As an example, 'preneed sales' generate revenue but do not come with the future expenses of burial services which would be required several years in the future. Many expenses are tangible, e.g. staff wages, which are linked to contracts, generally increase 1.5% annually and contracted services generally increase 2% or what is estimated at a minimum as the annual CPI increase. Fuel and supplies are expected to maintain an upward trend.

It is recommended that a review of future annual increases be conducted during the 2020 budget deliberations with Council, including recommendations.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
2019-05-28	<p><u>It was moved and seconded</u></p> <p>THAT Council approve a Fee Schedule based on 2019 Okanagan Valley industry averages plus a one-time increase of 35%.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	C215-19
2015-05-26	<p><u>It was moved and seconded</u></p> <p>THAT Council award the Westbank Cemetery Expansion Project to Arterra Construction Ltd. for the lump sum value of \$693,850; and</p> <p>THAT Council authorize the Mayor and General Manager of Administrative and Protective Services to execute the contract.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	C219-15
2014-10-14	<p><u>It was moved and seconded</u></p> <p>THAT Westbank Cemetery Amendment Bylaw No. 0166.01, 2014 be adopted.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	357-14
2014-09-30	<p><u>It was moved and seconded</u></p> <p>THAT Council give first, second and third readings to Westbank Cemetery Bylaw No. 0166.01, 2014.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	338-14
2014-09-09	<p><u>It was moved and seconded</u></p> <p>THAT Council amend the 2014 – 2023 Financial Plan to include \$65,000 to proceed with detailed plans and construction drawings for Phase 3 of the Cemetery; and</p> <p>THAT Council direct staff to allocate \$65,000 from Reserves for Future Expenditures.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	332-14

ALTERNATE MOTIONS:

That Council direct staff to revise the Bylaw amendment and return to Council with the changes.

Respectfully submitted,



Stacey Harding
Parks and Fleet Operations Manager



Allen Fillion
Engineering and Public Works Manager



Bob Kusch
Parks, Recreation and Culture Manager



Warren Everton
CFO

Attachments:

- (1) Bylaw No. 166.03
- (2) Blue-lined version – Bylaw No. 166
- (3) Consolidated Bylaw No. 166

Approved for Agenda	
	June 6/19
for Jim Zaffino, CAO	Date

Powerpoint: ☒ Yes ☐ No

CITY OF WEST KELOWNA

BYLAW NO. 0166.03

A BYLAW TO AMEND THE WESTBANK CEMETERY BYLAW

WHEREAS the Council of the City of West Kelowna wishes to amend Westbank Cemetery Bylaw No. 0166;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1.1 Title

This Bylaw may be cited as the "WESTBANK CEMETERY AMENDMENT BYLAW NO. 0166.03, 2019."

2.0 Amendments

"Westbank Cemetery Bylaw No. 0166, 2014" is hereby amended as follows:

2.1 By deleting Section 1.2.4 in its entirety and replacing with the following Section 1.2.4:

1.2.4 Schedule 'A', Schedule of Fees is attached to and forms part of this Bylaw.

2.2 By deleting the definition of "Columbarium" in its entirety and replacing with the following definition:

"Columbarium" means a structure or building or an area in a structure or building that contains, as an integral part of the structure or building or as free standing sections, niches for the placement of human cremated remains.

2.3 By adding the following definition for "Co-Mingled":

"Co-Mingled" means the intentional mixing of cremated remains of more than one deceased person.

2.4 By deleting the definition of "Exhumation" in its entirety and replacing with the following definition:

"Exhume/Exhumation" means the exposure and removal of interred remains for the purposes of viewing or examination.

2.5 By adding the following definition for "Grave Liner":

"Grave Liner" means a receptacle made of durable material placed on top of a casket to provide reinforcement to the plot.

2.6 By adding the following definition for "Natural Burial":

"Natural Burial" means a natural form of interment where such interments meet specific criteria set out in the cemetery bylaw for natural burials and where all the following criteria are followed:

- a) Disposition is burial only;
- b) Embalming is not used;
- c) A simple casket or urn made of natural biodegradable materials such as wood with no metal or a shroud is used to contain human or cremated remains.

2.7 By adding the following definition for "Pillow":

"Pillow" means a concrete base, supplied by the City, for the foundation and placement of memorial markers.

2.8 By deleting Section 3.1 in its entirety and replacing with the following Section 3.1:

3.1 Right of Interment for Exclusive Use

The General Manager is hereby authorized by Council to grant to any person, or to his authorized agent, paying the fees set forth in Schedule "A", attached to and forming part of this Bylaw, a Right of Interment for the exclusive use by him, or his executors or administrators, of any one or more plots which may be vacant and unused in the Cemetery and upon payment of said fee, such person or his authorized agent shall be entitled to receive a Right of Interment.

A Right of Interment does not vest in the holder any title or interest in the land or lot but instead provides for the interment of the person named on the Right of Interment.

2.9 By deleting Section 3.4 in its entirety and replacing with the following Section 3.4:

3.4 Right of Interment Not Transferable

The holder of a Right of Interment shall not transfer his right of use and occupancy to another person except at the discretion of the General Manager. A transfer of the Right of Interment for any unused plot may be made to an immediate family member provided the fee for the transfer has been paid as outlined in Schedule "A" attached to this Bylaw.

2.10 By deleting Section 3.5 in its entirety and replacing with the following Section 3.5:

3.5 Transfer Request

The transfer request must be in writing by the Right of Interment Holder. Right of Interments for plots must be surrendered, and a transfer fee as set out in Schedule "A" attached to this Bylaw shall be paid to the City. The General Manager shall amend the records accordingly stating the new Right of Interment Holder of the plot or plots.

2.11 By deleting Section 3.10 in its entirety and replacing with the following Section 3.10:

3.10 Right of Interment Provisions

All Right of Interments shall be subject to the provisions of this bylaw and to all bylaws now or hereafter adopted by Council.

- 2.12 By deleting Sections 4.1, 4.2, and 4.3 in their entirety and replacing with the following Sections 4.1, 4.2 and 4.3:

4.1 Fees for Interments

The fees for interment, disinterment, use of plots, and care of graves and the charges for goods offered for sale by the City for use in the Cemetery, and any other Cemetery fees shall be those set out in Schedule "A" attached to this Bylaw.

4.2 Payment of Fees

The fees set out in Schedule "A" attached to this Bylaw shall be paid at the City offices at the time of purchasing a Right of Interment, or any goods or services sold by the City in connection with the operation of the Cemetery.

4.3 Installment Plan

Cremation niches and Mausoleum crypts may be purchased on an installment plan and in advance of need with a thirty percent (30%) deposit. When such purchases are made, full and final payment of the monies owed must be made within one (1) year of purchase or prior to any interment, placement of memorial stone or transfers into the niche or crypt.

If a balance is not paid after one (1) year, the City reserves the right to refund, as per section 3.9, the amount paid LESS the care fund contribution and LESS the current administration fee of the monies paid on account and re-sell the niche or crypt.

- 2.13 By deleting Section 5.1 in its entirety and replacing with the following Section 5.1:

5.1 The size of grave space shall be:

Adult: 5' x 10' (1.52 m x 3.04 m)

Infant: 3' x 5' (0.91 m x 1.52 m)

Cremated Remains plot: 2' x 2' (0.61 m x 0.61 m)

Columbarium Niche: 11" W x 11" W x 13" D (0.28 m W x 0.28 m H x .33 m D)

Mausoleum Crypt: 31.8" W x 92" D x 25.9" H (0.8 m W x 2.3 m D x .65 m H)

Family Estate: 24" W x 14.5" D x 12" H (0.6 m W x 0.37 m D x 0.30 m H)

- 2.14 By deleting Section 6.1 in its entirety and replacing with the following Section 6.1:

6.1 Interment Permit

No human remains or cremated remains shall be interred in the Cemetery until:

- a) An Interment Permit has been obtained from the City and the fee for interment, as specified in Schedule "A", has been paid.
- b) A person having authority pursuant to Section 5 of the Cremation, Interment and Funeral Services Act of B.C. to authorize the disposition of the deceased person's human remains or cremated remains has completed, duly signed and witnessed at the Cemetery Office, an interment authorization and/or other documents required to facilitate the interment in a form approved by the City.

- 2.15 By deleting Section 6.2 in its entirety and replacing with the following Section 6.2:

6.2 Application for an Interment Permit

All applications for an interment permit must be made at least 48 hours (2 working days) before the scheduled interment to the Cemetery Office.

2.16 By deleting Part 7 in its entirety and replacing with the following Part 7:

7.1 Human Remains Only

7.1.1 Only human remains and cremated remains shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this Bylaw.

7.1.2 For interment into a mausoleum crypt, human remains shall be enclosed in a burial container that complies with CIFSA, these bylaws, and;

- (a) the human remains shall be embalmed, or;
- (b) if the human remains are not embalmed, they shall be enclosed in a hermetically sealed burial casket or container that is approved by the City.

7.2 Natural Burial

7.2.1 The City shall have the right to designate areas within a City cemetery where the natural burial of human remains and cremated remains may be accommodated.

7.2.2 The Bylaws of the cemetery in their entirety together with those that follow here shall apply to the provision of natural burial rights of interment.

7.2.3 Natural Burial Interment Permits may be purchased for the following type of burial plot:

- (a) a double-depth interment plot where ground conditions permit such interment, and;
- (b) this plot may be used for the interment of the human remains of two (2) persons and the secondary interment of the cremated remains of not more than two (2) persons, or where no interment of human remains is intended, the interment of the cremated remains of not more than four (4) persons.

7.2.4 Human remains interred in a natural burial plot shall be considered non-recoverable from the date of interment and the City shall have no obligation, except where ordered to do so under provisions of legislation, regulation or as ordered by a court of competent jurisdiction to recover human remains in a natural burial plot.

7.2.5 Human remains proposed for interment in the natural burial plots shall:

- (a) be in a natural state and shall not be embalmed, and;
- (b) be clothed, wrapped or shrouded in natural and fully biodegradable fiber or material, and;
- (c) be enclosed in a shroud, casket or alternative container that is approved by the City for use in a natural burial plot, and;
- (d) be enclosed in a shroud, casket or alternative container with a rigid base that permits the dignified transport and safe handling of the human remains by all persons so charged.

- 7.2.6 An interment permit holder and/or legal representative of a deceased person to be interred in a natural burial plot shall;
- (a) ensure a shroud, casket or alternative container proposed for interment in a natural burial plot is a City approved container, and;
 - (b) arrange for the dignified transfer of the human remains to the gravesite.
- 7.2.7 A shroud, casket or alternative container proposed for natural burial interments shall:
- (a) comply with any provisions for caskets or containers set out in any legislation or regulation, and;
 - (b) be approved for use in a specified area of the cemetery by the City prior to a scheduled interment service, and;
 - (c) be primarily constructed of fully biodegradable and environmentally sustainable materials, and;
 - (a) have interior finishing primarily fabricated of fully biodegradable and environmentally sustainable materials and natural fibers, and;
 - (b) have, as a function of their design, a safe and secure means with which to facilitate the dignified transfer of the human remains enclosed to the interment site and lowered into the excavated plot, and;
 - (c) with the exception of minimally necessary structural hinges, nails and screws, not have any extraneous part, fixture or decoration attached that is made of plastic, metal or other non-biodegradable material, and;
 - (d) not have a high gloss or polish finish achieved through the application of any synthetic or environmentally hazardous, toxic or non-biodegradable chemical or agent, and;
 - (e) not have been constructed with the use of synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent, and;
 - (f) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable materials, and;
 - (g) not have any non-biodegradable personal items, momentos or articles placed inside the space occupied by the human remains.
- 7.2.8 Shrouds, caskets or alternative containers that are constructed from fibre-board, particle board, plywood, non-sustainable or exotic wood, metal, bleached or non-recycled cardboard or other form of non-sustainable, non-biodegradable or artificial material are prohibited from interment in a natural burial plot.
- 7.2.9 The City shall have the right to approve, or to refuse to accept for burial, any shroud, casket or alternative container proposed for interment in a natural burial plot.
- 7.2.10 The interment of human remains in a burial plot shall be made at a depth deemed sufficient to achieve effective, natural decomposition of the human remains interred and be of sufficient depth to ensure the interred human remains will not be disturbed by wildlife.
- 7.2.11 No form of exterior grave box, grave liner, or protective vault is permitted in a natural burial plot.
- 7.2.12 The City shall have the right to utilize such equipment, including motorized equipment, to open and close the natural burial plot as it deems

necessary to protect the safety of all City personnel, and any person participating in and attending the interment service and to permit for the safe and dignified interment of the human remains into the lot, and shall make every reasonable effort to replace soil in a grave occupied by human remains in a sensitive a manner as is practical.

- 7.2.13 Upon provision of advance notice to the City, family members and/or friends of the deceased may be permitted to participate in the closing of a natural burial plot. In the instance where persons other than City personnel participate in the closing of a plot, said persons shall;
- (a) be subject to supervision by City personnel, and;
 - (b) follow all instruction issued them by City personnel, and;
 - (c) be of sound physical condition and be capable of the participation intended, and;
 - (d) assume personal liability for any injury arising as a result of their participation.
- 7.2.14 The City makes no warranty to protection nor bears any liability for the aesthetic, structural or physical impact made to a casket or alternative container and the enclosed human remains that may arise from the replacement of gravesite soil into a natural burial plot.
- 7.2.15 The interment of cremated remains in a natural burial plot area shall be considered non-recoverable from the date of disposition and the City shall have no obligation and shall have no means to recover cremated remains interred in the natural burial plot.
- 7.2.16 Where an interment permit has been purchased and assigned for a natural burial plot with the intent of interring or scattering cremated remains in the plot, the disposition of cremated remains shall not be made until all the permitted interment(s) of human remains have been made into the assigned plot.
- 7.2.17 Cremated human remains proposed for disposition in a natural burial area shall be enclosed in an urn or container that;
- (a) is approved for use in a natural burial plot by the City prior to a scheduled scattering or interment service;
 - (b) is designed to decompose upon contact with or in the ground;
 - (c) is made of a fully biodegradable material which may include recycled and unbleached paper or cardboard;
 - (d) shall not have any interior plastic, metal or other form of permanent liner, container or bag.
- 7.2.18 Witnessing the disposition of cremated remains in a natural burial plot shall be subject to the following;
- (a) provision of a request to witness the disposition is provided to the City at the time of the disposition arrangements are made, and;
 - (b) the City for safety reasons may, at its discretion, limit the number of persons permitted within close proximity to the site where the natural burial or scattering of cremated remains is taking place, and;
 - (c) all proceedings within the natural burial plot shall be under the sole direction of the City, and;
 - (d) all persons attending a witness service shall comply with the supervision of and instructions given by the City.

7.3 Occupy Plot

The Holder of a Right of Interment may transfer his right of use and occupancy to an immediate family member, subject to Section 3.4 of this Bylaw.

7.4 Communicable Disease

Where the remains of a person who died while suffering a communicable disease are to be buried in the Cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.

7.5 Inform Operator

Where the body delivered to the Cemetery for interment is subject to direction of the Medical Health Officer, pursuant to the *Health Act*, the person delivering the body to the Cemetery shall so inform the Operator.

7.6 Grave Depth

Each interment in the Cemetery, other than the interment of cremated remains or in a niche or crypt, shall be made in a grave, which when filled and closed, provides not less than 3 ft. (0.914 m) of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket, grave liner or body resting in the grave.

7.7 Number of Interments

- (a) Two (2) casket interments plus two (2) cremations; or four (4) cremations may be permitted in each large grave plot.
- (b) Two (2) urn interments will be permitted in each cremation plot.
- (c) Two (2) urns per columbarium niche.
- (d) One (1) casket per Mausoleum crypt.
- (e) Depending on the size of the urns, up to six (6) urns, within two levels, may be permitted in the Family Estate.

7.8 Lower Depth

Where two interments are permitted in one plot and each interment is in respect to a body not in the form of cremated remains, the first interment shall be at a lower depth than the second, and each of the two interments in the one grave shall comply with the requirements of Section 7.6 of this Bylaw.

7.9 Depth of Cremated Remains

Each interment of cremated remains in the Cemetery shall be buried in the plot not less than 2 ft. (0.61 m) deep. For every interment of cremated remains in a container, the grave will be dug to a depth sufficient to ensure that there are not less than 12 inches (30 cm) of earth between the top of the container and the level of the ground surrounding the grave.

7.10 Scattering and Ossuary Placement of Cremated Remains

It shall be unlawful for any person to scatter cremated remains within the confines of the cemetery except within a scattering garden or other designated area without first obtaining an Interment Permit.

A small portion of remains may be placed beneath the bark mulch at the base of an ornamental plant; the remaining majority to be placed within the Ossuary.

Cremated remains placed in the Ossuary are permanent, non-recoverable and co-mingled. Placement of urns or other containers in the Ossuary is not permitted. The placement of remains may be undertaken by the attending family representative, funeral provider or Cemetery Operator. Use of the Ossuary is only permitted with the attendance of authorized staff.

7.11 Grave Space Embellishments

Except for graves or grave spaces embellished prior to the date of this Bylaw, no grave space shall be defined by a fence, hedge, railing except for a memorial marker.

7.12 Hours of Interment

Upon provision of proper notice and authorization, to the satisfaction of the City, for an interment service, interments may occur as follows:

Human Remains Interment Services:

- (i) May occur Monday – Friday; and
- (ii) Shall occur between 8 am – 1:00 pm where the gravesite shall be clear of interment service attendees by 2:00 pm; or
- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Addendum “A”; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

Cremated Remains Interment Services:

- (i) May occur Monday – Friday;
- (ii) Shall occur between 8 am – 1:30 pm where the gravesite shall be clear of interment service attendees by 2:30 pm;
- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Addendum “A”; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

7.13 Interment on Weekends or Statutory Holidays

No person shall inter or scatter any body in the Cemetery on Saturday or Sunday or any Statutory Holiday unless written permission of the General Manager is first obtained.

7.14 Grave Digging or Opening

No grave shall be dug or opened by any person other than the Operator and his assigned helpers or other person duly authorized by the General Manager.

7.15 Containers (Caskets)

Except for Natural Burials where no casket is required, human remains are to be interred in a casket that does not exceed 25" H x 89" L x 35" W (0.63 m H x 2.26 m L x 0.88 m W), or provided the container does not exceed the size of the plot.

7.16 Cremated Remains Container (Urns)

For every interment of cremated remains in a plot or niche, the container(s) for cremated remains shall be made of metal, stone, plastic, porcelain or other materials as approved by the General Manager and must be manufactured for the express purpose of containing cremated remains. A single container or combination of (2) containers shall not exceed 14" H x 12" L x 12" W (35.56 cm H x 30.48 cm L x 30.48 W).

2.17 By deleting Section 8 in its entirety.

2.18 By deleting Section 9 in its entirety.

2.19 By deleting Section 10.4 in its entirety.

2.20 By deleting Section 10.8 in its entirety and replacing with the following Section 10.8:

10.8 Payments to Reserve Accounts

On all Right of Interment Fees for use of Cemetery Plots, and Reservation Fees for Cemetery Plots, the Treasurer shall pay into the "Cemetery Maintenance Fund" and the "Cemetery Care Fund" respectively, from the amount received for each Right of Interment or reservation sold the fees as specified in Schedule "A".

2.21 By deleting Section 11.1 in its entirety and replacing with the following Section 11.1:

11.1 Fees

Any owner of a memorial marker, tablet, or monument, or memorial and curbing desiring to install, or modify same in the Cemetery shall pay to the City prior to the installation or modification of same, the fee specified in Schedule "A".

2.22 By deleting Section 11.2 in its entirety and replacing with the following Section 11.2:

11.2 Conformation

A tablet type memorial may be installed on a grave in the Cemetery provided it is made of stone or bronze and is attached to a concrete base (pillow) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet or on a poured in place, plot apron installed in Ph III.

Every memorial at the Cemetery shall be placed, installed, relocated or removed by the City staff.

All markers sizes are measured in inches and are always written (length x width x height).

No marker shall be installed on a plot until plans and specifications describing fully the marker's proposed size, design, material, inscription and location have been submitted to the City by an applicant for a Memorial Permit.

No form of candleholder, lantern or other form of fixture may be attached in any manner to a memorial or placed adjacent to where a memorial is installed.

- 2.23 By deleting Section 11.2.1 in its entirety and replacing with the following Section 11.2.1:

11.2.1 Flat Memorial Tablets

A flat tablet type memorial may be installed on plots in Sections A – O provided it is made of stone or bronze and is attached to a concrete base (pillow or poured in place, plot apron) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

Granite memorials installed on plots in Sections AB – CC will be affixed to, or placed on a precast, concrete plot apron provided by the City.

Bronze memorials installed within plots in Section AB – CC will be affixed to a concrete or granite pillow not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

Flat Memorial Tablets shall be of the following sizes only:

- (a) Companion Tablet for adjoining standard size grave (large lot)
One (1) only 40 cm by 70 cm (28" x 16" x 4")
- (b) Single Tablet for standard size grave (large lot)
One (1) only 30 cm by 50 cm (20" x 12" x 4")
- (c) Single Tablet for Infant grave (small lot)
One (1) only 30 cm by 50 cm (20" x 12" x 4")
- (d) Companion Tablet for double cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 4")
- (e) Single Tablet for cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 4")
- (f) Double Depth Tablet for standard size graves
One (1) only 40 cm by 70 cm (28" x 16" x 4")
- (g) Cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (16" x 10" x 4")
- (h) Two cremated remains above a regular size grave

One (1) only 25 cm by 40 cm (16" x 10" x 4")

2.24 By adding the following new Section:

11.2.1.a Pillow Markers

Pillow markers are the same size as the flat markers but have a slightly slanted face, created from having a higher back edge. Standard dimensions are 6" at back slanted to 4" at the front.

2.25 By deleting Section 11.2.2 in its entirety and replacing with the following Section 11.2.2:

11.2.2 Upright Memorial Markers

Upright Markers, must remain within the following dimensions: 30" wide x 20" high x 6" deep. The base of the upright marker shall be no more than 36" for a single plot or up to 40" for a side by side plot.

No inscription, lettering, plaque or other form of adornment or decoration shall be placed/engraved on the back or any side of the marker or its base.

Shall be constructed of granite and the attachment to the base shall be with dowel pins and / or an adhesive epoxy compound approved by the City and, in instances where dowels are mandated by the City, the dowels shall be made of a non-corrosive material, be centered on the base, be not less than six (6") in length and evenly extended into both the monument and the base and installed in a 'dry' mode.

A monument inscription and design shall be carved or engraved on the face of the tablet, or a bronze plaque securely anchored to the face of the tablet with non-corrosive fasteners and /or an adhesive epoxy approved by the City.

2.26 By adding the following new Section:

11.2.3 Columbarium Shutter Engraving

- (a) shall, subject to chosen design (6 templates to choose from) have an inscription engraved on the surface of the shutter that's consists solely of the given name(s) or initials, the surname, the year of birth and the year of death of the individual interred in the niche, and;
- (b) shall not have any other form of symbol, decoration or other form of adornment engraved, inscribed or attached to the surface of the shutter, and;
- (c) shall be made in a font style, size and layout that is consistent with adjacent shutters and with the overall design(s) established for the columbarium of which they are a part of.

2.27 By adding the following new Section:

11.2.4 Memorial Wall Plaques

Bronze memorial wall plaques will be 6" x 4" and installed sequentially from the left to right, top to bottom.

2.28 By adding the following new Section:

11.2.5 Maintenance and Care of Markers

All grave markers or monuments are the property of the purchaser and required care or repair is the responsibility of the owner (purchaser).

2.29 By adding the following new Section:

11.2.6 Memorial Donation or Dedication

The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature may be permitted subject to the approval of the General Manager and the following criteria;

- (a) an application, in a form prescribed by the City, shall be made to the City giving the proposed specifications, design and materials of the proposed memorial and must be approved in writing by the City before any delivery or installation can proceed, and;
- (b) site selection shall conform to the plan of the City cemetery as determined by the City, and;
- (c) installation, if not performed by the City, shall be under the supervision of the City and the cost of installation shall be borne by the applicant, and;
- (d) the placement of a dedicated item or custom memorial does not entitle a donor or an applicant to any privilege or right over the land upon which the memorial may be situated.

2.30 By deleting Section 11.9 in its entirety and replacing with the following Section 11.9:

11.9 Temporary Markers

At the time of interment the City may permit a temporary, non permanent memorial marker of a design and size approved by the City to be placed on a plot where the temporary memorial marker shall be limited to placement on the plot for a period not to exceed six (6) months from the date of interment. The City shall have the authority to remove and dispose of, without notice, a temporary , non-permanent memorial marker remaining on a lot where more than six (6) months have expired from the date of interment.

2.31 By deleting Section 12.4 in its entirety and replacing with the following Section 12.4:

12.4 Discharging Firearms

The use/discharge of firearms, other than as authorized by the General Manager is prohibited in the Cemetery.

READ A FIRST, SECOND AND THIRD TIME THIS ____ OF _____, 2019
ADOPTED THIS ____ DAY OF _____, 2019

MAYOR

CORPORATE OFFICER

**WESTBANK CEMETERY BYLAW B0166.03
FEE SCHEDULE 'A'**

Rates Effective July 1, 2019

PLOT FEES		
Grave Space/Type	Resident Rate	Non Resident Rate
Adult Plot	\$1,602	\$1,890
Infant Plot	\$710	\$838
Cremation Plot	\$721	\$851
Lakeside Columbarium – Level 1	\$4,838	\$5,709
Lakeside Columbarium – Level 2	\$4,676	\$5,518
Lakeside Columbarium – Level 3	\$4,515	\$5,327
Lakeside Columbarium – Level 4	\$4,353	\$5,136
Lakeside Columbarium – Level 5	\$4,191	\$4,946
Mountainside Columbarium – Level 1	\$4,385	\$5,175
Mountainside Columbarium – Level 2	\$4,240	\$5,003
Mountainside Columbarium – Level 3	\$4,094	\$4,831
Mountainside Columbarium – Level 4	\$3,949	\$4,659
Mountainside Columbarium – Level 5	\$3,803	\$4,488
Family Estate	\$16,174	\$19,085
Mausoleum – Level 1	\$26,056	\$30,746
Mausoleum – Level 2	\$23,449	\$27,670
Ossuary/Scatter	\$269	\$318
Ossuary/Scatter with Plaque	\$527	\$622
SERVICE FEES		
Opening and Closing Grave for Burial	Resident Rate	Non Resident Rate
Adult Plot (6' depth)	\$1,194	\$1,409
Infant Plot	\$717	\$846
Cremation Plot	\$343	\$405
Columbarium	\$297	\$350
Mausoleum	\$446	\$526
Family Estate	\$297	\$350
Ossuary Placement	\$101	\$119
Opening and Closing Grave for Exhumation/Disinterment:		
Adult Plot (6' depth)	\$1,455	\$1,716
Infant Plot	\$787	\$929
Cremation Plot	\$394	\$465
Columbarium	\$378	\$446
Mausoleum	\$743	\$876
Family Estate	\$338	\$398

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Fee

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

FEE SCHEDULE 'A' Cont'd

ADDITIONAL SERVICE FEES		
	Resident Rate	Non Resident Rate
Bud Vase – Columbarium/Mausoleum	\$209	\$247
Casket Burial after 1:00 pm; Mon. – Fri.	\$544	\$642
Ash Burial after 1:30 pm; Mon. –Fri.	\$488	\$575
Curb & Seal - Double	\$3,245	\$3,829
Curb & Seal - Single	\$1,782	\$2,103
Double Depth - Cremation	\$297	\$350
Double Depth – Full Burial	\$737	\$870
Engraving - Columbarium Shutter (2nd Engraving)	\$324	\$383
Engraving – Family Estate (2nd Engraving)	\$324	\$383
Engraving – Family Estate Individual (2nd Engraving)	\$324	\$383
Engraving - Laser Etch Photo (Maus. Only)	\$613	\$724
Engraving - Mausoleum Shutter (2nd Engraving)	\$810	\$956
Grave Liner - Casket	\$584	\$689
Grave Liner - Cremation	\$166	\$196
Installation of Memorial Marker (incl pillow/apron)	\$306	\$361
Remove/Reinstall Memorial Marker	\$170	\$201
Concrete Pillow (req'd for Bronze marker on top of concrete apron)	\$108	\$127
Memorial Wall Plaque	\$196	\$231
Plaque Installation	\$135	\$159
Remove/Replace Double Curb & Seal	\$356	\$421
Remove/Replace Single Curb & Seal	\$178	\$210
Transfer of Licence	\$54	\$64
Weekend Casket Interment (Incl. Stats)	\$695	\$820
Weekend Cremation Inurnment (incl. stat)	\$561	\$662
Xlarge grave liner	\$743	\$876
Pall Bearer (2)	\$319	\$376

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Free

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

CITY OF WEST KELOWNA

BYLAW NO. 0166

A BYLAW TO REGULATE THE OPERATION AND MAINTENANCE
OF THE WESTBANK CEMETERY

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAW 0166.01, 0166.02, [0166.03](#)**

Bylaw No. 0166.02, adopted December 8, 2015, deleted any reference to the "District" of West Kelowna and replaced with the "City" of West Kelowna.

WHEREAS the Council of the City of West Kelowna may by bylaw, pursuant to Section 8 of the *Community Charter*, regulate, prohibit and impose requirements in relation to cemeteries, crematoriums, columbariums and mausoleums and the interment or other disposition of the dead;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

Bylaw No. 0166.01 adopted October 14, 2014, removed all references to 'Parks, Fleet & Cemetery Supervisor' and replaced with 'General Manager'.

Bylaw No. 0166.01 adopted October 14, 2014, removed all references to Schedules B, C, D, and E from this Bylaw.

PART 1 – GENERAL

1.1 Title

This Bylaw may be cited as the "WESTBANK CEMETERY BYLAW NO. 0166, 2014."

1.2 Interpretation

1.2.1 Enactments

Any enactment referred to herein is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of West Kelowna, as amended, revised, consolidated or replaced from time to time.

1.2.2 Headings

The headings given to the Parts, Sections and Paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

1.2.3 Severability

If any Part, Section or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 1.2.4 in its entirety and replaced it with the following.

[Bylaw No. 0166.03 adopted ???, deleted Section 1.2.4 Schedule A – Schedule of Fees in its entirety and replaced with the attached Section 1.2.4 Schedule 'A' Cemetery Schedule of Fees.](#)

1.2.4 Schedule A – Schedule of Fees is attached to and forms part of this Bylaw.

1.3 Definitions

Bylaw No. 0166.02, adopted December 8, 2015 added the new definitions for "Non-Resident", "Ossuary", "Plot Apron" and "Scatter Garden" to Section 1.3.

[Bylaw No. 0166.03 adopted ???, added the new definitions for "Co-Mingled", "Grave Liner", "Exhume", "Natural Burial", "Pillow".](#)

In this bylaw, unless the context otherwise requires:

Bylaw No. 0166.01 adopted October 14, 2014, deleted the definition of "Care Fund" from Section 1.3 and replaced it with the following.

"Care Fund" means a fund for the care and maintenance of a place of interment.

"Cemetery" means the Westbank Cemetery and includes any other parcel or tract of land owned, used or maintained by the City of West Kelowna as a cemetery.

"Cemetery Clerk" means the person employed to maintain cemetery records as directed by the General Manager.

"Child" means any person one year old up to and including twelve years of age. (casket size not to exceed 3' x 5' plot size)

"City" means the City of West Kelowna.

"City Clerk" means the person duly appointed as Officer Assigned Responsibility for Corporate Administration of the City by the Council and includes the delegate.

[Bylaw No. 0166.03 adopted ???, deleted the definition 'Columbarium' in its entirety and replaced it with the following.](#)

"Columbarium" means a structure or building or an area in a structure or building that contains, as in integral part of the structure or building or as free standing sections, niches for the ~~inurnment~~ [placement of human](#) cremated remains.

"Council" means the Municipal Council of the City of West Kelowna.

["Co-Mingled" means the intentional mixing of cremated remains of more than one deceased person.](#)

Bylaw No. 0166.01 adopted October 14, 2014, added the definition of "Director" to Section 1.3.

"Director" means a director under the *Business Practices and Consumer Protection Act*.

"Disinterment" means the removal, for the purpose of permanent relocation, of

- (a) Human remains, and
- (b) The container, or any of the remaining container, holding the human remains from the plot in which the human remains are interred.

"Exhume/Exhumation" means the exposure and removal of interred remains for the purposes of viewing or examination.

"General Manager" means the person duly appointed by the Chief Administrative Officer to be responsible for the cemetery services for the City and includes ~~the~~his/her delegate.

"Grave Liner" means a receptacle made of durable material placed on top of a casket to provide reinforcement to the plot.

"Immediate Family" means a parent or stepparent, a grandparent or step-grandparent, a sibling (natural, adopted or step), a spouse, a common-law spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

"Infant" means any person up to the age of one year old.

"Interment" means disposition by:

- (a) Burial of human remains or cremated remains,
- (b) Entombment of human remains, or
- (c) Inurnment of cremated remains.

"Maintenance Fund" means a reserve for the ongoing care and maintenance of a place of interment.

"Medical Health Officer" means a person appointed, from time to time, for or by the City, pursuant to the provision of the *Health Act*.

"Mausoleum" means a structure built to house burial crypts.

"Natural Burial" means a natural form of interment where such interments meet specific criteria set out in the cemetery bylaw for natural burials and where all of the following criteria are followed:

- (a) Disposition is burial only;
- (b) Embalming is not used;
- (c) A simple casket or urn made of natural biodegradable materials such as wood with no metal or a shroud is used to contain Human or Cremated remains;

"Niche" means each individual compartment to be used for the interment of cremated remains in a columbarium.

"Non-Resident" means a person who has not owned or resided within the City boundaries in the past 12 months preceding the purchase of a Right of Interment.

"Operator" means the person authorized or employed as such by the City of West Kelowna.

"Ossuary" means a receptacle, usually located below ground, for the placement of non-recoverable, co-mingled remains.

Bylaw No. 0166.01 adopted October 14, 2014, deleted the definition of 'Parks, Fleet & Cemetery Supervisor' from Section 1.3.

"Plot" means a space used or intended to be used for the interment of human remains or cremated remains under a right of interment and includes a grave, crypt, niche or plot.

"Pillow/~~Apron~~" means a concrete base, supplied by the City, for the foundation and placement of ~~under a~~ memorial markers.

"Plot Apron" means a concrete strip at the head of all burial plots within Section AB – CC for the foundation and placement of memorial markers.

Bylaw No. 0166.02, adopted December 8, 2015, deleted the definition of "Resident" in its entirety from the definitions in Section 1.3.

"Scatter Garden" means a designated area for the placement of non-recoverable, co-mingled, cremated remains.

"Treasurer" means a person duly appointed to the administration of the municipal finances.

PART 2 – WESTBANK CEMETERY BOUNDARIES

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 2.1 in its entirety and replaced it with the following.

- 2.1 The lands legally described as being Lot 45, Plan 761, District Lot 805, ODYD, are hereby set aside, and are held, operated, used or maintained as Cemetery by the City.

[Bylaw No. 0166.03 adopted ???, removes all references to 'Cemetery Right of Interment' and replaces with 'Right of Interment'.](#)

PART 3 – RIGHT OF INTERMENT TO USE THE CEMETERY

[Bylaw No. 0166.03 adopted ???, deleted Section 3.1 in its entirety and replaced it with the following.](#)

3.1 Right of Interment for Exclusive Use

The General Manager is hereby authorized by Council to grant to any person, or to his authorized agent, paying the fees set forth in [Schedule "A", attached to and forming part of this Bylaw, and subject to the terms of this Bylaw](#)~~Schedule "A" attached to and forming part of this Bylaw and subject to the terms of this Bylaw~~, a ~~Cemetery~~ Right of Interment for the exclusive use by him, or his executors or administrators, of any one or more plots which may be vacant and unused in the Cemetery and upon payment of said fee, such person or his authorized agent shall be entitled to receive a ~~Cemetery~~ Right of Interment [\(ROI\)](#).

[A Right of Interment does not vest in the holder any title or interest in the land or lot but instead provides for the interment of the person named on the Right of Interment.](#)

3.2 Exclusivity

The City shall not enter into any agreement with a society, church, or other organization to reserve a section or any portion of the Cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization.

3.3 Right of Refusal

The City reserves the right to refuse to sell a Right of Interment for the use of more than two plots, niches or crypts to any one individual.

[Bylaw No. 0166.03 adopted ???, deleted Section 3.4 and 3.5 in its entirety and replaced it with the following.](#)

3.4 Right of Interment Not Transferable

The holder of a ~~Cemetery~~ Right of Interment shall not transfer his right of use and occupancy to another person except at the discretion of the General Manager. A transfer of the ~~Cemetery~~ Right of Interment for any unused plot may be made to an immediate family member provided the fee for the transfer has been paid as outlined in ~~Schedule~~[Schedule "A"](#).

3.5 Transfer Request

The transfer request must be in writing by the Right of Interment Holder. Right of Interments for plots must be surrendered, and a transfer fee as set out in ~~Schedule~~ Schedule "A" shall be paid to the City. The General Manager shall amend his records accordingly stating the new Right of Interment Holder of the plot or plots.

3.6 Notice of Transfer

To ensure the accuracy of records of ownership and interments, no transfer of any plot, or any interest therein shall be binding upon the City until a duly executed transfer has been submitted to the General Manager specifying the name, address or other description of the proposed transferee, and such particulars shall be recorded in a register to be kept for that purpose.

3.7 Proof of Inheritance

When the owner of a plot dies and the ownership passes to the new owners before the new owners can obtain registration of their interest to it, the City may require proof of their right to such interest. This proof in ordinary cases may consist of a will or other such proof as may be satisfactory to the City.

If the new owner wishes to have an interment made before he/she has obtained registration of his/her interest in a plot, he/she shall satisfy the City of his/her right to do so before the interment shall be permitted.

3.8 Order of Priority

The right of a person to control the disposition of the human remains or cremated remains vests in and devolves on that person in the order of priority as outlined in the *Cremation, Interment and Funeral Service Act*.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 3.9 in its entirety and replaced it with the following.

3.9 Right of Interment Cancellation

TO CANCEL: You must provide a written notice of cancellation. The notice must be forwarded to the City of West Kelowna by a method that will allow proof that you gave notice, such as registered mail, facsimile, or personal delivery.

REFUND: The City of West Kelowna will refund to the Right of Interment Holder, the original purchase price, LESS the amount of the Care Fund contribution for the space and LESS the Administration Fee as set out in the ~~District~~City of West Kelowna Fees and Charges Bylaw.

CARE FUND CONTRIBUTIONS: If you cancel interment rights after funds are deposited into the Care Fund, the amount deposited shall not be refundable. Upon confirmation of the requesting party/deceased estate's legal right to receive any refund, the City of West Kelowna will provide any refund owing within 30 days from the confirmation date.

If goods have been specially pre-ordered and because of some unique characteristic, personalization or extraordinary cost or the goods cannot be used in the ordinary course of business, the City may deduct the itemized cost of those goods from the Right of Interment and

the cost of those goods may be retained out of any money paid for the purposes of a Right of Interment cancellation.

3.10 Right of Interment Provisions

All ~~Cemetery~~ Right of Interments shall be subject to the provisions of this bylaw and to all bylaws now or hereafter adopted by Council.

PART 4 - FEES AND CHARGES

Bylaw No. 0166.03 adopted ???, deleted Section 4.1 and 4.2 in its entirety and replaced it with the following.

4.1 Fees for Interments

The fees for interment, disinterment, use of plots, and care of graves and the charges for goods offered for sale by the City for use in the Cemetery, and any other Cemetery fees shall be those set out in ~~Schedule~~ Schedule "A" attached to this Bylaw.

4.2 Payment of Fees

The fees set out in ~~Schedule~~ Schedule "A" attached to this Bylaw. shall be paid at the City offices at the time of purchasing a ~~Cemetery~~ Right of Interment, or any goods or services sold by the City in connection with the operation of the Cemetery.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 4.3 in its entirety and replaced it with the following.

4.3 Installment Plan

Cremation niches and Mausoleum crypts may be purchased on ~~the an~~ installment plan and in advance of need with a thirty percent (30%) deposit. When such purchases are made, full and final payment of the monies owed must be made within one (1) year of purchase or prior to any interment, placement of memorial stone or transfers into the niche or crypt.

If a balance is not paid after one (1) year, the City reserves the right to refund, as per section 3.9, the amount paid LESS the care fund contribution and LESS the current administration fee of the monies paid on account and re-sell the niche or crypt.

PART 5 – SIZE OF GRAVE SPACE

Bylaw No. 0166.03 adopted ???, deleted Section 5.1 in its entirety and replaced it with the following.

5.1 The size of grave space shall be:

Adult	- 5' x 10' (1.52 m x 3.04 m)
Infant	- 3' x 5' (0.91 m x 1.52 m)
Cremated Remains plot	- 2' x 2' (0.61 m x 0.61 m)
Columbarium <u>Niche</u>	- 11" <u>W</u> x 11" <u>W</u> x 13" <u>D</u> (0.28 m <u>W</u> x 0.28 m <u>H</u> x .33 m <u>D</u>)
Mausoleum <u>Crypt</u>	- 31.8" W x 92" D x 25.9" H (0.8 m W x 2.3 m D x .65 m H)

Bylaw No. 0166.01 adopted October 14, 2014, added the following to Section 5.1.

Family Estate	- 24" W x 14.5" D x 12" H (0.6 m W x 0.37 m D x 0.30 m H)
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PART 6 - PERMISSION TO INTER, EXHUME AND CREMATE

Bylaw No. 0166.03 adopted ???, deleted Section 6.1 in its entirety and replaced it with the following.

6.1 Interment Permit (~~Right Of Interment~~)

 No human remains or cremated remains shall be interred in the Cemetery until:

a) an Interment Permit has been obtained from the City and the fee for interment, as specified in ~~Schedule~~Schedule "A", has been paid.

b) a person having authority pursuant to Section 5 of the Cremation, Interment and Funeral Services Act of B.C. to authorize the disposition of the deceased person's human remains or cremated remains has completed, duly signed and witnessed at the Cemetery Office an interment authorization and/or other documents required to facilitate the interment in a form approved by the City.

~~A right of interment does not vest in the holder any title or interest in the land or lot but instead provides for the interment of the person named on the Right of Interment (Plot Reservation Licence).~~

i

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 6.2 in its entirety and replaced with the following Section 6.2.

Bylaw No. 0166.03 adopted ???, deleted Section 6.2 in its entirety and replaced it with the following.

6.2 Application for an Interment Permit (~~Right of Interment~~)

All applications for an interment permit must be made at least 48 hours (2 working days) before the scheduled interment to the Cemetery Office.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 6.3 in its entirety and replaced with the following Section 6.3.

6.3 Registration of Death

All persons applying for interments in the Cemetery shall provide to the Cemetery Office, a Registration of Death or Cremation Certificate issued pursuant to the *British Columbia Vital Statistics Act*.

6.4 Interment After Hours

Where a Medical Health Officer directs that a body be buried in the Cemetery during any period when the Cemetery is closed, permission to inter in the Cemetery shall be obtained from the General Manager, or his/her designate.

6.5 Details of Deceased

Where an interment in the Cemetery is performed under the conditions of Section 6.4 of this Bylaw, the person who permitted the interment and the person who performed the interment shall report the matter to the General Manager and the representative of the deceased shall furnish the General Manager with full details of the deceased as required by Section 6.3 of this Bylaw.

6.6 Order to Exhume

No deceased person interred in the Cemetery shall be exhumed except in compliance with the requirements of the *Cremation, Interment and Funeral Service Act* and upon payment of any fee required by and in compliance with all terms and conditions of this Bylaw.

The City's responsibility will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider.

The City is not responsible for damage to any casket, urn or other container sustained during exhumation.

6.7 Unlawful Interment

It shall be unlawful to inter or cremate a deceased person within the Municipal boundary of the City except pursuant to the terms of the *Cremation, Interment and Funeral Service Act* and Regulations thereunder.

6.8 Disinterment

No interment in the Cemetery shall be disinterred except in compliance with the *Cremation, Interment and Funeral Service Act* and upon payment of any fee required by and in compliance with all terms and conditions of this Bylaw. The City's responsibility will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider.

PART 7 - INTERMENT IN THE CEMETERY

Bylaw No. 0166.03 adopted ???, deleted Section 7.1 in its entirety and replaced it with the following.

7.1 Human Remains Only

The City may, subject to payment of fees, grant to any person a right of interment for a vacant, unreserved plot.

7.1.1 Only human remains and cremated remains shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this Bylaw.

7.1.2 For interment into a mausoleum crypt, human remains shall be enclosed in a burial container that complies with CIFSA, these bylaws, and:
(a) the human remains shall be embalmed, or;
(b) if the human remains are not embalmed, they shall be enclosed in a hermetically sealed burial casket or container that is approved by the City.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.2 in its entirety and replaced it with the following.

Bylaw No. 0166.03 adopted ???, added 'Natural Burial' as Section 7.2 and renumbered the following Sections.

7.2 Natural Burial

7.2.1 The City shall have the right to designate areas within a City cemetery where the natural burial of human remains and cremated remains may be accommodated.

7.2.2 The Bylaws of the cemetery in their entirety together with those that follow here shall apply to the provision of natural burial rights of interment.

7.2.3 Natural Burial Interment Permits may be purchased for the following type of burial plot:
(a) a double-depth interment plot where ground conditions permit such interment, and;
(b) this plot may be used for the interment of the human remains of two (2) persons and the secondary interment of the cremated remains of not more than two (2) persons, or where no interment of human remains is intended, the interment of the cremated remains of not more than four (4) persons.

- 7.2.4 Human remains interred in a natural burial plot shall be considered non-recoverable from the date of interment and the City shall have no obligation, except where ordered to do so under provisions of legislation, regulation or as ordered by a court of competent jurisdiction to recover human remains in a natural burial plot.
- 7.2.5 Human remains proposed for interment in the natural burial plots shall:
- (a) be in a natural state and shall not be embalmed, and;
 - (b) be clothed, wrapped or shrouded in natural and fully biodegradable fiber or material, and;
 - (c) be enclosed in a shroud, casket or alternative container that is approved by the City for use in a natural burial plot, and;
 - (d) be enclosed in a shroud, casket or alternative container with a rigid base that permits the dignified transport and safe handling of the human remains by all persons so charged.
- 7.2.6 An interment permit holder and/or legal representative of a deceased person to be interred in a natural burial plot shall:
- (a) ensure a shroud, casket or alternative container proposed for interment in a natural burial plot is a City approved container, and;
 - (b) arrange for the dignified transfer of the human remains to the gravesite.
- 7.2.7 A shroud, casket or alternative container proposed for natural burial interments shall:
- (a) comply with any provisions for caskets or containers set out in any legislation or regulation, and;
 - (b) be approved for use in a specified area of the cemetery by the City prior to a scheduled interment service, and;
 - (c) be primarily constructed of fully biodegradable and environmentally sustainable materials, and;
 - (d) have interior finishing primarily fabricated of fully biodegradable and environmentally sustainable materials and natural fibers, and;
 - (e) have, as a function of their design, a safe and secure means with which to facilitate the dignified transfer of the human remains enclosed to the interment site and lowered into the excavated plot, and;
 - (f) with the exception of minimally necessary structural hinges, nails and screws, not have any extraneous part, fixture or decoration attached that is made of plastic, metal or other non-biodegradable material, and;
 - (g) not have a high gloss or polish finish achieved through the application of any synthetic or environmentally hazardous, toxic or non-biodegradable chemical or agent, and;
 - (h) not have been constructed with the use of synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent, and;
 - (i) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable materials, and;
 - (j) not have any non-biodegradable personal items, momentos or articles placed inside the space occupied by the human remains.
- 7.2.8 Shrouds, caskets or alternative containers that are constructed from fibre-board, particle board, plywood, non-sustainable or exotic wood, metal, bleached or non-recycled cardboard or other form of non-sustainable, non-biodegradable or artificial material are prohibited from interment in a natural burial plot.
- 7.2.9 The City shall have the right to approve, or to refuse to accept for burial, any shroud, casket or alternative container proposed for interment in a natural burial plot.
- 7.2.10 The interment of human remains in a burial plot shall be made at a depth deemed sufficient to achieve effective, natural decomposition of the human remains interred and

be of sufficient depth to ensure the interred human remains will not be disturbed by wildlife.

7.2.11 No form of exterior grave box, grave liner, or protective vault is permitted in a natural burial plot.

7.2.12 The City shall have the right to utilize such equipment, including motorized equipment, to open and close the natural burial plot as it deems necessary to protect the safety of all City personnel, and any person participating in and attending the interment service and to permit for the safe and dignified interment of the human remains into the lot, and shall make every reasonable effort to replace soil in a grave occupied by human remains in a sensitive a manner as is practical.

7.2.13 Upon provision of advance notice to the City, family members and/or friends of the deceased may be permitted to participate in the closing of a natural burial plot. In the instance where persons other than City personnel participate in the closing of a plot, said persons shall:

- (a) be subject to supervision by City personnel, and;
- (b) follow all instruction issued them by City personnel, and;
- (c) be of sound physical condition and be capable of the participation intended, and;
- (d) assume personal liability for any injury arising as a result of their participation.

7.2.14 The City makes no warranty to protection nor bears any liability for the aesthetic, structural or physical impact made to a casket or alternative container and the enclosed human remains that may arise from the replacement of gravesite soil into a natural burial plot.

7.2.15 The interment of cremated remains in a natural burial plot area shall be considered non-recoverable from the date of disposition and the City shall have no obligation and shall have no means to recover cremated remains interred in the natural burial plot.

7.2.16 Where an interment permit has been purchased and assigned for a natural burial plot with the intent of interring or scattering cremated remains in the plot, the disposition of cremated remains shall not be made until all the permitted interment(s) of human remains have been made into the assigned plot.

7.2.17 Cremated human remains proposed for disposition in a natural burial area shall be enclosed in an urn or container that:

- (a) is approved for use in a natural burial plot by the City prior to a scheduled scattering or interment service;
- (b) is designed to decompose upon contact with or in the ground;
- (c) is made of a fully biodegradable material which may include recycled and unbleached paper or cardboard;
- (d) shall not have any interior plastic, metal or other form of permanent liner, container or bag.

7.2.18 Witnessing the disposition of cremated remains in a natural burial plot shall be subject to the following:

- (a) provision of a request to witness the disposition is provided to the City at the time of the disposition arrangements are made, and;
- (b) the City for safety reasons may, at its discretion, limit the number of persons permitted within close proximity to the site where the natural burial or scattering of cremated remains is taking place, and;
- (c) all proceedings withing the natural burial plot shall be under the sole direction of the City, and;

(d) all persons attending a witness service shall comply with the supervision of and instructions given by the City.

7.3 Occupy Plot

The Holder of a Right of Interment may transfer his right of use and occupancy to an immediate family member, subject to Section 3.4 of this Bylaw.

7.34 Communicable Disease

Where the remains of a person who died while suffering a communicable disease are to be buried in the Cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.

7.45 Inform Operator

Where the body delivered to the Cemetery for interment is subject to direction of the Medical Health Officer, pursuant to the *Health Act*, the person delivering the body to the Cemetery shall so inform the Operator.

Bylaw No. 0166.03 adopted ???, deleted Section 7.6 in its entirety and replaced it with the following.

7.56 Grave Depth

Each interment in the Cemetery, other than the interment of cremated remains or in a niche or crypt, shall be made in a grave, which when filled and closed, provides not less than 3 ft. (0.914 m) of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket ~~or~~ grave liner enclosing the body resting or body resting in the grave.

7.6 7.7 Number of Interments

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.6(a) and 7.6(e) in its entirety and replaced them with the following.

- (a) Two (2) casket interments plus two (2) cremations; or four (4) cremations may be permitted in each large grave plot.
- (b) Two (2) urn interments will be permitted in each cremation plot.
- (c) Two (2) urns per columbarium niche
- (d) One (1) casket per Mausoleum crypt
- (e) Depending on the size of the urns, up to six (6) urns, within two levels, may be permitted in the Family Estate.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.7 in its entirety and replaced it with the following.

Bylaw No. 0166.03 adopted ???, deleted Section 7.8 in its entirety and replaced it with the following.

7.7 7.8 Lower Depth

Where two ~~casket~~ interments are permitted in one plot and each interment is in respect to a body not in the form of cremated remains, the first interment shall be at a lower depth than the second, and each of the two interments in the one grave shall comply with the requirements of Section 7.5-6 of this Bylaw.

7.8 7.9 Depth of Cremated Remains

Each interment of cremated remains in the Cemetery shall be buried in the plot not less than 2 ft. (0.61 m) deep. For every interment of cremated remains in a container, the grave will be dug to a depth sufficient to ensure that there are not less than 12 inches (30 cm) of earth between the top of the container and the level of the ground surrounding the grave.

Bylaw No. 0166.03 adopted ???, deleted Section 7.9 'Liners Materials' in its entirety.

———— Liners Materials

A reinforced fibreglass grave liner or other material, as approved by the General Manager shall be used for each interment, as per the requirements of Section 7.8 of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.10 in its entirety and replaced it with the following.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.10 in its entirety and replaced with the following Section 7.10.

7.10 Scattering and Ossuary Placement of Cremated Remains

It shall be unlawful for any person to scatter cremated remains within the confines of the cemetery except within a scattering garden or other designated area without first obtaining an Interment Permit.

A small portion of remains may be placed beneath the bark mulch at the base of an ornamental plant; the remaining majority to be placed within the Ossuary.

Cremated remains placed in the Ossuary are permanent, non-recoverable and co-mingled. Placement of urns or other containers in the Ossuary is not permitted. The placement of remains may be undertaken by the attending family representative, funeral provider or Cemetery Operator. Use of the Ossuary is only permitted with the attendance of authorized staff.

7.11 Grave Space Embellishments

Except for graves or grave spaces embellished prior to the date of this Bylaw, no grave space shall be defined by a fence, hedge, railing except for a memorial marker.

Bylaw No. 0166.03 adopted ???, deleted Section 7.12 in its entirety and replaced it with the following.

7.12 Hours of Interment

Except as otherwise authorized in this Bylaw, no person shall inter any remains in the Cemetery except between the hours of 8:00 a.m. and 3:00 p.m.

Upon provision of proper notice and authorization, to the satisfaction of the City, for an interment service, interments may occur as follows:

Human Remains Interment Services:

- (i) May occur Monday – Friday; and
- (ii) Shall occur between 8 am – 1:00 pm where the gravesite shall be clear of interment service attendees by 2:00 pm; or
- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Schedule “A”; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

Cremated Remains Interment Services:

- (i) May occur Monday – Friday;
- (ii) Shall occur between 8 am – 1:30 pm where the gravesite shall be clear of interment service attendees by 2:30 pm;

- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Schedule "A"; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.13 in its entirety and replaced with the following Section 7.13.

Bylaw No. 0166.03 adopted ???, deleted Section 7.13 in its entirety and replaced it with the following.

7.13 ~~No~~ Interment on Weekends or Statutory Holidays

No person shall inter or scatter any body in the Cemetery on Saturday or Sunday or any Statutory Holiday unless written permission of the General Manager is first obtained. ~~No interments will be scheduled on long weekends that are a result of a statutory holiday or on a statutory holiday except in the emergency conditions as specified in~~ Section 7.3 and 7.4 of this Bylaw.

7.14 Grave Digging or Opening

No grave shall be dug or opened by any person other than the Operator and his assigned helpers or other person duly authorized by the General Manager.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.15 in its entirety and replaced it with the following.

Bylaw No. 0166.03 adopted ???, deleted Section 7.15 in its entirety and replaced it with the following.

7.15 ~~Containers~~15 Containers (Caskets)

~~Human remains must~~Except for Natural Burials where no casket is required, human remains are to be interred in a container~~casket~~ that does not exceed 25" H x 89" L x 35" W (0.63 m H x 2.26 m L x 0.88 m W), or provided the container does not exceed the size of the plot. ~~All containers of human remains must be placed within a grave liner.~~

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.16 in its entirety and replaced with the following Section 7.16.

Bylaw No. 0166.03 adopted ???, deleted Section 7.16 in its entirety and replaced it with the following.

7.16 Cremated Remains Container (Urns)

For every interment of cremated remains in a plot or niche, the container(s) for cremated remains shall be made of metal, stone, ~~plastic, or~~ porcelain or other materials as approved by the General Manager and must be manufactured for the express purpose of containing cremated remains. A single container or combination of (2) containers shall not exceed 14" H x 12" L x 12" W (~~30~~35.56 cm H x ~~27.9~~30.48 cm L x ~~27.9~~30.48 W).

Bylaw No. 0166.02, adopted December 8, 2015, added the following Section to PART 7 – INTERMENT IN THE CEMETERY:

Bylaw No. 0166.03 adopted ???, deleted Section 7.17 in its entirety.

~~7.17~~ Right of Interment

~~The City may, subject to payment of fees, grant to any person a right of interment for a vacant, unreserved plot. A right of interment does not vest in the holder any title or interest in the land or lot but instead provides for the interment of the person named on the Right of Interment (Plot Reservation Licence).~~

Bylaw No. 0166.02, adopted December 8, 2015, deleted the title of PART 8 and replaced it with the following:

Bylaw No. 0166.03 adopted ???, deleted Part 8 & 9 in its entirety and renumbered the remaining Parts.

PART 8 — GENERAL MANAGER OF ENGINEERING AND PUBLIC WORKS

- ~~8.1 — Notwithstanding any other provision contained herein, the General Manager shall be responsible for ensuring that the provisions of this Bylaw are properly carried out.~~
- ~~8.2 — The General Manager shall engage such staff as may be necessary to carry out the administrative and operational duties necessary under this Bylaw, subject to Council's approval.~~
- ~~8.3 — Any contracted personnel or City staff engaged in performing any duty under the jurisdiction of this Bylaw shall be under the supervision of the General Manager or his/her designate.~~

PART 9 — CEMETERY OPERATOR

~~Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 9.1 in its entirety and replaced it with the following.~~

~~9.1 — Duties of the Cemetery Operator~~

~~Pursuant to Section 8 of this Bylaw, the General Manager may authorize the appointment of a Cemetery Operator and the duties and responsibilities of a Cemetery Operator so appointed shall be, among other things, to carry out, or cause to be carried out by workers placed under his supervision:~~

- ~~(r) — the digging, preparation, opening and closing of graves as ordered by the General Manager, or his/her designate, pursuant to this Bylaw;~~
- ~~(s) — the direction of all funerals in the Cemetery to the correct plot;~~
- ~~(t) — the general work of the Cemetery grounds to maintain same in a neat and tidy condition; and~~
- ~~(u) — the provision of care for the City owned tools and equipment.~~

PART 10 - ADMINISTRATION AND MAINTENANCE

10.1 Administrative Records

The General Manager shall maintain such records as are necessary for the administration and management of the Cemetery and as are required by the *Cremation, Interment and Funeral Service Act*.

10.2 Cemetery Clerk Maintains Records

The Cemetery Clerk shall maintain records as directed by the General Manager and shall submit reports as required by him, and shall do such other work as the General Manager may require from time to time in relation to the Cemetery operation.

10.3 Subdivision Not Permitted

Effective the date of adoption of this Bylaw, no subdivision of plots will be permitted.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 10.4 in its entirety and replaced it with the following.

10.4 — Grant Right of Interment

~~The General Manager is hereby authorized on behalf of the City to grant a Cemetery Right of Interment in respect of any unused plot in the Cemetery, according to the fees and charges specified in Schedule "A" and subject to the provisions of this Bylaw.~~

108.54 Maintenance Fund

A fund shall be established to be known as the "Cemetery Maintenance Fund" and administered in accordance with the *Cremation, Interment and Funeral Service Act* and the *Local Government Act*. The interest in this fund shall be used for the upkeep, care and repair of the Cemetery. The principal in this fund shall not be reduced other than in accordance with an order made pursuant to the *Cremation, Interment and Funeral Service Act*.

108.65 Reserve Accounts

A reserve shall be established to be known as the "Cemetery Maintenance Fund Reserve", into which the Treasurer shall pay the amounts received into the reserve. This reserve is to be used in those years that revenue does not exceed expenses.

108.76 Cemetery Care Fund

A fund shall be established to be known as "The Cemetery Care Fund" and such fund shall be administered in accordance with the requirements of the *Cremation, Interment and Funeral Service Act* for the establishment and administration of the Cemetery Care Fund and in accordance with the procedures hereinafter set out.

108.87 Payments to Reserve Accounts

On all Right of Interment Fees for use of Cemetery Plots, and Reservation Fees for Cemetery Plots, the Treasurer shall pay into the "Cemetery Maintenance Fund" and the "Cemetery Care Fund" respectively, from the amount received for each Right of Interment or reservation sold the fees as specified in ~~Schedule~~SCHEDULE "A".

108.9-8 Reserving Plots

On all Right of Interments for the use of or reservation of cemetery plots, and on all contracts or agreements for the sale of such Right of Interments, the amount required to be used for "Cemetery Maintenance Fund" and "Cemetery Care Fund" purposes shall be specified.

108.109 Monies Held in Trust

All monies received and deposited by the Treasurer in the "Cemetery Maintenance Fund" and "Cemetery Care Fund" accounts shall be held and invested as trust funds to be devoted solely to the purposes for which they were received.

108.11-10 The Cemetery Fund

A separate account of all monies received under the provisions of this Bylaw and all monies expended hereunder shall be kept by the Treasurer and any surplus remaining of receipts over

expenditures shall be paid at the end of each fiscal year into the Cemetery Maintenance Fund (50%) and the Cemetery Care Fund (50%) and same shall be invested by the City in accordance with the provisions of the *Community Charter*.

Bylaw No. 0166.03 adopted ???, deleted PART 11 in its entirety and replaced it with the following.

PART ~~11-9~~ – MEMORIALS

~~11-9.1~~ Fees

Any owner of a memorial marker, tablet, or monument, or memorial and curbing desiring to install, or modify same in the Cemetery shall pay to the City prior to the installation or modification of same, the fee specified in ~~Schedule~~SCHEDULE "A".

~~11-9.2~~ Conformation

A tablet type memorial may be installed on a grave in the Cemetery provided it is made of stone or bronze and is attached to a concrete base (pillow) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet or on the poured in place, plot apron installed in Ph III.

Every memorial at the Cemetery shall be placed, installed, relocated or removed by the City staff.

All markers sizes are measured in inches and are always written (length x width x height).

No form of candleholder or lantern or other form of fixture may be attached in any manner to a memorial or placed adjacent to where a memorial is installed.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.2.1 in its entirety and replaced with the following Section 11.2.1:

~~11-9.2.1~~ Flat Memorial Tablets

A flat tablet type memorial may be installed on plots in Sections A – ~~KO~~ provided it is made of stone or bronze and is attached to a concrete base (pillow or poured in place, plot apron) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

All Granite memorials installed on plots in Sections AB – CC will be affixed to, or placed on a precast, concrete plot apron provided by the City.

Bronze memorials installed within plots in Section AB – CC will be affixed to a concrete or granite pillow not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

Flat Memorial Tablets shall be of the following sizes only:

- (a) Companion Tablet for adjoining standard size grave (large lot)
One (1) only 40 cm by 70 cm ~~(28" x 16" x 284")~~
- (b) Single Tablet for standard size grave (large lot)

One (1) only 30 cm by 50 cm (20" x 12" x 204")

- (c) Single Tablet for Infant grave (small lot)
One (1) only 30 cm by 50 cm (20" x 12" x 204")
- (d) Companion Tablet for double cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 164")
- (e) Single Tablet for cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 164")
- (f) Double Depth Tablet for standard size graves
One (1) only 40 cm by 70 cm (28" x 16" x 284")
- (g) Cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (16" x 10" x 164")
- (h) Two cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (16" x 10" x 164")

Bylaw No. 0166.02, adopted December 8, 2015, added the following Section to PART 11 – MEMORIALS:

9.2.2 Pillow Markers

Pillow markers are similar to flat grave markers but have a slightly slanted face, created from having a higher back edge (6" at back slanted to 4" at the front).

9.2.3 Upright Memorial Markers

Upright memorial markers are to be placed in designated areas only. Upright tablet type memorials will only be installed on plots in Section AB, Rows 1 & 4; Section BB, Rows 1 & 5, and Section CB, Rows 1 & 6.

Upright Markers, only in designated areas, must remain within the following dimensions: 30" wide x 20" high x 6" deep. The base of the upright marker shall be no 36" for a single plot or upto 40" for a side by side plot.

No inscription, lettering, plaque or other form of adornment or decoration shall be placed/engraved on the back or any side of the marker or its base.

Shall be constructed of granite and the attachment to the base shall be with dowel pins and / or an adhesive epoxy compound approved by the City and, in instances where dowels are mandated by the City, the dowels shall be made of a non-corrosive material, be centered on the base, be not less than six (6") in length and evenly extended into both the monument and the base and installed in a 'dry' mode.

A monument inscription and design shall be carving or engraving on the face of the tablet, or a bronze plaque securely anchored to the face of the tablet with non-corrosive fasteners and /or an adhesive epoxy approved by the City.

9.2.4 Columbarium Shutter Engraving

- (a) shall, subject to chosen design (6 templates to choose from) have an inscription engraved on the surface of the shutter that's consists solely of the given name(s) or initials, the surname, the year of birth and the year of death of the individual interred in the niche, and;
- (b) shall not have any other form of symbol, decoration or other form of adornment engraved, inscribed or attached to the surface of the shutter, and ;
- (c) every inscription shall be made in a font style, size and layout that is consistent with adjacent shutters and with the overall design(s) established for the columbarium of which they are a part of.

9.2.5 Memorial Wall Plaques

Bronze memorial wall plaques will be 6" x 4" and installed sequentially from the left to the right, top to bottom.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.3 in its entirety and replaced with the following Section 11.3:

11.3

9.3 Maintenance and Care of Markers

All grave markers or monuments are the property of the purchaser and required care or repair is the responsibility of the owner (purchaser).

9.4 Memorial Donation or Dedication

The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature may be permitted subject to the approval of the General Manager and the following criteria;

- (a) an application, in a form prescribed by the City, shall be made to the City giving the proposed specifications, design and materials of the proposed memorial and must be approved in writing by the City before any delivery or installation can proceed, and;
- (b) site selection shall conform to the plan of the City cemetery as determined by the City, and;
- (c) installation, if not performed by the City, shall be under the supervision of the City and the cost of installation shall be borne by the applicant, and;
- (d) the placement of a dedicated item or custom memorial does not entitle a donor or an applicant to any privilege or right over the land upon which the memorial may be situated.

9.5 Floral and Other Offerings

Cut flowers, wreaths and floral offerings may be placed on plots in a cemetery, but may be removed by the Operator and disposed of when their condition is considered detrimental to the aesthetics of the cemetery or for the purpose of maintenance. Only non-breakable flower vases will be permitted.

Plant material and plot adornments associated with seasonal events or celebrations will be removed at the discretion of the Operator. Artificial flowers will only be permitted to be placed during the winter, November 1 to March 31, and will be removed when the first grounds maintenance is carried out in the spring.

Except for the time of interment, placement of floral tributes will not be permitted at the base of any columbarium or mausoleum. Columbarium and mausoleum artificial floral tributes will be allowed in bud vases purchased from the City.

Objects and personal possessions are not permitted on any plot and will be removed by the Operator. This includes, but is not limited to, pictures, frames, boxes, shells, toys, sport paraphernalia, wire screens, arbours, trellises, and tripods.

Certain objects and personal possessions may be permitted to be placed within the mausoleum or columbarium niches, subject to the approval of the Cemetery Office. Allowable objects must be non-decomposing and non-perishable, will not harm or destroy the structure, and will easily fit within the columbarium niche or mausoleum crypt.

[449.46](#) Removal of Offerings

The Operator may remove and dispose of any offerings from any grave when the condition is considered by him/her to be a safety hazard, detrimental to the beauty, or impedes maintenance of the Cemetery.

[449.5-7](#) Planting Restrictions

No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers or bulbs in the Cemetery other than a person authorized by the City to do so.

[449.68](#) No Adornment

Except as specifically provided in this Bylaw, no part of the Cemetery or plot may be adorned in any manner by any person other than the Operator without the express authority of the General Manager, with the exercise of such authority to be within the General Manager's sole discretion.

[449.79](#) Specifications Only

Only memorials of the tablet variety and manufactured from stone, bronze, or any other material approved by the General Manager, which conform to the specifications as set out in 11.2.1, shall be placed and installed in the Cemetery.

[449.810](#) Memorial Replacement/Modification Requests

No memorial shall be installed, replaced or modified within the Cemetery by any persons other than the Operator or other person duly authorized to do so by the General Manager. All requests to replace or modify an existing memorial must be with the consent of the next-of-kin; or may be granted at the discretion of the General Manager should the next-of-kin not be known, or unable to be located.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.9 in its entirety and replaced with the following Section 11.9:

[449.911](#) Temporary Markers

~~During the period from November 1st to the following March 15th in any year, temporary plot markers, as approved by the General Manager, may be used in all sections of the Cemetery. Temporary markers may not be used at other times and will be removed by the Operator.~~

At the time of interment the City may permit a temporary, non permanent memorial marker of a design and size approved by the City to be placed on a plot where the temporary memorial marker shall be limited to placement on the plot for a period not to exceed six (6) months from the date of interment. The City shall have the authority to remove and dispose of, without notice, a

temporary , non-permanent memorial marker remaining on a lot where more than six (6) months have expired from the date of interment.

119.1012 Not Liable

The City shall not be held liable for any breakage or damage to any memorial tablet or monument in the Cemetery, except as shall arise as the result of negligence or carelessness of the Operator or other employee of the City.

Bylaw No. 0166.02, adopted December 8, 2015, deleted the Title of Section 11.11 and replaced with the following Title:

119.1113 Non-Conforming Memorial Markers

All memorial markers delivered to the Cemetery Office must meet the specifications set out in Section 11.2. All memorial markers delivered to the Cemetery Office require a signature by the Cemetery Staff upon delivery. Any memorial marker that has been delivered to the Cemetery Office that does not meet the specifications set out in Section 11.2 will be returned to the Company from which it was delivered at the companies expense.

119.1214 Removal

Should any memorial, marker, or tablet, grave cover or grave curbing placed or erected in the Cemetery be in a state of disrepair such that it might be hazardous to the public or detrimental to the maintenance of the Cemetery, the General Manager may, after 30 days notice in writing to the next-of-kin at his last known address, have the memorial marker, tablet, grave cover or grave curbing removed from the Cemetery if it has not been repaired in accordance with the notice.

PART 12-10 – GENERAL REGULATIONS

1210.1 Cemetery Damage

No person shall damage or deface any memorial, monument, fence, gate, structure or any improvements in the Cemetery.

120.2 Solicitation

No person shall solicit orders for markers, tablets, memorials, curbing, capping, or like works within the limits of the Cemetery.

1210.3 Obey Operator

All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Operator, and any person not behaving with proper decorum within the Cemetery, or disturbing the quiet and good order of the Cemetery may be evicted therefrom by the Operator.

1210.4 Discharging Firearms

The use discharge of firearms, other than as authorized by the General Manager is prohibited in the Cemetery.

1210.5 Penalties

Any person guilty of an infraction or violation of any of the provisions of this Bylaw shall be liable, on summary conviction, to a fine of up to Two Thousand Dollars (\$2,000.00).

4210.6 Temporary Removal of Markers

The General Manager may arrange for the temporary removal of a marker without the owner's permission if, during the excavation of an adjoining grave, the marker is found to be a hazard to the safety of workers in the excavation or to gain access to a plot for grave site preparation, provided that the marker is replaced in its original position on the grave from which it was removed as soon as possible after the excavation has been filled, and provided that the owner of the marker is not charged with the cost of the work, unless he is also the owner of the plot in which the excavation is being made, and provided also that the City or its agents repairs at its expense any damage occasioned to the marker so removed and replaced.

4210.7 General Maintenance

General maintenance work which will be performed without cost to the plot or grave owner includes the cutting and/or removal of grass and weeds, gathering of leaves and trash, maintaining roads in passable condition, watering of serviced areas, shade tree care and such grading and improvements to grounds as may be necessary at the discretion of the General Manager.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 12.8 in its entirety and replaced it with the following.

4210.8 Rectification of Errors Relating to Interment

If human remains or cremated remains are interred in the wrong lot in a cemetery, mausoleum or columbarium, the operator of the cemetery, mausoleum or columbarium must

- (a) On the request of the person who, under Section 5 of the *Cremation, Interment and Funeral Services Act* (control of disposition of human remains or cremated remains), has the right to control the disposition of the human remains or cremated remains, disinter the remains from the wrong lot and re-inter them in
 - (i) The correct lot, if the correct lot is available, or
 - (ii) A lot acceptable to the person who made the request if the correct lot is not available, and
- (b) Within 30 days after the re-interment referred to in paragraph (a), notify the Director of the disinterment and the re-interment.

PART 43-11 – REPEAL AND ENACTMENT

4311.1 Effect of Bylaw

This Bylaw shall come into full force and effect and be binding on all persons as and from date of adoption.

READ A FIRST, SECOND AND THIRD TIME THIS 11TH DAY OF FEBRUARY, 2014
ADOPTED THIS 14TH DAY OF OCTOBER, 2014

MAYOR

Bylaw No. 0166.01 adopted October 14, 2014, deleted Schedule 'A' in its entirety and replaced it with the following.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Schedule 'A' in its entirety and replaced with the following Schedule 'A':

SCHEDULE Bylaw No. 0166.03, adopted ??, deleted Schedule 'A' in its entirety and replaced with the following SCHEDULE 'A'

A

GRAVE SPACE/TYPE	BASE FEE	PREPARATION & PLACEMENT (Services)	TOTAL RESIDENT RATE	TOTAL NON-RESIDENT RATE
Adult Plot	\$ 911.98	\$ 990.00	\$ 1,901.98	\$ 2,244.34
Infant Plot	\$ 458.90	\$ 594.00	\$ 1,052.90	\$ 1,242.42
Cremation Plot	\$ 607.57	\$ 308.00	\$ 915.57	\$ 1,080.37
Lakeside Columbarium — Level 1	\$ 3,354.18	\$ 460.00	\$ 3,814.18	\$ 4,500.73
Lakeside Columbarium — Level 2	\$ 3,234.38	\$ 460.00	\$ 3,694.38	\$ 4,359.37
Lakeside Columbarium — Level 3	\$ 3,114.59	\$ 460.00	\$ 3,574.59	\$ 4,218.02
Lakeside Columbarium — Level 4	\$ 2,994.80	\$ 460.00	\$ 3,454.80	\$ 4,076.66
Lakeside Columbarium — Level 5	\$ 2,875.01	\$ 460.00	\$ 3,335.01	\$ 3,935.31
Mountainside Columbarium — Level 1	\$ 3,018.76	\$ 460.00	\$ 3,478.76	\$ 4,104.94
Mountainside Columbarium — Level 2	\$ 2,910.95	\$ 460.00	\$ 3,370.95	\$ 3,977.72
Mountainside Columbarium — Level 3	\$ 2,803.13	\$ 460.00	\$ 3,263.13	\$ 3,850.49
Mountainside Columbarium — Level 4	\$ 2,695.32	\$ 460.00	\$ 3,155.32	\$ 3,723.28
Mountainside Columbarium — Level 5	\$ 2,587.51	\$ 460.00	\$ 3,047.51	\$ 3,596.06
Family Estate	\$ 10,541.69	\$ 460.00	\$ 11,001.69	\$ 12,981.99
Mausoleum — Level 1	\$ 19,166.75	\$ 1,336.00	\$ 20,502.75	\$ 24,193.25
Mausoleum — Level 2	\$ 17,369.84	\$ 1,336.00	\$ 18,705.84	\$ 22,072.89
Ossuary/Scatter with Plaque	\$ 310.24	\$ 175.00	\$ 485.24	\$ 572.58
Ossuary/Scatter Only	\$ 126.63	\$ 75.00	\$ 201.63	\$ 247.80
* BASE FEE Includes: Care Fund: Plots 33.33%; Niches/Crypts 11.63% and Maintenance Fund: 15%				
** PREPARATION & PLACEMENT Includes: Open/Close, Liner & Shutter Engraving				
*** TOTAL RESIDENT RATE includes: Base Fee, Preparation & Placement				
**** TOTAL NON-RESIDENT RATE includes: Base Fee, Preparation & Placement +18%				

SERVICES		SERVICES	
Opening and Closing Grave for Burial:		Opening and Closing Grave for Exhumation/Disinterment:	
	FEES		FEES
Adult Plot (6' depth)	\$ 726.00	Adult Plot (6' depth)	\$ 1,347.50
Infant Plot	\$ 330.00	Infant Plot	\$ 726.00
Cremation Plot	\$ 220.00	Cremation Plot	\$ 368.50
Columbarium	\$ 220.00	Columbarium	\$ 275.00
Mausoleum	\$ 330.00	Mausoleum	\$ 550.00
Family Estate	\$ 220.00	Family Estate	\$ 250.00
Ossuary Placement	\$ 75.00		
ADDITIONAL SERVICES			
Bud Vase — Columbarium/Mausoleum	\$ 155.00	Grave Liner — Cremation	\$ 88.00
Burial after 3:00 pm; Mon. — Fri	\$ 148.50	Installation or Removal of Memorial Marker	\$ 206.25
Curb & Seal — Double	\$ 2,403.50	Memorial Tree with plaque	\$ 875.00
Curb & Seal — Single	\$ 1,320.00	Memorial Bench with plaque	\$ 2,400.00
Double Depth — Cremation	\$ 220.00	Memorial Wall Plaque	\$ 145.00
Double Depth — Full Burial	\$ 440.00	Plaque Installation	\$ 100.00
Engraving — Columbarium Shutter	\$ 240.13	Remove/Replace Double Curb & Seal	\$ 264.00
Engraving — Family Estate	\$ 240.13	Remove/Replace Single Curb & Seal	\$ 132.00
Engraving — Family Estate Individual	\$ 240.13	Transfer of Licence	\$ 38.50
Engraving — Laser Etch Photo (Maus. Only)	\$ 454.30	Weekend Interment (Incl. Stats)	\$ 440.00
Engraving — Mausoleum Shutter	\$ 1,005.95	Weekend Inurnment in Niche or Crypt (incl. stat)	\$ 330.00
Grave Liner — Casket	\$ 264.00	Xlarge grave liner	\$ 550.00
Purchase Back or Cancellation of a Right of Interment shall be the original price LESS the amount of the Care Fund Contribution for the space and LESS the current Administration Fee.			

FEE SCHEDULE 'A'

Rates Effective July 1, 2019

<u>PLOT FEES</u>		
<u>Grave Space/Type</u>	<u>Resident Rate</u>	<u>Non Resident Rate</u>
<u>Adult Plot</u>	<u>\$1,602</u>	<u>\$1,890</u>
<u>Infant Plot</u>	<u>\$710</u>	<u>\$838</u>
<u>Cremation Plot</u>	<u>\$721</u>	<u>\$851</u>
<u>Lakeside Columbarium – Level 1</u>	<u>\$4,838</u>	<u>\$5,709</u>
<u>Lakeside Columbarium – Level 2</u>	<u>\$4,676</u>	<u>\$5,518</u>
<u>Lakeside Columbarium – Level 3</u>	<u>\$4,515</u>	<u>\$5,327</u>
<u>Lakeside Columbarium – Level 4</u>	<u>\$4,353</u>	<u>\$5,136</u>
<u>Lakeside Columbarium – Level 5</u>	<u>\$4,191</u>	<u>\$4,946</u>
<u>Mountainside Columbarium – Level 1</u>	<u>\$4,385</u>	<u>\$5,175</u>
<u>Mountainside Columbarium – Level 2</u>	<u>\$4,240</u>	<u>\$5,003</u>
<u>Mountainside Columbarium – Level 3</u>	<u>\$4,094</u>	<u>\$4,831</u>
<u>Mountainside Columbarium – Level 4</u>	<u>\$3,949</u>	<u>\$4,659</u>
<u>Mountainside Columbarium – Level 5</u>	<u>\$3,803</u>	<u>\$4,488</u>
<u>Family Estate</u>	<u>\$16,174</u>	<u>\$19,085</u>
<u>Mausoleum – Level 1</u>	<u>\$26,056</u>	<u>\$30,746</u>
<u>Mausoleum – Level 2</u>	<u>\$23,449</u>	<u>\$27,670</u>
<u>Ossuary/Scatter</u>	<u>\$269</u>	<u>\$318</u>
<u>Ossuary/Scatter with Plaque</u>	<u>\$527</u>	<u>\$622</u>
<u>SERVICE FEES</u>		
<u>Opening and Closing Grave for Burial</u>	<u>Resident Rate</u>	<u>Non Resident Rate</u>
<u>Adult Plot (6' depth)</u>	<u>\$1,194</u>	<u>\$1,409</u>
<u>Infant Plot</u>	<u>\$717</u>	<u>\$846</u>
<u>Cremation Plot</u>	<u>\$343</u>	<u>\$405</u>
<u>Columbarium</u>	<u>\$297</u>	<u>\$350</u>
<u>Mausoleum</u>	<u>\$446</u>	<u>\$526</u>
<u>Family Estate</u>	<u>\$297</u>	<u>\$350</u>
<u>Ossuary Placement</u>	<u>\$101</u>	<u>\$119</u>
<u>Opening and Closing Grave for Exhumation/Disinterment:</u>		
<u>Adult Plot (6' depth)</u>	<u>\$1,455</u>	<u>\$1,716</u>
<u>Infant Plot</u>	<u>\$787</u>	<u>\$929</u>
<u>Cremation Plot</u>	<u>\$394</u>	<u>\$465</u>
<u>Columbarium</u>	<u>\$378</u>	<u>\$446</u>
<u>Mausoleum</u>	<u>\$743</u>	<u>\$876</u>
<u>Family Estate</u>	<u>\$338</u>	<u>\$398</u>

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Free

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

FEE SCHEDULE 'A' Cont'd

<u>ADDITIONAL SERVICE FEES</u>		
	<u>Resident Rate</u>	<u>Non Resident Rate</u>
<u>Bud Vase – Columbarium/Mausoleum</u>	<u>\$209</u>	<u>\$247</u>
<u>Casket Burial after 1:00 pm; Mon. – Fri.</u>	<u>\$544</u>	<u>\$642</u>
<u>Ash Burial after 1:30 pm; Mon. –Fri.</u>	<u>\$488</u>	<u>\$575</u>
<u>Curb & Seal - Double</u>	<u>\$3,245</u>	<u>\$3,829</u>
<u>Curb & Seal - Single</u>	<u>\$1,782</u>	<u>\$2,103</u>
<u>Double Depth - Cremation</u>	<u>\$297</u>	<u>\$350</u>
<u>Double Depth – Full Burial</u>	<u>\$737</u>	<u>\$870</u>
<u>Engraving - Columbarium Shutter (2nd Engraving)</u>	<u>\$324</u>	<u>\$383</u>
<u>Engraving – Family Estate (2nd Engraving)</u>	<u>\$324</u>	<u>\$383</u>
<u>Engraving – Family Estate Individual (2nd Engraving)</u>	<u>\$324</u>	<u>\$383</u>
<u>Engraving - Laser Etch Photo (Maus. Only)</u>	<u>\$613</u>	<u>\$724</u>
<u>Engraving - Mausoleum Shutter (2nd Engraving)</u>	<u>\$810</u>	<u>\$956</u>
<u>Grave Liner - Casket</u>	<u>\$584</u>	<u>\$689</u>
<u>Grave Liner - Cremation</u>	<u>\$166</u>	<u>\$196</u>
<u>Installation of Memorial Marker (incl pillow/apron)</u>	<u>\$306</u>	<u>\$361</u>
<u>Remove/Reinstall Memorial Marker</u>	<u>\$170</u>	<u>\$201</u>
<u>Concrete Pillow (req'd for Bronze marker on top of concrete apron)</u>	<u>\$108</u>	<u>\$127</u>
<u>Memorial Wall Plaque</u>	<u>\$196</u>	<u>\$231</u>
<u>Plaque Installation</u>	<u>\$135</u>	<u>\$159</u>
<u>Remove/Replace Double Curb & Seal</u>	<u>\$356</u>	<u>\$421</u>
<u>Remove/Replace Single Curb & Seal</u>	<u>\$178</u>	<u>\$210</u>
<u>Transfer of Licence</u>	<u>\$54</u>	<u>\$64</u>
<u>Weekend Casket Interment (Incl. Stats)</u>	<u>\$695</u>	<u>\$820</u>
<u>Weekend Cremation Inurnment (incl. stat)</u>	<u>\$561</u>	<u>\$662</u>
<u>Xlarge grave liner</u>	<u>\$743</u>	<u>\$876</u>
<u>Pall Bearer (2)</u>	<u>\$319</u>	<u>\$376</u>

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Free

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

Bylaw No. 0166.01 adopted October 14, 2014, removed Schedules B, C, D, and E in their entirety.

CITY OF WEST KELOWNA

BYLAW NO. 0166

A BYLAW TO REGULATE THE OPERATION AND MAINTENANCE
OF THE WESTBANK CEMETERY

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAW 0166.01, 0166.02**

Bylaw No. 0166.02, adopted December 8, 2015, deleted any reference to the "District" of West Kelowna and replaced with the "City" of West Kelowna.

WHEREAS the Council of the City of West Kelowna may by bylaw, pursuant to Section 8 of the *Community Charter*, regulate, prohibit and impose requirements in relation to cemeteries, crematoriums, columbariums and mausoleums and the interment or other disposition of the dead;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

Bylaw No. 0166.01 adopted October 14, 2014, removed all references to 'Parks, Fleet & Cemetery Supervisor' and replaced with 'General Manager'.

Bylaw No. 0166.01 adopted October 14, 2014, removed all references to Schedules B, C, D, and E from this Bylaw.

PART 1 – GENERAL

1.1 Title

This Bylaw may be cited as the "WESTBANK CEMETERY BYLAW NO. 0166, 2014."

1.2 Interpretation

1.2.1 Enactments

Any enactment referred to herein is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of West Kelowna, as amended, revised, consolidated or replaced from time to time.

1.2.2 Headings

The headings given to the Parts, Sections and Paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

1.2.3 Severability

If any Part, Section or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 1.2.4 in its entirety and replaced it with the following.

1.2.4 Schedule A – Schedule of Fees is attached to and forms part of this Bylaw.

1.3 Definitions

Bylaw No. 0166.02, adopted December 8, 2015 added the new definitions for "Non-Resident", "Ossuary", "Plot Apron" and "Scatter Garden" to Section 1.3.

In this bylaw, unless the context otherwise requires:

Bylaw No. 0166.01 adopted October 14, 2014, deleted the definition of "Care Fund" from Section 1.3 and replaced it with the following.

"Care Fund" means a fund for the care and maintenance of a place of interment.

"Cemetery" means the Westbank Cemetery and includes any other parcel or tract of land owned, used or maintained by the City of West Kelowna as a cemetery.

"Cemetery Clerk" means the person employed to maintain cemetery records as directed by the General Manager.

"Child" means any person one year old up to and including twelve years of age. (casket size not to exceed 3' x 5' plot size)

"City" means the City of West Kelowna.

"City Clerk" means the person duly appointed as Officer Assigned Responsibility for Corporate Administration of the City by the Council and includes the delegate.

"Columbarium" means a structure or building or an area in a structure or building that contains, as in integral part of the structure or building or as free standing sections, niches for the inurnment or cremated remains.

"Council" means the Municipal Council of the City of West Kelowna.

Bylaw No. 0166.01 adopted October 14, 2014, added the definition of "Director" to Section 1.3.

"Director" means a director under the *Business Practices and Consumer Protection Act*.

"Disinterment" means the removal, for the purpose of permanent relocation, of

- (a) Human remains, and
- (b) The container, or any of the remaining container, holding the human remains from the plot in which the human remains are interred.

"Exhumation" means the exposure and removal of interred remains for the purposes of viewing or examination.

"General Manager" means the person duly appointed by the Chief Administrative Officer to be responsible for the cemetery services for the City and includes the delegate.

"Immediate Family" means a parent or stepparent, a grandparent or step-grandparent, a sibling (natural, adopted or step), a spouse, a common-law spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

"Infant" means any person up to the age of one year old.

"Interment" means disposition by:

- (a) Burial of human remains or cremated remains,
- (b) Entombment of human remains, or
- (c) Inurnment of cremated remains.

"Maintenance Fund" means a reserve for the ongoing care and maintenance of a place of interment.

"Medical Health Officer" means a person appointed, from time to time, for or by the City, pursuant to the provision of the *Health Act*.

"Mausoleum" means a structure built to house burial crypts.

"Niche" means each individual compartment to be used for the interment of cremated remains in a columbarium.

"Non-Resident" means a person who has not owned or resided within the City boundaries in the past 12 months preceding the purchase of a Right of Interment.

"Operator" means the person authorized or employed as such by the City of West Kelowna.

"Ossuary" means a receptacle, usually located below ground, for the placement of non-recoverable, co-mingled remains.

Bylaw No. 0166.01 adopted October 14, 2014, deleted the definition of 'Parks, Fleet & Cemetery Supervisor' from Section 1.3.

"Plot" means a space used or intended to be used for the interment of human remains or cremated remains under a right of interment and includes a grave, crypt, niche or plot.

"Plot Apron" means a concrete strip at the head of all burial plots within Section AB – CC for the foundation and placement of memorial markers.

Bylaw No. 0166.02, adopted December 8, 2015, deleted the definition of "Resident" in its entirety from the definitions in Section 1.3.

"Scatter Garden" means a designated area for the placement of non-recoverable, co-mingled, cremated remains.

"Treasurer" means a person duly appointed to the administration of the municipal finances.

PART 2 – WESTBANK CEMETERY BOUNDARIES

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 2.1 in its entirety and replaced it with the following.

- 2.1 The lands legally described as being Lot 45, Plan 761, District Lot 805, ODYD, are hereby set aside, and are held, operated, used or maintained as Cemetery by the City.

PART 3 – RIGHT OF INTERMENT TO USE THE CEMETERY

3.1 Right of Interment for Exclusive Use

The General Manager is hereby authorized by Council to grant to any person, or to his authorized agent, paying the fees set forth in Schedule "A", attached to and forming part of this Bylaw, and subject to the terms of this Bylaw, a Cemetery Right of Interment for the exclusive use by him, or his executors or administrators, of any one or more plots which may be vacant and unused in the Cemetery and upon payment of said fee, such person or his authorized agent shall be entitled to receive a Cemetery Right of Interment.

3.2 Exclusivity

The City shall not enter into any agreement with a society, church, or other organization to reserve a section or any portion of the Cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization.

3.3 Right of Refusal

The City reserves the right to refuse to sell a Right of Interment for the use of more than two plots, niches or crypts to any one individual.

3.4 Right of Interment Not Transferable

The holder of a Cemetery Right of Interment shall not transfer his right of use and occupancy to another person except at the discretion of the General Manager. A transfer of the Cemetery Right of Interment for any unused plot may be made to an immediate family member provided the fee for the transfer has been paid as outlined in Schedule "A".

3.5 Transfer Request

The transfer request must be in writing by the Right of Interment Holder. Right of Interments for plots must be surrendered, and a transfer fee as set out in Schedule "A" shall be paid to the City. The General Manager shall amend his records accordingly stating the new Right of Interment Holder of the plot or plots.

3.6 Notice of Transfer

To ensure the accuracy of records of ownership and interments, no transfer of any plot, or any interest therein shall be binding upon the City until a duly executed transfer has been submitted to the General Manager specifying the name, address or other description of the proposed transferee, and such particulars shall be recorded in a register to be kept for that purpose.

3.7 Proof of Inheritance

When the owner of a plot dies and the ownership passes to the new owners before the new owners can obtain registration of their interest to it, the City may require proof of their right to such interest. This proof in ordinary cases may consist of a will or other such proof as may be satisfactory to the City. If the new owner wishes to have an interment made before he/she has obtained registration of his/her interest in a plot, he/she shall satisfy the City of his/her right to do so before the interment shall be permitted.

3.8 Order of Priority

The right of a person to control the disposition of the human remains or cremated remains vests in and devolves on that person in the order of priority as outlined in the *Cremation, Interment and Funeral Service Act*.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 3.9 in its entirety and replaced it with the following.

3.9 Right of Interment Cancellation

TO CANCEL: You must provide a written notice of cancellation. The notice must be forwarded to the City of West Kelowna by a method that will allow proof that you gave notice, such as registered mail, facsimile, or personal delivery.

REFUND: The City of West Kelowna will refund to the Right of Interment Holder, the original purchase price, LESS the amount of the Care Fund contribution for the space and LESS the Administration Fee as set out in the District of West Kelowna Fees and Charges Bylaw.

CARE FUND CONTRIBUTIONS: If you cancel interment rights after funds are deposited into the Care Fund, the amount deposited shall not be refundable. Upon confirmation of the requesting party/deceased estate's legal right to receive any refund, the City of West Kelowna will provide any refund owing within 30 days from the confirmation date.

If goods have been specially pre-ordered and because of some unique characteristic, personalization or extraordinary cost or the goods cannot be used in the ordinary course of business, the City may deduct the itemized cost of those goods from the Right of Interment and the cost of those goods may be retained out of any money paid for the purposes of a Right of Interment cancellation.

3.10 Right of Interment Provisions

All Cemetery Right of Interments shall be subject to the provisions of this bylaw and to all bylaws now or hereafter adopted by Council.

PART 4 - FEES AND CHARGES

4.1 Fees for Interments

The fees for interment, disinterment, use of plots, and care of graves and the charges for goods offered for sale by the City for use in the Cemetery, and any other Cemetery fees shall be those set out in Schedule "A".

4.2 Payment of Fees

The fees set out in Schedule "A" shall be paid at the City offices at the time of purchasing a Cemetery Right of Interment, or any goods or services sold by the City in connection with the operation of the Cemetery.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 4.3 in its entirety and replaced it with the following.

4.3 Installment Plan

Cremation niches and Mausoleum crypts may be purchased on the installment plan and in advance of need with a thirty percent (30%) deposit. When such purchases are made, full and final payment of the monies owed must be made within one (1) year of purchase or prior to any interment, placement of memorial stone or transfers into the niche or crypt. If a balance is not paid after one (1) year, the City reserves the right to refund, as per section 3.9, the amount paid

LESS the care fund contribution and LESS the current administration fee of the monies paid on account and re-sell the niche or crypt.

PART 5 – SIZE OF GRAVE SPACE

5.1 The size of grave space shall be:

Adult	- 5' x 10' (1.52 m x 3.04 m)
Infant	- 3' x 5' (0.91 m x 1.52 m)
Cremated Remains plot	- 2' x 2' (0.61 m x 0.61 m)
Columbarium	- 11" x 11" (0.28 m x 0.28 m)
Mausoleum	- 31.8" W x 92" D x 25.9" H (0.8 m W x 2.3 m D x .65 m H)

Bylaw No. 0166.01 adopted October 14, 2014, added the following to Section 5.1.

Family Estate	- 24" W x 14.5" D x 12" H (0.6 m W x 0.37 m D x 0.30 m H)
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PART 6 - PERMISSION TO INTER, EXHUME AND CREMATE

6.1 Interment Permit (Right Of Interment)

No human remains or cremated remains shall be interred in the Cemetery until an Interment Permit has been obtained from the City and the fee for interment, as specified in Schedule "A", has been paid.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 6.2 in its entirety and replaced with the following Section 6.2.

6.2 Application for Permit (Right of Interment)

All applications for an interment permit must be made at least 48 hours (2 working days) before the scheduled interment to the Cemetery Office.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 6.3 in its entirety and replaced with the following Section 6.3.

6.3 Registration of Death

All persons applying for interments in the Cemetery shall provide to the Cemetery Office, a Registration of Death or Cremation Certificate issued pursuant to the *British Columbia Vital Statistics Act*.

6.4 Interment After Hours

Where a Medical Health Officer directs that a body be buried in the Cemetery during any period when the Cemetery is closed, permission to inter in the Cemetery shall be obtained from the General Manager, or his/her designate.

6.5 Details of Deceased

Where an interment in the Cemetery is performed under the conditions of Section 6.4 of this Bylaw, the person who permitted the interment and the person who performed the interment shall report the matter to the General Manager and the representative of the deceased shall furnish the General Manager with full details of the deceased as required by Section 6.3 of this Bylaw.

6.6 Order to Exhume

No deceased person interred in the Cemetery shall be exhumed except in compliance with the requirements of the *Cremation, Interment and Funeral Service Act* and upon payment of any fee required by and in compliance with all terms and conditions of this Bylaw.

The City's responsibility will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider.

The City is not responsible for damage to any casket, urn or other container sustained during exhumation.

6.7 Unlawful Interment

It shall be unlawful to inter or cremate a deceased person within the Municipal boundary of the City except pursuant to the terms of the *Cremation, Interment and Funeral Service Act* and Regulations thereunder.

6.8 Disinterment

No interment in the Cemetery shall be disinterred except in compliance with the *Cremation, Interment and Funeral Service Act* and upon payment of any fee required by and in compliance with all terms and conditions of this Bylaw. The City's responsibility will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider.

PART 7 - INTERMENT IN THE CEMETERY

7.1 Human Remains Only

Only human remains and cremated remains shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.2 in its entirety and replaced it with the following.

7.2 Occupy Plot

The Holder of a Right of Interment may transfer his right of use and occupancy to an immediate family member, subject to Section 3.4 of this Bylaw.

7.3 Communicable Disease

Where the remains of a person who died while suffering a communicable disease are to be buried in the Cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.

7.4 Inform Operator

Where the body delivered to the Cemetery for interment is subject to direction of the Medical Health Officer, pursuant to the *Health Act*, the person delivering the body to the Cemetery shall so inform the Operator.

7.5 Grave Depth

Each interment in the Cemetery, other than the interment of cremated remains or in a niche or crypt, shall be made in a grave, which when filled and closed, provides not less than 3 ft. (0.914 m) of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket or grave liner enclosing the body resting in the grave.

7.6 Number of Interments

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.6(a) and 7.6(e) in its entirety and replaced them with the following.

- (a) Two (2) casket interments plus two (2) cremations; or four (4) cremations may be permitted in each large grave plot.
- (b) Two (2) urn interments will be permitted in each cremation plot.
- (c) Two (2) urns per columbarium niche
- (d) One (1) casket per Mausoleum crypt
- (e) Depending on the size of the urns, up to six (6) urns, within two levels, may be permitted in the Family Estate.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.7 in its entirety and replaced it with the following.

7.7 Lower Depth

Where two casket interments are permitted in one plot and each interment is in respect to a body not in the form of cremated remains, the first interment shall be at a lower depth than the second, and each of the two interments in the one grave shall comply with the requirements of Section 7.5 of this Bylaw.

7.8 Depth of Cremated Remains

Each interment of cremated remains in the Cemetery shall be buried in the plot not less than 2 ft. (0.61 m) deep. For every interment of cremated remains in a container, the grave will be dug to a depth sufficient to ensure that there are not less than 12 inches (30 cm) of earth between the top of the container and the level of the ground surrounding the grave.

7.9 Liners Materials

A reinforced fibreglass grave liner or other material, as approved by the General Manager shall be used for each interment, as per the requirements of Section 7.8 of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.10 in its entirety and replaced it with the following.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.10 in its entirety and replaced with the following Section 7.10.

7.10 Scattering and Ossuary Placement of Cremated Remains

It shall be unlawful for any person to scatter cremated remains within the confines of the cemetery except within a scattering garden or other designated area without first obtaining an Interment Permit.

A small portion of remains may be placed beneath the bark mulch at the base of an ornamental plant; the remaining majority to be placed within the Ossuary.

Cremated remains placed in the Ossuary are permanent, non-recoverable and co-mingled. Placement of urns or other containers in the Ossuary is not permitted. The placement of remains may be undertaken by the attending family representative, funeral provider or Cemetery Operator. Use of the Ossuary is only permitted with the attendance of authorized staff.

7.11 Grave Space Embellishments

Except for graves or grave spaces embellished prior to the date of this Bylaw, no grave space shall be defined by a fence, hedge, railing except for a memorial marker.

7.12 Hours of Interment

Except as otherwise authorized in this Bylaw, no person shall inter any remains in the Cemetery except between the hours of 8:00 a.m. and 3:00 p.m.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.13 in its entirety and replaced with the following Section 7.13.

7.13 No Interment on Weekends or Statutory Holidays

No person shall inter or scatter any body in the Cemetery on Saturday or Sunday or any Statutory Holiday unless written permission of the General Manager is first obtained. No interments will be scheduled on long weekends that are a result of a statutory holiday or on a statutory holiday except in the emergency conditions as specified in Section 7.3 and 7.4 of this Bylaw.

7.14 Grave Digging or Opening

No grave shall be dug or opened by any person other than the Operator and his assigned helpers or other person duly authorized by the General Manager.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.15 in its entirety and replaced it with the following.

7.15 Containers

Human remains must be interred in a container that does not exceed 25" H x 89" L x 35" W (0.63 m H x 2.26 m L x 0.88 m W), provided the container does not exceed the size of the plot. All containers of human remains must be placed within a grave liner.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.16 in its entirety and replaced with the following Section 7.16.

7.16 Cremated Remains Container

For every interment of cremated remains in a plot or niche, the container(s) for cremated remains shall be made of metal, stone, or porcelain and must be manufactured for the express purpose of containing cremated remains. A single container or combination of (2) containers shall not exceed 12" H x 11" L x 11" W (30 cm H x 27.9 cm L x 27.9 cm W).

Bylaw No. 0166.02, adopted December 8, 2015, added the following Section to PART 7 – INTERMENT IN THE CEMETERY:

7.17 Right of Interment

The City may, subject to payment of fees, grant to any person a right of interment for a vacant, unreserved plot. A right of interment does not vest in the holder any title or interest in the land or lot but instead provides for the interment of the person named on the Right of Interment (Plot Reservation Licence).

PART 8 – GENERAL MANAGER OF ENGINEERING AND PUBLIC WORKS

- 8.1 Notwithstanding any other provision contained herein, the General Manager shall be responsible for ensuring that the provisions of this Bylaw are properly carried out.
- 8.2 The General Manager shall engage such staff as may be necessary to carry out the administrative and operational duties necessary under this Bylaw, subject to Council's approval.
- 8.3 Any contracted personnel or City staff engaged in performing any duty under the jurisdiction of this Bylaw shall be under the supervision of the General Manager or his/her designate.

PART 9 - CEMETERY OPERATOR

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 9.1 in its entirety and replaced it with the following.

9.1 Duties of the Cemetery Operator

Pursuant to Section 8 of this Bylaw, the General Manager may authorize the appointment of a Cemetery Operator and the duties and responsibilities of a Cemetery Operator so appointed shall be, among other things, to carry out, or cause to be carried out by workers placed under his supervision:

- (a) the digging, preparation, opening and closing of graves as ordered by the General Manager, or his/her designate, pursuant to this Bylaw;
- (b) the direction of all funerals in the Cemetery to the correct plot;
- (c) the general work of the Cemetery grounds to maintain same in a neat and tidy condition; and
- (d) the provision of care for the City-owned tools and equipment.

PART 10 - ADMINISTRATION AND MAINTENANCE

10.1 Administrative Records

The General Manager shall maintain such records as are necessary for the administration and management of the Cemetery and as are required by the *Cremation, Interment and Funeral Service Act*.

10.2 Cemetery Clerk Maintains Records

The Cemetery Clerk shall maintain records as directed by the General Manager and shall submit reports as required by him, and shall do such other work as the General Manager may require from time to time in relation to the Cemetery operation.

10.3 Subdivision Not Permitted

Effective the date of adoption of this Bylaw, no subdivision of plots will be permitted.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 10.4 in its entirety and replaced it with the following.

10.4 Grant Right of Interment

The General Manager is hereby authorized on behalf of the City to grant a Cemetery Right of Interment in respect of any unused plot in the Cemetery, according to the fees and charges specified in Schedule "A" and subject to the provisions of this Bylaw.

10.5 Maintenance Fund

A fund shall be established to be known as the "Cemetery Maintenance Fund" and administered in accordance with the *Cremation, Interment and Funeral Service Act* and the *Local Government Act*. The interest in this fund shall be used for the upkeep, care and repair of the Cemetery. The principal in this fund shall not be reduced other than in accordance with an order made pursuant to the *Cremation, Interment and Funeral Service Act*.

10.6 Reserve Accounts

A reserve shall be established to be known as the "Cemetery Maintenance Fund Reserve", into which the Treasurer shall pay the amounts received into the reserve. This reserve is to be used in those years that revenue does not exceed expenses.

10.7 Cemetery Care Fund

A fund shall be established to be known as "The Cemetery Care Fund" and such fund shall be administered in accordance with the requirements of the *Cremation, Interment and Funeral Service Act* for the establishment and administration of the Cemetery Care Fund and in accordance with the procedures hereinafter set out.

10.8 Payments to Reserve Accounts

On all Right of Interment Fees for use of Cemetery Plots, and Reservation Fees for Cemetery Plots, the Treasurer shall pay into the "Cemetery Maintenance Fund" and the "Cemetery Care Fund" respectively, from the amount received for each Right of Interment or reservation sold the fees as specified in Schedule "A".

10.9 Reserving Plots

On all Right of Interments for the use of or reservation of cemetery plots, and on all contracts or agreements for the sale of such Right of Interments, the amount required to be used for "Cemetery Maintenance Fund" and "Cemetery Care Fund" purposes shall be specified.

10.10 Monies Held in Trust

All monies received and deposited by the Treasurer in the "Cemetery Maintenance Fund" and "Cemetery Care Fund" accounts shall be held and invested as trust funds to be devoted solely to the purposes for which they were received.

10.11 The Cemetery Fund

A separate account of all monies received under the provisions of this Bylaw and all monies expended hereunder shall be kept by the Treasurer and any surplus remaining of receipts over expenditures shall be paid at the end of each fiscal year into the Cemetery Maintenance Fund (50%) and the Cemetery Care Fund (50%) and same shall be invested by the City in accordance with the provisions of the *Community Charter*.

PART 11 – MEMORIALS

11.1 Fees

Any owner of a memorial marker, tablet, or monument, or memorial and curbing desiring to install, or modify same in the Cemetery shall pay to the City prior to the installation or modification of same, the fee specified in Schedule "A".

11.2 Conformation

A tablet type memorial may be installed on a grave in the Cemetery provided it is made of stone or bronze and is attached to a concrete base (pillow) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.2.1 in its entirety and replaced with the following Section 11.2.1:

11.2.1 Flat Memorial Tablets

A flat tablet type memorial may be installed on plots in Sections A – K provided it is made of stone or bronze and is attached to a concrete base (pillow) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

All memorials installed on plots in Sections AB – CC will be affixed to, or placed on a precast, concrete plot apron provided by the City.

Flat Memorial Tablets shall be of the following sizes only:

- (a) Companion Tablet for adjoining standard size grave (large lot)
One (1) only 40 cm by 70 cm (16" x 28")
- (b) Single Tablet for standard size grave (large lot)
One (1) only 30 cm by 50 cm (12" x 20")
- (c) Single Tablet for Infant grave (small lot)
One (1) only 30 cm by 50 cm (12" x 20")
- (d) Companion Tablet for double cremated remains
One (1) only 25 cm by 40 cm (10" x 16")
- (e) Single Tablet for cremated remains
One (1) only 25 cm by 40 cm (10" x 16")
- (f) Double Depth Tablet for standard size graves
One (1) only 40 cm by 70 cm (16" x 28")
- (g) Cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (10" x 16")
- (h) Two cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (10" x 16")

11.2.2 Upright Memorial Markers

Upright memorial markers are to be placed in designated areas only. Upright tablet type memorials will only be installed on plots in Section AB, Rows 1 & 4; Section BB, Rows 1 & 5, and Section CB, Rows 1 & 6.

Upright Markers, only in designated areas, must remain within the following dimensions: 30" wide x 20" high x 6" deep.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.3 in its entirety and replaced with the following Section 11.3:

11.3 Floral and Other Offerings

Cut flowers, wreaths and floral offerings may be placed on plots in a cemetery, but may be removed by the Operator and disposed of when their condition is considered detrimental to the aesthetics of the cemetery or for the purpose of maintenance. Only non-breakable flower vases will be permitted.

Plant material and plot adornments associated with seasonal events or celebrations will be removed at the discretion of the Operator. Artificial flowers will only be permitted to be placed during the winter, November 1 to March 31, and will be removed when the first grounds maintenance is carried out in the spring.

Except for the time of interment, placement of floral tributes will not be permitted at the base of any columbarium or mausoleum. Columbarium and mausoleum artificial floral tributes will be allowed in bud vases purchased from the City.

Objects and personal possessions are not permitted on any plot and will be removed by the Operator. This includes, but is not limited to, pictures, frames, boxes, shells, toys, sport paraphernalia, wire screens, arbours, trellises, and tripods.

Certain objects and personal possessions may be permitted to be placed within the mausoleum or columbarium niches, subject to the approval of the Cemetery Office. Allowable objects must be non-decomposing and non-perishable, will not harm or destroy the structure, and will easily fit within the columbarium niche or mausoleum crypt.

11.4 Removal of Offerings

The Operator may remove and dispose of any offerings from any grave when the condition is considered by him/her to be a safety hazard, detrimental to the beauty, or impedes maintenance of the Cemetery.

11.5 Planting Restrictions

No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers or bulbs in the Cemetery other than a person authorized by the City to do so.

11.6 No Adornment

Except as specifically provided in this Bylaw, no part of the Cemetery or plot may be adorned in any manner by any person other than the Operator without the express authority of the General Manager, with the exercise of such authority to be within the General Manager's sole discretion.

11.7 Specifications Only

Only memorials of the tablet variety and manufactured from stone, bronze, or any other material approved by the General Manager, which conform to the specifications as set out in 11.2.1, shall be placed and installed in the Cemetery.

11.8 Memorial Replacement/Modification Requests

No memorial shall be installed, replaced or modified within the Cemetery by any persons other than the Operator or other person duly authorized to do so by the General Manager. All requests to replace or modify an existing memorial must be with the consent of the next-of-kin; or may be granted at the discretion of the General Manager should the next-of-kin not be known, or unable to be located.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.9 in its entirety and replaced with the following Section 11.9:

11.9 Temporary Markers

During the period from November 1st to the following March 15th in any year, temporary plot markers, as approved by the General Manager, may be used in all sections of the Cemetery. Temporary markers may not be used at other times and will be removed by the Operator.

11.10 Not Liable

The City shall not be held liable for any breakage or damage to any memorial tablet or monument in the Cemetery, except as shall arise as the result of negligence or carelessness of the Operator or other employee of the City.

Bylaw No. 0166.02, adopted December 8, 2015, deleted the Title of Section 11.11 and replaced with the following Title:

11.11 Non-Conforming Memorial Markers

All memorial markers delivered to the Cemetery Office must meet the specifications set out in Section 11.2. All memorial markers delivered to the Cemetery Office require a signature by the Cemetery Staff upon delivery. Any memorial marker that has been delivered to the Cemetery Office that does not meet the specifications set out in Section 11.2 will be returned to the Company from which it was delivered at the company's expense.

11.12 Removal

Should any memorial, marker, or tablet, grave cover or grave curbing placed or erected in the Cemetery be in a state of disrepair such that it might be hazardous to the public or detrimental to the maintenance of the Cemetery, the General Manager may, after 30 days notice in writing to the next-of-kin at his last known address, have the memorial marker, tablet, grave cover or grave curbing removed from the Cemetery if it has not been repaired in accordance with the notice.

PART 12 – GENERAL REGULATIONS

12.1 Cemetery Damage

No person shall damage or deface any memorial, monument, fence, gate, structure or any improvements in the Cemetery.

12.2 Solicitation

No person shall solicit orders for markers, tablets, memorials, curbing, capping, or like works within the limits of the Cemetery.

12.3 Obey Operator

All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Operator, and any person not behaving with proper decorum within the Cemetery, or disturbing the quiet and good order of the Cemetery may be evicted therefrom by the Operator.

12.4 Discharging Firearms

The discharge of firearms, other than as authorized by the General Manager is prohibited in the Cemetery.

12.5 Penalties

Any person guilty of an infraction or violation of any of the provisions of this Bylaw shall be liable, on summary conviction, to a fine of up to Two Thousand Dollars (\$2,000.00).

12.6 Temporary Removal of Markers

The General Manager may arrange for the temporary removal of a marker without the owner's permission if, during the excavation of an adjoining grave, the marker is found to be a hazard to the safety of workers in the excavation or to gain access to a plot for grave site preparation, provided that the marker is replaced in its original position on the grave from which it was removed as soon as possible after the excavation has been filled, and provided that the owner of the marker is not charged with the cost of the work, unless he is also the owner of the plot in which the excavation is being made, and provided also that the City or its agents repairs at its expense any damage occasioned to the marker so removed and replaced.

12.7 General Maintenance

General maintenance work which will be performed without cost to the plot or grave owner includes the cutting and/or removal of grass and weeds, gathering of leaves and trash, maintaining roads in passable condition, watering of serviced areas, shade tree care and such grading and improvements to grounds as may be necessary at the discretion of the General Manager.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 12.8 in its entirety and replaced it with the following.

12.8 Rectification of Errors Relating to Interment

If human remains or cremated remains are interred in the wrong lot in a cemetery, mausoleum or columbarium, the operator of the cemetery, mausoleum or columbarium must

- (a) On the request of the person who, under Section 5 of the *Cremation, Interment and Funeral Services Act* (control of disposition of human remains or cremated remains), has the right to control the disposition of the human remains or cremated remains, disinter the remains from the wrong lot and re-inter them in
 - (i) The correct lot, if the correct lot is available, or
 - (ii) A lot acceptable to the person who made the request if the correct lot is not available, and
- (b) Within 30 days after the re-interment referred to in paragraph (a), notify the Director of the disinterment and the re-interment.

PART 13 – REPEAL AND ENACTMENT

13.1 Effect of Bylaw

This Bylaw shall come into full force and effect and be binding on all persons as and from date of adoption.

READ A FIRST, SECOND AND THIRD TIME THIS 11TH DAY OF FEBRUARY, 2014
ADOPTED THIS 14TH DAY OF OCTOBER, 2014

MAYOR

CITY CLERK

Bylaw No. 0166.01 adopted October 14, 2014, deleted Schedule 'A' in its entirety and replaced it with the following.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Schedule 'A' in its entirety and replaced with the following Schedule 'A':

SCHEDULE A

GRAVE SPACE/TYPE	BASE FEE	PREPARATION & PLACEMENT (Services)	TOTAL RESIDENT RATE	TOTAL NON- RESIDENT RATE
Adult Plot	\$ 911.98	\$ 990.00	\$ 1,901.98	\$ 2,244.34
Infant Plot	\$ 458.90	\$ 594.00	\$ 1,052.90	\$ 1,242.42
Cremation Plot	\$ 607.57	\$ 308.00	\$ 915.57	\$ 1,080.37
Lakeside Columbarium – Level 1	\$ 3,354.18	\$ 460.00	\$ 3,814.18	\$ 4,500.73
Lakeside Columbarium – Level 2	\$ 3,234.38	\$ 460.00	\$ 3,694.38	\$ 4,359.37
Lakeside Columbarium – Level 3	\$ 3,114.59	\$ 460.00	\$ 3,574.59	\$ 4,218.02
Lakeside Columbarium – Level 4	\$ 2,994.80	\$ 460.00	\$ 3,454.80	\$ 4,076.66
Lakeside Columbarium – Level 5	\$ 2,875.01	\$ 460.00	\$ 3,335.01	\$ 3,935.31
Mountainside Columbarium – Level 1	\$ 3,018.76	\$ 460.00	\$ 3,478.76	\$ 4,104.94
Mountainside Columbarium – Level 2	\$ 2,910.95	\$ 460.00	\$ 3,370.95	\$ 3,977.72
Mountainside Columbarium – Level 3	\$ 2,803.13	\$ 460.00	\$ 3,263.13	\$ 3,850.49
Mountainside Columbarium – Level 4	\$ 2,695.32	\$ 460.00	\$ 3,155.32	\$ 3,723.28
Mountainside Columbarium – Level 5	\$ 2,587.51	\$ 460.00	\$ 3,047.51	\$ 3,596.06
Family Estate	\$ 10,541.69	\$ 460.00	\$ 11,001.69	\$ 12,981.99
Mausoleum – Level 1	\$ 19,166.75	\$ 1,336.00	\$ 20,502.75	\$ 24,193.25
Mausoleum – Level 2	\$ 17,369.84	\$ 1,336.00	\$ 18,705.84	\$ 22,072.89
Ossuary/Scatter with Plaque	\$ 310.24	\$ 175.00	\$ 485.24	\$ 572.58
Ossuary/Scatter Only	\$ 126.63	\$ 75.00	\$ 201.63	\$ 247.80
* BASE FEE Includes: Care Fund: Plots 33.33%; Niches/Crypts 11.63% and Maintenance Fund: 15%				
** PREPARATION & PLACEMENT Includes: Open/Close, Liner & Shutter Engraving				
*** TOTAL RESIDENT RATE includes: Base Fee, Preparation & Placement				
**** TOTAL NON-RESIDENT RATE includes: Base Fee, Preparation & Placement +18%				

SERVICES		SERVICES	
Opening and Closing Grave for Burial:		Opening and Closing Grave for Exhumation/Disinterment:	
	FEES		FEES
Adult Plot (6' depth)	\$ 726.00	Adult Plot (6' depth)	\$ 1,347.50
Infant Plot	\$ 330.00	Infant Plot	\$ 726.00
Cremation Plot	\$ 220.00	Cremation Plot	\$ 368.50
Columbarium	\$ 220.00	Columbarium	\$ 275.00
Mausoleum	\$ 330.00	Mausoleum	\$ 550.00
Family Estate	\$ 220.00	Family Estate	\$ 250.00
Ossuary Placement	\$ 75.00		
ADDITIONAL SERVICES			
Bud Vase – Columbarium/Mausoleum	\$ 155.00	Grave Liner - Cremation	\$ 88.00
Burial after 3:00 pm; Mon. – Fri	\$ 148.50	Installation or Removal of Memorial Marker	\$ 206.25
Curb & Seal - Double	\$ 2,403.50	Memoral Tree with plaque	\$ 875.00
Curb & Seal - Single	\$ 1,320.00	Memorial Bench with plaque	\$ 2,400.00
Double Depth - Cremation	\$ 220.00	Memorial Wall Plaque	\$ 145.00
Double Depth – Full Burial	\$ 440.00	Plaque Installation	\$ 100.00
Engraving - Columbarium Shutter	\$ 240.13	Remove/Replace Double Curb & Seal	\$ 264.00
Engraving – Family Estate	\$ 240.13	Remove/Replace Single Curb & Seal	\$ 132.00
Engraving – Family Estate Individual	\$ 240.13	Transfer of Licence	\$ 38.50
Engraving - Laser Etch Photo (Maus. Only)	\$ 454.30	Weekend Interment (Incl. Stats)	\$ 440.00
Engraving - Mausoleum Shutter	\$ 1,005.95	Weekend Inurnment in Niche or Crypt (incl. stat)	\$ 330.00
Grave Liner - Casket	\$ 264.00	Xlarge grave liner	\$ 550.00
Purchase Back or Cancellation of a Right of Interment shall be the original price LESS the amount of the Care Fund Contribution for the space and LESS the current Administration Fee.			



COUNCIL REPORT WITH DECISION POINTS
OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER
For the June 11, 2019 Council Meeting

DATE: May 23, 2019
TO: Mayor and Council
FROM: Jim Zaffino, Chief Administrative Officer
RE: Neighbourhood Association Grant Program

EXECUTIVE SUMMARY:

263(1) (c) of the Local Government Act allows local governments to provide assistance for the purpose of benefitting the community. The City of West Kelowna maintains an annual program to award community grant funding to eligible non-profit societies operating within the Municipality.

A grant in aid is the transfer of funds from a city to an organization for the purpose of funding a specific project or program.

The objective of this report is to add a new component to the Grant in Aid policy to include encouraging neighbourhood associations to host an event. The events objective is to build strong neighbourhoods, and ultimately a stronger community.

BACKGROUND:

The last revision of the Grant in Aid policy was on May 10, 2011. The purpose of the policy is to recognize the valued contributions that are being provided through the volunteer efforts of community organizations and agencies on behalf of the citizens. Corporate grant funding demonstrates Council's commitment to work with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups.

The policy establishes eligibility requirements and identifies the types of funding available, application and monitoring requirements

This report looks at revising the grant in aid policy. This recommendation will look at adding an emphasis on neighbourhoods and their associations and what they can do to enhance the community. The well being and success of the residents that comprise a neighbourhood will add to the health and prosperity of the broader community.

For the purpose of this report neighbourhoods are defined as geographically localised communities, within the greater community, which combined forms the City. These neighbourhoods are a set of social networks who work together for the betterment of their specific area. The City of West Kelowna has numerous associations, which represent the neighbourhoods within the City of West Kelowna. The initial intent of this report is to determine if Council wishes to help fund these associations that wish to hold neighbourhood association events.

Attached to this report are current Council Policies that reference Neighbourhood Associations and grants.

Decision Point I

Does Council wish to add to the grant in aid policy that neighbourhood associations will be eligible to receive grant in aid to host events?

1.1a: Is Council in favour of adding a neighbourhood association component to the grant in aid policy, with the intent that the grant will fund an activity such as Christmas Light up, Easter egg gathering, or a community festival. **This option would not have any conditions attached? (Recommended)**

If decision point **1.1a** is chosen, the intent would be put aside \$5,000 in a neighbourhood association cash grant in aid reserve? This reserve would be topped off each year, with any fund drawn from the reserve replaced the following year. This fund may be drawn from once an association applies for the grant and has been authorized. A maximum of \$500 would be made available for each event. The amount would be calculated by using a per capita formula with a minimum of \$100 and a maximum of \$500 per event. With this option, the neighbourhood association would receive the funds and the only condition would be that the event takes place.

1.1b Is Council in favour of adding a neighbourhood association component to the grant in aid policy, with the intent that the grant will fund an activity such as Christmas Light up, Easter egg gathering, or a neighbourhood festival, but will require the association to help host a City event, or commit that the association will encourage its members to attend a City sponsored event? **This option has conditions attached**

If decision point **1.1b** is chosen, the intent would be put aside \$5,000 in a neighbourhood association cash grant in aid reserve? This reserve would be topped off each year, with any fund drawn from the reserve replaced the following year. This fund may be drawn from once an association applies for the grant and has been authorized. A maximum of \$500 would be made available for each event. The amount would be calculated by using a per capita formula with a minimum of \$100 and a maximum of \$500 per event established. With this option the neighbourhood association would be required to commit to either hosting a City sponsored event or commit to encouraging their members to attend an event, such as the yearly public budget session.

1.1c Is Council not in favour of adding a neighbourhood association component to the grant in aid policy? If no, further action is not required.

Decision Point 2

If Council chose decision point 1.1a or 1.1b Council has the following decision points:

2.1a Does Council wish to set up a reserve with a maximum of \$5,000 and be topped off each year to replace the funds drawn from the previous year.

By establishing a reserve, the associations would not have to apply for the grant by October 31th of each year. The reserve would allow for applications to be considered throughout the year and drawn from as they are approved.

2.1b Does Council wish to fund the request directly from taxes and require the associations to have the same October 31th deadline?

This option would not require a reserve to be set up, however, the associations would have to apply for the grant before October 31th of each year so that Council would consider the application during budget deliberations.

And

2.2a Is Council in favour of using the per capita formula to distribute the funds with a \$500 maximum and a \$100 minimum? **(Recommended)**.

If yes the amount would be based on the 2016 census which had our population set at 32,655. The per capita amount would be set at .15 per person. If this formula is used, the request that the Glenrosa association made (requested \$2,000) would result in an eligible grant amount of \$500.

2.2b Does Council wish to use a different formula?

AND

If Council is in favour of placing conditions on the grant, and voted on decision 1.1b. In addition to requiring the association to host or encourage attendance at a City sponsored event, does Council wish:

2.3a Is Council in favour of requiring the association to match funds for the grants? **(Recommended)**

2.3b Is Council in favour of not requiring the association to match funds for the activity grants?

Decision Point 3

A form will have to be filled out to apply for the event, to qualify, for the grant the applicant can only apply once per year, must be a neighbourhood association that is registered as a non-profit organization, the events must be free, family oriented, INCLUSIVE TO ALL OF THE CITY RESIDENTS, neighbourhood association(s) driven and neighbourhood association(s) based

The application will be reviewed and judged on the applicant's intent of the activity. Community wide events that bring the community together on special occasions will be given priority. Non-supported events will be classified as:

1. Does not include ALL the Community.
2. Cannot be used as a fundraiser
3. It cannot be a political or religious activity.
4. No sale or consumption of drugs or alcohol is allowed.
5. The event cannot violate any of West Kelowna bylaws.
6. It cannot be a private or closed function.
7. It cannot be hosted by a for-profit business or group.

The Current deadline for applying for a grant in aid is October 31 of each year. If there is a reserve set up for these requests, it is recommended that there is no deadline rather, the associations may apply any time during the year. Once the application is received, staff will review it to determine if the event qualifies. The policy should include who has the authority to recommend the grant.

3.1a Does Council agree with not having a specific deadline for applying for a neighbourhood association grant in aid? (**Recommended**)

3.1b Does Council wish to have the same deadline as the other grant in aids?

And

3.2a Does Council wish to make the decision on the application? (**Recommended**)

3.2b If the application meets all the requirements, does Council wish to allow staff to make the decision?

And

3.3a Does Council wish to restrict the qualified application to only registered non-profit neighbourhood associations? (**Recommended**)

3.3b No restrictions on who would qualify, but should be sponsored by a non-profit society.

And

3.4a Does Council agree with the requirements that would qualify and those that would disqualify the request as an eligible activity? (**Recommended**)

Non-supported events will be classified as:

1. Does not include ALL the Community.
2. Cannot be used as a fundraiser
3. It cannot be a political or religious activity.
4. No sale or consumption of drugs or alcohol is allowed.
5. The event cannot violate any of West Kelowna bylaws.
6. It cannot be a private or closed function.
7. It cannot be hosted by a for-profit business or group.

3.4b Does Council wish to change what qualifies and disqualifies an event?

And

3.5a Does Council agree that each association can apply only once per year? (**Recommended**).

3.5b Does Council wish to allow each association to apply more than once per year?

Decision Point 4

There are times that a qualified event that receives a cash grant may be held in a City facility. The neighbourhood association may ask that the facility be provided free of charge. This would result in an added benefit which is subsidized by the City. Staff is recommending that if a neighbourhood cash grant is received, no further grant, such as free rental is provided.

4.1a Does Council support the concept that if a cash grant is approved no further benefit is provided for the approved function? (**Recommended**)

4.1b Does Council wish to support providing a cash grant and allowing for other benefits such as free municipal facilities?

FINANCIAL IMPLICATIONS:

If Council authorizes the recommended neighbourhood association cash grant in aid reserve, it will have a maximum balance of \$5,000. Every year the reserve will be topped up by whatever amount is awarded the previous year. If Council does not set up a reserve, Council will deliberate on the requests at budget time and the amount agreed upon funded directly from taxes.

Respectfully submitted,



Jim Zaffino
Chief Administrative Officer

Attachments: Residents' Associations Council Policy
Requests for Financial Support Council Policy
Grants In Aid Council Policy

Powerpoint: ☒ Yes ☐ No



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 3

Approval Date: 2011-FEB-15

SECTION: ADMINISTRATION SUBJECT: RESIDENTS' ASSOCIATIONS

Policy Statement:

The District of West Kelowna (DWK) acknowledges the significant value of residents' (neighborhood, community, etc.) associations to the well-being of the community and seeks to encourage a relationship of cooperation and regular communication with these groups. Essential to this goal is the development and maintenance of a partnership between the associations and the DWK based on trust and mutual respect and one that values the roles that each party plays in the quality of life for all of the residents of the District of West Kelowna.

Purpose:

The Residents' Associations (RA's) Policy is intended to support the role played by residents' associations as advocates for their neighborhoods and champions of local causes as well as valuable partners of the District in enhancing communications, fostering co-operation, and establishing two-way dialogue between the DWK and the various community groups that represent neighborhood views.

The Role of the District:

1. Meeting Space – Upon request, and wherever possible, the DWK will assist associations with the provision of meeting space (for both regular and annual general meetings) in District facilities at nominal or no cost.
2. Information Flow – The DWK will promote the flow of open communication and provide information to the RA'S subject to any restrictions of privacy/confidentiality legislation.
3. Consultation – The DWK will strive to involve the associations in consultation for major issues relevant to their neighborhoods or to the community at large. The DWK will focus on doing so early on in the decision-making process particularly on issues that directly impacts a specific neighborhood.
4. Notification – The DWK will provide all associations with a schedule of regular Council meetings and access to agendas. The DWK will advise all associations in a timely fashion of upcoming open meetings concerning neighborhood issues. The District will also notify all associations whenever possible of major operational activities, which will have neighborhood impacts.

5. Access to DWK Staff – Without restricting the current access RA's have to DWK staff, the DWK will make staff available whenever possible and requested to attend association meetings as well as to assist in the provision of relevant information in support of an association's initiatives. Requests for DWK staff support are to be directed to the Corporate Services Department.
6. Access to Council – The DWK will provide opportunities for representatives of Residents' Associations to meet directly with Council, at least annually, to provide updates on association activities and to discuss issues of mutual interest or concern. As well, associations may appear on other occasions as a delegation to Council through the established "Delegation Request" procedure available to all citizens' and groups.
7. Financial Support – The DWK will consider financial support of associations as part of the annual "grant-in-aid" budget deliberations. Associations seeking financial support must qualify under the DWK "Grant-in-Aid Policy" and must submit an application in the manner provided for in that policy.
8. Acknowledgement – The DWK will take advantage of opportunities to provide official public recognition for the contribution of the members of a Residents' Association to their community.

The Role of the Residents' Associations:

In order to have a consistent structure; the DWK encourages Residents' Associations to work within the following guidelines:

1. Mandate – To work towards improving the quality of life in their neighborhood and the community as a whole by enhancing communication between the DWK and its residents and maintaining an advocacy role for its members.
2. Membership – Open to any person residing in or owning residential property within the boundaries of the association and representative of the diverse segments of its neighborhood's populace and subject to the association's bylaws.
3. Boundaries – Establish clearly delineated boundaries, which may overlap with the boundaries of other associations.
4. Bylaws – A Residents' Association is to be registered under the Society Act and guided by a written mandate and bylaws. It is recommended they address the following items:-
 - A membership registration process
 - A general meeting process and notification
 - An election process for Directors and Officers
 - A requirement of majority vote by quorum
 - A requirement to keep records
5. Directors and Officers – Elect Directors and Officers at an Annual General Meeting.
6. Location of Meetings – Hold Annual General Meetings in a public place.
7. Notify DWK of General Meetings – Notify the DWK of time, date and place of **all** general meetings, and agenda if possible.
8. Liaison with DWK – RA'S will provide the Corporate Services Department of the DWK with the current contact information for designated contacts and officers of the association. Unless otherwise notified, the President of the RA will be the representative/contact of the RA.

9. Communication with Council – Make submissions to Council via a liaison person designated by the RA, invite members of Council to association meetings and forward copies of association newsletters, bulletins, etc. to Council.

Previous Revision/s: (if applicable)



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

Approval Date: 2011-May-10

SECTION: FINANCIAL SERVICES SUBJECT: REQUESTS FOR FINANCIAL SUPPORT
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Policy Statement:

The District of West Kelowna recognizes that valued contributions are being provided to the community-at-large through the volunteer efforts of local organizations, individuals and agencies. Consideration of "one-off" financial assistance requests (both cash and in-kind) demonstrates Council's commitment to working with these groups wherever and whenever possible to support their efforts.

Purpose:

Recognizing that Council has a policy to encourage applications for funding through the grant-in-aid process and that Council has a limited way of allocating discretionary funds, this policy is intended to establish a consistent and considered process for dealing with applications for financial support outside of the "Grant-in-Aid" policy and process. Through this policy, Council also authorizes staff to deal with "in-kind" only requests up to \$1,500 in value and provide Council with an annual report of these requests and their disposition.

Policy Procedure:

Requests for financial support that fall outside the parameters of Council's "Grant-in-Aid" policy, are to be submitted to Council for consideration through the Manager of Finance and are to be accompanied by adequate supporting information including but not limited to the following items:

- Name, address, contact information for the organization requesting funding,
- A full description of the intended use of the requested financial support,
- Full details of the date, time, place and scope of the event/activity as well as the number of participants and others who may benefit from the event,
- Complete disclosure of the budgeted revenues and expenses for the event,
- Disclosure of any and all other applications for financial support to other agencies, organizations, etc.

Review Process:

The Manager of Finance will review all incoming applications for completeness and follow-up with applicants, if necessary, to obtain all required information. Once complete, applications for "cash" support as well as "in-kind" requests greater than \$1,500 will come forward for Council's consideration as part of a regular or committee-of-the-whole meeting agenda. Given that Council has limited discretionary funds and that proper consideration of requests for financial support is the goal of

this policy, a waiting period for thorough consideration of requests under this policy is established to run from the time of presentation to Council to the beginning of the subsequent Council meeting.

Applications for "in-kind" support up to \$1,500 will be referred to the appropriate DWK department for consideration and must have the endorsement of the CFO or designate prior to approval.

Notification and Payment:

Applicants will be notified in writing of the results of Council's deliberation together with any applicable terms, conditions and/or restrictions. Payment of any cash support awarded will accompany the letter of notification.

Previous Revision/s: None



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 4
Approval Date: 2016-SEP-20

DEPARTMENT:	Finance
SUBJECT:	GRANTS IN AID

Purpose Statement:

The City of West Kelowna recognizes that valued contributions being provided through the volunteer efforts of community organizations and agencies on behalf of the citizens. Corporate grant funding demonstrates Council's commitment to working with groups which provide these beneficial programs, services or projects to the community while at the same time recognizing the financial constraints impacting the City's ability to provide funding to these groups.

POLICY

This policy establishes eligibility requirements; identifies the types of funding available; and outlines application and monitoring requirements.

Program Intent

Every year the municipality receives more grant requests than it can fund. The objective of this policy is to treat all organizations fairly and consistently. The aim of the Municipal Grants Program is to share available resources throughout the municipality. Grants are intended to provide modest levels of support and assistance to community non-profit organizations.

Each year, as part of its annual budget process, Council will determine the amount of funding to be provided for all municipal Grants in Aid including: Community Project grants, Corporate grants, In-Kind Contribution grants, Special Events grants and Community Events grants.

Council will through its annual budget process, determine the amount of funding to be allocated to the grant program. Council will retain the right to make the final decision on both the overall grant allocation and the individual grant.

Types of Grants

The different types of grants awarded under the Grant Program are as identified:

“Community Project” grants are defined as one-time assistance either as seed funding for the start up of an organization/project, or funds for a short-term undertaking with a start-up and completion date.

“Corporate” grants are defined as operating funding to assist with the general operating expenses of the group, including administrative costs and program-related expenses.

“In-Kind Contributions” grants are based on the provision of municipal property/facilities, material or resources to an applicant, and do not include the provision of cash funds to, or on behalf of, the applicant. While cash funds are not provided in relation to “In-Kind” grants, it is recognized that such grants will involve either an expense or foregone revenue for the municipality. Each application for In-Kind grants will include the estimated value of the application under consideration.

“Special Events” are defined as any one-time or first-time event that is of cultural, social or recreational significance to the community and may involve the participation of more than one organization.

“Community Events” is defined as a recurring event that Council has determined provides some significant benefit to the broad community, and is open to all members of the public.

Funding Eligibility

An applicant organization must meet the following general criteria in order to be considered for a City of West Kelowna grant:

1. Grants are awarded by the type of project, not the type of organization/agency.
2. There can only be one application per organization/project.
3. Grant applications should be able to demonstrate active fundraising efforts to support the continuation of a program, project or service. The City of West Kelowna grant should not be considered as the primary source of funding for the organization.
4. Funding request can be defined as events/projects/programs that support sustain, promote, inform, educate, celebrate, preserve, and/or provide access to the arts, culture, and environment, heritage, recreation and/or health activities.
5. Request for financial assistance for events which are of municipal significance which would be expected to bring economic and/or public relations benefit to the City.
6. Each application must demonstrate there is a need for financial assistance and that adequate funding for other sources is not available.
7. To qualify for funding, the group must demonstrate its commitment to all of the following principles:
 - a. Accessibility;
 - b. Effectiveness; and
 - c. Accountability through sound management and financial practices
8. The applicant organization, within the current fiscal year, must spend grant funding on the sole purpose for which it was awarded.
9. Individuals are not eligible.

Programs/Activities/Events MUST NOT:

1. offer direct financial assistance to individuals or families;
2. duplicate services that fall within the mandate of either a senior government agency or a local agency, except where there is an established need.
3. be for any other form or section of a taxing or local government authority, such as School Districts, Regional Districts, Hospital Districts, etc.

Application:

All grant applications shall be directed to the Revenue Manager on or before October 31st of each year to ensure they are incorporated in the annual budget.

Only one grant request per organization per year will be considered.

All applications shall be submitted on the Grant Application form together with the following information and documentation:

1. the service the organization provides to the community;
2. the amount of the financial assistance required;
3. the benefits in the community to result from the grant;
4. a detailed proposed budget for the current year, detailing expenditures, and revenues, including a list of all other grants and or donations;
5. the financial statements from the immediately preceding fiscal year.

Application Review Process

Late or incomplete applications for any grants will not be forwarded for consideration.

Complete applications for "Community Project" grants, "Corporate" grants, and "Community Event" grants (as defined by this policy) which are received by the October 31st application deadline will be forwarded to the Council during budget deliberation meetings for review and consideration.

In considering grant applications, Council will evaluate applications in terms of the general and financial criteria and principles outlined in the Municipal Grants Program Policy and interview any group during the yearly budget deliberations with final recommendations based on the total grant allocation and approval on individual grants.

Granting of assistance in any one year or over several years is not to be interpreted as a commitment to future year's funding.

Recognizing that unique and beneficial special events may arise from time to time outside the time lines noted in the City of West Kelowna's Grants in Aid Policy, applications for "Special Events" grants received after the grant deadline will be dealt with under Council's "Requests for Financial Support" policy.

Grant applications determined to be ineligible for funding shall be notified, in writing, of Council's decision.

Applicants are advised that the In-Kind non-financial grants may not be continued from year to year as renewals are not automatic.

The grant application deadline shall be advertised in the local newspapers.

Payment

The term of a grant shall be for one year only.

Applicants are advised that grants may not be continued from year to year.

Renewals are not automatic nor are any increases in funds.

Grant recipients will be notified in writing of the grant amount approved following Council approval of the municipality's annual budget.

Grants may be awarded with certain terms and conditions. The letter of award will state, if any, particular restrictions apply to the grant.

Unsuccessful grant applicants will also be advised in writing of Council's decision.

Included in Council's budget deliberations are requests from various City of West Kelowna organizations that request financial assistance. These groups vary in interests and provide a valuable service to the City of West Kelowna. With Council's approval Grants in Aid are given to these groups on an annual basis. A policy exists for these Grants in Aid requests.

In addition to the annual requests considered by Council as part of the annual budget process other requests are made by various other groups throughout the year. These requests vary depending on the group requesting assistance and the amount also varies. Many of these requests are also of benefit to the community.

Previous Revision/s: Grants-In-Aid Policy Adopted 2008-FEB-19 Grants-In-Aid Policy Adopted 2009-MAY-26 Grants-In-Aid Policy Adopted 2011-MAY-10



DISTRICT OF WEST KELOWNA GRANTS IN AID APPLICATION FORM

SUBMIT TO: District of West Kelowna
2760 Cameron Road
West Kelowna, BC V1Z 2T6

SUBMISSION DEADLINE: October 31st

GUIDELINES

All applications for a District of West Kelowna grant must adhere to the following guidelines:

Program/Activities/Events MUST demonstrate the following:

- strengthen and enhance the well-being of our community;
- be of benefit to the District of West Kelowna and its residents;
- promote volunteering;
- address community needs;
- promote cultural, recreational and/or social understanding;

Programs/Activities/Events MUST NOT:

- offer direct financial assistance to individuals or families;
- duplicate services that fall within the mandate of either a senior government agency or a local agency, except where there is an established need.
- be for any other form or section of a taxing or local government authority, such as School Districts, Regional Districts, Hospital Districts, etc.
- Funding will not be provided for accumulated deficits or funding shortfalls of any organization. Financial assistance consideration is based only on budget revenues and expenditures in the year for which the assistance is requested.

Preference may be given to applications that:

- improve the community's ability to identify needs and to implement self-help programs;
- partner with other service providers in the community;
- request seed money in order to launch a program/activity/event, rather than requesting ongoing financial support.
- be well publicized in the community;
- be sponsored by a local not-for-profit organization.

The successful receipt of a Grant in Aid does not automatically guarantee funding in subsequent years. Grants are intended to indicate the District's support and encouragement of venture, and should not be expected to substantially fund any undertaking.

In accepting a grant, the organization agrees to provide the District, within 90 days of completion of the activity/event/program, with an accounting of how funds were used. And further, the District should be acknowledged as a sponsor of the organization's programs, activities or events in all published materials and advertising.

A budget and financial statement must accompany this Application. Individuals are not eligible for any funding from the District.

Please complete all the blank spaces and give as much detail as possible. This will assist Council in making an accurate and responsible assessment of your needs. If there is relevant information about your organization or request not covered by the questions in this application, please include an attachment page(s). If you have questions, please contact the District office at (778) 797-8855.

Name of Organization:

Purpose or Function of Organization:

Street Address, Including Postal Code and email address:

Mailing Address if Different from the Above:

Amount of Grant Requested: _____

Brief Description of the Proposed Use of the Grant:

Organization Chair's Name or Person Responsible:

Telephone (work) _____ **Home** _____

Address, including Postal Code:

Email address: _____

Financial Officer's Name:

Telephone (work) _____ **Home** _____

Address, including Postal Code:

Email address: _____

Please provide proof of registration as a Society or a letter of support from an Umbrella Organization or a related Organization or from other Supporting Agencies or Group; and charitable organization status, if applicable.

Support from other Funding Organizations:

Please note, most activities and events may include residents from outside the District boundaries and your organization is expected to make applications to the Regional District governing your area or a municipal or First Nation Band or Tribal Council from where your organization expects most participation or where most of your members reside.

District of West Kelowna Council expects you to provide letters in support of your application to the foregoing funding agencies. Please include this information in Appendix A, Question #5.

I confirm that the information included in this application is true and correct to the best of my knowledge.

Signature

Print Name

APPENDIX A

GRANTS IN AID APPLICATION FORM

1. Is your application for a grant (please tick one, (see policy for definitions))
- | | |
|---|-------|
| * Community Project | _____ |
| * A Corporate Grant | _____ |
| * In-Kind Contribution | _____ |
| * Special Events | _____ |
| * Community Events | _____ |
| * Transfer of funds to another organization | _____ |
| * Other | _____ |
2. Please describe the purpose for which a grant is being requested:
- _____
- _____
- _____
- _____
- _____
3. How does your proposed program/activity/event promote cultural, recreational, social, sports, children, family and other services understanding in the Community? How does this benefit the citizens of the District of West Kelowna?
- _____
- _____
- _____
- _____
- _____
- _____
4. A budget for the program/activity/event is attached to this application: Yes_____
- No._____: If no, explain why.
- _____
- _____
- _____
- _____
- _____
- _____

5. List other agencies/organizations whose support has been requested for this project

Name	Amount Requested	Status of Request

6. Is this your first grant application to the District of West Kelowna: Yes/No

If No, please list all grants received in the past four years from the District.

Year:	Amount

7. If your organization/agency received a grant last year, what specific benefit(s) to your organization/agency and to the Community did the grant accomplish?

8. If your agency is applying for a matching grant from another governments or organizations or from other sources, is the grant from those contingent upon receipt of the District grant?

Yes_____No._____

9. Does your organization receive any form of subsidy from the District? If so, how much? And for how long?

Amount of estimated Subsidy \$_____ length of time_____

10. Does your organization receive any benefit from exemptions provided by the District?

Yes _____ No _____.

If yes please indicate the amount exempted in the past year:

Water Fees: \$ _____

Sewer Fees: \$ _____

Property Taxes \$ _____.

11. How many years have these exemptions been in effect?

Water Fees: _____ Sewer Fees: _____ Property Taxes _____.

12. In the past year, how many persons has your organization served? _____

13. How long has your organization been in existence in the District of West Kelowna?

14. Is your organization voluntary and non-profit?

15. What is your main source of income from?

16. Are all of the Board members/directors/volunteers? Yes _____/No _____

If no, please state amounts paid to each:

Position:	Amount of Payment

17. Report the number of volunteers presently in your organization_____

18. Estimate the number of volunteer unpaid hours worked in the past year:

19. Any other information you may want to add in support of your application?

20. Please indicate when you wish to receive the grant and what time frame are you expecting the grant to be finalized for your project/event/activities/program to succeed.

21. Please note: It generally takes Council 90 days to finalize the grant application from the date of receipt.

PLEASE ENSURE ALL THE INFORMATION IS COMPLETE AND THE COMPLETED FORM AND SUPPORTING DOCUMENTATION IS RECEIVED AT THE DISTRICT'S FINANCIAL SERVICES DEPARTMENT, NO LATER THAN OCTOBER 31st.
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