

City of Kelowna

Regular Council Meeting

AGENDA



Monday, November 19, 2018

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

5 - 24

PM Meeting - October 1, 2018

Inaugural Meeting - November 5, 2018

3. Development Application Reports & Related Bylaws

3.1 Radant Rd 575, Z18-0063 - Lihua Feng

25 - 31

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to accommodate two dwelling housing.

3.2 Radant Rd 575, BL11698 (Z18-0063) - Lihua Feng

32 - 32

To give Bylaw No. 11698 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

3.3 Highland Dr. N. 1720, Z18-0065 - Lidia B. Baumgart

33 - 40

To rezone the subject property from RU1 - Large Lot Housing zone to RU6 – Two Dwelling Housing zone to facilitate the development of one additional single family dwelling.

3.4 Highland Dr. N. 1720, BL11699 (Z18-0065) - Lidia B. Baumgart

41 - 41

To give Bylaw No. 11699 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

3.5	Riverside Ave 1848-1854, Z18-0045 - Lisa Carol White	42 - 47
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the legalization of existing two dwelling housing.	
3.6	Riverside Ave 1848-1854, BL11700 (Z18-0045) - Lisa Carol White	48 - 48
	To give Bylaw No. 11700 first reading in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.	
3.7	Abbott St. 3031, Z16-0048 - Calvin & Sunok Condry	49 - 50
	To direct staff to rescind the bylaw and close the file.	
3.8	Abbott St. 3031, Z16-0048 (BL11337) - Calvin & Sunok Condry	51 - 51
	To rescind first, second and third readings of Bylaw No. 11337.	
4.	Bylaws for Adoption (Development Related)	
4.1	McCurdy Rd 700, Z16-0025 (BL11283) - Silver City Holdings Inc	52 - 52
	To adopt Bylaw No. 11283 in order to rezone the subject property from the A1 - Agricultural 1 zone to the I2 - General Industrial Zone.	
4.2	Rio Dr 1257, Z17-0064 (BL11502) - Scott and Shelley LaHay	53 - 53
	To adopt Bylaw No. 11502 in order to rezone the subject property from the RR1 - Rural Residential zone to the RU6 - Two Dwelling Housing zone.	
4.3	Raymer Rd 4624, Z18-0035 (BL11652) - Montemurro Industries Inc	54 - 54
	To adopt Bylaw No. 11652 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.	
4.4	Thompson Rd 1260, Z18-0080 (BL11682) - Karoly and Cresteta Gabor	55 - 55
	To adopt Bylaw No. 11682 in order to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.	
5.	Non-Development Reports & Related Bylaws	
5.1	Community Energy Specialist 2 Year Term Opportunity	56 - 58
	To approve a two-year term Community Energy Specialist position, funded through FortisBC's Climate Action Partners Program.	

5.2	Latecomer Agreement - Tina Court Sanitary Sewer	59 - 73
	To endorse the execution of a Latecomer Agreement for the recovery of developer-funded costs for Excess or Extended Services.	
5.3	Kelowna - Rutland Exchange Shelters - (Gas Tax)	74 - 75
	To amend the City's 2018 Financial Plan to include Federal Gas Tax Grant funding to the Rutland Transit Phase 2/Shepherd Road Extension project for the purchase and installation of 4 transit shelters.	
5.4	Amendment to Kelowna International Airport Fees and Charges Bylaw No. 7982	76 - 78
	To obtain Council's approval to amend the Kelowna International Airport's fees and charges by amending Bylaw No. 7982.	
5.5	BL11715 - Amendment No. 32 to Airport Fees Bylaw No. 7982	79 - 81
	To give Bylaw No. 11715 first, second and third readings in order to amend the Airport Fees Bylaw No. 7982.	
5.6	Election 2018 Results and Ballot Account Report	82 - 86
	To report on the final results and ballot account for the City of Kelowna 2018 General Local Election	
5.7	Establishment Bylaw – Local Area Service for the Southeast Kelowna Integration Project	87 - 88
	To establish a water local area service for Southeast Kelowna as required by a Provincial Order-in-Council related to the water integration project.	
5.8	BL11623 - Establishment of South East Kelowna Water Local Area Service Bylaw	89 - 91
	To give Bylaw No. 11623 first, second and third readings in order to continue the water service for southeast Kelowna residents as a local area service of the City of Kelowna.	
5.9	2115 Rutland Court – Road Closure	92 - 94
	To close a 564 square meter portion of excess lane for consolidation with the adjacent 2115 Rutland Court.	
5.10	Rutland Rd N (Portion of), BL11680 - Road Closure and Removal of Hwy Dedication	95 - 96
	To give Bylaw No. 11680 first, second and third readings in order to authorize the City to permanently close and remove the highway dedication of a portion of highway on Rutland Road North.	

5.11	4712 Raymer Road – Road Closure	97 - 100
	To close a 419 square meter portion of excess road adjacent to 4712 Raymer Road for consolidation with the adjacent residential property at 4712 Raymer Road.	
5.12	Raymer Rd (Portion of), BL11697 - Road Closure and Removal of Hwy Dedication	101 - 102
	To give Bylaw No 11697 first, second and third readings in order to authorize the City to permanently close and remove the highway dedication of a portion of highway on Raymer Road.	
5.13	1955 Enterprise Way – Road Closure	103 - 106
	To close a 599 square meter portion of Enterprise Way for consolidation with the adjacent 1955 Enterprise Way.	
5.14	Enterprise Way 1955 (Portion of), BL11704 - Road Closure and Removal of Hwy Dedication	107 - 108
	To give Bylaw No 11704 first, second and third readings in order to authorize the City to permanently close and remove the highway dedication of a portion of highway on Enterprise Way.	
6.	Resolutions	
6.1	City Clerk, Draft Resolution, re: Deputy Mayor Schedule 2018-2022	109 - 109
	To set the Deputy Mayor Schedule for the 2018-2022 Council Term.	
7.	Bylaws for Adoption (Non-Development Related)	
7.1	Adams Road (Portion of), BL11656 - Road Closure and Removal of Highway Dedication	110 - 111
	Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.	
	To adopt Bylaw No. 11656 in order to authorize the City to permanently close and remove the highway dedication of a portion of highway on Adams Road.	
7.2	BL11664 - Kelowna Memorial Park Cemetery Bylaw	112 - 136
	To adopt Bylaw No. 11664 in order create a new Kelowna Memorial Park Cemetery Bylaw.	
8.	Mayor and Councillor Items	
9.	Termination	



City of Kelowna Regular Council Meeting Minutes

Date: Monday, October 1, 2018
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack*

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith*; Suburban and Rural Planning Manager, Dean Strachan*, Urban Planning Manager, Terry Barton*; Community Planning Supervisor, Laura Bentley*; Planner Specialist, Adam Cseke*; Planner, Kim Brunet*; Bylaw Services Manager, David Gazley*; Infrastructure Operations Department Manager, Ian Wilson*; Park and Landscape Planner, Melanie Steppuhn*; Parks & Buildings Planning Manager, Robert Parlane*, Divisional Director, Infrastructure, Alan Newcombe*; Parking Services Manager, Dave Duncan*; Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:34 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R935/18/10/01 THAT the Minutes of the Regular Meetings of September 24, 2018 be confirmed as circulated.

Carried

The Mayor recognized Deputy City Clerk Karen Needham on the accomplishment of receiving a Certificate in Statutory Administration from the Provincial Board of Examiners and presented Ms. Needham with the Certificate.

Councillor Sieben joined the meeting at 1:37 p.m.

3. Development Application Reports & Related Bylaws

3.1 Rifle Rd, 575-579, A18-0010 - Marlys Wolfe

Staff:

- Displayed a PowerPoint Presentation summarizing the application and rationale for non-support and responded to questions from Council.

Evan Cooke, Lawyer, Applicant Representative

- Displayed images of the property on screen.
- Provided reasons for the application to be advanced to the ALC with Council support.
- Spoke to concerns raised by the Agriculture Advisory Committee.
- Spoke to the history of the application with Health Canada and responses by Health Canada.
- Spoke to the non-compliance references in the staff report.
- Responded to questions from Council.

Daniel Gagnon, Applicant's brother

- Read a statement on behalf of his sister.
- Confirmed the site is a certified organic farm.
- Provided history of interactions with Health Canada and the City with respect to the Applicant's objective of producing medical cannabis in a structure on her farm.
- Provided reasons for Council to advance the application to ALC.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R936/18/10/01 THAT Agricultural Land Reserve Appeal No. A18-0010 for Lot 8, Block 21, Sections 33 and 34 Township 26 ODYD Plan 1249, located at 575-579 Rifle Road, Kelowna for a Non-Farm Use in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act NOT be supported by Council;

AND THAT Council directs Staff NOT to forward application A18-0010 to the Agricultural Land Commission for consideration.

Carried
Councillors Hodge and Sieben - Opposed

3.2 Swainson Rd 1705, A18-0002 - Norman & Linnea Corbett

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Sieben

R937/18/10/01 THAT Agricultural Land Reserve Appeal No. A18-0002 for Lot D, Section 25, Township 26 and of Section 30, Township 27, ODYD, Plan 2058 located at 1705 Swainson Road, Kelowna for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the Agricultural Land Commission Act, be supported by Council, subject to the following:

The dimensions of the subdivision be in general accordance with Schedule "A";

AND THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

3.3 Pooley Rd 3060, A17-0011 - Lawrence Neid

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Stack

R938/18/10/01 THAT Agricultural Land Reserve Appeal No. A17-0011, as amended, for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a non-farm use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT Agricultural Land Reserve Appeal No. A17-0011, as amended, for Lot 2 Section 15 Township 26 ODYD Plan 6585, located at 3060 Pooley Road, Kelowna, BC for a subdivision of agricultural land in the Agricultural Land Reserve pursuant to Section 21(2) of the *Agricultural Land Commission Act*, be supported by Council;

AND FURTHER THAT Council directs Staff to forward the amended subject application to the Agricultural Land Commission for consideration.

Carried

3.4 McClure Rd 679, Z18-0078 - Paul Sexsmith

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Donn

R939/18/10/01 THAT Rezoning Application No. Z18-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, District Lot 357, SDYD, Plan 30569, located at 679 McClure Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated October 1, 2018.

Carried

3.5 McClure Rd 679, BL11691 (Z18-0078) - Paul Sexsmith

Moved By Councillor Sieben/Seconded By Councillor Gray

R940/18/10/01 THAT Bylaw No. 11691 be read a first time.

Carried

3.6 Drummond Ct 649 LUC18-0003 & Z18-0051 - Patrick & Brenda Kryski

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Gray

R941/18/10/01 THAT Application No. LUC 18-0003 to discharge LUC76-1041 from Lot 26 District Lots 357 & 358 ODYD Plan 31179 located at 649 Drummond Court, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z18-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 26 District Lots 357 & 358 ODYD Plan 31179, located at 649 Drummond Court, Kelowna, BC from the RR3 – Rural Residential 3 zone to RU1 – Large Lot Housing be considered by Council;

AND FURTHER THAT the Land Use Contract Discharge and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration.

Carried

3.7 Drummond Ct 649, BL11693 (LUC18-0003) - Patrick & Brenda Kryski

Moved By Councillor Hodge/Seconded By Councillor Given

R942/18/10/01 THAT Bylaw No. 11693 be read a first time.

Carried

3.8 Drummond Ct 649, BL11694 (Z18-0051) - Patrick & Brenda Kryski

Moved By Councillor Hodge/Seconded By Councillor Donn

R943/18/10/01 THAT Bylaw No. 11694 be read a first time.

Carried

3.9 Nottingham Rd 4465, Z18-0067 - David Jeremy Stevens & Rosemarie Jean Stewart

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor DeHart/Seconded By Councillor Sieben

R944/18/10/01 THAT Rezoning Application No. Z18-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, Osoyoos Division, Yale District, Plan EPP25655, located at 4465 Nottingham Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Carried

3.10 Nottingham Rd 4465, BL11695 (Z18-0067) - David Jeremy Stevens & Rosemarie Jean Stewart

Moved By Councillor Donn/Seconded By Councillor Hodge

R945/18/10/01 THAT Bylaw No. 11695 be read a first time.

Carried

3.11 Pandosy St 2251-2312, BL11665 (OCP18-0011) - Interior Health Authority

Moved By Councillor Donn/Seconded By Councillor Gray

R946/18/10/01 THAT Bylaw No. 11665 be adopted.

Carried

3.12 Pandosy St 2251-2312, BL11666 (Z18-0055) - Interior Health Authority

Moved By Councillor Gray/Seconded By Councillor Hodge

R947/18/10/01 THAT Bylaw No. 11666 be adopted.

Carried

3.13 Pandosy St 2251-2312, HAP18-0010 - Interior Health Authority

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R948/18/10/01 THAT final adoption of OCP Amendment Bylaw No. 11665 and Rezoning Bylaw No. 11666 be considered by Council;

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0010 for Lot A District Lot 14 ODYD Plan EPP34913 Except Plan EPP53192, located at 2251-2312 Pandosy Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. Registration of a plan of Subdivision at Land Titles Office to 'unhook' a portion of the subject property into a new titled parcel is required prior to issuance of the Heritage Alteration Permit.

AND THAT Council's consideration of this Heritage Alteration Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated October 1, 2018;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Heritage Alteration Permit Application in order for the permit to be issued;

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

3.14 Dilworth Dr 1625 & Enterprise Way 2250, BL11493 (Z17-0055) - PC Urban Enterprise Holdings Ltd., Inc. No. BC1099976

Councillor DeHart declared a conflict of interest for items 3.14, 3.15, and 3.16 as her employer owns lands adjacent to the subject properties and left the meeting at 3:42 p.m.

Moved By Councillor Hodge/Seconded By Councillor Donn

R949/18/10/01 THAT Bylaw No. 11493 be amended at third reading and adopted.

Carried

3.15 Dilworth Dr 1625, DP17-0146 - PC Urban Enterprise Holdings Ltd., Inc. No. BC1099976

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R950/18/10/01 THAT Rezoning Bylaw No. 11493 (Z17-0055) be amended at Third Reading to reflect the updated legal description from:

Lot 1, District Lots 127 & 531, ODYD, Plan EPP67320, located at 1655 Dilworth Dr, Kelowna, BC
To:

Lot A, District Lot 531, ODYD, Plan EPP82754, located at 1625 Dilworth Dr, Kelowna, BC
Lot B, District Lots 531 & 127, ODYD, Plan EPP82754, located at 2250 Enterprise Way, Kelowna, BC

AND THAT final adoption of Rezoning Bylaw No. 11493 (Z17-0055) be considered by Council;

AND FURTHER THAT Council authorize the issuance of Development Permit No. DP17-0146 for: Lot A, District Lot 531, ODYD, Plan EPP82754, located at 1625 Dilworth Dr, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated May 7th 2018;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit application in order for the permit to be issued;

AND FURTHER THAT the Development Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

3.16 Enterprise Way 2250, DP18-0169 - PC Urban Enterprise Holdings Ltd., Inc. No. BC1099976

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Given

R951/18/10/01 THAT Council authorize the issuance of Development Permit No. DP18-0169 for: Lot B, District Lots 531 & 127, ODYD, Plan EPP82754, located at 2250 Enterprise Way, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the Development Permit is issued subsequent to the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated Aug 13th 2018;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit application in order for the permit to be issued;

AND FURTHER THAT the Development Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

Councillor DeHart rejoined the meeting at 3:49 p.m.

3.17 Evaluating and prioritizing applications to rezone to a retail cannabis sales subzone

Staff:

- Displayed a PowerPoint Presentation summarizing the application requirements and proposed evaluation process and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Donn

R952/18/10/01 THAT Council endorses the revised process for evaluating and prioritizing rezoning applications for retail cannabis sales as outlined in Schedule "A" from the Report from the Community Planning Department dated October 1, 2018.

Carried

Councillors Gray, Hodge and Sieben – Opposed

4. Bylaws for Adoption (Development Related)

4.1 Cary Rd 1639, BL11673 (Z18-0053) - 1124478 BC Ltd.

Moved By Councillor Gray/Seconded By Councillor Given

R953/18/10/01 THAT Bylaw No. 11673 be adopted.

Carried

4.2 BL11616 (OCP18-0003) - Amendments to Address the Agriculture Plan

Moved By Councillor Donn/Seconded By Councillor Gray

R954/18/10/01 THAT Bylaw No. 11616 be adopted.

Carried

4.3 BL11617 (TA18-0002) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Given/Seconded By Councillor Donn

R955/18/10/01 THAT Bylaw No. 11617 be adopted.

Carried

4.4 BL11618 (OCP18-0004) - Amendments to Address the Agriculture Plan

Moved By Councillor Given/Seconded By Councillor Donn

R956/18/10/01 THAT Bylaw No. 11618 be adopted.

Carried

4.5 BL11619 (TA18-0003) - Agricultural Amendments based on the Agricultural Plan

Moved By Councillor Sieben/Seconded By Councillor Singh

R957/18/10/01 THAT Bylaw No. 11619 be adopted.

Carried

4.6 BL11659 (TA18-0008) - Text Amendment for Cannabis Production and Retail Cannabis Sales

Moved By Councillor Stack/Seconded By Councillor DeHart

R958/18/10/01 THAT Bylaw No. 11659 be read a second and third time.

Carried

Councillor Hodge - Opposed

4.7 Enterprise Way 2092, BL11668 (TA18-0004) - 0838232 BC Ltd.

Moved By Councillor DeHart/Seconded By Councillor Stack

R959/18/10/01 THAT Bylaw No. 11668 be adopted.

Carried

4.8 Fawn Run Dr 1795, (S of) Steele Rd, BL11669 (OCP18-0009) - Pamela Blaskovich, Ponds Ventures Inc., Inc. No. BC 0862732

Moved By Councillor Stack/Seconded By Councillor DeHart

R960/18/10/01 THAT Bylaw No. 11669 be amended at third reading.

Carried

Moved By Councillor Stack/Seconded By Councillor DeHart

R961/18/10/01 THAT Bylaw No. 1166g as amended be adopted.

Carried

4.9 Fawn Run Dr 1795, (S of) Steele Rd, BL11670 (Z18-0043) - Pamela Blaskovich, Ponds Ventures Inc. Inc. No. BCo862732

Moved By Councillor Singh/Seconded By Councillor Sieben

R962/18/10/01 THAT Bylaw No. 11670 be amended at third reading.

Carried

Moved By Councillor Singh/Seconded By Councillor Sieben

R963/18/10/01 THAT Bylaw No. 11670 as amended be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Kelowna Memorial Park Cemetery Bylaw Update

Staff:

- Displayed a PowerPoint Presentation summarizing the Kelowna Memorial Park Cemetery bylaw changes and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor DeHart

R964/18/10/01 THAT Council receives the report from the Cemetery Manager, dated October 1, 2018 with respect to the Kelowna Memorial Park Cemetery Bylaw update;

AND THAT Council gives reading consideration to Kelowna Memorial Park Cemetery Bylaw No. 11664.

Carried

5.2 BL11664 - Kelowna Memorial Park Cemetery Bylaw

Moved By Councillor DeHart/Seconded By Councillor Stack

R965/18/10/01 THAT Bylaw No. 11664 be read a first, second and third time.

Carried

5.3 Interim Parks Access – Poplar Point

Staff:

- Displayed a PowerPoint Presentation summarizing the Poplar Point interim park location and access and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Singh

R966/18/10/01 THAT Council receives, for information, the report from the Park and Landscape Planner dated October 1, 2018, to improve access and signage at the existing Poplar Point #1 Beach Access;

AND THAT Council approve the revision to the scope of the Interim Park Access project in the 2018 Financial Plan to include Poplar Point #1 -Beach Access within the works.

Carried

5.4 Budget Amendment for 2018 Freshet Recovery Works on Bellevue Creek

Staff:

- Provided an overview of the reasons for the budget amendment request.

Moved By Councillor Sieben/Seconded By Councillor Singh

R967/18/10/01 THAT Council receives, for information, the report from the Infrastructure Divisional Director dated October 1, 2018 with respect to the 2018 Freshet Recovery;

AND THAT The 2018 Financial Plan be amended to include up to \$600,000 for the 2018 Freshet Infrastructure Recovery of which up to \$400,000 is recoverable through the provincial Disaster Financial Assistance (DFA) program;

AND FURTHER THAT Council authorize the expenditure for the City's portion of costs that are not recoverable from the provincial DFA program of up to \$200,000 funded from the Flood Control Averaging Reserve.

Carried

5.5 Complimentary Saturday On-Street Parking in December 2018

Staff:

- Provided an overview of the complimentary on street parking in the downtown area.

Moved By Councillor DeHart/Seconded By Councillor Hodge

R968/18/10/01 THAT Council receives, for information, the report from the Manager, Parking Services dated October 1, 2018 with respect to Complimentary Saturday On-Street Parking in December 2018;

AND THAT Council approves waiving on-street parking fees in the Downtown area on the five (5) Saturdays in December 2018.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL11684 - Amendment No. 7 to Development Application Fees Bylaw No. 10560

Moved By Councillor Stack/Seconded By Councillor DeHart

R969/18/10/01 THAT Bylaw No. 11684 be adopted.

Carried

6.2 Highway 33 E 1759, BL11688 - Housing Agreement Authorization Bylaw - Ki-Low-Na Friendship Society

Moved By Councillor Singh/Seconded By Councillor DeHart

R970/18/10/01 THAT Bylaw No. 11688 be adopted.

Carried

6.3 Nickel Rd 200-220, BL11689 - Housing Agreement Authorization Bylaw - 554764 BC Ltd.

Moved By Councillor DeHart/Seconded By Councillor Stack

R971/18/10/01 THAT Bylaw No. 11689 be adopted.

Carried

6.4 Richter St 1730 & 1740, BL11690 - Housing Agreement Authorization Bylaw - 1017476 BC Ltd.

Moved By Councillor Sieben/Seconded By Councillor Singh

R972/18/10/01 THAT Bylaw No. 11690 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Made comments on the Council term and congratulated Councillor Gray for her service the past four years.

Councillor DeHart:

- Reminder that October 11 is the 20th Annual Grand Finale of the United Way Drive Through Breakfast. Encouraged everyone to attend and support the last event.

Councillor Singh:

- Paid tribute to Tracy Gray and thanked her for her service.

Councillor Sieben:

- Spoke to his attendance at the Vancouver Canucks-Arizona Coyotes game this past weekend.
- Pleasure working with each of his Council colleagues and passed along best wishes to Councillor Gray.

Councillor Hodge:

- Thanked Mayor Basran and his Council colleagues for the past four years; in particular, the support he received while he was ill.
- Passed along best wishes to Councillor Gray.

Councillor Gray:

- Spoke to her four-year term on Council, and thanked those who made it possible, in particular her family.

Councillor Donn:

- Spoke to his four-year term on Council, and thanked his Council colleagues for helping him to become a better communicator.
- Thanked Councillor Gray for her support and stability she brings to the Council table.
- Reminder that Breakout West will showcase some great events next week.

Councillor Given:

- Made comments on the challenges and rewards that service to the community brings.
- Passed along best wishes to Councillor Gray.
- Reminder of the Artists Among Us event on October 4th.

City Manager:

- Thanked Council for their efforts and professional relationship with staff and strong guidance in setting priorities including policy and vision and healthy debate on a variety of issues.

Mayor Basran:

- Thanked Council for their collective sense of teamwork, even in the face of differences, over the course of the term.
- Spoke to some of the significant issues faced over the Council term.
- Provided comments on the positive work by Councillor Gray.

8. Termination

This meeting was declared terminated at 4:57 pm.

Mayor Basran

/cm/acm

City Clerk



City of Kelowna

Statutory Inaugural Council Meeting

Minutes

Date: Monday, November 5, 2018
 Location: Mary Irwin Theatre Rotary Centre for the Arts
 421 Cawston Avenue, Kelowna, BC

Council Members Present Mayor-Elect Colin Basran, Councillors-Elect Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge

Staff Present City Clerk, Stephen Fleming

Guests The Honourable Judge Lisa Wyatt; Former Councillor Tracy Gray; Master of Ceremonies, Tony Parsons; KFD Bagpiper, Paul Johnson; KFD Honour Guard Shawn O'Reilly, Jason Stoodley and Adam Benson; RCMP Corporal Carrie Seale; RCMP Constable Reg Sahay; Jordan Coble, Westbank First Nation; Krystal Lezard, Westbank First Nation; Ruth Cipes; The Kelowna City Band

Musical entertainment provided by the Kelowna City Band, Ruth Cipes and Bagpiper Paul Johnson.

1. Commencement of Inaugural Ceremony

The Inaugural Ceremony commenced at 7:22 p.m.

2. Welcome to Guests

Master of Ceremonies (MC) Tony Parsons welcomed those in attendance.

3. National Anthem

Ruth Cipes led in the singing of the National Anthem.

4. First Nations Prayer

MC Tony Parsons called upon Jordon Coble to offer a First Nations Prayer.

5. Okanagan Song

MC Tony Parsons called upon Krystal Lezard to perform the Okanagan Song.

6. Introduction of Newly Elected Council

MC Tony Parsons introduced the in-coming Council.

7. Administration of Oath of Office to Mayor-Elect Colin G. Basran

The Honourable Judge Lisa Wyatt administered the Oath of Office to Mayor-Elect Colin Basran and presented him with the Chain of Office.

8. Administration of Oath of Office to Councillors-Elect

The Honourable Judge Lisa Wyatt administered the Oath of Office to Councillors-Elect Maxine DeHart, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack, Loyal Wooldridge.

9. CALL TO ORDER

His Worship Mayor Colin Basran called the meeting to order at 7:22 p.m.

10. Mayor Basran's Inaugural Address

Good evening everyone and thank you for joining us on this very special evening. This is an exciting night for the nine of us and it's nice to see that so many people want to share in this moment with us.

I will now call to order this City of Kelowna, Inaugural Council Meeting.

Thank you to everyone who has joined us tonight to help us begin this new chapter for Kelowna, the City we are all so proud to call home!

Just a few things before I get started...

Tony Parsons – grew up watching on TV as a kid and was one of the inspirations for me to get into journalism.

Ruth Cipes – you have an incredibly bright future ahead of you!

Kelowna City Band – thank you so much for your years of service and entertainment in our community.

Jordan Coble and Krystal Lezard – thank you so much for sharing your knowledge and your rich culture and traditions with us.

Judge Wyatt – thank you for taking part in this great community tradition.

City Staff – thank you for organizing this very special night for us.

It is an honour for the nine of us to lead our community for the next four years. I appreciate this incredible opportunity to continue working alongside incumbents Maxine DeHart, Gail Given, Luke Stack, Brad Sieben, Mohini Singh, Charlie Hodge and Ryan Donn.

The eight of us have accomplished so much together. And when you add the knowledge, and passion of first time Councillor, Loyal Wooldridge, it highlights the tremendous opportunity we have before us to continue bringing about positive change for the residents of Kelowna.

The election of these caring and community minded individuals to City Council is indicative of the City we are becoming... progressive, diverse, and inclusive.

In the past four years, I've had the opportunity to speak with Mayors right across the country. It's not lost on me that what we have here is unique and is the envy of other municipalities. I am privileged to

lead a team that is aligned in its overall vision for the community. Maybe not on every individual step, which makes for healthy debate, but we all want to see our city prosper economically, socially and culturally.

I will be talking tonight about how we expect to follow through on plans from previous Councils and some personal aspirations for the future... but I also want to note that we have a process in place to review and establish Council Priorities for the next four years and beyond. We will be going through that process early in our term and reporting out to you on that in the new year.

So while some other municipal councils are busy fighting amongst each other and perhaps not accomplishing as much as they'd like, we are just the opposite. Our Council will use the next four years to move our City along even further and make sure Kelowna is a place where every resident has the opportunity to contribute and feel like they belong.

Tonight we are filled with excitement and optimism. But leadership is not always easy. There are some challenging issues that need to be addressed. Future decisions we need to make will require political courage.

As our Oath of Office states, we must do what is best for the community as a whole, even in the face of adversity.... that's what leadership is. I am confident that this Council will lead by making pragmatic, evidence-based decisions that will serve our community well, long after we're gone.

One such initiative I am confident will have a lasting, positive impact on our community is the Journey Home plan to address homelessness in Kelowna. A huge thank you to everyone who helped put this strategy together and to those who have stayed on to help implement it. It took an unprecedented community effort to build it and it's going to take that same support to see it followed through.

Recognized by both the Federal and Provincial governments as a model for other municipalities to follow, this plan is also the first of its kind to include a youth homelessness strategy we call 'A Way Home'.

Together, they will ensure that everyone in our community has a place to call home. Statistics show that housing with supports not only leads to better outcomes for our community's most vulnerable residents, it is far more cost effective than the status quo.

City Council is proud to stand with you and will do all that we can to support this initiative to ensure it is funded and resourced appropriately. We will also continue to lobby and build relationships with higher levels of government and with the partners whose help is required in order to see measurable progress made on this top community priority.

We must also use this opportunity to help eliminate the stigma and negative perceptions attached to those living on our streets. Only with open minds and hearts will we truly make a lasting impact.

We are committed to helping the most vulnerable residents in our community, and at the same time ensuring our entire community feels safe. Criminals and criminal activity have no place in Kelowna and we will take the steps necessary to ensure all residents have a safe and secure place to do business and call home.

In the coming weeks, Council will receive a highly anticipated report from former Superintendent Bill McKinnon on further ways we can work collaboratively to get help for those in our community who need it while keeping everyone safe. Traditional policing methods will only get us so far, and we applaud and support Kelowna RCMP Superintendent Brent Mundle and his officers as they incorporate new approaches, partnerships and technologies to modernize and use best practices to address our needs in an ever changing society.

We look forward to the report's recommendations and will continue to invest in the resources needed to uphold our standing as one of the best places in the world to live, work or visit.

I want to take a moment to thank our first responders... the RCMP, Fire Fighters, Paramedics, Bylaw Enforcement Officers and all those tasked with the difficult job of serving our community and dealing with situations that most of us can't even imagine. We are very grateful for all that you do, particularly when resources have been spread thin, as they have been during the last two years dealing with flooding and fires on a level we've never seen before.

Which leads me to the next issue I want to discuss tonight... Climate Change. It is real and it is having a devastating impact on our community in a number of ways. Public and private property and infrastructure is being threatened or destroyed by flooding and fires. We are being forced to stay indoors for weeks at a time because the air outside is not safe to breathe.

We have days when the water coming out of our taps isn't safe to drink due to increased turbidity levels. We're seeing high groundwater levels flooding basements and yards in neighbourhoods where it has never before been a problem.

The most recent report released a few weeks ago by the world's leading climate scientists says we only have 12 years to make the necessary corrections needed to change course or the world our kids will inherit will be drastically different... and not for the better. I don't know about you but that really scares me.

This is not someone else's problem to fix. We all play a part in doing what we can to care for this planet and stop taking what we have for granted. Our residents told us through the Imagine Kelowna process that they want action to preserve this beautiful place we call home, and fortunately we can say we have a vision and plans to do our part.

So the good news is that we will not only do our part to look after the earth, we'll have a better City as a result.

It's more important than ever that we continue to make sure our community grows in a sustainable way, guided by progressive planning principles. From an environmental standpoint, directing growth to our town centres reduces the amount of natural open space and sensitive wildlife habitat from being lost to further sprawl development.

We know we need to direct much of the development needed to accommodate the 40 to 50-thousand people moving here in the next 20 years into our five designated town centres:

- Downtown
- South Pandozy
- Capri/Landmark
- Midtown (Orchard Park)
- Rutland

If we continue to spread out as a community, the more expensive it is to run our municipality for you as taxpayers. Suburban development costs 8-times more than urban development when it comes to infrastructure costs, maintenance and service costs over time... so it makes good financial sense.

The vision for our City is to see our town centres better connected by further investment in frequent transit service and active transportation pathways. Next year will see the launch of technology where transit riders can track their buses in real time. Construction will soon begin on the Sutherland Avenue active transportation corridor and we will continue to implement our Pedestrian and Cycling Masterplan which will not only help residents live a healthier lifestyle, it will also help lessen our community's carbon footprint.

If we can get those living in our town centres to use different modes of transportation other than a single-occupant vehicle, which has been proven that they will, it will mean less traffic for all of us to

fight with when you come into town. Alternate modes of transportation are important for our City's future but there are also some key road connections that are required as well.

Our top road priority will continue to be the Highway 33 extension, previously referred to as the North End Connector. This will help alleviate congestion along Highway 97 and Enterprise Way. This multi-million-dollar project requires the relocation of our Regional Transit Yard and both projects will require significant funding from higher levels of government which we will continue to advocate for to move these priorities forward.

Another key road project expected to break ground this coming spring is South Perimeter Road which will provide Upper Mission residents with another way in and out of their neighbourhood and will hopefully result in the construction of the much talked about retail centre in the Ponds development which will help lessen the need for area residents to drive all the way into the city for shopping and other errands.

Work is also underway on two major planning initiatives that will be completed this term to help set the course for how we get around not only our City but the region in the future. Please watch for opportunities to provide your input into 'Kelowna On the Move' our City's Transportation Masterplan as well as the Regional Transportation Plan.

In the meantime, I look forward to meeting with the new Mayors of West Kelowna, Vernon and Penticton to discuss the possibility of establishing a rapid bus connection between our four Okanagan municipalities. This will hopefully be a precursor to a more permanent, high speed transit service between the cities in the decades ahead.

Following through on these plans will mean a thriving City and a better planet for our kids and grandkids to inherit.

As we continue to direct new residents into our town centres and urban core, we address the challenge of housing affordability. We need to make sure that we use land that is available for housing as efficiently as possible. With all this in mind, we completed a Housing Needs Assessment to determine the housing requirements of our residents moving forward.

From that came the Healthy Housing Strategy, which is our plan to help ensure all residents have access to a wide variety of housing types, from single family homes to condos and everything in between. We must continue to implement the recommendations in this plan to help ensure that everyone, regardless of income, can find a home.

Almost 65% of the new houses being built in Kelowna are in multi-family projects, a trend we'd like to see continue to increase. One of the key focus areas of the Healthy Housing Strategy is promoting and protecting rental housing. We will also continue to utilize incentives and tax breaks to encourage developers to build even more rental housing, even with the vacancy rate in our City expected to rise to over 2% next year. A healthy vacancy rate is considered somewhere between 3 to 5%, so we are making huge strides.

A policy governing short term rentals will be coming forward early in 2019 and it is our intention to create a solution that helps increase long-term housing for residents while still providing an experience that visitors to our community want without hurting our tourism industry.

We will also keep fighting the provincial government's proposed Speculation Tax. We know that housing affordability is a challenge that has many negative impacts, but we believe there are better ways that would be far more effective without having negative unintended consequences.

There is no doubt that after the three best development years in our City's history, construction is a big part of our local economy. It is not realistic to think that we can sustain these levels year after year. However, we need to make sure Kelowna continues to be a great place for people to invest.

We also need to continue working to be open and adaptable to ensure our entrepreneurs and small business owners are able to thrive.

The legalization of cannabis in Canada has introduced a whole new business sector that brings a lot of economic opportunity, along with some societal challenges that we as a City will be navigating through over the next few months and years. It's a big challenge to do it right, but we've proven in the past that we are adept at managing change that serves the local economy in an orderly way.

We are mindful that our City has been recognized over the past few years as one of the best and most affordable places to do business in the country. So many jobs these days are mobile and can be done from anywhere in the world. And we want to make sure we continue to attract and retain them here in Kelowna!

Our knowledge-based economy continues to grow, anchored by Interior Health, UBC Okanagan, and Okanagan College. But we also need our traditional industries like Tourism and Agriculture to flourish along with them. Vital to it all is our very own, municipally owned International Airport. Over two million passengers will pass through YLW before this year is up, making it the 10th busiest airport in the country. I look forward to seeing the airport and surrounding lands continuing to develop along with new links connecting more of the world to our great City.

Just a few more things before I wrap up... As one of the fastest growing cities in the country, the demand for increased services grows and so too do the pressures on our well maintained but aging infrastructure. The reality is, we are starting to fall behind in some key areas and our expanding infrastructure deficit is a huge concern to Council and should be for all our residents too.

We will face the challenges of our community head-on and do so in a fiscally responsible manner, making sure that tax dollars are spent on projects of value that meet multiple objectives. It is not acceptable to hide from today's realities to further burden the generations of the future, just so we can say we kept your taxes artificially low.

What is often forgotten is that when you compare the taxes paid by Kelowna residents, to other large municipalities in BC, the rate here is one of the lowest and below the average. Not only will we continue to make sure every dollar is spent responsibly, we will also expand on the ways we continue to generate revenue to offset taxes. That includes the full implementation of our new sponsorship and advertising program. Strong financial management and new ways of thinking are a must if we are going to complete the build-out of some highly anticipated parks and begin the design work and potentially break ground on desperately needed recreation facilities.

Kelowna will continue to shine on stage, in galleries and on screen as we help our local, world class artists showcase their talents to an even greater audience. An update to our Cultural Plan is underway as we speak and we look forward to working with the community on ways to incorporate more art and culture into our community. Big and bold ideas are certainly welcomed as we look for ways to empower our creative class and increase the vibrancy of our City.

Over the course of the term we will also be playing host to some major sporting events that include the Memorial Cup, Skate Canada and the 55+ BC Games. I have no doubt our local commerce and sporting organizations, corporate sponsors and volunteers will rally around these opportunities to take them to another level, making us proud and leaving a lasting impression on the athletes and fans. Implementing our recently endorsed Community Sport Plan will help guide us over the next four years, as we work towards becoming the healthiest community in Canada.

Four years seems like a really long time... like it feels sitting through this speech for some of you. For Council, it's going to fly by way too quickly. We need to be motivated and focused if we are going to make the positive impact we believe we can. But we're also going to need a lot of help. The decisions we make will not be made in isolation. Community engagement will continue to be a priority and a regular part of the governance process.

We will build upon our strong relationships with the Westbank First Nation and Okanagan Indian Band and champion their cultural and economic endeavours whenever possible. We will engage the hard working community organizations and world class institutional partners we have in the City, collaborating to seek innovative, progressive solutions to challenges that will be held up and used as positive examples by our peers.

Partnerships with our Provincial and Federal government representatives will also be important as many of the issues we face are also shared priorities. We look forward to meeting with MLAs Thomson, Stewart and Letnick and MPs Fuhr and Albas to make sure our collective voice is heard in Victoria and Ottawa.

I want to take a moment to thank the Kelowna City Councils that have served this community before us. There are members of previous Councils here tonight:

You have created a strong foundation for us to continue building upon and for that we are truly grateful.

To City of Kelowna Staff... You are the best in the business! We set the vision but you are the ones who spend your evenings and weekends making sure Council's priorities become reality. This will be City Manager, Doug Gilchrist's first new term and his fresh perspectives and energy are welcomed by Council and will have a positive impact throughout the organization.

And finally, none of us would be here on this stage... and we would not be able to accomplish anything, without the incredible love, understanding and patience of our families. Leading this community is challenging at the best of times. There are no words to adequately describe the role you play in our lives and the sacrifices you make so we can do what we do. We love you all very much.

It's that love and support that grants us the strength to continue working to ensure that Kelowna is a City we can all be proud of. An accepting, accessible, diverse and inclusive community that truly is a place for everyone. Thank you.

11. Regional District Appointments 2018-2022

His Worship Mayor Colin Basran presented the Regional District Appointments for 2018 through 2022.

Moved by Councillor Sieben/Seconded by Councillor Singh

THAT the Regional District appointments for the City of Kelowna be as follows:

Appointees

Mayor Colin Basran
Councillor Maxine Dehart
Councillor Gail Given
Councillor Charlie Hodge
Councillor Brad Sieben
Councillor Luke Stack
Councillor Loyal Wooldridge

Alternate

Councillor Mohini Singh

Carried

12. Gift Presentation to Outgoing Council

His Worship Colin Basran presented a gift of appreciation to former Councillor Tracy Gray.

13. Invitation to Reception

His Worship Colin Basran invited the guests in attendance to join members of Council for light refreshments.

14. Termination

The meeting was declared terminated at 7:46 p.m.

Mayor

/cm



City Clerk

REPORT TO COUNCIL



Date: November 19, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TH)

Application: Z18-0063

Owner: Lihua Feng

Address: 575 Radant Road

Applicant: Urban Options Planning and Permits

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan 11054, located at 575 Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated November 19, 2018;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a No-Build, No-Disturb Section 219 Restrictive Covenant within the 15.0 m Riparian Management Area of the subject property.

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant requiring demolition of all existing structures and dwellings, and completion of an Environmental Development Permit prior to any new construction.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to accommodate two dwelling housing.

3.0 Community Planning

Community Planning supports the proposed rezoning as the RU6 – Two Dwelling Housing zone is the highest density directed by the S2RES - Single Two Unit designation.

The RU6 zone amendment will see the removal of the existing dwelling that is currently located within the 15.0 m riparian setback (currently 7.1 m from Mission Creek natural boundary). Redeveloped lands along Mission Creek will see important environmental restoration works within the Riparian Management Area, these riparian works are a condition of this rezoning application.

4.0 Proposal

4.1 Background

1930 dwelling on a 1,983 sq.m. parcel.

Subject Property Map: 575 Radant Road

Riparian Management Area setback shown with yellow dashed line.



4.2 Project Description

As the parcel is adjacent to Mission Creek, the 15.0 m Riparian Management Area setback is required to be adhered to. Staff are in support of redevelopment on the subject parcel subject to the removal of the existing dwelling on the parcel prior to new construction on the parcel. This means that the existing dwelling may remain on the land until the owner is ready to redevelop the site. This also means that a new single family dwelling may not be constructed on the land if the existing dwelling remains on the land.

An Environmental development permit is required prior to any new construction. This permit will ensure riparian planting, fencing and erosion control are designed and monitored by a Qualified Professional. A restrictive covenant is also registered on the land to ensure disturbance does not occur within the Riparian Management Area.

Once the existing dwelling is removed and the Environmental Development Permit is fulfilled, the Riparian Management Area will be reclaimed to City standards and construction of any form of two dwelling housing will be permitted on the remainder of the parcel.

Kelowna's *Official Community Plan* seeks to ensure development on lands within sensitive ecosystems maintain or enhance contiguous habitat areas. Environmentally Sensitive Area Linkages policy speaks to the importance of the RMAs "Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors." A number of other OCP policies exist with regards to these environmentally sensitive areas and are noted in section 5.0 of this report.

4.3 Site Context

The subject parcel is located within the North Mission-Crawford sector of Kelowna, on the north side of Radant Road. Mission Creek runs along the north property line. The parcel is also located within 150 m of neighbourhood commercial area along Lakeshore Road, and is within 250 m of BC Transit rapid bus route.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Mission Creek C9	Mission Creek Multiple Family Dwellings
East	RU1	Single Family Dwelling
South	RU1	Single Family Dwelling
West	RU1	Single Family Dwelling

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m ²	1,983 m ²
Lot Width	18.0 m	21.6 m
Lot Depth	30.0 m	51.0 m
Development Regulations		
Site Coverage	40 % 50% with driveways & parking	t.b.d.
Height	9.5 m or 2.5 storeys	
Front Yard	4.5 m	
Side Yard (south)	2.3 m	
Side Yard (north)	2.3 m	
Rear Yard – Mission Creek setback	15.0 m	
Other Regulations		
Minimum Parking Requirements	2 stalls per dwelling	

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Biodiversity.¹ 1.4 Undertake recovery efforts to enhance or re-introduce species, sub-species and populations where species are threatened, endangered or extirpated.

Buffers² Buffers on private land should be protected by covenant.

Vegetation³ Plant native species of trees, shrubs and ground cover and discourage the use of vegetation that is not indigenous to the Okanagan Valley.

Urban Development⁴ Require that all development take place outside riparian management areas.

Minimum Riparian Management Areas (RMA)⁵

Mission Creek	Downstream of Gordon Drive	15.0 m
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Compact Urban Form.⁶ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Subject property is within 250 m of BC Transit rapid bus route. 150 m to neighbourhood commercial.

6.0 Technical Comments

6.1 Building & Permitting Department

Full plan check is required for any new construction. Demolition Permit required in order to remove existing dwelling.

6.2 Development Engineering Department

See attached Schedule "A" Development Engineering Memorandum.

¹ City of Kelowna Official Community Plan, Objective 1.0 (Natural Environment DP Chapter).

² City of Kelowna Official Community Plan, Objective 3.3 (Natural Environment DP Chapter).

³ City of Kelowna Official Community Plan, Objective 4.2 (Natural Environment DP Chapter).

⁴ City of Kelowna Official Community Plan, Objective 5.1 (Natural Environment DP Chapter).

⁵ City of Kelowna Official Community Plan, Table 12.1 (Natural Environment DP Chapter).

⁶ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: May 30, 2018

Date Public Consultation Completed: June 21, 2018

Report prepared by: Tracey Hillis, Planner

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A Development Engineering Memorandum

CITY OF KELOWNA

MEMORANDUM

Date: June 07, 2018
File No.: Z18-0063
To: Community Planning (TH)
From: Development Engineering Manager (JK)
Subject: 575 Radant Road RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus

1) **General**

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development

2) **Road Dedication and Subdivision Requirements**

- a) Dedicate 2.25m to 5.20m width along the full frontage of Radant Road to achieve a standard cross section SS-R3

3) **Domestic Water and Fire Protection**

- a) This property is currently serviced with a 19mm-diameter copper water service. One 50mm water services is required to meet current by-law requirements. One new 50mm service can be provided by the City at the owner's cost. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Jason Angus, by email jangus@kelowna.ca or phone, 250-469-8783.

4) **Sanitary Sewer**

- a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC) which is adequate for this application.

5) Road Improvements

- a) Radant Road must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$29,468.88** not including utility service cost
- b) Only the service upgrades must be completed at this time. The City wishes to defer the upgrades to Radant Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

6) Development Permit and Site Related Issues

- a) Direct the roof drains into on-site rock pits.
- b) A maximum driveway width of 6m is to be designed to.

7) Electric Power and Telecommunication Services

- a) It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost

8) Bonding and Levy SummaryLevies

Radant Road. frontage improvements	\$29,468.88
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Bonding

Service upgrades	To be determined
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James Kay, P. Eng.
Development Engineering Manager

JA

CITY OF KELOWNA
BYLAW NO. 11698
Z18-0063 – 575 Radant Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A Section 1 Township 25 ODYD Plan 11054, located on Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 19, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (BBC)

Application: Z18-0065 **Owner:** Lidia Bozena Baumgart

Address: 1720 Highland Dr. North. **Applicant:** Lidia Baumgart

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 29, Township 26, Osoyoos Division Yale District, Plan 28059, located at 1720 Highland Dr. North, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" from the Development Engineering Department dated June 7, 2018;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration on the subject property of a Section 219 Tree Protection Covenant to ensure the ongoing preservation of mature trees located on subject property.

2.0 Purpose

To rezone the subject property from RU1 - Large Lot Housing zone to RU6 – Two Dwelling Housing zone to facilitate the development of one additional single family dwelling.

3.0 Community Planning

Community Planning supports the proposed rezoning of the subject property from RU1 - Large Lot Housing to RU6 – Two Dwelling Housing to facilitate the development of one additional single family dwelling.

The property is designated as S2RES – Single/Two Unit Residential in the Official Community Plan (OCP) and as such the application to rezone to RU6 to construct an additional single family dwelling is consistent with the designated future land use. The proposed use is consistent with the OCP urban infill policies for Compact Urban Form and Sensitive Infill and the OCP generally supports the densification of neighbourhoods within the Growth Boundary through modest infill development.

There are a number of mature trees located throughout the subject property. The Applicant is dedicated to retain and protect the existing mature trees on the property during construction of the new dwelling. The proposed new dwelling has been designed to be located amongst the existing trees that are located along the front part of the property. Should Council support this application, the site development will require an Arborist to prepare tree protection plan for the mature trees, including temporary construction fencing during the construction phase. In addition, if supported, registration of a Tree Protection Covenant will be required prior to final adoption of Rezoning.

To fulfil Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on August 27, 2018, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background

The proposal is to rezone the subject property from RU1 - Large Lot Housing to RU6 – Two Dwelling Housing to facilitate the development of one additional single family dwelling. The property currently has a single family dwelling, and is proposed to remain as part of this development. The proposed RU6 zoning will allow for the construction of one additional dwelling in the front of the property.

4.2 Project Description

The proposed additional single family dwelling meets all of the zoning requirements for the RU6 – Two Dwelling Housing zone. Parking requirements for the new dwelling are met with an attached double car garage, and there is private open space to the north of the proposed new dwelling.

The close proximity to parks, schools, downtown, bicycle paths, and nearby transit on Clement Avenue, Clifton Road, and Glenmore Drive makes this an ideal location for increased density as per the OCP urban policies for Compact Urban Form and Sensitive Infill.

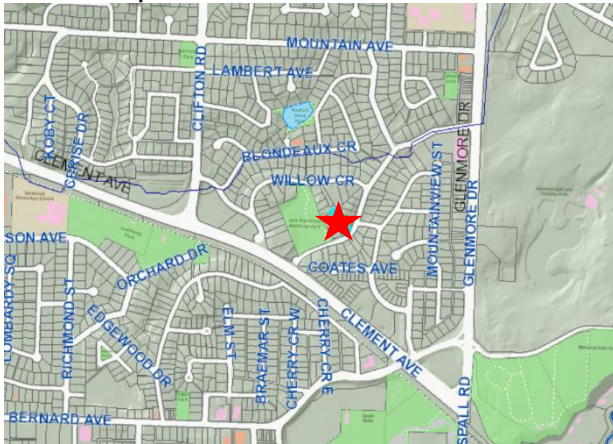
4.3 Site Context

The subject property is located in the Glenmore – Clifton – Dilworth Sector of Kelowna. Clement Avenue, Clifton Drive and Glenmore Drive are located to the south, west and east, respectively, of the property. It is accessed from Highland Dr. North, a cul-de-sac, and is approximately 200 meters north of the Trail To Rails recreational corridor. The area is characterized primarily by single family dwellings to the north, east and west, by medium density multiple housing to the south.

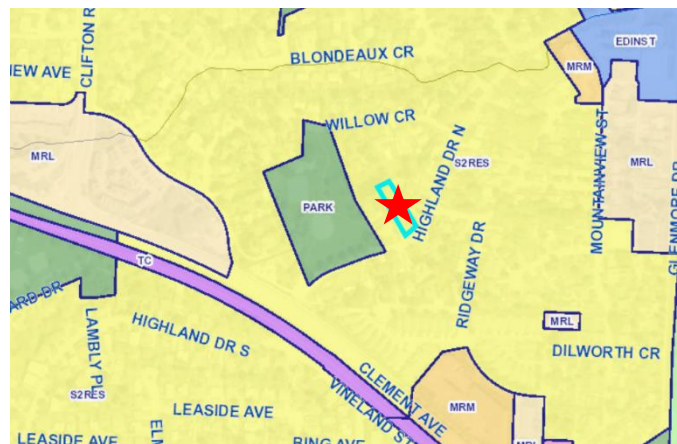
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1 – Large Lot Housing RU5 – Bareland Strata Housing RM5 – Medium Density Multiple Housing	Residential
West	RU1 – Large Lot Housing P3 – Park and Open Spaces	Residential Park

Context Map



Future Land Use



Subject Property Map: 1720 Highland Drive North



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Healthy Communities². Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Sensitive Infill.³ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering Department

- Please see attached Development Engineering Memorandum, dated June 7, 2018 (Attachment A).

6.3 Fire Department

- Access to both homes shall remain off of Highland Dr. N.
- Ensure both homes are addressed off of Highland Dr. N.

7.0 Application Chronology

Date of Application Received: May 1, 2018
Date Public Consultation Completed: August 27, 2018

Report prepared by: Barbara B. Crawford, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Development Engineering Memorandum, dated June 7, 2018
Schedule A – Applicant’s Rationale Letter, Site Plan, Conceptual Elevations, and Floor Plan.

² City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter)

CITY OF KELOWNA

MEMORANDUM

Date: June 07, 2018
File No.: Z18-0065
To: Community Planning (BC)
From: Development Engineering Manager (JK)
Subject: 1720 Highland Drive North RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus

1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development

2) Domestic Water and Fire Protection

- a) This property is currently serviced with a 19mm-diameter copper water service. One 50mm water services is required to meet current by-law requirements. One new 50mm service can be provided by the City at the owner's cost. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Jason Angus, by email jangus@kelowna.ca or phone, 250-469-8783.

3) Sanitary Sewer

- a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Jason Angus, by email jangus@kelowna.ca or phone, 250-469-8783.

4) Road Improvements

- a) Highland Drive North must be upgraded to an urban standard along the full frontage of this proposed development, including sidewalk and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$5,884.38** not including utility service cost

- b) Only the service upgrades must be completed at this time. The City wishes to defer the upgrades to Highland Drive North Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

5) Development Permit and Site Related Issues

- a) Direct the roof drains into on-site rock pits.
- b) A maximum driveway width of 6m is to be designed to.

6) Electric Power and Telecommunication Services

- a) It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost

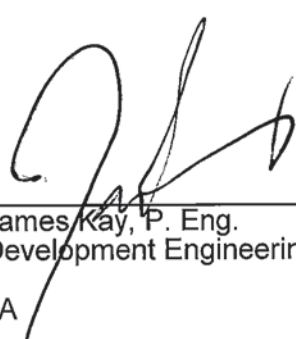
7) Bonding and Levy Summary

Levies

Highland Dr N. frontage improvements	\$5,884.38
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Bonding

Service upgrades	To be determined
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James Kay, P. Eng.
Development Engineering Manager

JA

April 24, 2018

City of Kelowna Planning Department

1435 Water Street
Kelowna, BC
V1Y 1J4

Re: Rezoning and Development Application

Address: 1720 Highland Drive N. Kelowna, BC V1Y 4K8

Below, please find the Design Rationale to support the development proposal to rezone the property at 1720 Highland Drive N. From RU1 to RU6 and construct a secondary dwelling on the same property.

Design Rationale

The property at 1720 Highland Drive N. is situated in old part of Glenmore, close to downtown Kelowna. The lot is 75 meters deep with the existing house in it's centre. The front part of the lot is currently covered with large pile of rocks, looking unattractive and empty.


Building additional dwelling in place of the rocks, would contribute to increased aesthetics of the neighbourhood. Neighbouring lots, on both sides of the property, have already been subdivided and built on.

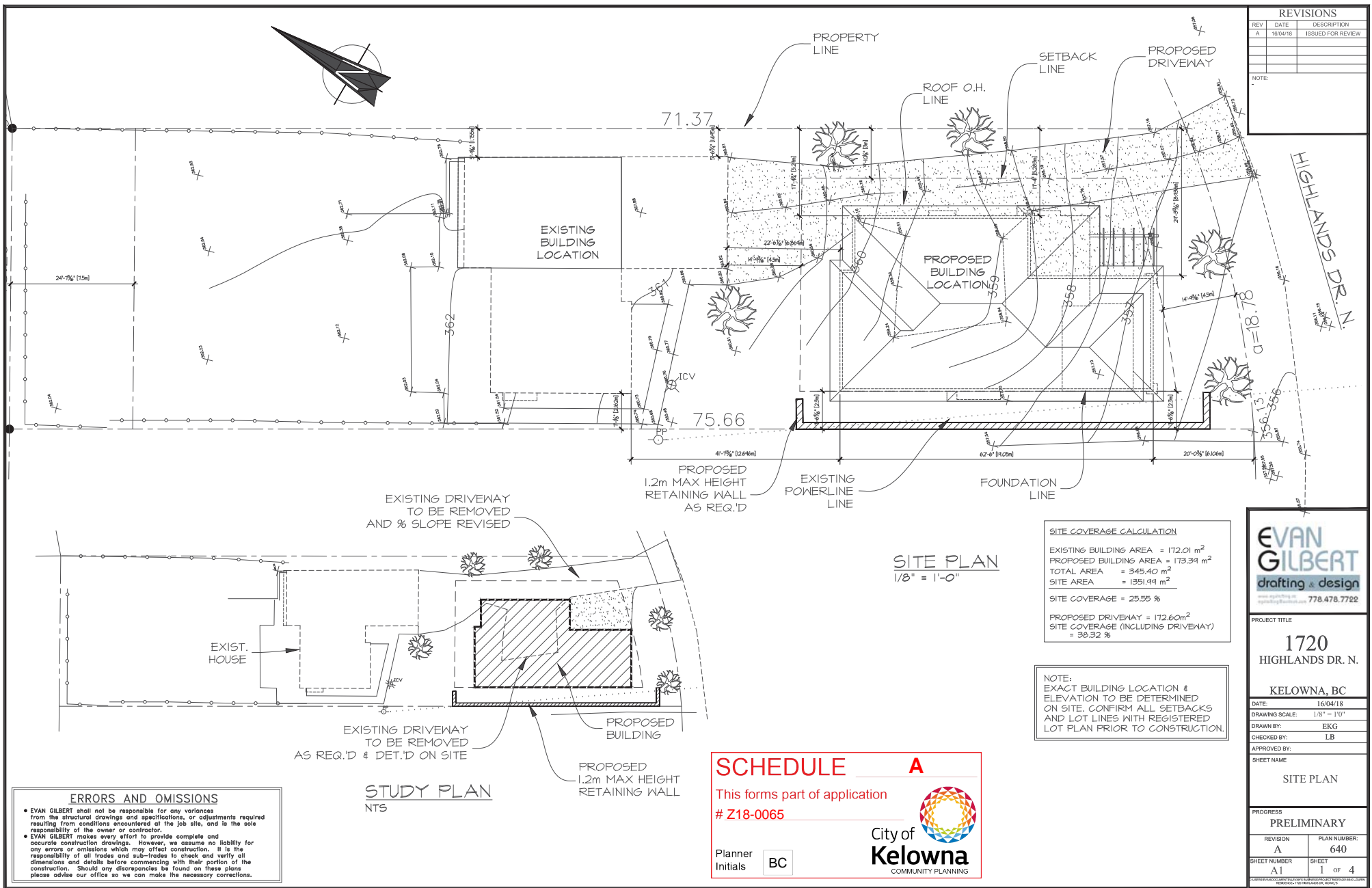
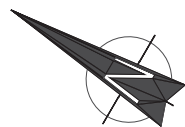
The proposed house has a modern, attractive and safe design. At the same time, the colours and materials are consistent with the neighbourhood character and style. Outdoor space, direct access to grade, covered parking and off street parking are included.

Considering the shortage of housing units in Kelowna, development of an empty piece of land, means addressing housing needs and is consistent with Kelowna Housing Strategy. It is also in agreement with the City of Kelowna future land use, which is for the said property : S2RES.

Thank you for accepting my application.

Sincerely,
Lidia Baumgart

SCHEDULE		A
This forms part of application		
# Z18-0065		
Planner Initials	BC	 City of Kelowna COMMUNITY PLANNING



REVISIONS		
REV	DATE	DESCRIPTION
A	16/04/18	ISSUED FOR REVIEW
NOTE:		

HIGHLANDS DR. N.

SITE PLAN
1/8" = 1'-0"

SITE COVERAGE CALCULATION	
EXISTING BUILDING AREA	= 172.01 m ²
PROPOSED BUILDING AREA	= 173.39 m ²
TOTAL AREA	= 345.40 m ²
SITE AREA	= 1351.99 m ²
SITE COVERAGE	= 25.55 %
PROPOSED DRIVEWAY	= 172.60 m ²
SITE COVERAGE (INCLUDING DRIVEWAY)	= 30.32 %

NOTE:
EXACT BUILDING LOCATION & ELEVATION TO BE DETERMINED ON SITE. CONFIRM ALL SETBACKS AND LOT LINES WITH REGISTERED LOT PLAN PRIOR TO CONSTRUCTION.

ERRORS AND OMISSIONS

- EVAN GILBERT shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- EVAN GILBERT makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

STUDY PLAN
NTS

SCHEDULE

A

This forms part of application

Z18-0065

Planner Initials

BC

City of Kelowna

COMMUNITY PLANNING

EVAN GILBERT

drafting & design

www.evangelbert.com 778.478.7722

PROJECT TITLE

1720 HIGHLANDS DR. N.

KELOWNA, BC

DATE: 16/04/18

DRAWING SCALE: 1/8" = 1'-0"

DRAWN BY: EKG

CHECKED BY: LB

APPROVED BY:

SHEET NAME

SITE PLAN

PROGRESS

PRELIMINARY

REVISION

PLAN NUMBER:

A

640

SHEET NUMBER

SHEET

A1

1 OF 4

CITY OF KELOWNA
BYLAW NO. 11699
Z18-0065 – 1720 Highland Drive North

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 29, Township 26, Osoyoos Division Yale District, Plan 28059, located on Highland Drive North, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 19, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (KB)

Application: Z18-0045 **Owner:** Lisa Carol White

Address: 1848-1854 Riverside Avenue **Applicant:** Urban Options Planning & Permits

Subject: Rezoning Application

Existing OCP Designation: S2RES- Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 14 Osoyoos Division Yale District Plan EPP81940, located at 1848-1854 Riverside Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the legalization of existing two dwelling housing.

3.0 Community Planning

Community Planning Staff support the application to rezone from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate the legalization of an existing duplex. The RU6 – Two Dwelling Housing zone is consistent with the existing Future Land Use designation of S2RES – Single / Two Unit Residential. The property is within the Permanent Growth Boundary and is in excess of the minimum lot dimensions for two dwelling housing under the proposed RU6 – Two Dwelling Housing zone. The

application meets the intent of several Official Community Plan (OCP) goals and policies related to containing growth within developed areas and providing for a variety of housing options.

The applicant has confirmed the completion of neighbourhood notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

Council previously considered a rezoning application from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing for this property, however the bylaws were rescinded in 2011, prior to receiving 4th reading. A Heritage Alteration Permit, and building permits for the exterior changes were issued in the fall of 2008, but they were cancelled in September 2011, after no work had been completed within that time. At some point after this, the work was completed by a previous owner without permits. A new owner is wanting to bring the property in to compliance.

As the existing dwelling was previously non-conforming and straddled two separate properties, the applicant recently completed a Technical Subdivision which saw the two properties consolidated and lot lines cleaned up.

4.2 Project Description

The proposal is to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to legalize an existing duplex. If the rezoning application is supported by Council, because the property is located within the Abbott Marshall Heritage Conservation Area, a Staff-issued Heritage Alteration Permit, would also be required prior to any building permits being issued.

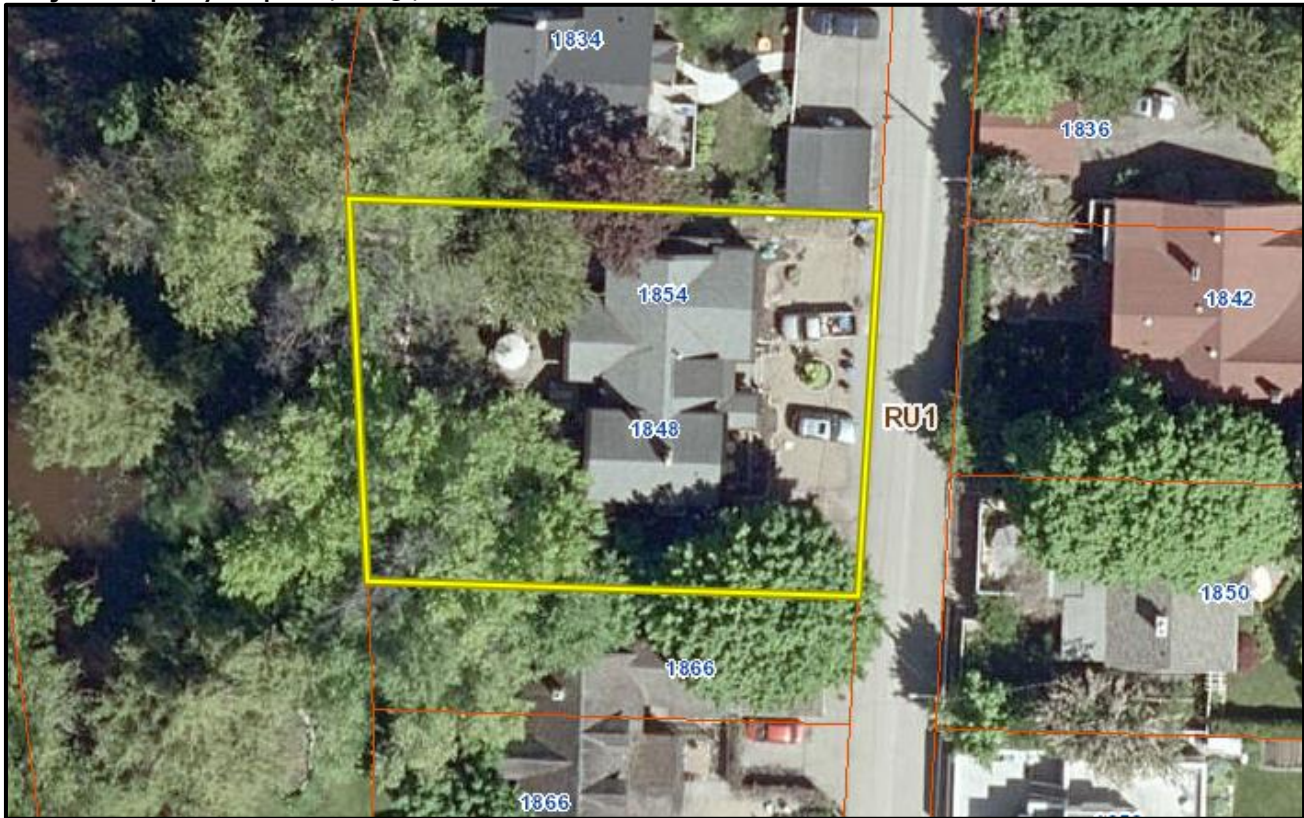
4.3 Site Context

The subject property is on the west side of Riverside Avenue, in the City's Central City Sector. The surrounding area is characterized by single dwelling housing. It is in close proximity to the downtown core, including City Park, Mill Creek Linear Park and the Abbott Street Recreation Corridor. It is within the City's Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Residential	Residential
East	RU1 – Large Lot Residential	Residential
South	RU1 – Large Lot Residential	Residential
West	P3 - Parks and Open Space	Park

Subject Property Map: 1848-1854 Riverside Avenue



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

- **Goal 1. Contain Urban Growth.** Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.
- **Goal 2. Address Housing Needs of All Residents.** Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Development Process

- **Objective 5.3 Focus development to designated growth areas.**
- **Policy 5.3.2 Compact Urban Form.** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.
- **Policy 5.22.6 Sensitive Infill.** Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

- **Policy 5.22.7 Healthy Communities.** Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.0 Technical Comments

6.1 Building & Permitting Department

- Work has been carried out without permits throughout the house that may require to be exposed and corrected under permit
- Fire separations are required between unit & installed under permit
- Correction of life safety and fire safety systems are required under permit

6.2 Development Engineering Department

- See attached City of Kelowna memorandum

7.0 Application Chronology

Date of Application Received: April 16, 2018
Date Public Consultation Completed: June 4, 2018
Date of Lot Consolidation Completed: September 25, 2018

Report prepared by: Kimberly Brunet, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – City of Kelowna Memorandum
Attachment B – Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: May 02, 2018
File No.: Z18-0045
To: Community Planning (KB)
From: Development Engineering Manager(JK)
Subject: 1848-1854 Riverside Ave RU1 to RU6

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus.

1. **Domestic Water and Fire Protection**

This property is currently serviced by two 19mm Services. No further upgrades are needed at this time.

2. **Sanitary Sewer**

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. No further utility upgrades are needed.

3. **Development Permit and Site Related Issues**

- Direct the roof drains into on-site rock pits or splash pads.
- Lot consolidation is required for this application

4. **Electric Power and Telecommunication Services**

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

5. **Parking**

Parking to be onsite as approved by Planning Officer.

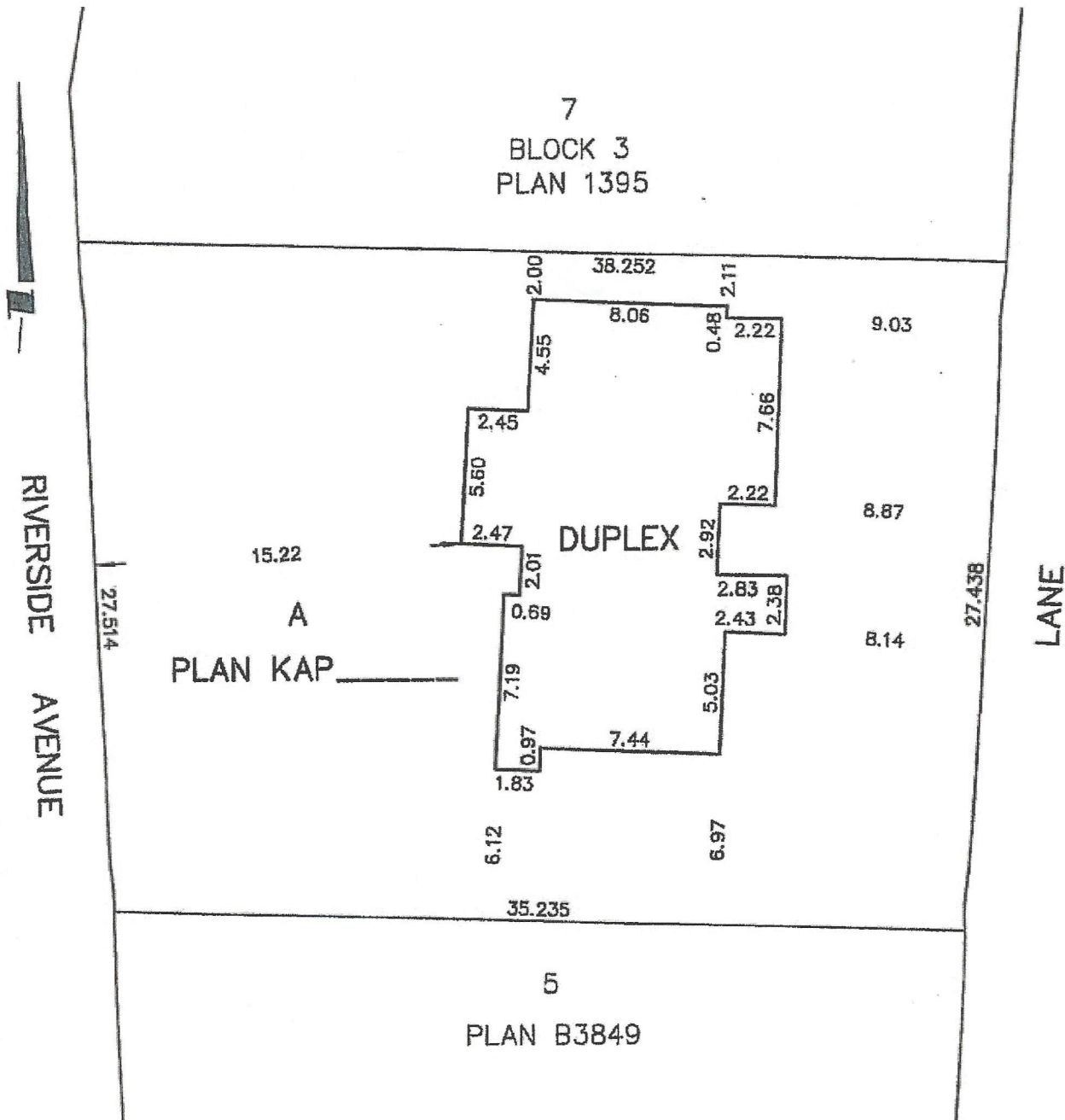

James Kay, P.Eng.
Development Engineering Manager

JA



B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT A, PLAN KAP_____, DL 14, ODYD.

1848 AND 1854 RIVERSIDE AVENUE



I HEREBY CERTIFY THAT THE ABOVE
SKETCH SHOWS THE REGISTERED
DIMENSIONS OF THE ABOVE DESCRIBED
PROPERTY AND RELATIVE LOCATION OF
THE BUILDINGS THEREON.

T.E. Ferguson

B.C.L.S., L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY
SIGNED AND SEALED

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY
AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: DOUG LANE

DATE: FEBRUARY 11, 2009

SCALE: 1:250 METRES

FILE: 18327

© T.E. FERGUSON LAND SURVEYING LTD.

T.E. Ferguson Land Surveying Ltd.

B.C. AND CANADA LAND SURVEYORS
404-1630 PANDOSY STREET, KELOWNA, B.C.
TELEPHONE: (250) 763-3115
FAX: (250) 763-0321

CITY OF KELOWNA
BYLAW NO. 11700
Z18-0045 – 1848 - 1854 Riverside Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A District Lot 14, Osoyoos Division Yale District Plan EPP81940, located on Riverside Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on this

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 19 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (HB)

Application: Z16-0048 **Owner:** Calvin & Sunok Condry

Address: 3031 Abbott Street **Applicant:** John Sproule

Subject: Rezoning Application Rescindment

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council receives, for information, the Report from the Community Planning Department dated November 19, 2018, with respect to Rezoning Application No. Z16-0048 for the property located at Lot 8 Block 2 District Lot 14 ODYD Plan 4743, 3031 Abbott Street, Kelowna BC;

AND THAT Bylaw No. 11337 be forwarded for rescindment consideration and the file be closed.

2.0 Purpose

To direct staff to close the file.

3.0 Community Planning

An application to rezone the subject property was made on July 26, 2016 to rezone from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone to facilitate the development of a proposed five-unit townhouse project on the subject property.

Bylaw No. 11337 received second and third readings at a Regular Meeting of Council on January 10, 2017, following the Public Hearing held on the same date. Final adoption of the zone amendment bylaw is subject to the applicant meeting the requirements of the Development Engineering Memorandum (Schedule A).

An application for extension was received on March 15, 2018 and supported by Council on July 30, 2018 to extend Rezoning Bylaw No. 11337 by one year to January 10, 2019; however, the property has since sold, and a new application has been submitted by the current owner.

Given the above, staff are recommending that Council rescind first reading and direct staff to close the file.

Subject Property Map: 3031 Abbott Street



4.0 Application Chronology

Date of Application Received:	July 26, 2016
Date of Public Hearing:	January 10, 2017
Date of Rezoning Extension:	July 30, 2018

Report prepared by: H. Benmore, Urban Planning

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

CITY OF KELOWNA

BYLAW NO. 11337

Z16-0048 – Calvin & Sunok Condly – 3031 Abbott Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Block 2, District Lot 14, ODYD, Plan 4743 located on Abbott Street, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 12th day of December, 2016.

Considered at a Public Hearing on the 10th day of January, 2017.

Read a second and third time by the Municipal Council this 10th day of January, 2017.

Rescinded and the file closed by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11283
Z16-0025 - Silver City Holdings Inc., Inc. No. 243348
700 McCurdy Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 143, ODYD, Plan 23765 located on McCurdy Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the I2 - General Industrial zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 12th day of September, 2016.

Considered at a Public Hearing on the 4th day of October, 2016.

Read a second and third time by the Municipal Council this 4th day of October, 2016.

Approved under the Transportation Act 6th day of October, 2016.

Audrie Henry
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11502
Z17-0064 – 1257 Rio Drive

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 6, Township 23, ODYD, Plan 19808 located on Rio Drive, Kelowna, B.C., from the RR1 – Rural Residential 1 zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of October, 2017.

Considered at a Public Hearing on the 7th day of November, 2017.

Read a second and third time by the Municipal Council this 7th day of November, 2017.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11652
Z18-0035 – 4624 Raymer Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 6, District Lot 357, ODYD, Plan 17105, located on Raymer Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 30th day of July, 2018.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11682
Z18-0080 – 1260 Thompson Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 71 Section 22 Township 26 Osoyoos Division Yale District Plan 19162, located on Thompson Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 17th day of September, 2018.

Considered at a Public Hearing on this 9th day of October, 2018.

Read a second and third time by the Municipal Council this 9th day of October, 2018.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: November 19, 2018
File: 0710-70
To: City Manager
From: Tracy Guidi, Sustainability Coordinator
Subject: Community Energy Specialist 2 Year Term Opportunity

Recommendation:

THAT Council receives, for information, the report from the Policy and Planning Department, dated November 19, 2018 with respect to a Community Energy Specialist two-year term opportunity;

AND THAT the 2018 Financial Plan be amended to include up to \$154,000 in grant funding from the FortisBC's Climate Action Partners Program.

Purpose:

To approve a two-year term Community Energy Specialist position, funded through FortisBC's Climate Action Partners Program.

Background:

FortisBC's Climate Action Partners Program is designed to assist BC's local governments and other organizations in developing, promoting and delivering low carbon energy solutions throughout BC. The program provides funding to support a staff resource within an organization to act as a champion and project manager to lead energy policy development, energy efficiency and conservation program implementation and to raise awareness of FortisBC's programs and available incentives through the community.¹

Over the past year, the City of Kelowna has piloted a Community Energy Specialist (CES) position, funded through FortisBC's Climate Action Program. During the pilot, the CES researched, developed and engaged on an Energy Step Code Strategy; supported the development of Kelowna's Community Climate Action Plan; coordinated with staff on FortisBC's electric vehicle charging infrastructure grant application including up to 3 locations in Kelowna; and promoted conservation and energy efficiency programs in the community.

¹ FortisBC, 2018. Climate Action Partners: Senior Energy Specialist Program Guide.

Due to the success of the pilot for the City of Kelowna, FortisBC has committed to fully fund a Community Energy Specialist (CES) position for a two-year term. This is a unique opportunity for the City as Fortis' Climate Action Partners Program typically only funds 50 per cent of the salary to a maximum of \$50,000 annually for two years. However, in order for the City to take advantage of this offer, the City must commit to FortisBC's constrained timelines. A contract must be signed with FortisBC and the CES position must be hired prior to the end of 2018. Staff are currently working with Fortis and the City's Human Resources department to try and adhere to these deadlines.

It is up to each municipality to work with FortisBC to develop a work plan that suits the needs of the community. Over the next two years, the Community Energy Specialist position would focus on:

1. **Reducing energy use in buildings.** Buildings and the energy they use are responsible for 49 per cent of community energy expenditures. Kelowna's Community Climate Action Plan identifies a number of actions to reduce energy use (and consequently greenhouse gas emissions) in new and existing buildings that the CES would focus on including:
 - Developing policy, implementing, and educating on the Energy Step Code;
 - Reviewing and developing energy policy for the Official Community Plan update;
 - Developing a community energy retrofit strategy; and
 - Leveraging municipal touch points to encourage energy efficiency in the community.
2. **Reduce energy use in transportation.** The CES will research and compile information for a community electric vehicle (EV) strategy including researching and developing policy and incentives for standards for City infrastructure and research best practices to expand the private EV network.
3. **Renewable natural gas (RNG).** The CES will support the Utility Planning Manager in reviewing options and potential for RNG production as part of a potential food waste digester project being proposed for the Brandt's Creek Trade Waste Treatment facility.

It is noteworthy to distinguish this position as being independent and distinct from the Energy Program Manager, also partially funded through FortisBC, whose position focuses on developing and implementing a sustainable energy management program that is corporately focused. The proposed two-year term CES position would be focused on community activities for energy reduction.

In summary, there are numerous benefits to taking advantage of this opportunity. It allows for the advancement of several actions identified in recently endorsed plans such as the Community Climate Action Plan and the Healthy Housing Strategy. Hiring a position with specialized skills will ensure successful implementation of several work plan items over multiple departments including Planning, Building and Permitting, and Parking Services. Finally, this can all be accomplished with zero impact to taxation.

Existing Policy:

- OCP Goal 4: **Improve Energy Efficiency and Performance of Buildings.** Improve the energy efficiency and environmental performance of buildings and infrastructure by embracing sustainable solutions, such as district energy systems, and by providing clear guidelines and incentives for green components for developers.
- OCP Objective 5.16 Improve the energy efficiency and environmental performance of new buildings.

- OCP Objective 6.2 Improve energy efficiency and reduce community greenhouse gas emissions.
- OCP Policy 6.2.1 **GHG Reduction Target and Actions**. The City of Kelowna will, in partnership with: senior governments; local residents and businesses; NGOs; external agencies; and utility providers, work towards reducing absolute community greenhouse gas emissions by:
 - 4% below 2007 levels by 2023;
 - 25% below 2007 levels by 2033; and
 - 80% below 2007 levels by 2050
- Our Kelowna as We Take Action: Kelowna's Community Climate Action Plan outlines actions the City can take a lead role in to improve the energy performance and reduce GHG emissions in new and existing buildings. Further, it also outlines actions to encourage renewable energy and to develop policy to expand electric vehicle infrastructure.

Financial/Budgetary Considerations:

FortisBC has committed to fully fund a Community Energy Specialist CES position for a two-year term through a grant from FortisBC's Climate Action Partners Program. The City's 2018 Financial Plan will need to be amended to include up to \$154,000 in grant funding to cover the two-year term position starting in Q4 of 2018.

Personnel Implications:

A Community Energy Specialist two-year term management exempt contract would be created.

Submitted by:

Danielle Noble-Brandt, Policy and Planning Department Manager

Approved for inclusion:



D. Edstrom, Divisional Director of CP & SI

cc:

Divisional Director, Community Planning and Strategic Investments
 Development Services Director
 Energy Program Manager
 Human Resources Manager, Corporate Services
 Financial Planning Manager
 Utility Planning Manager
 Parking Services Manager
 Grants & Special Projects Manager

Report to Council



Date: November 5, 2018

File: 0920-40 Subdivision Applications

To: City Manager

From: Development Services (MB)

Subject: Latecomer Agreement - Tina Court Sanitary Sewer

Report Prepared by: James Kay, P.Eng, Development Engineering Manager

Recommendation:

THAT Council endorse the Latecomer Agreement – Tina Court Sanitary Sewer between the City and the owner of Lot A Plan EPP73625 which was subdivided and required to provide excess and extended services;

AND THAT Council impose Latecomer charges for excess or extended services shown in Appendix C on the benefitting lands listed in Appendix B;

AND FURTHER THAT the Mayor and Clerk be authorized to execute this Latecomer Agreement;

Purpose:

For Council to endorse the execution of a Latecomer Agreement for the recovery of developer-funded costs for Excess or Extended Services.

Background:

The City of Kelowna Latecomers Policy and Guidelines outlines the framework, which has been followed, and the City's standard Latecomer Agreement has been utilized.

The owner at 482 Clifton Road North applied to subdivide their parcel and the new owner of 469 Tina Court applied to install a private sewer connection from their lot to the sanitary sewer on Clifton Road. Our Development Engineering Manager directed the proponent to install a public sanitary forcemain with the capacity/ability to service adjacent properties should they choose to connect at a future date.

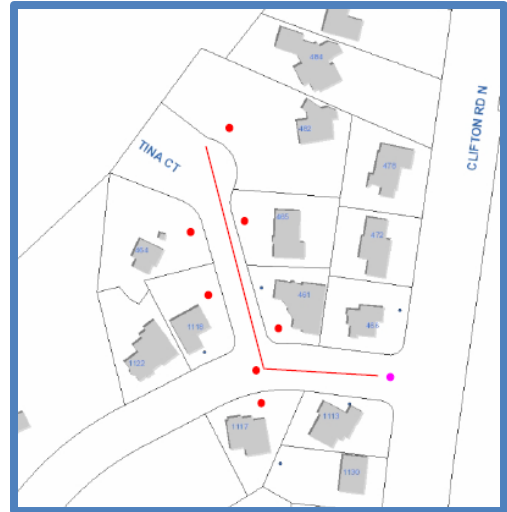
Summary

The proponent undertook the civil engineering design, paid the required connection fees, and installed the sanitary forcemain this summer at a cost of \$136,419.74.

The consultant has identified seven benefitting lots or connections, resulting in a Latecomer Connection Fee of \$19,488.53 per lot. This cost is only payable by the adjacent owners if they choose to connect to this sewer, within the duration of this agreement.

Legal/Statutory Authority:

Local Government Act, Sections 507 & 508



Existing Policy:

Latecomer Policy and Guidelines

Submitted by:

James Kay, P.Eng, Development Engineering Manager

Approved for inclusion:



Mo Bayat, Dept. Manager, Development Services

Attachments:

- 1) Latecomer Agreement - Tina Court Sanitary Sewer
- 2) Latecomer Policy & Guidelines

CC:

Acting Divisional Director, Community Planning & Strategic Investments
Divisional Director, Infrastructure
Divisional Director, Financial Services
Infrastructure Engineering Manager

LATECOMER AGREEMENT

THIS AGREEMENT dated for reference the _____th day of _____ 2018

BETWEEN:

CITY OF KELOWNA
1435 Water Street
Kelowna, B.C.
V1Y 1J4
(the "City")

AND:

Mr. Stafford McKergow
2145 Bickerenridge Court
Kelowna, BC, V1V 1W2
(the "Owner")

WHEREAS:

- A. The Owner has applied to the City to Develop the Owner's Lands herein defined on Appendix A and is in accordance with the City's Subdivision & Development Bylaw providing water, sewage, drainage, or Highway facilities, or a combination of such facilities, that will serve the Owner's Lands;
- B. A portion of the water, sewage, drainage, or Highway facilities (herein defined as "Excess or Extended Services") will serve the Benefitting Lands herein defined on Appendix B, which Benefitting Lands do not include the Owner's Lands;
- C. The City considers that its costs to provide the Excess or Extended Services in whole or in part are excessive, and requires the Owner of the Owner's Lands, and the owners of any other lands that, in the opinion of the City, will benefit from the Excess or Extended Services, to pay the cost of the Excess or Extended Services;
- D. The City is authorized to enter into this agreement under Section 508 of the Local Government Act;
- E. The Council of the City has by way of Bylaw No. 6519, as amended or replaced from time to time, set the rate of interest referred to under Section 508 of the Local Government Act and in paragraph 3 of this agreement;

THIS AGREEMENT IS EVIDENCE THAT in consideration of the \$ 1.00 (plus GST) the mutual covenants and agreements made by each of the parties to the other as set out in this agreement, and for other valuable consideration (the receipt and sufficiency of which is hereby acknowledged) the City and the Owner covenant and agree as follows:

Interpretation

1. In this agreement

- (a) "Benefitting Lands" means the lands other than the Owner's Lands that:
 - (i) in the opinion of the City, will be served by the Excess or Extended Services, which Benefitting Lands are, subject to paragraph 1(a)(ii), legally described on Appendix B;
 - (ii) may be connected to the Excess or Extended Services after completion of those Excess or Extended Services upon payment of the connection fee indicated in Appendix C;
- (b) "Excess or Extended Services" means any combination, as shown in. Appendix C, of a portion of a:
 - (i) Highway system required to be constructed and installed by the owner that will provide access to lands other than the lands, or
 - (ii) water, sewage, or drainage system constructed and installed by the owner that will serve land other than the lands;
- (c) "Latecomer" means an Owner of Benefitting Lands;
- (d) "Owner's Lands" means those certain lands equally described in Appendix A and owned by the Owner in respect of which the Owner is constructing works and services, a portion of which systems constitutes the Excess or Extended Services that will serve the Benefitting Lands;
- (e) "Owner " in respect of real property means the registered owner of an estate in fee simple, and includes:
 - (i) the tenant for life under a registered life estate,
 - (ii) the registered holder of the last registered agreement for sale,
 - (iii) the holder or occupier of land held in the manner mentioned in Sections 356 and 357 of the Municipal Act,
- (f) Substantial Performance is the stage of completion of all the Works and Services when:
 - (i) the Works and Services are ready to be used for their intended purpose, as certified by the Consulting Engineer; and
 - (ii) the total of the incomplete, defective and deficient Works and Services can be completed at a cost, as estimated by the Consulting Engineer; and verified by the City Engineer, of no more than 3% of the total cost of the Works and Services.

2. The City shall pay to the Owner charges imposed by the City under Section 508 of the of the Local Government Act based upon the formula described on Appendix C, only if and to the extent the charges are paid by the Latecomers and collected by the City during the period commencing on the date of Substantial Performance and ending on the earlier of:
 - (i) the date on which the Owner's costs in connection with the Excess or Extended Services, determined in accordance with Section 11.1 of the Subdivision & Development Servicing Bylaw 7900, have been paid to the Owner; and
 - (ii) August 01, 2033 – 15 years from the date of Substantial Performance.

Interest

3. There shall be included in the charge payable by the Latecomer under Section 508 interest calculated annually at a rate prescribed by a Bylaw of the City, payable for the period commencing on Substantial Performance, up to the date that the connection is made, or the use commences, and if paid by the Latecomer and collected by the City during the period referred to in paragraph 2, the interest shall be paid to the Owner.

Assignment or Transfer of Owner's Rights

4. This Agreement may not be assigned by the Owner without the prior written consent of the City. In the event of a dispute as to the beneficiary of this Agreement, the City may, at its option, commence an action in interpleader joining any party claiming rights under this agreement, or other parties which the City believes to be necessary or proper, and the City shall be discharged from further liability on paying the person or persons whom the court having jurisdiction over such interpleader action shall determine, and in such action the City shall be entitled to recover its reasonable legal fees and costs, which fees and costs shall constitute a lien upon all funds accrued or accruing pursuant to this Agreement.

Indemnity

5. The Owner covenants not to sue the City, its administrators, successors, assigns, directors, officers, agents, employees, servants, tenants, solicitors, consultants, and anyone else for whom the City is in law liable, by reason of or arising out of or in any way connected with any error, omission, or conduct of the City in relation to the Excess or Extended Services, including, without the generality of the foregoing, a failure of the City to pass a resolution, enact a bylaw, enter into an agreement, impose a charge, calculate a charge correctly, or collect a charge under Section 508 of the Local Government Act.

Termination

6. Upon the expiration of the Term, the City shall be forever released and wholly discharged from all liability and obligations hereunder this agreement, or howsoever arising pertaining to the Latecomer Charges, and whether arising before or after the expiry of this agreement.
7. Paragraphs 5 to 16 shall survive the termination of this agreement.

Owner Representation on and Warranty

8. The Owner represents and warrants to the City that the Owner has not received, claimed, demanded, or collected money or any other consideration from the Latecomers for the provision, or expectation of the provision of the Excess or Extended Services, other than as contemplated and as provided for under this agreement; and further represents and warrants that the Owner has not entered into any agreement with the Latecomers for consideration in any way related to or connected directly or indirectly with the provision of the Excess or Extended Services.

Miscellaneous

9. Time is of the essence.
10. Any notice required by this agreement will be sufficiently given if delivered by mail to the parties at the addresses first above written.
11. This agreement will ensure to the benefit of and be binding on the parties hereto and their respective successors and assigns.
12. This agreement shall be governed by the laws of the Province of British Columbia.
13. This agreement constitutes the entire agreement between the City and the Owner with regard to the subject matter hereof and supersedes all prior agreements, understandings, negotiations, and discussions, whether oral or written of the City with the Owner.
14. No amendment or waiver of any portion of this agreement shall be valid unless in writing and executed by the parties to this agreement. Waiver of any default by a party shall not be deemed to be a waiver of any subsequent default by that party.
15. A reference in this agreement to the City or the Owner includes their permitted assigns, heirs, successors, officers, employees, and agents.
16. The Owner represents and warrants to the City that:
 - (a) all necessary corporate actions and proceedings have been taken by the Owner to authorize its entry into and performance of this agreement;
 - (b) upon execution and delivery on behalf of the Owner, this agreement constitutes a valid and binding contractual obligation of the Owner;
 - (c) neither the execution and delivery, nor the performance, of this agreement shall breach any other agreement or obligation, or cause the Owner to be in default of any other agreement or obligation, respecting the Owner's Lands; and
 - (d) the Owner has the corporate capacity and authority to enter into and perform this agreement.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the year and date first above written.

SIGNED, SEALED AND DELIVERED by the (Owner) in the presence of:

Authorized Signatory (Print Name and Position of person signing)

Authorized Signatory (Print Name and Position of person signing)

SIGNED, SEALED AND DELIVERED by the CITY OF KELOWNA in the presence of:

Authorized Signatory (Print Name) Mayor

Authorized Signatory (Print Name) City Clerk

Appendix A to Latecomer Agreement

August 25, 2018

Legal Description of Owner's Land	Roll Number	KID Number
Lot A Plan EPP73625	0	827712

Appendix B to Latecomer Agreement

Benefiting Lands

August 25, 2018

Legal Description of Benefiting Lands	Roll Number	KID Number
Lot A Plan KAP70761, Section8, Township23	3387438	578687
Lot B Plan KAP70761, Section 8, Township23	3387439	578699
Lot 11 Plan KAP28178, Section 8, Township23	3387150	332597
Lot 8 Plan KAP28178, Section 8, Township23	3387135	222063
Lot A Plan KAP57178, Section 8, Township23	3387437	419477
Lot 13 Plan KAP28178, Section 8, Township23	3387160	332585

Appendix C to Latecomer Agreement

Extended Services Connection Fee
Calculations



Legend

Clifton Road Connection Fee.
\$21,303.59

Benefiting Lots Connection Fee
\$ 19,488.53

Clifton Road Connection Fee	\$21,303.59
Construction Costs	\$100,101.00
Engineering @15%	\$15,015.15
Total Cost	\$136,419.74

Number of Benefiting Lots or Connections. 7

Connection Fee \$19,488.53



Notes

0 45 90Meters

May 24, 2018

This map is for general information only. The City of Kelowna does not guarantee its accuracy, currency or completeness. All information should be verified.

Certificate of Payment - Summary

CFP # 1

Client:
Contractor: Matcon
Date: 04-May-18
Project Number: 17011
Project Name: Tina Court

Description		Contract Amount	To Date Amount	Previous	Current CFP
1.0 Earthworks and Site Preparation		\$ 23,015.00	\$ 12,380.00	\$ -	\$ 12,380.00
2.0 Roads and Site Improvement		\$ 28,590.00	\$ 29,786.00	\$ -	\$ 29,786.00
3.0 Concrete Features		\$ 1,800.00	\$ 2,400.00	\$ -	\$ 2,400.00
4.0 Utilities		\$ 66,295.00	\$ 36,935.00	\$ -	\$ 36,935.00
5.0 Electrical		\$ 13,000.00	\$ 13,000.00	\$ -	\$ 13,000.00
6.0 General MMCD Contract Requirements		\$ 5,600.00	\$ 5,600.00	\$ -	\$ 5,600.00
Sub Total		\$ 138,300.00	\$ 100,101.00	\$ -	\$ 100,101.00
10% Holdback	0%		\$ -	\$ -	\$ -
Deficiency Holdback			\$ -	\$ -	\$ -
Sub Total		\$ 138,300.00	\$ 100,101.00	\$ -	\$ 100,101.00
GST	5%	\$ 6,915.00	\$ 5,005.05	\$ -	\$ 5,005.05
Total		\$ 145,215.00	\$ 105,106.05	\$ -	\$ 105,106.05
Total Payable				\$	105,106.05

The amount payable indicated in this certificate for payment may be subject to a reduction by the owner.

Contract Administrator: Matt Cameron, P.Eng., FEC

Reviewed By: Andrew Zelke, CA, CPA

Final quantities to be field verified by survey or field measure

Date: 2018-05-04
Project Number: 17011
Project Name: Tina Court
Project Manager/CA: MHC
Prepared By: AAZ
Reviewed By: MHC

See paragraph 5.3.1 of the Instructions to Tenderers – Part II
All prices and Quotations including the Contract Price shall include all Taxes , but shall not include PST/GST . PST/GST shall be shown separately.

Item	MMCD Section	Payment Item	Specification Title - Item Description	Unit	Tendered Quantity	Tender Unit Price	Tender Amount	To Date Quantity	To Date Amount	Previous Quantity	Previous Amount	Current Quantity	Current Amount
1.0 Earthworks and Site Preparation													
	31 11 01		Clearing and Grubbing										
1.1		1.4.1, 1.4.2	Clearing and Grubbing	Lump Sum	1.00	\$ 1,600.00	\$ 1,600.00	-	\$ -	-	\$ -		\$ -
	31 23 17		Rock Removal										
1.2		1.6.4	Trench Rock Hammering - Provisional Item	Lump Sum	1.00	\$ 10,000.00	\$ 10,000.00	-	\$ -	-	\$ -	-	\$ -
	31 24 13		Roadway Excavation, Embankment and Compaction										
2.1		1.8.4	Remove Existing Asphalt or Concrete Pavement, Sidewalks, Driveways c/w sawcut	Square Meters	510.00	\$ 14.00	\$ 7,140.00	562.00	\$ 7,868.00	-	\$ -	562.00	\$ 7,868.00
2.2		1.8.5	Remove Existing Curbs and Gutters and Disposed of Offsite	Meters	9.00	\$ 95.00	\$ 855.00	12.00	\$ 1,140.00	-	\$ -	12.00	\$ 1,140.00
1.5		1.8.9	Subgrade Preparation - c/w lap joint	Square Meters	570.00	\$ 6.00	\$ 3,420.00	562.00	\$ 3,372.00	-	\$ -	562.00	\$ 3,372.00
Section 1 Sub-Total							\$ 23,015.00		\$ 12,380.00		\$ -		\$ 12,380.00
2.0 Roads and Site Improvement													
	32 11 16.1		Granular Sub-Base										
2.1		1.4.3	165mm Granular Sub-Base	Square Meters	510.00	\$ 14.00	\$ 7,140.00	562.00	\$ 7,868.00	-	\$ -	562.00	\$ 7,868.00
	32 11 23		Granular Base										
2.2		1.4.2	75mm Granular Base	Square Meters	510.00	\$ 13.00	\$ 6,630.00	562.00	\$ 7,306.00	-	\$ -	562.00	\$ 7,306.00
	32 12 16		Hot-Mix Asphalt Concrete Paving										
2.3		1.5.1, 1.5.2	50mm Asphalt Pavement	Square Meters	570.00	\$ 26.00	\$ 14,820.00	562.00	\$ 14,612.00	-	\$ -	562.00	\$ 14,612.00
Section 2 Sub-Total							\$ 28,590.00		\$ 29,786.00		\$ -		\$ 29,786.00
3.0 Concrete Features													
	03 30 20		Concrete Walks, Curb And Gutter										
3.1		1.4.4	Depress Barrier Curb & Gutter	Meters	9.00	\$ 200.00	\$ 1,800.00	12.00	\$ 2,400.00	-	\$ -	12.00	\$ 2,400.00
Section 3 Sub-Total							\$ 1,800.00		\$ 2,400.00		\$ -		\$ 2,400.00
4.0 Utilities													
	33 11 01		Waterworks										
4.1		1.8.4 / SS	25mm Water Service Connections - CoK Drawing SS-W2	Each	1.00	\$ 1,100.00	\$ 1,100.00	1.18	\$ 1,300.00	-	\$ -	1.18	\$ 1,300.00
4.2		1.8.11	25mm Hot Tapping c/w valve - main size 150mm	Each	1.00	\$ 500.00	\$ 500.00	1.12	\$ 560.00	-	\$ -	1.12	\$ 560.00
	33 34 01		Sewage Force mains										
4.3		1.8.2, 1.8.3	50mm Series 160 PVC Force main - Native Backfill	Meters	174.00	\$ 80.00	\$ 13,920.00	174.00	\$ 13,920.00	-	\$ -	174.00	\$ 13,920.00
4.4		1.8.3	50mm - End Cap c/w Thrust Block	Each	1.00	\$ 40.00	\$ 40.00	1.00	\$ 40.00	-	\$ -	1.00	\$ 40.00
4.5		1.8.3	50mm - Tee c/w Thrust Block	Each	1.00	\$ 115.00	\$ 115.00	1.00	\$ 115.00	-	\$ -	1.00	\$ 115.00
4.6		1.8.3	50mm - 22.5 Degree Bend c/w Thrust Block	Each	1.00	\$ 175.00	\$ 175.00	1.00	\$ 175.00	-	\$ -	1.00	\$ 175.00
4.7		1.8.3	50mm - 5 Degree Vertical Bend c/w Thrust Block	Each	1.00	\$ 135.00	\$ 135.00	1.00	\$ 135.00	-	\$ -	1.00	\$ 135.00
4.8		1.8.3	In-line Gate Valves 50mm	Each	3.00	\$ 800.00	\$ 2,400.00	3.00	\$ 2,400.00	-	\$ -	3.00	\$ 2,400.00
4.9		1.8.10	Force main Tie-In - 50mm diameter into existing manhole	Each	1.00	\$ 650.00	\$ 650.00	1.00	\$ 650.00	-	\$ -	1.00	\$ 650.00
4.10			E-One Lift Station - DH071 c/w E-One uni-lateral chack valve and 32mm FM	Lump Sum	1.00	\$ 18,440.00	\$ 18,440.00	-	\$ -	-	\$ -		\$ -
4.11			32mm Sanitary Service Connections - as per detail on CTQ D-101	Each	4.00	\$ 3,600.00	\$ 14,400.00	2.00	\$ 7,200.00	-	\$ -	2.00	\$ 7,200.00
4.12			Additional Bedding for Fortis Gas in Trench	Linear Meters	130.00	\$ 20.00	\$ 2,600.00	130.00	\$ 2,600.00	-	\$ -	130.00	\$ 2,600.00
	33 44 01		Manholes and Catch basins										
4.13		1.5.1.5	Energy Dissipation Structure c/w rebenching - install to ex manhole as per deatil on CTQ D-101	Each	1.00	\$ 3,980.00	\$ 3,980.00	-	\$ -	-	\$ -		\$ -
4.14		1.5.1.1	Sanitary Force main Pigging Port - as per detail on CTQ D-101	Each	2.00	\$ 3,920.00	\$ 7,840.00	2.00	\$ 7,840.00	-	\$ -	2.00	\$ 7,840.00
Section 4 Sub-Total							\$ 66,295.00		\$ 36,935.00		\$ -		\$ 36,935.00
5.0 Electrical													
	26 56 01		Roadway Lighting										
5.1		1.9.1	Roadway Lighting	Each	1.00	\$ -	\$ -	-	\$ -	-	\$ -		\$ -
5.2		1.9.1	Lamp Standard Bases & Ducting - as per City of Kelowna Standards	Each	1.00	\$ 2,200.00	\$ 2,200.00	1.00	\$ 2,200.00	-	\$ -	1.00	\$ 2,200.00
5.3			Remove ex Lamp Standard, Base and Ducting	Lump Sum	1.00	\$ 1,550.00	\$ 1,550.00	1.00	\$ 1,550.00	-	\$ -	1.00	\$ 1,550.00
	26 56 01*		Shallow Utilities										
5.4		1.9.1	Hydro, Telephone and Cable Ducting - (Fortis BC, TELUS, Shaw)	Meters	30.00	\$ 285.00	\$ 8,550.00	30.00	\$ 8,550.00	-	\$ -	30.00	\$ 8,550.00
5.5			Supply/Install Fortis Service Box	Lump Sum	1.00	\$ 700.00	\$ 700.00	1.00	\$ 700.00	-	\$ -	1.00	\$ 700.00
Section 5 Sub-Total							\$ 13,000.00		\$ 13,000.00		\$ -		\$ 13,000.00
6.0 General MMCD Contract Requirements													
			General Requirements										
6.1			Mobilization/Demobilization	Lump Sum	1.00	\$ 2,600.00	\$ 2,600.00	1.00	\$ 2,600.00	-	\$ -	1.00	\$ 2,600.00
6.2			Survey - Pre Construction, Construction, and Asbuil	Lump Sum	1.00	\$ 3,000.00	\$ 3,000.00	1.00	\$ 3,000.00	-	\$ -	1.00	\$ 3,000.00
Section 6 Sub-Total							\$ 5,600.00		\$ 5,600.00		\$ -		\$ 5,600.00
TENDER PRICE							\$ 138,300.00		\$ 100,101.00		\$ -		\$ 100,101.00

Client Name: City of Kelowna

Project Name: North Clifton - Offsite Works - Forcemain / Gravity Sewer Section

Reference No: 5111047-004

Summary Sheet

Schedule 2e - Cost Estimate - Latecomer

Item Number	Title	Amount
1	General Requirements	\$ 6,455.55
2	Concrete	\$ 4,524.80
3	Earthworks	\$ 43,225.79
4	Roads and Site Improvements	\$ 29,946.47
5	Utilities	\$ 100,229.30
	Engineering (15%)	\$ 27,657.29
	Total Estimated Cost	\$ 212,039.20
	Average Per Lot Estimate (All 10 lots)	\$ 21,203.92

Item #	MMCD Reference	Item Description	Unit	Estimated Quantity	Unit Price	Total Price
1	General Requirements					
1.1	01 53 01	SPP-1 Mobilization / De-Mobilization	LS	1	\$ 1,419.34	\$ 1,419.34
1.2	01 33 01	SPP-2 Survey Layout and Project Record Documents, including as-built survey	LS	1	\$ 1,210.04	\$ 1,210.04
1.3	01 55 01	SPP-3 Traffic Control, Vehicle Access and Parking	LS	1	\$ 3,826.17	\$ 3,826.17
Sub-Total Section 1						\$ 6,455.55
2	Section 3 - Concrete					
2.1		Machine Placed Rollover Curb and Gutter	LM	44.8	\$ 101.00	\$ 4,524.80
Sub-Total Section 3						\$ 4,524.80
3	Section 31 - Earthworks					
3.1		Rock Removal for Utility Trenches, including services	m ³	347.0	\$ 124.57	\$ 43,225.79
3.2		Clearing and Grubbing, including Disposal off site	m ²	0	\$ 8.73	\$ -
Sub-Total Section 31						\$ 43,225.79
4	Section 32 - Roads and Site Improvements					
		ROAD WORKS				
4.1		Crushed Granular Sub-Base, 200mm thickness	m ²	363.1	\$ 11.12	\$ 4,037.67
4.2		Granular Base, 100mm thickness	m ²	363.1	\$ 7.01	\$ 2,545.33
4.3		AC Pavement, 60mm thickness base course Clifton Road North	m ²	175.6	\$ 17.07	\$ 2,997.49
4.4		AC Pavement, 40mm thickness surface course Clifton Road North	m ²	175.6	\$ 11.42	\$ 2,005.35
4.5		AC Pavement, 50mm thickness basecourse (Lane)	m ²	187.5	\$ 27.31	\$ 5,120.63
		WALKWAYS, BOULEVARDS AND PLANTING				
4.6		Hydroseeding	m ²	0.0	\$ 3.98	\$ -
4.7		Driveway Asphalt Restoration	ea.	0.0	\$ 400.00	\$ -
4.8		Driveway Concrete Restoration	ea.	0.0	\$ 2,214.00	\$ -
4.9		Lot Frontage Restoration	ea.	10.0	\$ 1,324.00	\$ 13,240.00
Sub-Total Section 32						\$ 29,946.47
5	Section 33 - Utilities					
		SANITARY SEWERS				
5.2		200mm PVC DR 35 sanitary sewer main				
		a. 1-2m Depth	LM	183.0	\$ 176.92	\$ 32,376.36
		b. 2-3m Depth	LM	18.0	\$ 202.67	\$ 3,648.06
5.3		150mm PVC DR 35 sanitary sewer main				
		a. 1-2m Depth	LM	112.0	\$ 202.74	\$ 22,706.88
5.4		100mm PVC DR 26 sanitary service connection c/w inspection chamber	ea.	10.0	\$ 1,298.00	\$ 12,980.00
5.5		50mm PVC SCH 80 sanitary pressure service connection	ea.	0.0	\$ 734.24	\$ -
5.6		Pressure sewer service connection chamber	ea.	0.0	\$ 552.00	\$ -
		MANHOLES AND CATCHBASINS				
5.7		1050mm dia. Sanitary Manhole				
		a. 1-2m Depth	ea.	5	\$ 4,496.00	\$ 22,480.00
		b. 2-3m Depth	ea.	1	\$ 4,734.00	\$ 4,734.00
5.8		Internal drop connection for 1050mm dia. Sanitary Manhole	ea.	1	\$ 1,304.00	\$ 1,304.00
Sub-Total Section 33						\$ 100,229.30

Notes:

1. Actual construction Unit Rates applied
2. GST is not included.

Report to Council



Date: November 19, 2018

File: 1405-20

To: City Manager

From: Jerry Dombowsky, Transit and Programs Manager

Subject: Rapid Bus 2009 Gas Tax Grant Agreement – Funding Reallocation to Rutland Transit Exchange Phase 2/Shepherd Road Extension project
Report Prepared by: Mike Kittmer, Transit Service Coordinator

Recommendation:

THAT Council receive, for information, the report from the Transit and Programs Manager, dated November 19, 2018 regarding the Rapid Bus 2009 Gas Tax Grant Agreement – funding reallocation to Rutland Transit Exchange Phase 2/Shepherd Road Extension project;

AND THAT the 2018 Financial Plan be amended to include the reallocation of \$138,400 in surplus Federal Gas Tax funds to the current Rutland Transit Phase 2/Shepherd Road Extension project.

Purpose:

To amend the City's 2018 Financial Plan to include Federal Gas Tax Grant funding to the Rutland Transit Phase 2/Shepherd Road Extension project for the purchase and installation of 4 transit shelters.

Background:

Federal Gas Tax Revenue funds under the Regionally Significant Projects Fund and General Strategic Priorities Fund are administered by The Union of British Columbia Municipalities (UBCM). The City of Kelowna (and its Regional Partners through the Regional District Board) entered into a pooled funds funding agreement with UBCM for the delivery of multiple transit infrastructure projects funded from these sources. Additionally, BC Transit entered into an agreement with UBCM for use of funds to purchase buses for deployment in the Kelowna Regional Transit System and for the acquisition and installation of Transit Signal Priority (TSP) bus transponders.

A surplus of \$158,654 remains as a result of costs to upgrade the Transit Operating Centre coming in lower than initially anticipated and the purchase of one Custom Transit bus being deferred. On June 25th, 2018 the Regional Board approved the reallocation of \$138,400 of the surplus funds to the Rutland Transit Phase 2 project for the purchase and installation of 4 transit shelters. The remaining \$20,250 of surplus funds was approved to remain under the agreement with BC Transit to increase the available budget for TSP bus equipment.

Internal Circulation:

Divisional Director, Infrastructure

Financial Planning Manager

Department Manager, Infrastructure Administration

Financial/Budgetary Considerations:

On June 25, 2018 the Regional Board approved the reallocation of \$138,400 of surplus funds, associated with the Rapid Bus 2009 Gas Tax Grant agreement, to the Rutland Transit Phase 2/ Shepherd Road Extension project. The 2018 Financial Plan will need to be amended to include these funds which will be used to purchase and install 4 additional transit shelters that were not originally included in this project.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

Mike Kittmer, Transit Service Coordinator

Reviewed by, J. Dombowsky, Transit and Programs Manager

Approved by, Rafael Villarreal, Manager, Integrated Transportation Department

Approved for inclusion:



A. Newcombe, Divisional Director, Infrastructure

Attachments: Regional Board Approval

cc: Divisional Director, Financial Services
Divisional Director, Infrastructure

Report to Council



Date: November 19, 2018
File: 0610-50
To: City Manager
From: Shayne Dyrdal, Senior Airport Finance & Corporate Services Manager
Subject: Amendment to Kelowna International Airport Fees and Charges Bylaw No. 7982
Report Prepared by: Paul Crenson, Acting Airport Administration Manager

Recommendation:

THAT Council receive for information the report of the Senior Airport Finance & Corporate Services Manager dated November 19, 2018 with respect to the changes to the Airport Fees Bylaw No. 7982;

THAT the 2018 Financial Plan be amended to include an additional \$164,000 of parking revenues to be contributed to the Groundside Reserve;

AND THAT Bylaw No. 11715 being Amendment No. 32 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

Purpose:

To obtain Council's approval to amend the Kelowna International Airport's fees and charges by amending Bylaw No. 7982.

Background:

Parking Fees

Kelowna International Airport's (YLW's) passenger numbers have increased by 38% between the ten months ended October 31, 2013 and the same period in 2018. This increase in passenger numbers has resulted in capacity constraints for YLW's parking infrastructure and increased operational costs. YLW anticipates there will be a need to build additional parking infrastructure in the immediate future, which will result in increased capital costs and further operational costs. YLW is proposing an increase to parking fees effective December 1, 2018, to help offset the costs associated with the expansion of

parking infrastructure. The proposed parking fees have been developed in accordance with YLW's low-cost business model. Parking fees were last increased on April 1, 2014.

The proposed fee increases are:

Location	Description	Current	Proposed
Valet	Valet parking	\$15.00	\$20.00
Curbside	Parking meters (30 minutes)	\$1.75	\$2.00
Short-term	First hour	\$1.50	\$1.75
	Each subsequent hour	\$2.50	\$2.75
	Daily	\$18.50	\$21.00
	Gold Pass (6 months prepaid)	\$900.00	\$1,025.00
Long-term	First hour	\$1.50	\$1.75
	Each subsequent hour	\$2.50	\$2.75
	Daily	\$12.00	\$14.00
	Weekly	\$62.00	\$70.00

Security Fees and Charges

YLW's Security Fees and Charges consist of fees for restricted area identification cards (RAIC), security passes, security keys, parking decals and fuel cards that are lost, damaged or not returned. The Airport has seen an increased rate of these items being lost, damaged or not returned and has identified that YLW's Security Fees and Charges are lower than those at other airports. YLW is proposing an increase to Security Fees and Charges effective January 1, 2019, to continue to improve the level of security at YLW. Security Fees and Charges were last increased on February 15, 2014.

The proposed fee increases are:

Description	Offence	Current	Proposed
Lost or damaged security RAIC	1 st	\$50.00	\$100.00
	2 nd	\$100.00	\$200.00
	3 rd	\$150.00	\$300.00
Failure to return RAIC on termination of employment (charged to employer)		\$25.00	\$100.00
Lost visitor security pass		\$25.00	\$100.00
Lost security key		\$25.00	\$100.00
Lost parking decal		\$25.00	\$100.00
Failure to return visitor security pass, security key or parking decal on termination of employment (charged to employer)		\$0.00	\$100.00

Internal Circulation:

Jackie Dueck, Controller
Melanie Antunes, Budget Supervisor
Jessica Hewitt, Communications Advisor
Jodie Foster, Community Communications Manager

Financial/Budgetary Considerations:

The 2018 Financial Plan will require the addition of \$164,000 of parking revenue budget which will be contributed to the Groundside Reserve. The security fee adjustment is not expected to generate enough additional revenue to warrant a budget adjustment

Legal/Statutory Authority:**Legal/Statutory Procedural Requirements:****Existing Policy:****Personnel Implications:****External Agency/Public Comments:****Communications Comments:****Alternate Recommendation:****Considerations not applicable to this report:**

Submitted by:

S. Dyrdal, Senior Airport Finance & Corporate Services Manager

Approved for inclusion:



Doug Gilchrist, City Manager
Sam Samaddar, Airport Director

cc:

Genelle Davidson, Divisional Director, Financial Services
Stephen Fleming, City Clerk
George King, Financial Planning Manager

CITY OF KELOWNA

BYLAW NO. 11715

Amendment No. 32 to Airport Fees Bylaw No. 7982

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Airport Fees Bylaw No. 7982 be amended as follows:

1. THAT **Section 14. AUTOMOBILE PARKING FEES**, that reads:

"Section 14. AUTOMOBILE PARKING FEES

Effective April 1, 2014

14.1 PARKING LOTS:

- | | |
|--|--|
| (a) Short Term Lot | First 15 minutes free
\$1.50 for the 1 st hour or part thereof
(includes first 15 minutes)
\$2.50 for each additional hour or part thereof to a maximum of
\$18.50 per 24 hours
\$900.00 for "Gold Pass" a six month pre-purchase program. |
| (b) Long Term Lot | First 15 minutes free
\$1.50 per hour or part thereof (includes first 15 minutes), to a
maximum of \$12.00 per 24 hours and a weekly maximum rate
of \$62.00. |
| (c) North End Lot &
North Airport Way | First 24 hours free \$8.00 for each additional 24 hours or part
thereof. |

14.2 CURBSIDE PARKING METERS \$1.75 per 30 minutes

Note: All automobile parking fees include applicable taxes."

be deleted in its entirety and replaced with the following:

"Section 14. AUTOMOBILE PARKING FEES

Effective December 1, 2018

14.1 PARKING LOTS:

- | | |
|--------------------|---|
| (a) Short Term Lot | \$1.75 for the 1 st hour or part thereof
\$2.75 for each additional hour or part thereof to a maximum of
\$21.00 per 24 hours
\$1025.00 for "Gold Pass" a six month pre-purchase program. |
| (b) Long Term Lot | \$1.75 per hour or part thereof
\$2.75 for each additional hour or part thereof to a maximum of
\$14.00 per 24 hours and a weekly maximum rate of \$70.00. |

(c) North End Lot & North Airport Way First 24 hours free \$8.00 for each additional 24 hours or part thereof.

(d) Valet Parking \$20.00

14.2 CURBSIDE PARKING METERS \$2.00 per 30 minutes

Note: All automobile parking fees include applicable taxes."

2. AND THAT Section 25. SECURITY FEES AND CHARGES that reads:

"25. Security Fees and Charges - Effective February 15, 2014:

25.1 Lost or damaged security Restricted Area Identification Card (RAIC)

- a. 1st Offence \$50.00
- b. 2nd Offence \$100.00
- c. 3rd and subsequent Offences \$150.00

Note: Fee is waived if security RAIC is considered stolen and police file number or ICBC claim number is produced to verify

25.2 Failure to Return RAIC on termination of employment - \$25.00 (charged to employer)

25.3 Lost Visitor Security Pass - \$25.00 (charged to escort)

25.4 Lost Security Key - \$25.00

25.5 Lost Parking Decal - \$25.00

25.6 Lost Fuel Cards

- a. 1st Offence \$50.00
- b. 2nd Offence \$100.00
- c. 3rd and subsequent Offences \$150.00"

be deleted in its entirety and replaced with the following:

"25. Security Fees and Charges - Effective January 1, 2019:

25.1 Lost or damaged security Restricted Area Identification Card (RAIC)

- a. 1st Offence \$100.00
- b. 2nd Offence \$200.00
- c. 3rd and subsequent Offences \$300.00

Note: Fee is waived if security RAIC is considered stolen and police file number or ICBC claim number is produced to verify

25.2 Failure to return RAIC on termination of employment - \$100.00 (charged to employer)

25.3 Lost Visitor Security Pass - \$100.00 (charged to escort)

25.4 Lost Security Key - \$100.00

25.5 Lost Parking Decal - \$100.00

25.6 Failure to return visitor security pass, security key or parking decal on termination of employment - \$100.00 (charged to employer)

25.7 Lost Fuel Cards

- a. 1st Offence \$50.00
- b. 2nd Offence \$100.00
- c. 3rd and subsequent Offences \$150.00"

- 3. This bylaw may be cited for all purposes as "Bylaw No. 11715, being Amendment No. 32 to Airport Fees Bylaw No. 7982."
- 4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: November 19, 2018
File: o625-08
To: City Manager
From: Chief Election Officer
Subject: Election 2018 Results and Ballot Account Report

Recommendation:

THAT Council receive the Election 2018 Results and Ballot Account Report from the Chief Election Officer, dated November 19, 2018 for information.

Purpose:

To report on the final results and ballot account for the City of Kelowna 2018 General Local Election

Background:

At the close of voting on general voting day, October 20, 2018 a total of 32,151 Kelowna voters cast a ballot in the City of Kelowna 2018 General Local Election.

The attached 'Declaration of Official Results and Ballot Account' has been prepared for presentation to Council as required under the *Local Government Act*. The Official Results will then be forwarded to the Queen's Printer for publication by the Province of B.C.

Election Summary:

Over six days of voting and 24 opportunities, as well as special and mail ballot voting, a total of 32,151 residents cast their vote for City of Kelowna Council and School Trustees. This represents 30.43% of the estimated 105,645 eligible voters.

In keeping with the principles of fairness and accessibility the 2018 election bylaws included multiple ways to vote with the use of advance, additional, voter assistance technology, special and mail ballot voting, in addition to General Voting Day. This variety of options allowed for a trial Saturday advance voting day on October 13; use of the voter assist terminal over all six days of voting at Parkinson Recreation Centre; Kelowna General Hospital and residential care facilities for special voting; and the return to the unique voting locations of Orchard Park Mall with special hours, UBC-Okanagan, Okanagan College, and the indoor soccer fields at the Capital News Centre. Throughout the city, voting places for our residents included neighbourhood schools, as well as community centres.

Overall, for the number of voting opportunities provided, there were 380 election positions filled by individuals hired and trained as Presiding Election Officials, Alternate Presiding Election Officials and Election Officials. In addition to the principles of fairness, accessibility and awareness, the election officials training and conduct focused on their critical role in maintaining the integrity of the registration and voting process and the secrecy of the ballot.

New for 2018 was the introduction of student greeters assigned to various voting locations in a volunteer capacity. This initiative with SD#23 provided 11 students the opportunity to be involved in the election while earning credits towards their community service requirements for graduation.

Following the posting of unofficial results at the close of voting on October 20, and the determination of the final results on October 23, the official results were declared on Tuesday, October 23, 2018.

Next Steps:

A review of the 2018 election plan, including budget, administration, communication, and feedback received from residents is currently underway. This, along with an election staff survey, will help summarize the 2018 election successes, challenges and opportunities, and inform future election planning.

As our city grows, research and discussion will be ongoing in various areas related to elections and citizen engagement, including voting locations, the role of the City, if any, in facilitating candidate-resident information exchanges, election office space and staffing needs, as well as the bylaws that guide election administration, planning and voting opportunities.

Legal/Statutory Authority:

Local Government Act, Part 3 Electors and Election

Legal/Statutory Procedural Requirements:

Local Government Act, Division 17, S.158

Existing Policy:

Bylaw No.11565 - 2018 General Local Elections and other voting – establishes election procedures

Bylaw No. 10970 – Use of Automated Voting Machines – permits use of voting/voter assist machines

Bylaw No. 10547 – Elector registration – establishes same day voter registration

Bylaw No. 10411 – Election Sign - regulates duration, placement, number permitted during an election

Financial/Budgetary Considerations:

Funding in support of the four-year election cycle is provided through regular annual budget contributions to the Election Reserve Fund for a 2018 total of \$210,600. With a few outstanding invoices yet to be received, we anticipate the cost of election 2018 to come in slightly under budget.

Personnel Implications:

The 2018 election budget included funding for a six (6) month election clerk to assist in the preparation and administration of the general local election; with additional support from staff in the Office of the City Clerk.

Communications Comments:

Kelowna residents were provided information about voting and the voting process through traditional media, including news releases, discretionary and statutory newspaper ads, online advertising, and a voter information card which was mailed to over 57,000 Kelowna households.

Along with traditional forms of communication, the City's website and social media channels (Facebook, Twitter, Instagram) provided voters with election information. Social media users were encouraged to share the election message through their own social media platforms and share images with the popular 'I Voted' stickers, as well as the new #KelownaVOTES social media photo frames

Internal Circulation:

City Clerk
Legislative Coordinator
Communication Advisor

Considerations not applicable to this report:**External Agency/Public Comments:****Alternate Recommendation:**

Submitted by:

K. Needham, Chief Election Officer/Deputy City Clerk

Approved for inclusion:



D. Gilchrist, City Manager

cc: Province of B.C. - Queen's Printer

Declaration of Official Election Results – General Local Election 2018

I, Karen Needham, Chief Election Officer, do hereby declare elected the following candidates, who received the following number of valid votes for the office as follows:

For one (1) Mayor

<u>Candidate</u>		<u>Number of Votes Received</u>
Basran, Colin	(Elected)	18,118
Dyas, Tom		9518
Kennedy, Bobby		2671
Schewe, Bob		1507

For eight (8) Councillors

<u>Candidate</u>		<u>Number of Votes Received</u>
Bell, Lindsay		5897
Bond, Kevin		3550
Boyer, Mark		4136
Carson, Wayne		3114
Dahms, Greg		2829
DeHart, Maxine	(Elected)	16,706
Donn, Ryan	(Elected)	13,236
Given, Gail	(Elected)	16,323
Hodge, Charlie	(Elected)	14,429
Hostland, Craig		5,239
James, Graeme		8,789
Lalli, Amarjit Singh		8,087
Lovegrove, Gordon		10,886
Piattelli, Jeff		3,243
Rajabally, Mo		3,067
Sargent, Dustin		7,688
Sieben, Brad	(Elected)	14,675
Singh, Mohini	(Elected)	14,586
Stack, Luke	(Elected)	15,150
Van Meeteren, Stef		1974
Wooldridge, Loyal	(Elected)	12,495

For four (4) School Trustees

<u>Candidate</u>		<u>Number of Votes Received</u>
Bowman, Norah	(Elected)	10,965
Cacchioni, Rolli	(Elected)	10,696
Frank, Chelsea		4996
Fraser, Joel		3055
Fraser, Julia	(Elected)	9754
Giesbrecht, Terry		6699
Kyle, Stuart		4126
Nierfeld, Joachim		4356
Pagliocchini, Peter		7435
Tiede, Lee-Ann	(Elected)	11,542

Summary of Ballot Accounts

	Mayor	Councillor	School Trustee
Ballots distributed by the Chief Election Officer	53,800	53,800	52,750
Number of ballots cast	32,151	32,151	32,123
Number of spoiled ballots	388	388	388
Total number of ballots given out during voting	32,539	32,539	32,511
Unused ballots at the end of voting	21,233	21,233	20,211
Ballots not accounted for in accounts	28	28	28
Total number of ballots accounted for	53,800	53,800	52,750

Estimated Voter Turnout

Number of electors casting a ballot 32,151

Estimated number of eligible electors 105,645

Percentage of voters: 30.43%

I hereby certify the foregoing to be a true statement of the votes cast; of the ballot paper account; and of the results of the City of Kelowna 2018 General Local Election.

Given under my hand this 23rd day of October 2018



Karen Needham, Chief Election Officer

Report to Council



Date: November 19, 2018
File: o600-10
To: City Manager
From: Deputy City Clerk
Subject: Establishment Bylaw – Local Area Service for the Southeast Kelowna Integration Project

Recommendation:

THAT Council receive the report of the Deputy City Clerk regarding the establishment of a Local Area Service for the Southeast Kelowna Integration Project, dated November 19, 2018 for information;

AND THAT Council give readings to Bylaw No. 11623 being the 'Establishment of Southeast Kelowna Water Local Area Service'.

Purpose:

To establish a water local area service for Southeast Kelowna as required by a Provincial Order-in-Council related to the water integration project.

Background:

On June 04, 2018, the B.C. Provincial Government signed an Order-in-Council (OIC) related to the integration of the South East Kelowna Irrigation District (SEKID) with the City of Kelowna. The dissolution order allows the City of Kelowna to lend funds internally to cover the SEKID portion of the construction costs associated with the integration project. The project will separate the irrigation water supply and provide for the supply and installation of a new potable domestic water supply for residents in Southeast Kelowna.

As part of the Order-in-Council, the City must adopt an establishment bylaw that describes the service to be provided, defines the boundaries of the local service area, and identifies the methods of cost recovery and the portion of the costs of the service that are to be recovered by the local service tax.

The local area service incorporates the boundaries of SEKID that are within the City of Kelowna according to their amended Letters Patent.

Following completion of the project work, the City will recover the portion of the total project costs through the benefitting parcels in the local service area.

Legal/Statutory Authority: Province of British Columbia, Orders of the Lieutenant Governor in Council, Order-in-Council No. 276-2018, approved and ordered June 04, 2018.

Legal/Statutory Procedural Requirements: Community Charter s.211(2)(3)

Financial/Budgetary Considerations:

The May 14, 2018 Budget Amendment for the Kelowna Integrated Water Supply Plan Phase One included internally financing the SEKID portion of the project costs, estimated to be in the amount of \$15,342,226. The estimated carrying costs and the cost of internal financing is in the amount of \$5,971,327 with the total cost to be recovered by the Southeast Kelowna Water Local Area Service being the amount of \$21,313,553.

Internal Circulation:

Divisional Director Financial Services
City Clerk
Senior Engineer – Infrastructure
Utility Services Manager
Financial Planning Manager
Communications Advisor

Considerations not applicable to this report:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

K. Needham, Deputy City Clerk

Approved for inclusion: ☐ Stephen Fleming, City Clerk

cc: Financial Planning Manager

CITY OF KELOWNA

BYLAW NO. 11623

A bylaw of the City of Kelowna to establish a local area service for the purpose of creating a Local Area Service for the South East Kelowna Integration Project

WHEREAS Order in Council 276/2018, dissolved the South East Kelowna Irrigation District, transferred the Irrigation District's rights, property, assets, and obligations to the City of Kelowna, continued the Irrigation District's water service as a local area service of the City of Kelowna, and required that the City of Kelowna, for the purposes of establishing the local area service, adopt a bylaw under Section 211 of the *Community Charter* within a reasonable period;

AND WHEREAS Section 211 of the *Community Charter*, and amendments thereto, require that a bylaw to establish a local area service:

- (a) Describe the service;
- (b) Define the boundaries of the local service area;
- (c) Identify the methods of cost recovery for the service, including the form of local service tax and the portion of the costs of the service that are to be recovered by the local service tax; and,
- (d) If applicable, identify the portion of the costs of the service that are to be recovered by a general property tax;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. Pursuant to Order in Council 276/2018 and Section 211 of the *Community Charter*, there is hereby established and shall be a local area service to be known as the "South East Kelowna Water Local Area Service" for the purposes of :
 - a. Providing, operating, maintaining, undertaking and carrying out, or causing to be carried out, the supply and installation of a potable domestic water supply, including without limitation transmission mainlines, reservoirs, pump stations, and water supply improvements; and,
 - b. Providing, operating, maintaining, undertaking and carrying out, or causing to be carried out, the supply and installation of an irrigation water supply, including without limitation transmission mainlines, reservoirs, pump stations, and water supply improvement,

and to do all things necessary in connection therewith, including without limitation acquiring any and all such real property, easements, and right-of-ways, and to enter into leases, and to obtain other rights and authorities as may be required or desired.

2. The boundaries of the local service area for the South East Kelowna Water Local Area Service are as described in Section 3 of Order in Council 276/2018, as shown on Schedule "A" attached to and forming part of this bylaw.

Bylaw No. 11623 - Page 2.

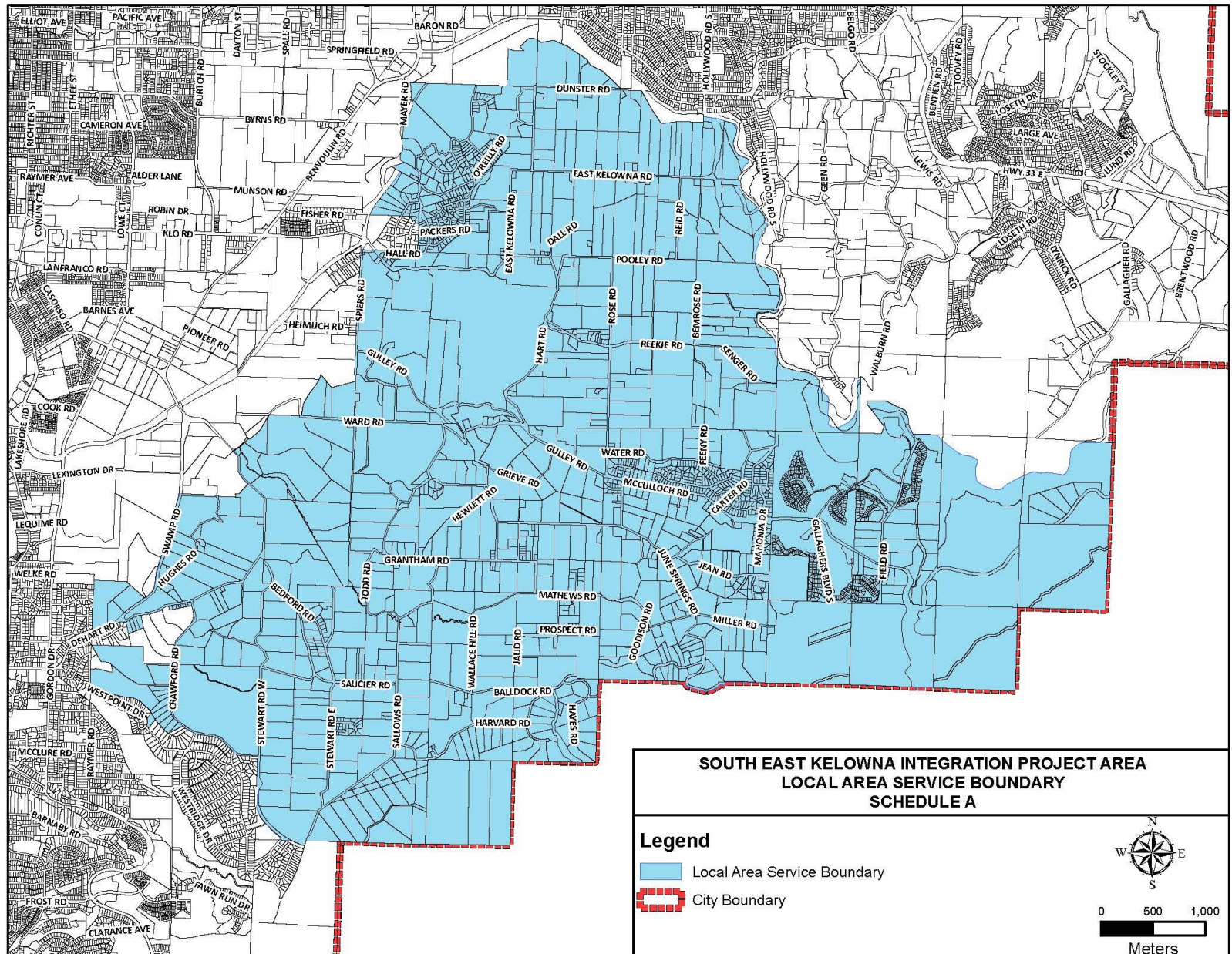
3. The costs of the South East Kelowna Water Local Area Service shall be recovered by:
 - a. Fees imposed under Section 194 of the *Community Charter*; and,
 - b. Local service taxes under Section 216 of the *Community Charter*.
4. Local service taxes imposed in accordance with Section 3(b) above, shall be in the form of parcel taxes under Division 4 of Part 7 of the *Community Charter*, with the portion of the costs of the South East Kelowna Water Local Area Service being recovered through parcel taxes being \$21,313,553 plus the amount by which the costs of construction of the new potable domestic water supply shown and described in the description, plans, and specifications of the South East Kelowna Water Integration Project exceeds \$58,279,125, levied in 18 annual instalments.
5. The Council may, by bylaw, merge this local area service with any other local area service created to provide water works whether contiguous or not, for the purpose of providing, consolidating or completing necessary work for such merged areas.
6. This bylaw shall take effect on the date of its adoption by Council.
7. This bylaw shall be cited as "Establishment of South East Kelowna Water Local Area Service Bylaw No. 11623".

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Report to Council



Date: November 19, 2018
File: 1125-01-024
To: City Manager
From: A. Warrender, Acting Real Estate Manager
Subject: 2115 Rutland Court – Road Closure
Report Prepared by: B. Walker, Property Officer

Recommendation:

THAT Council receives, for information, the Report from the Acting Manager, Real Estate Services dated November 19, 2018, recommending that Council adopt the proposed closure of a portion of road adjacent to 2115 Rutland Court;

AND THAT Bylaw No. 11680, being proposed road closure of a portion of road adjacent to 2115 Rutland Court, be given reading consideration.

Purpose:

To close a 564 square meter portion of excess lane for consolidation with the adjacent 2115 Rutland Court.

Background:

The proposed road closure (shown as "Closed Road" on the attached Schedule 'A') has been deemed excess to municipal needs, and will be transferred to and consolidated with the adjacent 2115 Rutland Court.

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Internal Circulation:

Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by: A. Warrender, Acting Manager, Real Estate Services

Approved for inclusion: J. Säufferer, Acting Director, Real Estate

Attachment: 1. Schedule A – Survey Plan

cc: J. Kay, Manager, Development Engineering
G. Foy, Manager, Transportation Engineering
T. Barton, Manager, Urban Planning

Schedule A

REFERENCE PLAN TO ACCOMPANY BYLAW NO. 11680 (City of Kelowna) TO CLOSE PART OF ROAD DEDICATED ON PLAN 4375, SECTION 35, TOWNSHIP 26, OSOYOOS DIVISION YALE DISTRICT

PLAN EPP87493

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT
AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 82E.094



The intended plot size of this plan is 432mm in width by
560mm in height (C size) when plotted at a scale of 1:750
(All distances are in metres)

LEGEND

- Denotes Standard Iron post (Type 5) found
- Denotes Standard Iron post (Type 5) placed
- Denotes Control Monument found
- NF Denotes nothing found

Integrated Survey Area No. 4, City of Kelowna,
NA803 (CSRS) 4.0.0.BC.1

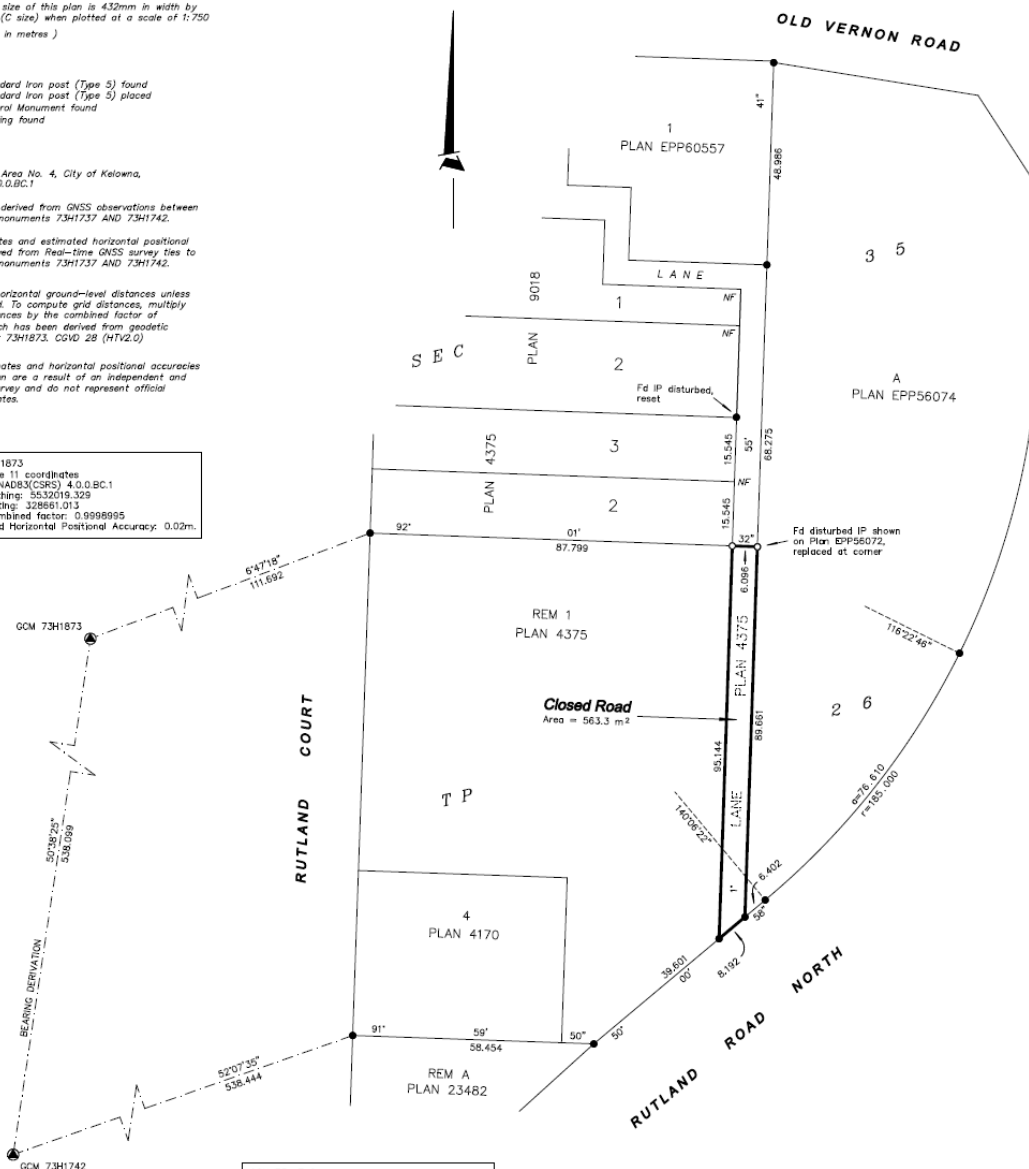
Grid bearings are derived from GNSS observations between
geodetic control monuments 73H1737 AND 73H1742.

The UTM coordinates and estimated horizontal positional
accuracy are derived from Real-time GNSS survey ties to
geodetic control monuments 73H1737 AND 73H1742.

This plan shows horizontal ground-level distances unless
otherwise specified. To compute grid distances, multiply
ground-level distances by the combined factor of
of 0.9998995 which has been derived from geodetic
control monument 73H1873. CGVD 28 (HTV2.0)

Note: The coordinates and horizontal positional accuracies
shown on this plan are a result of an independent and
accurate GNSS survey and do not represent official
published coordinates.

GCM 73H1873
UTM Zone 11 coordinates
Datum: NAD83(CSRS) 4.0.0.BC.1
UTM northing: 5532019.329
UTM easting: 328661.013
Point combined factor: 0.9998995
Estimated Horizontal Positional Accuracy: 0.02m.



GCM 73H1742
UTM Zone 11 coordinates
Datum: NAD83(CSRS) 4.0.0.BC.1
UTM northing: 5531678.108
UTM easting: 328245.309
Point combined factor: 0.9999016
Estimated Horizontal Positional Accuracy: 0.02m.

RUNNALLS DENBY
british columbia land surveyors
259A Lawrence Avenue Phone: (250)763-7322
Kelowna, B.C. Fax: (250)763-4413
V1Y 6L2 Email: rob@runnallsdenby.com

DWG. No.: 15074 CLOSED ROAD FILE: 15074

This plan lies within the Regional District of Central Okanagan.

The field survey represented by this plan was completed on
the 16th day of October, 2018.
Robert T. Macdonald, BCLS 873

CITY OF KELOWNA

BYLAW NO. 11680

Road Closure and Removal of Highway Dedication Bylaw (Portion of Rutland Road N)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Rutland Road N

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

1. That portion of highway attached as Schedule “A” comprising 563.3m² shown in bold black as Closed Road on the Reference Plan prepared by Ronald T. Macdonald, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this

Approved Pursuant to Section 41(3) of the Community Charter this

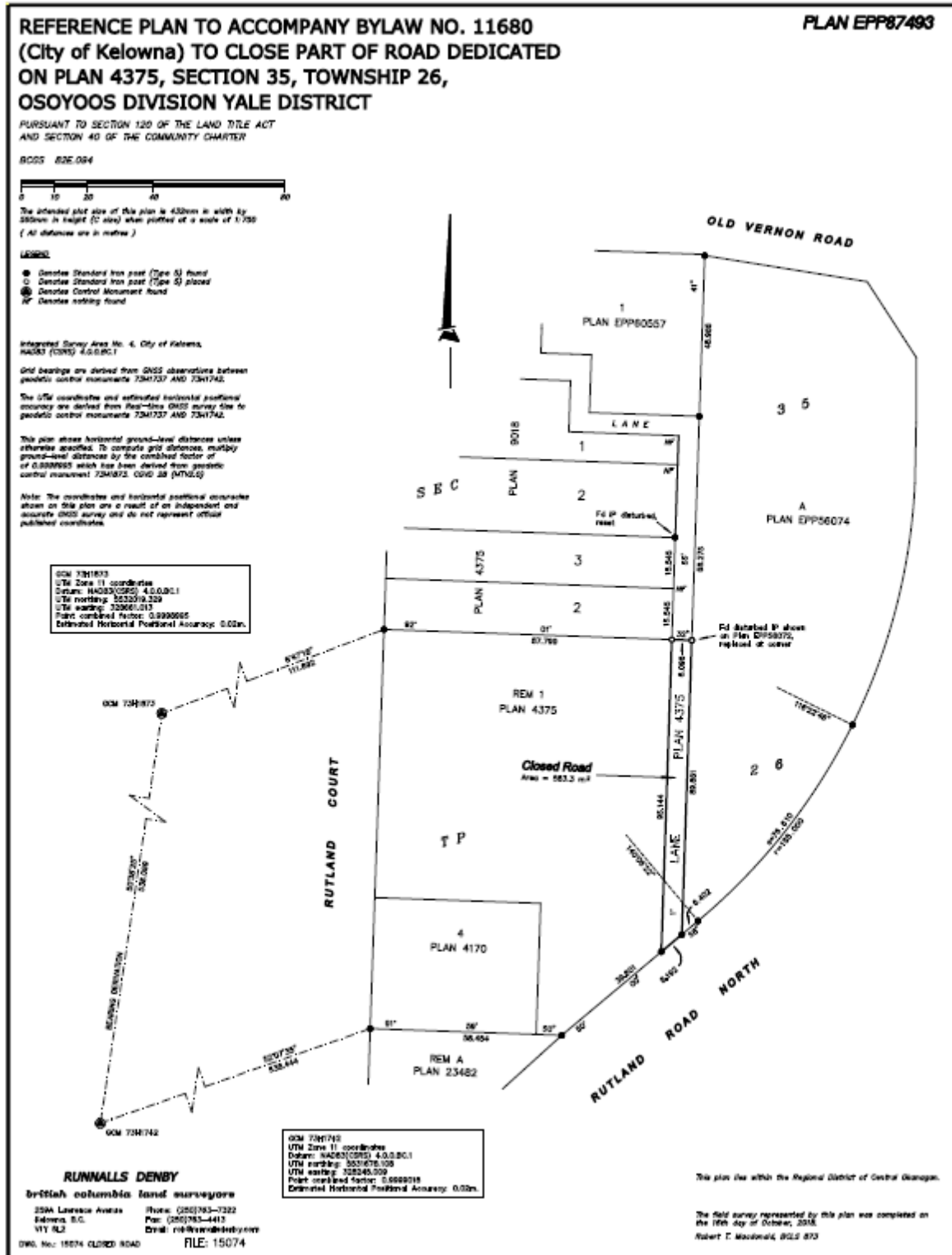
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"



Report to Council



Date: November 19, 2018
File: 1125-51-072
To: City Manager
From: A. Warrender, Acting Real Estate Manager
Subject: 4712 Raymer Road – Road Closure
Report Prepared by: B. Walker, Property Officer

Recommendation:

THAT Council receives, for information, the Report from the Acting Manager, Real Estate Services dated November 19, 2018, recommending that Council adopt the proposed closure of a portion of road adjacent to 4712 Raymer Road;

AND THAT Bylaw No. 11697, being proposed road closure of a portion of road adjacent to 4712 Raymer Road, be given reading consideration.

Purpose:

To close a 419 square meter portion of excess road adjacent to 4712 Raymer Road for consolidation with the adjacent residential property at 4712 Raymer Road.

Background:

The proposed road closure (shown as "Closed Road" on the attached Schedule 'A') has been deemed excess to municipal needs, and will be transferred to and consolidated with the adjacent 4712 Raymer Road.

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by: A. Warrender, Acting Manager, Real Estate Services

Approved for inclusion: J. Säufferer, Acting Director, Real Estate

Attachment: 1. Schedule A – Survey Plan

cc: J. Kay, Manager, Development Engineering
G. Foy, Manager, Transportation Engineering
T. Barton, Manager, Urban Planning

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

PAGE 1 OF 2 PAGES

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you

(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and

(b) certify the matters set out in section 168.73 (4) of the Land Title Act, Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.

**Simone
Porcellato
STR6SW**

Digitally signed by Simone
Porcellato STR6SW
Date: 2018.10.30 10:09:33
-07'00'

1. BC LAND SURVEYOR: (Name, address, phone number)

AllTerra Land Surveying Ltd.

Simone Porcellato BCLS

2489 Main Street

West Kelowna

BC V4T 2H7

sim@allterrasurvey.ca

(250)452-9298

File: 317077-RF

☐ Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:

Control Number: **154-091-9373**

Plan Number: **EPP87458**

This original plan number assignment was done under Commission #: **961**

3. CERTIFICATION:

☒ Form 9

☐ Explanatory Plan

☐ Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on:	2018	October	23	(YYYY/Month/DD)	The checklist was filed under ECR#:
The plan was completed and checked on:	2018	October	29	(YYYY/Month/DD)	218028

☒ None ☐ Strata Form S

☒ None ☐ Strata Form U1 ☐ Strata Form U1/U2

Arterial Highway ☐

Remainder Parcel (Airspace) ☐

4. ALTERATION: ☐

PLAN EPP87458

BCGS 82E.083

SCALE 1:500



LEGEND

- ⊙ Control Monument
- Standard Iron Post Found
- Standard Iron Post Set

Distances shown are horizontal, ground-level distances, in metres and decimals thereof.

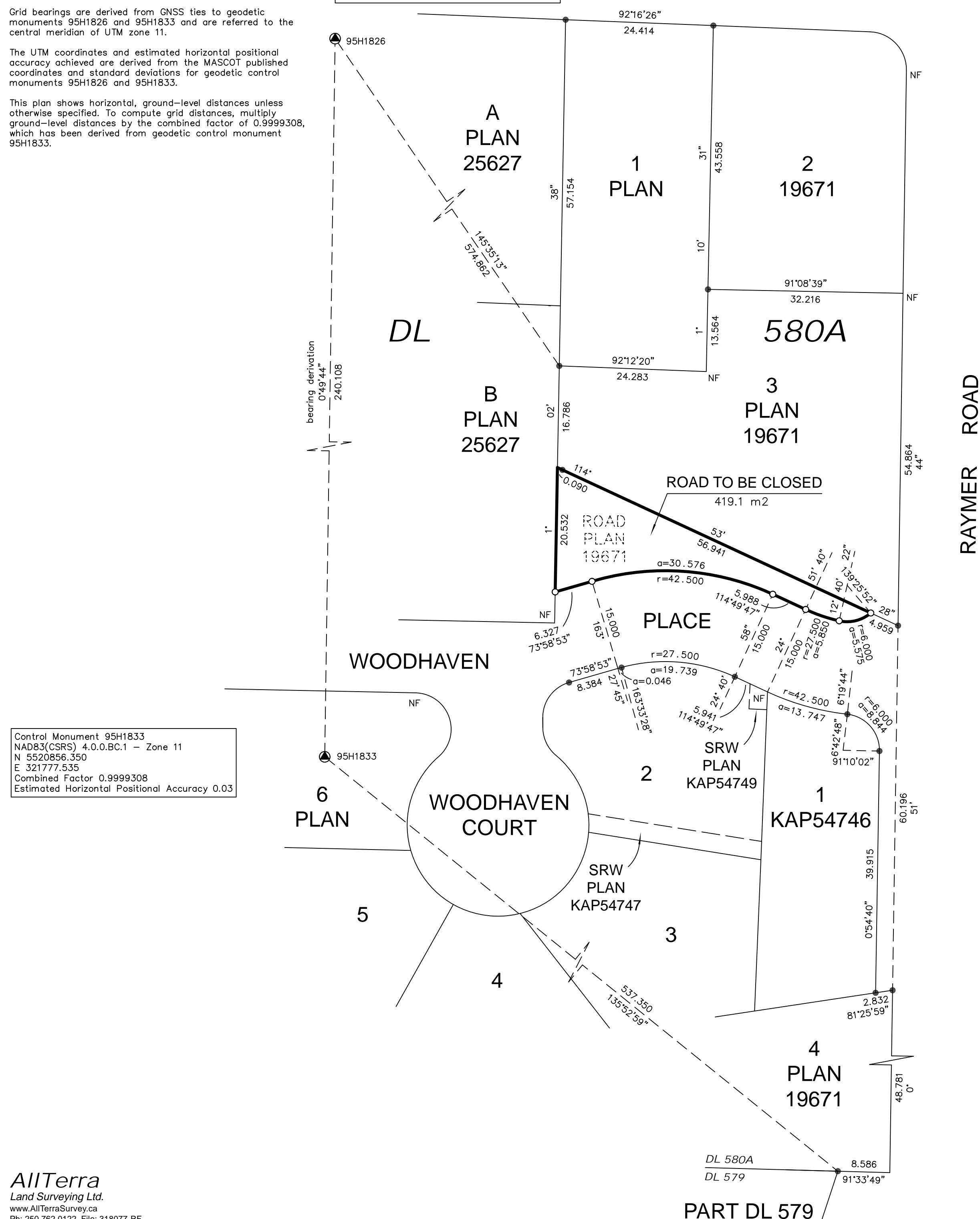
Integrated Survey Area No.4, City of Kelowna, NAD83 (CSRS)
4.0.0.BC.1.

Grid bearings are derived from GNSS ties to geodetic monuments 95H1826 and 95H1833 and are referred to the central meridian of UTM zone 11.

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from the MASCOT published coordinates and standard deviations for geodetic control monuments 95H1826 and 95H1833.

This plan shows horizontal, ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the combined factor of 0.9999308, which has been derived from geodetic control monument 95H1833.

Control Monument 95H1826
NAD83(CSRs) 4.0.0.BC.1 - Zone 11
N 5521096.416
E 321781.008
Combined Factor 0.9999316
Estimated Horizontal Positional Accuracy 0.03



Control Monument 95H1833
NAD83(CSRs) 4.0.0.BC.1 – Zone 11
N 5520856.350
E 321777.535
Combined Factor 0.9999308
Estimated Horizontal Positional Accuracy 0.03

AllTerra
Land Surveying Ltd.
www.AllTerraSurvey.ca
Ph: 250.762.0122 File: 318077-RF

This plan lies within the Regional District of Central Okanagan.

The field survey represented by this plan was completed on the 23rd day of October, 2018.
Simone Porcellato, BCLS #961

CITY OF KELOWNA

BYLAW NO. 11697

Road Closure and Removal of Highway Dedication Bylaw (Portion of Raymer Road)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Raymer Road

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

1. That portion of highway attached as Schedule “A” comprising 419.1m² shown in bold black as Road to be Closed on the Reference Plan prepared by Simone Porcellato, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



Report to Council



Date: November 19, 2018
File: 1125-51-064
To: City Manager
From: A. Warrender, Acting Real Estate Manager
Subject: 1955 Enterprise Way – Road Closure
Report Prepared by: B. Walker, Property Officer

Recommendation:

THAT Council receives, for information, the Report from the Acting Manager, Real Estate Services dated November 19, 2018, recommending that Council adopt the proposed closure of a portion of road adjacent to 1955 Enterprise Way;

AND THAT Bylaw No. 11704, being proposed road closure of a portion of road adjacent to 1955 Enterprise Way, be given reading consideration.

Purpose:

To close a 599 square meter portion of Enterprise Way for consolidation with the adjacent 1955 Enterprise Way.

Background:

The proposed road closure (shown as "Closed Road" on the attached Schedule 'A') has been deemed excess to municipal needs, and will be transferred to and consolidated with the adjacent property at 1955 Enterprise Way. Prior to transfer and consolidation, the road closure area will be encumbered with statutory right of ways in favor of the city to protect public access and municipal utilities.

Internal Circulation:

Manager, Development Engineering
Manager, Transportation Engineering
Manager, Urban Planning

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by: A. Warrender, Acting Manager, Real Estate Services

Approved for inclusion: J. Säufferer, Director, Real Estate

Attachment: 1. Schedule A – Survey Plan

cc: J. Kay, Manager, Development Engineering
G. Foy, Manager, Transportation Engineering
T. Barton, Manager, Urban Planning

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

PAGE 1 OF 2 PAGES

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you

(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and

(b) certify the matters set out in section 168.73 (4) of the Land Title Act, Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.

Robert Macdonald RT2G1T	<small>Digitally signed by Robert Macdonald RT2G1T DN: c=CA, cn=Robert Macdonald RT2G1T, o=BC Land Surveyor, ou=Verify ID at www.juricert.com/ LKUP.cfm?id=RT2G1T Date: 2018.10.22 14:41:20 -07'00'</small>
--	---

1. BC LAND SURVEYOR: (Name, address, phone number)

Robert T. Macdonald

Runnalls Denby BC Land Surveyors

259A Lawrence Avenue

Kelowna

BC V1Y6L2

rob@runnallsdenby.com
250-763-7322

☐ Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:

Control Number: **154-093-8582**

Plan Number: **EPP87410**

3. CERTIFICATION:

☒ Form 9 ☐ Explanatory Plan ☐ Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on:	2018	October	12	(YYYY/Month/DD)	The checklist was filed under ECR#:
The plan was completed and checked on:	2018	October	22	(YYYY/Month/DD)	217744

☒ None ☐ Strata Form S

☒ None ☐ Strata Form U1 ☐ Strata Form U1/U2

Arterial Highway ☐

Remainder Parcel (Airspace) ☐

4. ALTERATION: ☐

PLAN EPP87410

106

CITY OF KELOWNA

BYLAW NO. 11704

Road Closure and Removal of Highway Dedication Bylaw (Portion of Enterprise Way)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Enterprise Way

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

1. That portion of highway attached as Schedule “A” comprising 599.0m² shown in bold black as Closed Road on the Reference Plan prepared by Robert T. Macdonald, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this

Approved Pursuant to Section 41(3) of the Community Charter this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA

Deputy Mayor Schedule 2018-2022

THAT the Deputy Mayor Schedule for the City of Kelowna Municipal Council 2018-2022 term be as follows:

DEPUTY MAYOR:

November 2018	Councillor Maxine DeHart	November 2020	Councillor Maxine DeHart
December 2018	Councillor Gail Given	December 2020	Councillor Gail Given
January 2019	Councillor Luke Stack	January 2021	Councillor Luke Stack
February 2019	Councillor Brad Sieben	February 2021	Councillor Brad Sieben
March 2019	Councillor Mohini Singh	March 2021	Councillor Mohini Singh
April 2019	Councillor Charlie Hodge	April 2021	Councillor Charlie Hodge
May 2019	Councillor Ryan Donn	May 2021	Councillor Ryan Donn
June 2019	Councillor Loyal Wooldridge	June 2021	Councillor Loyal Wooldridge
July 2019	Councillor Maxine DeHart	July 2021	Councillor Maxine DeHart
August 2019	Councillor Gail Given	August 2021	Councillor Gail Given
September 2019	Councillor Luke Stack	September 2021	Councillor Luke Stack
October 2019	Councillor Brad Sieben	October 2021	Councillor Brad Sieben
November 2019	Councillor Mohini Singh	November 2021	Councillor Mohini Singh
December 2019	Councillor Charlie Hodge	December 2021	Councillor Charlie Hodge
January 2020	Councillor Ryan Donn	January 2022	Councillor Ryan Donn
February 2020	Councillor Loyal Wooldridge	February 2022	Councillor Loyal Wooldridge
March 2020	Councillor Maxine DeHart	March 2022	Councillor Maxine DeHart
April 2020	Councillor Gail Given	April 2022	Councillor Gail Given
May 2020	Councillor Luke Stack	May 2022	Councillor Luke Stack
June 2020	Councillor Brad Sieben	June 2022	Councillor Brad Sieben
July 2020	Councillor Mohini Singh	July 2022	Councillor Mohini Singh
August 2020	Councillor Charlie Hodge	August 2022	Councillor Charlie Hodge
September 2020	Councillor Ryan Donn	September 2022	Councillor Ryan Donn
October 2020	Councillor Loyal Wooldridge	October 2022	Councillor Loyal Wooldridge

NOTE: The Alternate Deputy Mayor shall be the next Deputy Mayor as available in monthly sequences.

CITY OF KELOWNA

BYLAW NO. 11656

Road Closure and Removal of Highway Dedication Bylaw **(Portion of Adams Road)**

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Adams Road

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

1. That portion of highway attached as Schedule "A" comprising 221.0 m² shown in bold black as Closed Road on the Reference Plan prepared by Mark A Cahill, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this 27th day of August, 2018.

Approved Pursuant to Section 41(3) of the Community Charter this 25 day of September, 2018.

Blaine Garrison

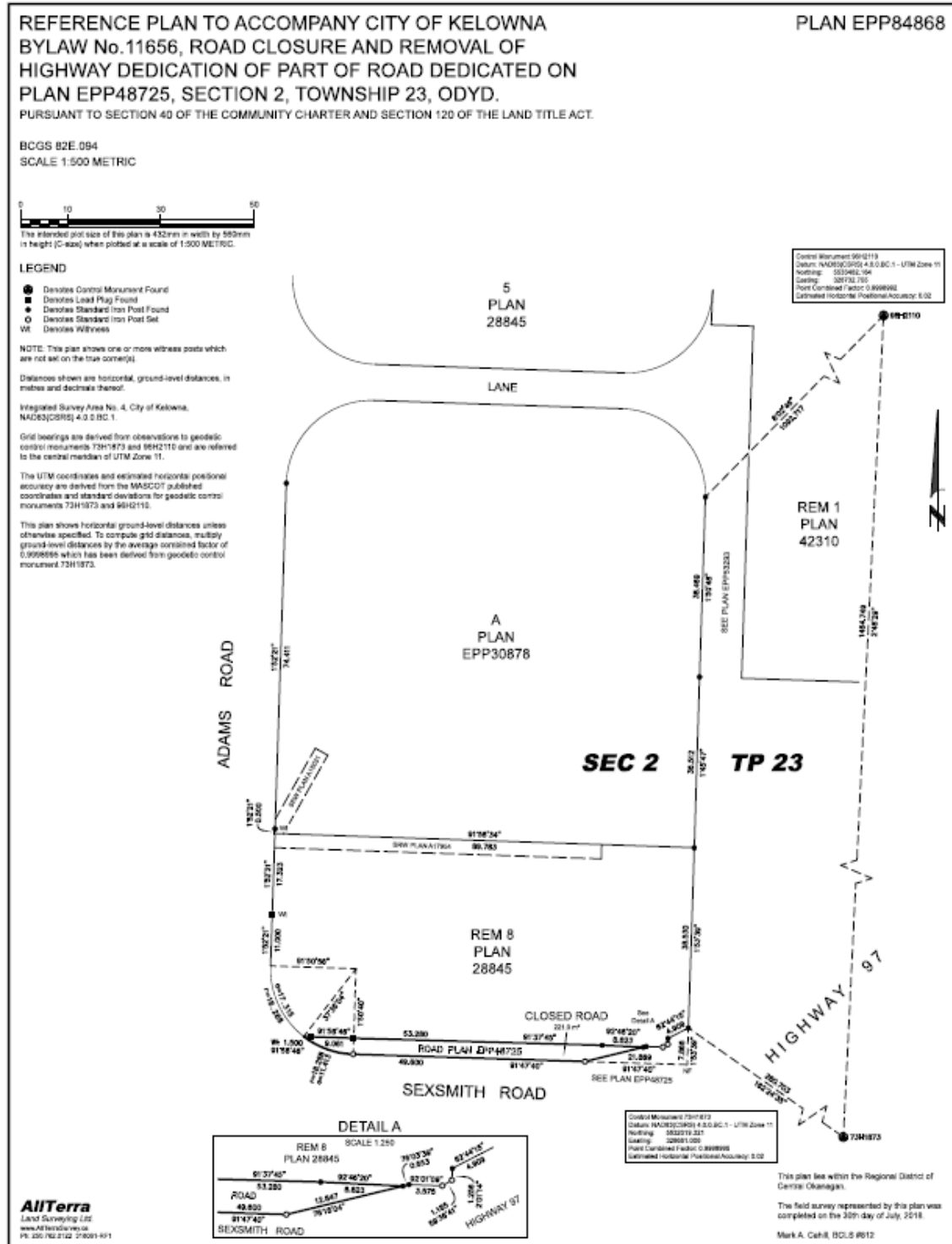
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"



CITY OF KELOWNA

BYLAW NO. 11664

Kelowna Memorial Park Cemetery Bylaw

A bylaw to provide for the regulation, maintenance and operation of the Kelowna Memorial Park Cemetery.

The Municipal Council of the City of Kelowna pursuant to Section 8 of the *Community Charter*, in open meeting assembled, enacts as follows:

PART 1 – GENERAL

1.1 Title

- 1.1.1 This bylaw shall be known for all purposes as the “Kelowna Memorial Park Cemetery Bylaw No. 11664”.

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 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.
- 1.2.4 Schedules. The following schedules attached to this Bylaw form part of this Bylaw:
- | | | |
|------------|---|------------------|
| Schedule A | – | Schedule of Fees |
| Schedule B | – | Map |

1.3 Definitions

- 1.3.1 In this bylaw, unless the context otherwise requires:

“Bennett Memorial Columbarium” means the columbarium in **Section D** consisting of 12 Concord structures of 32 (32) niches each, one (1) round dome structure consisting of 72 niches and two (2) curved wall structures consisting of 60 niches each. The Bennett Memorial is within the Legacy Gardens.

“Caretaker” means the person duly appointed or employed as such by the **City**.

“Cemetery” means the Kelowna Memorial Park Cemetery and includes any other parcel or tract of land owned, used or maintained by the **City** as a cemetery.

"Cemetery Manager" means the person duly appointed or employed as such by the **City**.

"Cremated Remains" means the remains resulting from cremation of a deceased human body.

"City" means the City of Kelowna.

"Clerk" means the person duly appointed as Officer Assigned Responsibility for Corporate Administration of the **City** by the **Council** and includes their delegate.

"Concurrent Interment" means when additional interment permits are issued to have an interment take place at the same time as another interment in the same plot, niche or mausoleum. A fee, as indicated in Schedule "A", will be charged for each concurrent interment taking place at the same time.

"Council" means the Municipal Council of the City of Kelowna.

"Manager" means the person duly appointed from time to time by the **Council** to act as Infrastructure Operations Department Manager for the **City** and includes their delegate.

"Family Niche" means each individual compartment to be used for the interment of up to four (4) cremated remains in a columbarium.

"Family Urns" means an urn shaped niche designed for multiple cremated interments using soft urns.

"Garden Estates" means a fenced or semi fenced space in Section G7 intended to be used for the interment of human remains and/or cremated human remains under a Right of Interment. A Garden Estate consists of two (2) double depth in-ground lawn crypts and eight (8) companion in-ground cremation plots.

"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 same-sex spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

"Interment" means the act of burying a casket in a grave, or placing a casket in an above ground mausoleum. Can also be used to refer to an **inurnment**.

"Inurnment" means the act of interring an urn in a grave or niche.

"Legacy Gardens" means the columbarium and mausolea in **Section D** surrounding the **Bennett Memorial Columbarium** which consists of 10 double side columbarium of 69 niches each, 4 columbarium of 19 niches each, 2 columbarium of 38 niches each, 2 mausolea of 6 crypts each, and two family urns.

"Medical Health Officer" means the person duly appointed from time to time by the **Council** to act as **Medical Health Officer** for the **City**.

"Memorial Marker Policy" means the internal document retained in the cemetery office that details the specific material, size, shape and any other restriction or special instruction in regards to any memorial marker placed within the cemetery.

"Niche" means each individual compartment to be used for the interment of cremated remains in a columbarium or mausoleum.

"Non-resident" shall mean any person who has not resided or owned property within the boundaries of the **City** of Kelowna for a period of twelve (12) months preceding the purchase of a right of interment in a cemetery plot.

"Pioneer Section" means the non-grassed areas of **Section A** and **Section B**.

"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.

"Promontory Green Interment Garden" means the mausoleum in **Section G** of the **Cemetery** consisting of mausoleum crypts, niches, in-ground interment for cremated remains and a scattering garden.

"Right of Interment" means a right, in perpetuity, for the interment of human remains or cremated remains, in a plot.

"Scattering Garden" means a designated area in **Section G₃** for the placement of non-recoverable, commingled cremated remains placed within an ossuary or scattered within the designated garden area.

"Dilworth Mountain Scattering Trail" means a designated area for the placement of non-recoverable scattered remains adjacent to the trail starting at the eastern corner of **Section E₁** and terminating at the northern tip of **Section A**.

"Section A" of the **Cemetery** means the non-grassed area consisting of Rows A to L (inclusive), Rows 1 to 47, and the grassed area with upright monuments being Row G Lot 16 to Row L Lot 15 inclusive as shown on Schedule "B".

"Section B" of the **Cemetery** means the non-grassed area consisting of Rows 60 to 77 (inclusive) as shown on Schedule "B".

"Section C" of the **Cemetery** means the grassed area consisting of Rows 78 to 103 (inclusive) as shown on Schedule "B".

"Section D" of the **Cemetery** means the grassed area consisting of Rows 104 to 224 (inclusive) as shown on Schedule "B". Includes **Bennett Memorial Columbarium** and **Legacy Gardens**.

"Section E₁" of the **Cemetery** means the grassed area consisting of Rows M to U as shown on Schedule "B".

"Section E₂" of the **Cemetery** means the grassed area consisting of Rows 220 to 253 (821 plots) as shown on Schedule "B".

"Section E₃" of the **Cemetery** means the grassed area consisting of Rows 254 to 285 (635 plots) as shown on Schedule "B".

"Section E₄" of the **Cemetery** means the non-grassed area consisting of Rows 287 to 306 (584 plots) as shown on Schedule "B".

"Section G₁" of the **Cemetery** means the grassed area consisting of double depth in-ground lawn crypts as shown on Schedule "B".

"Section G₂" of the **Cemetery** means the above ground wall comprising of the mausoleum, niche and memorial wall in the **Promontory Green Interment Garden** as shown on Schedule "B".

"Section G₃" of the **Cemetery** means the grassed area within the **Promontory Green Interment Garden** consisting of companion (3' x 3') and family cremation plots (3' x 6') and also includes the Scattering Garden as shown on Schedule "B".

"Section G₄" of the **Cemetery** means the grassed area consisting of full size burial plots as shown on Schedule "B".

"**Section G5**" of the **Cemetery** means the grassed area consisting of companion (3'x3') and family cremation (3' x 6') plots as shown on Schedule "B".

"**Section G6**" of the **Cemetery** means the grassed area consisting of companion (3'x3') and family cremation (3' x 6') plots as shown on Schedule "B".

"**Section G7**" of the **Cemetery** means the grassed area consisting of double-depth in-ground lawn crypts memorialized by either a flat ground or upright marker according to design of the row and **Garden Estates** as shown on Schedule "B".

"**Section G8**" of the **Cemetery** means the grassed area consisting of plots in rows 1 to 16 (inclusive) and memorialized by either a flat ground or upright marker according to the design of the row and shown on Schedule "B".

"**Treasurer**" means the person duly appointed as the Officer Assigned Responsibility for Financial Administration of the **City** by the **Council** and includes their delegate.

PART 2 - CITY OF KELOWNA CEMETERY BOUNDARIES

- 2.1 The following lands as shown on Schedule "B", are hereby set aside, and are held, operated, used or maintained as a **Cemetery** by the **City**:
- (a) Part of Lot 2 District Lot 140 ODYD Plan KAP69306;
 - (b) Part of Amended Lot 3 (DD252160F) District Lot 140 Plan 1476;
 - (c) Part of Lot B District Lot 140 ODYD Plan KAP62742;
 - (d) That Part of Lot 18 shown on Plan B3723 Sections 28 and 29 Township 26 and of District Lot 531 ODYD Plan 1476;
 - (e) Part of Parcel B (DD244966F) of the Southeast ¼ of Section 29 Township 26 ODYD;
 - (f) Part of Lot 1 Sections 28 and 29 Township 26 and of District Lots 531 and 125 ODYD Plan 16707 except Plan M14878.
- 2.2 Cemetery Plans. A copy of the plans of the Cemetery shall be kept available for public inspection at the Cemetery and such places that may be deemed necessary.

PART 3 – RIGHT OF INTERMENT

- 3.1 Reserved Sections. The **City** may by agreement with a society, church, or other organization, reserve a section of the **Cemetery** to be used exclusively for the interment of deceased members of the society, church, or other organization. Upon such an agreement being made no person shall be issued a **Right of Interment** for the reserved section, unless the application for a **Right of Interment** is accompanied by a certificate from the society, church, or organization, stating that the individual is entitled to interment in the reserved section. All **Rights of Interment** issued and services rendered by the **City**, under these conditions, shall be subject to payment at the regular rates set forth in Schedule "A".
- 3.2 Right of Interment for Exclusive Use. The **Cemetery Manager** is hereby authorized by **Council** to grant to any person, or to their authorized agent, paying the fees set forth in Schedule "A" and subject to the terms of this Bylaw, a **Right of Interment** for the exclusive use by them, or their executors or administrators, of any one or more plots which may be vacant and not issued as a **Right of Interment** in the **Cemetery** and upon payment of said fee, such person or their authorized agent shall be entitled to receive a **Right of Interment**.
- 3.3 Right of Refusal. The **Council** reserves the right to refuse to sell a **Right of Interment** for the use of more than two plots to any one individual.

- 3.4 **Oder 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 Services Act*
- 3.5 **Right of Interment Not Transferable.** The holder of a **Right of Interment** shall not transfer their right of use and occupancy to another person except that at the discretion of the **Cemetery 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". In an area of the **Cemetery** that has been reserved by the **City** under section 3.1 of this bylaw for burial of members of the society, church, or other organization the application for transfer must be accompanied by a certificate stating that the individual is entitled to interment in the reserved section.
- 3.6 **Transfer Request.** The transfer request must be in writing by the holder of a **Right of Interment** or the executor of their will. **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 **Cemetery Manager** shall amend their records accordingly stating the new holder of the **Right of Interment** of the **plot** or **plots**. An interment permit for a plot subject to a transfer will not be issued until a transfer form is completed, approved and payment of applicable fees are made.
- 3.7 **Notice of Transfer.** To ensure the accuracy of records of Right of Interment and Interment Permits, no sale or other transfer of any right, permit or licence issued in specific to any **plot**, or any interest therein shall be binding upon the **City** until a duly executed transfer has been submitted to the **Cemetery 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.
- 3.8 **Right of Interment Cancellation.** Upon receiving a written request by all parties named as the holders of a **Right of Interment**, or the **executor of the plot holders' estate**, to forfeit such right to use and occupy grave space, the **Cemetery Manager** may cancel the **Right of Interment** and refund the holder(s) of a **Right of Interment** a sum equivalent to that paid for such **Right of Interment** less the Maintenance fee paid at the time of **Right of Interment** issuance.
- If goods have been special pre-ordered and because of some unique characteristic, personalization or extraordinary cost, the goods cannot be used in the ordinary course of business, the cemetery may deduct the itemized cost of those goods from the holder of a **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. Should the Right of Interment that is to be surrendered/cancelled have any memorial, surround or coping, the Cemetery may deduct the cost to remove and dispose of such memorials out of any monies paid for the purposes of a Right of Interment cancellation
- 3.9 **Right of Interment Provisions.** All **Right of Interment** 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 "**Cemetery**" office at the time of purchasing a **Right of Interment**, Interment Permit, or any goods or services sold by the **City** in connection with the operation of the **Cemetery**.

PART 5 - PERMISSION TO INTER, EXHUME OR DISINTER

- 5.1 Interment Permit. No human remains or cremated remains shall be interred in the Cemetery until;
- (a) 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 any other documents required to facilitate the interment in a form approved by the City of Kelowna.
 - (b) a permit to inter the remains has been obtained from the **City** and the fee for interment as specified in Schedule "A" has been paid, except as may be permitted otherwise under the terms of Sections 5.5, 5.6 and 5.7 of this bylaw.
- 5.2 Permit Form. All permits for interment of deceased persons in the **Cemetery** shall be in the form an Interment Permit issued by the Cemetery.
- 5.3 Application for Permit. All applications for an interment permit must be made at least 2 working days in advance to the **Cemetery** between the hours of 8:00 a.m. and 4:00 p.m. on all days of the week except Saturday and Sunday, Statutory Holiday, and in cases of emergency, as described in Sections 5.5, 5.6 and 5.7 of this bylaw. The Interment Permit's Terms and Conditions must be signed and payment of all applicable fees must be in place at least 2 working days prior to the interment date.
- 5.4 Registration of Death. All persons applying for interments in the **Cemetery** shall furnish to the **Cemetery Manager**, the Registration of Death or Cremation Certificate and the following information for the purpose of record as required, before such interment be allowed:
- (a) The full name of the deceased.
 - (b) Place of birth.
 - (c) Place of death.
 - (d) Age.
 - (e) Day, date and time of interment.
 - (f) **Plot**, lot, and or grave number in cases of pre-purchased family **plots** into which the deceased is to be interred.
 - (g) Name of Funeral Home.
 - (h) The name(s) and related addresses of the informant.
- 5.5 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 **Cemetery Manager**, or in their absence, the **Clerk**.
- 5.6 Details of Deceased. Where an interment in the **Cemetery** is performed under the conditions of Section 5.5 of this Bylaw, the person who permitted the interment and the person who performed the interment shall report the matter to the **Cemetery Manager** and the representative of the deceased shall furnish the **Cemetery Manager** with full details of the deceased as required by Section 5.4 of this Bylaw.
- 5.7 Provide Information. The information required to be given to the **Cemetery Manager** under the terms of Section 5.6 of this Bylaw shall be provided to the **Cemetery Manager** as soon after such interment as the **City's** offices are opened.
- 5.8 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 Services 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.

- 5.9 Lawful 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 Services Act* and Regulations thereunder.
- 5.10 Disinterment. No interment in the **Cemetery** shall be disinterred except in compliance with the *Cremation, Interment and Funeral Services 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. In the case of a disinterment of human remains in a mausolea, the **City** will lower the casket and remains to a level suitable for the funeral director to take charge of the casket. The **City** is not responsible for damage to any casket, urn or other container sustained during exhumation.

PART 6 - INTERMENT IN THE CEMETERY

- 6.1 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.
- 6.2 Occupy Plot. The holder of a **Right of Interment** to use and occupy a **plot** in the **Cemetery** may transfer his right of use and occupancy to another family member subject to Section 3 of this Bylaw.
- 6.3 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.
- 6.4 Inform Caretaker. 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 **Caretaker**.
- 6.5 Grave Depth. Each interment in the **Cemetery**, other than the interment of cremated remains or in a lawn crypt, shall be made in a grave, which when filled and closed, provides not less than 0.914 m (3 ft.) 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.
- 6.6 Mausolea Interments. An interment permit for the interment of Cremated remains in a mausolea plot that already contains human remains will **not** be issued. If only cremated remains are interred in a mausolea plot and an interment permit is requested for the addition of human remains, the cremated remains must be disinterred, with all applicable fees and permits completed subject to this bylaw, and the cremated remains surrendered to the applicant named on the disinterment permit, before the interment of the human remains can take place. The previously disinterred cremated remains may be re-interred only at the time of the interment of the human remains, and only if a concurrent interment permit has been paid for and issued.
- Depth of Cremated Remains. Each interment of cremated remains in the **Cemetery** shall be made in a container encased in concrete or reinforced fibreglass or other material as approved by the **City** and shall be buried in the **plot** not less than 0.610 m (2 ft.) deep.
- 6.7 Grave Liners. A concrete or reinforced fibreglass grave liner shall be used for each interment, except where a concrete or steel vault is used or cremated remains are interred.
- 6.8 Scattering 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 alongside

the **scattering trail**. The scattering of cremated remains within the Promontory Green Scattering Garden will consist only of a small portion of remains, where the majority of cremated remains are placed in an ossuary. All cremated remains that are placed in the scattering garden, alongside the scattering trail, or within the ossuary are considered non-recoverable and commingled. The placement of cremated remains in the ossuary will only be performed by Cemetery Staff. The scattering of remains alongside the scattering trail will be done by those in possession of the appropriate permit purchased from the cemetery office.

- 6.9 Liner Material. Each grave liner used in the **Cemetery** shall be made of concrete or reinforced fiberglass or other material, as approved by the **Cemetery Manager**.
- 6.10 Upright Monuments - Grave Space Embellishments (Cemetery Section E4). In **Section E4**, except for graves or grave spaces embellished prior to the date of this bylaw, no grave space shall be defined by a curb, coping, fence, railing or other means save by an upright marker approved by the **Cemetery Manager**.
- 6.11 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 4:00 p.m. There will be an additional fee for interments scheduled after 3:00 p.m. or on a Saturday as indicated Schedule "A" of this bylaw.
- 6.12 No Interment(s) on Sundays or Statutory Holidays. No person shall inter any remains in the **Cemetery** on Sunday or any Statutory Holiday unless written permission of the **Cemetery Manager** is first obtained, except in the emergency conditions as specified in Sections 5.5, 5.6 and 5.7 of this bylaw.
- 6.13 Grave Digging, Opening or Closing. No grave shall be dug, opened or closed by any person other than the **Caretaker** and his assigned helpers or other person duly authorized by the **City**. Witnesses to a grave closing must adhere to WorkSafe B.C. rules and regulations with the respect of safety and only with permission by the **Cemetery Manager**.
- 6.14 No Above Ground Structures. No structure for interment above ground shall be erected in **Sections C, D, E1, E2 and E3** of the **Cemetery**, **without the approval of the Cemetery Manager**, and each interment in the **Cemetery** shall conform to the requirements of Sections 6.5 to 6.9 of this Bylaw inclusive except where a vault or mausoleum already in the **Cemetery** contains space which a deceased person is entitled to occupy in which case interment may be permitted therein.
- 6.15 Bennett Memorial Columbarium. Notwithstanding the provisions of sub-sections 6.5 to 6.9 inclusive of this part, cremated remains may be placed in a container and secured in a **niche** of the **Bennett Memorial Columbarium**. The administration and operation of the columbarium shall be carried out in accordance with this bylaw.
- 6.16 Promontory Green Interment Garden. Notwithstanding the provisions of this section, the human remains or cremated remains may be interred in the **Promontory Green Interment Garden**. The administration and operation of the **Promontory Green Interment Garden** shall be carried out in accordance with this bylaw.
Legacy Gardens. Notwithstanding the provisions of this section, the human remains or cremated remains may be interred in the **Legacy Gardens**. The administration and operation of the **Legacy Gardens** shall be carried out in accordance with this bylaw
- 6.17 Containers. Human remains must be interred in a container that does not exceed 64 cm high x 76 cm wide x 221 cm long, provided that the container and liner do not exceed the size of the **plot**, and so long as the holder of the Interment Permit provides, at his or her sole cost, a grave liner large enough to enclose the container. All containers of human remains must be placed within a grave liner or precast concrete crypt.

- 6.18 Cremated Remains Container For every interment of cremated remains in a vault-type Memorial Marker, the grave will be dug to a depth sufficient to ensure that the Memorial Marker, once installed, is level with the surface of the ground. For every interment of cremated remains in a **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. For every interment of cremated remains in a **Family Urn**, the container(s) shall be a soft urn.

Promontory Green: A single container or combination of (2) two containers shall not exceed 27 cm high x 27 cm wide x 27 cm deep

Bennett Memorial Columbarium: A single container or combination of (2) two containers shall not exceed 27 cm high x 27 cm wide x 36 cm deep.

Legacy Gardens: for **single niche** - A single container or combination of (2) two containers shall not exceed 29cm high x 29cm wide x 29cm deep and for a **family niche** a single container or combination of two (2) to four (4) containers shall not exceed 29 cm high x 58cm wide x 29cm deep.

PART 7 - INFRASTRUCTURE OPERATIONS DEPARTMENT MANAGER

- 7.1 Notwithstanding any other provision contained herein, the **Manager** shall be responsible for ensuring that the provisions of this bylaw are properly carried out.
- 7.2 The **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.
- 7.3 Any contracted personnel or **City** staff engaged in performing any duty under the jurisdiction of this bylaw shall be under the supervision of the **Manager**.

PART 8 - CEMETERY CARETAKER

- 8.1 Duties of **Caretaker**. Pursuant to Section 7.2 of this Bylaw, **Council** may authorize the appointment of a **Caretaker** and the duties and responsibilities of a **Caretaker** so appointed shall be, among other things, to carry out, or cause to be carried out by workers placed under their supervision:
- (a) the digging, preparation, opening and closing of graves as ordered by the **Cemetery Manager**, their delegate, or the Clerk, 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;
 - (d) the provision of care for the **City**-owned tools and equipment; and installation and/or removal of memorial markers.
- 8.2 Caretaker Maintains Records. The **Caretaker** shall maintain records as directed by the **Cemetery Manager, or their delegate**, and shall submit reports as required by them, and shall do such other work as the **Cemetery Manager** may require from time to time in relation to the **Cemetery** operation.

PART 9 - ADMINISTRATION AND MAINTENANCE

- 9.1 Administrative Records. The **Cemetery 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 Services Act*.

- 9.2 Subdivision Not Permitted. Effective the date of adoption of this bylaw, no subdivision of plots will be permitted.
- 9.3 Grant **Right of Interment.** The **Cemetery Manager, or their delegate,** is hereby authorized on behalf of the **City** to grant a **Right of Interment** in respect of any vacant and not issued **Right of Interment plot** in the **Cemetery,** according to the current fees and charges and subject to the provisions of this bylaw.
- 9.4 Issues Permits. The **Cemetery Manager, or their delegate,** shall issue all interment permits required by this bylaw, except as otherwise provided herein.
- 9.5 Notify **Caretaker.** Upon issuing any interment permits, or upon receiving an order for disinterment from the proper authority, the **Cemetery Manager, or their delegate,** shall notify the **Caretaker** before the time of the intended interment or disinterment giving the name of the deceased and the number and location of the **plot** concerned.
- 9.6 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 Services Act* and the *Community Charter*. 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 Services Act*.
- 9.7 Replacement Fund. A fund shall be established to be known as the "Cemetery Replacement Fund". This fund shall be administered as a reserve fund in accordance with the *Community Charter*. The principal and interest in this fund shall be used for **development, replacement or repair of Cemetery infrastructure,** or for the purchase and development of land for cemetery purposes in the future.
- 9.8 Reserve Accounts. Accounts shall be established to be known as the "Cemetery Maintenance Fund Account" and the "Cemetery Replacement Fund Account" respectively, into which the **Treasurer** shall pay the separate amounts received for each aforesaid respective Fund purpose, and such funds shall be held in the respective account pending investment as hereinafter provided.
- 9.9 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 Account" and the "Cemetery Replacement Fund Account" respectively, from the amount received for each **Right of Interment** or reservation sold, as specified in the current fees.
- 9.10 Reserving Plots. On all **Right of Interment** for the use of or reservation of cemetery **plots,** and on all contracts or agreements for the sale of such **Right of Interment,** the amount required to be used for "Cemetery Maintenance Fund" and "Cemetery Replacement Fund" purposes shall be specified.
- 9.11 Markers. Any owner of a memorial marker, tablet, monument, memorial, **ledger** and or 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 the current fees as a contribution to the "Cemetery Maintenance Fund", and such amounts when received shall be paid by the **Treasurer** into the "Cemetery Maintenance Fund Account" for investment as hereinafter provided.
- 9.12 Monies Held in Trust. All monies received and deposited by the **Treasurer** in the "Cemetery Maintenance Fund" and "Cemetery Replacement Fund" accounts shall be held and invested as trust funds to be devoted solely to the purposes for which they were received.
- 9.13 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 a fund to be known as "The Cemetery Fund" and same shall be invested by the **City** in accordance with

the provisions of the *Local Government Act* and the principle and interest derived from such investment shall be expended on the upkeep and development of the **Cemetery**.

PART 10 – ADORNMENT

10.1 Floral Offerings. For the purpose of regular maintenance in sections which are grass covered, only fresh cut flowers, wreaths or floral offerings may be placed on graves during the period March 16th to October 31st in any year, and during this period no person shall place or cause to be placed on the graves which are grass covered any artificial flowers or plants, statuary, glass objects, stands, vases, decorative containers, ornaments or any other offerings except as outlined herein.

10.2 Artificial Flowers. Artificial flowers may be placed on graves in sections which are grass covered during the period of November 1st through to March 15th of the following year, and if not removed by March 15th the artificial flowers and other decorations will be removed by the **Caretaker**, and disposed of.

In upright marker Sections of G1, G4, G7, and G8, artificial floral arrangements are permitted year round if the marker has an approved vase permanently installed on its base. In Section G3, family cremation plots that have a vase built into the marker may display artificial flowers year round.

10.3 Removal of Offerings. **The Caretaker** may remove and dispose of any offerings as specified in "Section 10.1" and "Section 10.2" from any grave when the condition is considered by him to be a safety hazard, detrimental to the beauty of, or impedes maintenance of the **Cemetery**. The **Cemetery** cannot be held accountable for any offerings which are lost, stolen or removed by an act of vandalism.

10.4 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.

10.5 No Adornment Except as specifically provided in the bylaw, no part of the **Cemetery** or **plot** may be adorned in any manner by any person other than a **Caretaker** without the express authority of the **Cemetery Manager**, with the exercise of such authority to be within the **Cemetery Managers** sole discretion and, for greater clarity but without limiting the general prohibitive language of this section, no part of the **Cemetery** or **plot** may be adorned by any of the following:

- (a) arbours, trellis, fences, curbs, rails or other structures;
- (b) trees, shrubs, hedges or other plant materials, other than potted flowering plants of not more than 50 centimetres in height and width and not secured to the ground in any manner, which the **City** reserves the express right to remove and destroy or otherwise destroy of at any time after the placement of the same in order to facilitate maintenance of the **Cemetery** or due to the condition of the plant material.
- (c) Objects of remembrance or any other objects of any type whatsoever. If any prohibited items are installed without approval, they will be removed and disposed of immediately.
- (d) No person(s) shall burn incense or candles or other flammable products inside the cemetery at any time without the express written consent of the **Cemetery Manager**.

MEMORIALS

10.6 Permit Required. Every person who desires to have installed or modified a memorial marker or tablet, on any **plot** or grave within the **Cemetery**, shall purchase the applicable marker permit dependant on the type of marker, the work needed to prepare the marker, the location of the

installment of the marker at the current fees. A Marker Permit will not be issued before an interment permit is issued for a plot.

- 10.7 Enclosures. No grave or grave space shall be bounded or enclosed by a fence, hedges, railing or any other enclosure that impedes access or maintenance except those that are allowed in the Pioneer Section or the **Garden Estates** of the **Cemetery** that are part of the design feature.

- 10.8 Specifications. Only memorials that are in accordance with the cemetery's Memorial Marker Policy will be permitted.

Only memorials manufactured from stone, bronze, or any other material approved by the **Cemetery Manager**, which conform to the specifications as set out in the Memorial Marker Policy shall be placed and installed in the **Cemetery**.

All memorial markers placed in a Family Estate must be approved by the **Cemetery Manager** prior to installation.

- 10.9 Installation, Replacement, or Modification – In order to install, replace or modify a memorial marker, a marker permit or marker modification permit must be purchase or at the current fee. All such work must be with the consent of the next-of-kin; or may be granted at the discretion of the **Cemetery Manager** should the next-of-kin not be known, or unable to be located.

- 10.10 Temporary Markers. During the period from November 1st to the following March 15th in any year, temporary grave markers as approved by the **Cemetery 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 **Caretaker** and disposed of.

- 10.11 Only Authorized Personnel. No memorial, curbing or leger shall be placed, installed, or removed within the **Cemetery** by any persons other than the **Caretaker** or other person duly authorized to do so by the **Cemetery Manager**.

- 10.12 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 **Caretaker** or other employee of the **City**.

- 10.13 Tablets. All memorial markers delivered to the **Cemetery** must meet the specifications set out in the Memorial Marker Policy. All memorial markers delivered to the **Cemetery** require a signature by the Cemetery Staff upon delivery. Any memorial marker that has been delivered to the **Cemetery** that does not meet the specifications set out in this bylaw or for which an Installation Permit has not been issued, will be kept for 30 days and then returned to the Company from which it was delivered at the Companies expense for the return of such memorial marker.

- 10.14 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 **Cemetery Manager** may, after 30 days notice in writing to the next-of-kin at their last known address, have the memorial, marker, or tablet, grave cover or grave curbing removed from the **Cemetery** if it has not been repaired in accordance with the notice.

PIONEER SECTION

- 10.15 Permit Required. No person shall erect any monument or place any memorial or construct any curbing or ledger around or on any **plot**, or portion of a **plot** in the **Pioneer Section** until they have paid the appropriate marker permit fees and have received such a permit. Only **plots**, which have received the second (2nd) full size interment, will be considered **for approval** to allow the installation of a concrete ledger.

- 10.16 Costs of Removal. Should any excessive sized monument, curbing, or ledger placed in the **Pioneer Section** need to be removed to accommodate an interment, the cost of such work is the responsibility of the family or their agent. The **City** will endeavour to do such removals with care and caution, but will not be responsible for the repair or cost of repair for damage to an excessive sized monument, curbing or ledger that is placed in the **Pioneer Section** prior to the interment."
- 10.17 Information Required. Prior to obtaining such permit the applicant shall file with the **Cemetery Manager** a statement setting forth in detail:
- (a) The size of the base of the proposed monument;
 - (b) The weight of the said monument;
 - (c) The material of which said monument is constructed;
 - (d) The size of the proposed memorial marker and the material of which it is to be constructed; and
 - (e) The number of lineal feet of curbing required.
 - (f) A sketch of the project, including, but not limited to size, thickness of ledger, size and intervals of re-enforcement bar and other materials used.
- 10.18 Placement. All memorials erected in the **Pioneer Section** shall be placed to the specifications of the **Cemetery Manager**, and must be constructed of granite or bronze and have a base of at least 150 mm (6 inches) which may be constructed of concrete.
- 10.19 Prohibited Materials. No monument or curbing shall be constructed of wood, and the use of marble for monuments or memorial markers is expressly prohibited.
- 10.20 Curbing. All curbing shall be of cement or granite and must be laid by the applicant or their agent so as to form a proper joint with the adjoining curb.
- All cement curbs shall have a facing of 150 mm (6 inches) and a depth of 250 mm (10 inches) and shall be set 150 mm (6 inches) above grade at **plot** line, and shall be set on a solid foundation.
- Reinforcement bar must be placed within the concrete curb at such spacing and diameter of reinforcement bar to match standard construction processes.
- 10.21 Ledger. Concrete ledger must be a minimum of 102mm (4 inches) thick with reinforcement mesh placed within the ledger based on standard construction practices.
- 10.22 Notification. The **Cemetery Manager** shall be notified no less than one week before any monument is erected, or curbing or a cement ledger is laid on any grave.

PART 11 – GENERAL REGULATIONS

- 11.1 Cemetery Damage. No person shall damage or deface any memorial, monument, fence, gate, or structure in the **Cemetery**, or any improvements in the **Cemetery**.
- 11.2 Damage to Cemetery. Any person who wilfully destroys, mutilates, defaces, injures, or removes any tomb, monument, memorial, or other structure placed in the **Cemetery**, or any fence, railing or other work for the protection or ornament of the **Cemetery**, or any tomb, monument, memorial, or other structure aforesaid or **plot** within the **Cemetery**, or wilfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or who wilfully or unlawfully disturbs persons assembled for the purpose of interring a body therein, or who commits a nuisance, or at any time behaves in an indecent and unseemly manner, or deposits any rubbish or offensive matter or thing in the **Cemetery**, or in any way violates any grave, tomb, tomb-stone, vault, memorial or other structure within the same shall be guilty of an infraction of this bylaw and be liable on summary conviction therefore to the penalties hereinafter set out.

- 11.3 **Cemetery Access/Speed.** No person shall enter the **Cemetery** in a vehicle after sunset, or drive a vehicle in the **Cemetery** at any time at a speed of more than 15km/h (10 miles per hour), and all vehicles and their drivers while in the **Cemetery** grounds shall be subject to the directions and orders of the **Caretaker**.
- 11.4 **Solicitation.** No person shall solicit orders for markers, tablets, memorials, curbing, cappings, or like works within the limits of the **Cemetery** other than those authorized by the **Cemetery Manager**.
- 11.5 **Obey Caretaker.** All persons and funeral processions in the **Cemetery** shall obey the reasonable instructions of the **Caretaker**, and any person not behaving with proper decorum within the **Cemetery**, or disturbing the quiet and good order of the **Cemetery** may be evicted there from by the **Caretaker**.
- 11.6 **Discharging Firearms.** The discharge of firearms, other than as authorized by the **Cemetery Manager**, is prohibited in the **Cemetery**.
- 11.7 **Hours of Operation.** The **Cemetery** shall be open between the hours of 7:00 a.m. and 8:00 p.m. during the period March 16th to October 31st each year and between the hours of 7:00 a.m. and 5:00 p.m. during the period of November 1st to March 15th each year. Any person in the **Cemetery** after these hours without special permission of the **Caretaker**, **Cemetery Manager**, or other person authorized by the **City** to grant such permission, shall be deemed guilty of an infraction of this bylaw and liable on summary conviction therefor to the penalties thereof.
- 11.8 **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 Ten Thousand Dollars (\$10,000.00).
- 11.9 **Temporary Removal of Markers.** The **Cemetery 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.
- 11.10 **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 **Cemetery Manager**.
- 11.11 **Excessive Maintenance.** Areas which create excessive maintenance, such as **plots** or groups of **plots**, enclosed or surrounded by concrete, ornamental rock cover, walls, hedges, shrubs, trees, monuments, raised memorials or other edifices are the responsibility of the families to be kept clean and tidy. The **City** and its employees will not be liable or responsible for loss or damage, or any repairs necessitated by or caused from an Act of God, the elements, thieves, vandals, unavoidable accidents, insurrection or other cause.
- 11.12 **Right to Correct Errors.** The **City** reserves, and shall have the right to correct any errors that may be made by it, either in making interments, disinterment or removals, or in the inscriptions, transfer, or conveyance by substituting and conveying in lieu thereof other interment rights of equal value and similar location as far as possible, or as may be selected by the **City** or, in the sole discretion of the **City**, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the **City** reserves and shall have the right to remove and transfer

such remains so interred, to such other property of equal value and similar location as may be substituted and conveyed in lieu of. The **City** shall not be liable in respect to any such errors, except as aforesaid.

PART 12 – REPEAL AND ENACTMENT

- 12.1 Effect of Bylaw. This bylaw shall come into full force and effect and be binding on all persons as and from date of adoption.
- 12.2 Repeal. "Kelowna Memorial Park Cemetery Bylaw No. 8807" and all amendments are hereby repealed.

Read a first, second and third time by the Municipal Council this 1st day of October, 2018.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Kelowna Memorial Park Cemetery's Fee Schedule "A"

PRODUCTS/SERVICES	2018	2019	2020	2021
Non-Residents add 25% to all fees				
GST not included in fee schedule				

CASKET PLOTS

*Grave liner required

UPRIGHT MARKER SECTIONS

G1, G7, G4* G8*

Right of Interment	\$2,480	\$2,604	\$2,734	\$2,871
Cemetery Replacement Fund	\$1,240	\$1,302	\$1,367	\$1,435
Cemetery Maintenance Fund	\$1,240	\$1,302	\$1,367	\$1,435
Total	\$4,960	\$5,208	\$5,468	\$5,742

FLAT MARKER SECTIONS

C*, D*, E*, G4*, G7, G8*

Right of Interment	\$1,787	\$1,876	\$1,970	\$2,069
Cemetery Replacement Fund	\$894	\$939	\$986	\$1,035
Cemetery Maintenance Fund	\$894	\$939	\$986	\$1,035
Total	\$3,575	\$3,754	\$3,941	\$4,139

DRY LANDSCAPE SECTIONS

A*,B*

Right of Interment	\$1,787	\$1,876	\$1,970	\$2,069
Cemetery Replacement Fund	\$894	\$939	\$986	\$1,035
Cemetery Maintenance Fund	\$894	\$939	\$986	\$1,035
Total	\$3,575	\$3,754	\$3,941	\$4,139

SMALL PLOTS (Child's Plot)

Section A*,C*, D* (3'x5')*

Right of Interment	\$218	\$229	\$240	\$252
Cemetery Replacement Fund	\$109	\$114	\$120	\$126
Cemetery Maintenance Fund	\$109	\$114	\$120	\$126
Total	\$436	\$458	\$481	\$505

ESTATE PLOTS

All Estate Plots Include: 2 Double Depth Lawn Crypts (space for 4 caskets), 8 Companion Cremation Plots (Space for 16 Urns), Marker Foundations.

Section G7

PRIVATE ESTATE

Also Includes: Granite Bench, Arched Gate Feature - c/w Bronze Name Plate , Garden Beds

Right of Interment	\$34,555	\$36,283	\$38,097	\$40,002
Cemetery Replacement Fund	\$17,279	\$18,143	\$19,050	\$20,003
Cemetery Maintenance Fund	\$17,279	\$18,143	\$19,050	\$20,003
Total	\$69,113	\$72,569	\$76,197	\$80,007

SEMI PRIVATE ESTATE

Also includes: Shared Granite Bench, Flower Beds

Right of Interment	\$25,489	\$26,763	\$28,102	\$29,507
Cemetery Replacement Fund	\$12,743	\$13,380	\$14,049	\$14,752
Cemetery Maintenance Fund	\$12,743	\$13,380	\$14,049	\$14,752
Total	\$50,975	\$53,524	\$56,200	\$59,010

IN-GROUND CREMATED REMAINS PLOT

*Grave liner required

COMPANION PLOTS (Space for 2 Urns)

Section C (1.5' x 2') & SECTION D (2.5' x 1.5')*

Plot Price	\$288	\$302	\$318	\$333
Cemetery Replacement Fund	\$144	\$151	\$159	\$167
Cemetery Maintenance Fund	\$144	\$151	\$159	\$167
Total	\$576	\$605	\$635	\$667

Section G5 / G6 *

Right of Interment	\$358	\$376	\$395	\$414
Cemetery Replacement Fund	\$178	\$187	\$196	\$206
Cemetery Maintenance Fund	\$178	\$187	\$196	\$206
Total	\$714	\$750	\$787	\$827

Section G3 - Promontory Green Interment Garden Plot *

Right of Interment	\$464	\$487	\$512	\$537
Cemetery Replacement Fund	\$233	\$245	\$257	\$270
Cemetery Maintenance Fund	\$233	\$245	\$257	\$270
Total	\$930	\$977	\$1,025	\$1,077

FAMILY PLOTS (Space for 6 Urns)

Section G₅ & G₆*

Right of Interment	\$714	\$750	\$787	\$827
Cemetery Replacement Fund	\$358	\$376	\$395	\$414
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$1,430	\$1,502	\$1,577	\$1,655

Section G₃ - Promontory Green Interment Garden Plot*

Right of Interment	\$858	\$901	\$946	\$993
Cemetery Replacement Fund	\$428	\$449	\$472	\$495
Cemetery Maintenance Fund	\$428	\$449	\$472	\$495
Total	\$1,714	\$1,800	\$1,890	\$1,984

MAUSOLEA

LEGACY GARDENS – Section D

Single Crypt- Includes Standard Crypt Plate

Level 1

Right of Interment	\$9,413	\$9,884	\$10,378	\$10,897
Cemetery Replacement Fund	\$7,529	\$7,905	\$8,301	\$8,716
Cemetery Maintenance Fund	\$1,882	\$1,976	\$2,075	\$2,179
Total	\$18,824	\$19,765	\$20,753	\$21,791

Level 2

Right of Interment	\$9,705	\$10,190	\$10,700	\$11,235
Cemetery Replacement Fund	\$7,764	\$8,152	\$8,560	\$8,988
Cemetery Maintenance Fund	\$1,940	\$2,037	\$2,139	\$2,246
Total	\$19,409	\$20,379	\$21,398	\$22,468

Level 3

Right of Interment	\$9,813	\$10,304	\$10,819	\$11,360
Cemetery Replacement Fund	\$7,851	\$8,244	\$8,656	\$9,089
Cemetery Maintenance Fund	\$1,962	\$2,060	\$2,163	\$2,271
Total	\$19,626	\$20,607	\$21,638	\$22,720

PROMONTORY GREEN INTERMENT GARDEN - Section G₂

Single Crypt – Includes Standard Crypt Plate

Level 1

Right of Interment	\$9,413	\$9,884	\$10,378	\$10,897
Cemetery Replacement Fund	\$7,529	\$7,905	\$8,301	\$8,716
Cemetery Maintenance Fund	\$1,882	\$1,976	\$2,075	\$2,179
Total	\$18,824	\$19,765	\$20,753	\$21,791

Level 2

Right of Interment	\$9,705	\$10,190	\$10,700	\$11,235
Cemetery Replacement Fund	\$7,764	\$8,152	\$8,560	\$8,988
Cemetery Maintenance Fund	\$1,940	\$2,037	\$2,139	\$2,246
Total	\$19,409	\$20,379	\$21,398	\$22,468

Level 3

Right of Interment	\$9,813	\$10,304	\$10,819	\$11,360
Cemetery Replacement Fund	\$7,851	\$8,244	\$8,656	\$9,089
Cemetery Maintenance Fund	\$1,962	\$2,060	\$2,163	\$2,271
Total	\$19,626	\$20,607	\$21,638	\$22,720

Couch Crypt – Includes Standard Crypt Plate**Level 1, 2, and 3**

Right of Interment	\$12,149	\$12,756	\$13,394	\$14,064
Cemetery Replacement Fund	\$9,719	\$10,205	\$10,715	\$11,251
Cemetery Maintenance Fund	\$2,430	\$2,552	\$2,679	\$2,813
Total	\$24,298	\$25,513	\$26,789	\$28,128

NICHES**LEGACY GARDENS – Section D****Phase One****Level 1**

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,577	\$3,756	\$3,944	\$4,141

Level 2

Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,575

Level 3/4/5

Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

Family Niches**Level 3/4/5**

Right of Interment	\$4,396	\$4,616	\$4,847	\$5,089
Cemetery Replacement Fund	\$3,517	\$3,693	\$3,877	\$4,071
Cemetery Maintenance Fund	\$879	\$923	\$969	\$1,018
Total	\$8,792	\$9,232	\$9,693	\$10,178

Family Urns – Includes One Family name engraved on urn

Right of Interment	\$6,863	\$7,206	\$7,566	\$7,945
Cemetery Replacement Fund	\$5,491	\$5,766	\$6,054	\$6,357
Cemetery Maintenance Fund	\$1,372	\$1,441	\$1,513	\$1,588
Total	\$13,726	\$14,412	\$15,133	\$15,890

BENNETT MEMORIAL**Concord**

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,577	\$3,756	\$3,944	\$4,141

Curved Wall**Level 1**

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,577	\$3,756	\$3,944	\$4,141

Level 2

Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,575

Level 3

Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

Round Unit - Includes Open/Close Fee**Level 1**

Right of Interment	\$1,787	\$1,876	\$1,970	\$2,069
Cemetery Replacement Fund	\$1,430	\$1,502	\$1,577	\$1,655

Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,575	\$3,754	\$3,941	\$4,139

Level 2

Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,575

Level 3, 4, 5, 6

Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

PROMONTORY GREEN INTERMENT GARDEN

Section G2 - Includes Standard Niche Plate, Second Year Date Plate and Open/Close fee

LEVEL 1

Right of Interment	\$1,788	\$1,877	\$1,971	\$2,070
Cemetery Replacement Fund	\$1,431	\$1,503	\$1,578	\$1,657
Cemetery Maintenance Fund	\$358	\$376	\$395	\$414
Total	\$3,577	\$3,756	\$3,944	\$4,141

Level 2

Right of Interment	\$1,976	\$2,075	\$2,179	\$2,287
Cemetery Replacement Fund	\$1,581	\$1,660	\$1,743	\$1,830
Cemetery Maintenance Fund	\$395	\$415	\$435	\$457
Total	\$3,952	\$4,150	\$4,357	\$4,575

Level 3, 4

Right of Interment	\$2,094	\$2,199	\$2,309	\$2,424
Cemetery Replacement Fund	\$1,675	\$1,759	\$1,847	\$1,939
Cemetery Maintenance Fund	\$418	\$439	\$461	\$484
Total	\$4,187	\$4,396	\$4,616	\$4,847

SCATTERING

PROMONTORY GREEN INTERMENT GARDEN

SCATTERING GARDEN OSSUARY or SCATTERING TRAIL

Scattering Only

Right of Interment	\$87	\$91	\$96	\$101
Cemetery Replacement Fund	\$45	\$47	\$50	\$52

Cemetery Maintenance Fund	\$45	\$47	\$50	\$52
Total	\$177	\$186	\$195	\$205

Scattering with Name Plate

Right of Interment	\$323	\$339	\$356	\$374
Cemetery Replacement Fund	\$163	\$171	\$180	\$189
Cemetery Maintenance Fund	\$163	\$171	\$180	\$189
Total	\$649	\$681	\$716	\$751

Promontory Green Memorial Wall Space – Name Plate Only

Right of Interment	\$323	\$339	\$356	\$374
Cemetery Replacement Fund	\$163	\$171	\$180	\$189
Cemetery Maintenance Fund	\$163	\$171	\$180	\$189
Total	\$649	\$681	\$716	\$751

INTERMENT PERMIT

Open/Close Fees

Casket - Burial	\$945	\$992	\$1,042	\$1,094
Casket - Mausoleum	\$982	\$1,031	\$1,083	\$1,137
Cremated Remains – In-ground	\$413	\$434	\$455	\$478
Cremated Remains - Niche	\$413	\$434	\$455	\$478
Children Under 12 Years of Age – interred in a designated Infant Plot (INFANT PLOTS - Section A,C, D (Note: plot size is 3'x5'))	\$0			

Concurrent Interment - Per

Casket	\$471	\$495	\$519	\$545
Cremated Remains – in-ground	\$205	\$215	\$226	\$237
Cremated Remains - niche	\$158	\$166	\$174	\$183

Additional Fees

Interments After 3PM	\$531	\$558	\$585	\$615
Weekend/Holiday Services	\$945	\$992	\$1,042	\$1,094
Deepening Large Plot	\$1,431	\$1,503	\$1,578	\$1,657
Deepening Cremation Plot	\$358	\$376	\$395	\$414
Additional Use Fee (3RD/+ INTERMENT for in-ground plots)	\$358	\$376	\$395	\$414

DISINTERMENT PERMIT

Casket	\$1,431	\$1,503	\$1,578	\$1,657
Cremated Remains	\$435	\$457	\$480	\$504

ADMINISTRATIVE FEES

Transferring a Plot/Surrendering a Plot/Add Name to Reservation	\$72	\$76	\$79	\$83
Record retrieval	\$83	\$87	\$92	\$96
Record re-issue	\$27	\$28	\$30	\$31
Open/close niche for corrective measures requested by funeral home or family - (remains stay on site/not a disinterment)	\$127	\$133	\$140	\$147
Wreath refinishing handling fee (includes removal/packaging for shipping and reinstall)	\$79	\$83	\$87	\$91
Special order/replacement processing fee	\$28	\$29	\$30	\$32
Bronze marker ordering/handling fee/installation	\$133	\$140	\$147	\$154

LINERS

Standard Size	\$572	\$601	\$631	\$662
Child's Liner	\$215	\$226	\$237	\$249
Cremation Liners (in ground)	\$178	\$187	\$196	\$206
Handling and Placing Liners (vaults) Supplied by Funeral Homes	\$358	\$376	\$395	\$414

MEMORIALS

Marker Permit - Installation of Markers by the City

Cemetery Maintenance Fund	\$141	\$148	\$155	\$163
Installation	\$211	\$222	\$233	\$244

Total	\$352	\$370	\$388	\$407
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Marker Permit – Installation of Markers, curbing, and legers by others in Sections A, B and Upright Marker Sections of Section G

Marker Modification Permit - Resetting/Removal/Reinstallation of Marker, curbing and leger	\$72	\$76	\$79	\$83
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Disposal of Marker	\$97	\$102	\$107	\$112
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Engraving of Shutter (niche – each occurrence)	\$272	\$286	\$300	\$315
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Supply Second Year Date Plate for Niche/Mausolea	\$177	\$186	\$195	\$205
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Replacement Shutter – Single Niche - Legacy Gardens	\$78	\$82	\$86	\$90
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Replacement Shutter – Double Niche – Legacy Gardens	\$154	\$162	\$170	\$178
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Family Urn Plaques Per - Legacy Gardens	\$309	\$324	\$341	\$358
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VASES

Bud Vase - Niches	\$233	\$245	\$257	\$270
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Bud Vase - Mausolea	\$347	\$364	\$383	\$402
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In-Ground Galvanized Flower Vase	\$74	\$78	\$82	\$86
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In-Ground Galvanized Flower Vase – Installation fee if vase is supplied by funeral home	\$29	\$30	\$32	\$34
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ADDITIONAL SERVICES

Canopy Service (Second Tent)	\$122	\$128	\$135	\$141
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To Supply Pall Bearer Per (Two Employees)	\$105	\$110	\$116	\$122
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DEDICATION PROGRAM

Memorial Tree (with plaque at cemetery only -) – includes scattering of ashes at KMPC Scattering Garden or Trail	\$1,299	\$1,364	\$1,432	\$1,504
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Memorial Bench (with plaque)	\$2,952	\$3,100	\$3,255	\$3,417
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Memorial Bench (existing bench, adding a plaque)	\$2,142	\$2,249	\$2,362	\$2,480
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Adding Second Plaque to Existing Memorial Bench or Tree	\$718	\$754	\$792	\$831
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Memorial Table (with plaque)	\$2,952	\$3,100	\$3,255	\$3,417
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Kelowna Memorial Park Cemetery's Map Schedule "B"

