

City of Kelowna

Regular Council Meeting

AGENDA



Monday, November 23, 2015

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 feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

4 - 10

PM Meeting - November 16, 2015

3. Public in Attendance

3.1 Okanagan Boys & Girls Club

11 - 26

Annual presentation to Council by the Chief Executive Director, Diane Entwistle.

4. Development Application Reports & Related Bylaws

4.1 OCP15-0006 & TA15-0005 - Moorage Referral and Water Use Policy Updates

27 - 36

To consider staff proposals to amend the OCP, Zoning Bylaw and City Policies regarding how Kelowna reviews and responds to referrals regarding private moorage applications.

4.2 BL11146 (OCP15-0006) - Chapter 5 - Development Process Amendments - Intensive Water Uses

37 - 39

Requires a majority of all members of Council (5).

To give Bylaw No. 11146 first reading in order to amend the Official Community Plan with respect to how Kelowna reviews and responds to referrals regarding private moorage applications.

4.3	BL11147 (TA15-0005) - Section 16 - Public & Institutional Zones - Dock Regulations	40 - 44
	To give Bylaw No. 11147 first reading in order to amend the Zoning Bylaw with respect to how Kelowna reviews and responds to referrals regarding private moorage applications.	
4.4	2975 & 2980 Gallagher Road, OCP15-0015 - Gordon Kirschner et al	45 - 80
	To amend the Official Community Plan to alter the eventual unit composition and density of the Kirschner Mountain development.	
4.5	2975 & 2980 Gallagher Road, BL11169 (OCP15-0015) - Gordon Kirschner et al	81 - 83
	Requires a majority of all members of Council (5).	
	To give Bylaw No. 11169 first reading in order to amend the Official Community Plan to alter the eventual unit composition and density of the Kirschner Mountain development.	
4.6	580 Patterson Avenue, Z15-0034 - Teresa Corea-Gaspari	84 - 101
	To rezone the subject property to facilitate the development of four dwelling housing.	
4.7	580 Patterson Avenue, BL11170 (Z15-0034) - Teresa Corea-Gaspari	102 - 102
	To give Bylaw No. 11170 first reading in order to rezone the subject property to facilitate the development of four dwelling housing.	
5.	Non-Development Reports & Related Bylaws	
5.1	Kelowna Memorial Park Cemetery Bylaw Update	103 - 112
	To update the Memorial Park Cemetery Bylaw with regards to pricing, the addition of new inventory, as well as some housekeeping and language updates.	
5.2	BL11144 - Amendment No. 6 to Kelowna Cemetery Bylaw No. 8807	113 - 126
	To give Bylaw No. 11144 first, second and third readings in order to amend the Kelowna Cemetery Bylaw.	
5.3	Administration and Inspection Fee Increase	127 - 130
	To complete a fee adjustment in support of the Development Engineering Branch's budget objective whereby 50% of operating costs are recovered from fee revenue, while still ensuring that Kelowna remains a favourable City for developers to invest.	

5.4	BL11172 - Amendment No. 4 to Development Application Fees Bylaw No. 10560	131 - 131
	To give Bylaw No. 11172 first, second and third readings in order to amend the Development Application Fees Bylaw.	
5.5	Public Place Making Initiative - Bernard Avenue	132 - 143
	To advise Council of the benefits of public place making and obtain Council support to explore a public placemaking initiative with respect to the vacant Bernard Avenue laneway adjacent to 229 Bernard Avenue.	
5.6	Ellis Street, Gaston Avenue & St. Paul Street - Road Closure & Land Exchange	144 - 147
	To dispose of a 825.3m ² portion of road (laneway) at the rear of 1123, 1131, 1135-1139, & 1155 Ellis Street and 1110, 1118, 1128, 1138, 1146 and 1166 St. Paul Street for consolidation with the adjacent properties.	
5.7	Ellis Street (Various Addresses) & St. Paul Street (Various Addresses), Portion of Lane Adjacent to, BL11171 - Road Closure Bylaw	148 - 149
	To give Bylaw No. 11171 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 Ellis Street & St. Paul Street.	
6.	Resolutions	
6.1	Draft Resolution, re: 2016 Council Meeting Schedule	150 - 151
	To adopt the 2016 Council Meeting Schedule.	
7.	Bylaws for Adoption (Non-Development Related)	
7.1	BL11167 - Amendment No. 27 to Traffic Bylaw No. 8120	152 - 157
	To adopt Bylaw No. 11167 in order to amend the Traffic Bylaw.	
7.2	BL11168 - Amendment No. 13 to Bylaw Notice Enforcement Bylaw No. 10475	158 - 159
	To adopt Bylaw No. 11168 in order to amend the Bylaw Notice Enforcement Bylaw.	
8.	Mayor and Councillor Items	
9.	Termination	



City of Kelowna Regular Council Meeting Minutes

Date: Monday, November 16, 2015
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Absent Mayor Colin Basran

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Crime Prevention Supervisor, Garth Fletcher*; Suburban & Rural Planning Manager, Todd Cashin*; Community Planning Department Manager, Ryan Smith*; Urban Planning Manager, Terry Barton*; Urban Planner, Adam Cseke*; Planner Specialist, Ross Soward*; Long Range Policy Planning Manager, James Moore*; Property Management Manager, Mike Olson*; Real Estate Director, Derek Edstrom*; Parking Services Manager, Dave Duncan*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Deputy Mayor DeHart called the meeting to order at 1:32 p.m.

Deputy Mayor DeHart advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio 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 Singh

R882/15/11/16 THAT the Minutes of the Regular Meetings of November 9, 2015 be confirmed as circulated.

Carried

Deputy Mayor DeHart acknowledged Garth Fletcher, Crimes Prevention Supervisor for being the recipient of the prestigious Crime Prevention Awareness Award from the Ministry of Justice.

3. Development Application Reports & Related Bylaws

3.1 1789 Munson Road, A15-0009 - Gabriel & Linda Coupal

Staff:

- Displayed a PowerPoint Presentation summarizing the application and the reasons behind the staff recommendation to not support the exclusion.
- Responded to questions from Council.

Gabriel and Linda Coupal, Munson Road, Applicant:

- Owners of the Property since 1972.
- Displayed photos and sketches of the surrounding area that depict the uses surrounding the subject property.
- Advised of the large diesel trucks that operate in close proximity and the loud noises that emanate. The enjoyment of nature and picking in this area for customers is diminished.
- Advised of the typically heavy traffic on Benvoulin Road during peak hours. Many vehicular accidents have occurred during these peak hours and their property was not accessible.
- Advised that across the street from their dwelling is an illegal wood waste dump site.
- Advised that the future designated parking to access Munson Pond would create significant changes in their neighbourhood with access for the public.
- Advised that traffic is an issue and the newly erected median in front of their property hinders access to the parking lot.
- Advised that their property shares two common fronts with the Christian School. The playing fields are in very close proximity to the crops. The applicants have to adjust spray application in accordance with the use of the school fields. Displayed a photo of the hedge that separates the crop and the school field.
- Advised that the land uses across from their home has been non-conforming for many years. End gates on dump trucks slam and the activity is extremely loud when dumping snow on the property.
- Advised that the decision to allow the Fortis building and Christian School has drastically changed the composition of this neighbourhood.
- Advised that an exclusion of their property would not affect the surrounding neighbourhood as they are the last ones farming in the area.
- Acknowledged that it is important to preserve farm land however the safety issues and land conflicts make that extremely difficult. They have tried to farm on this land with all the negative going on all around. They have been committed to the farming industry many years.
- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Singh

R883/15/11/16 THAT Agricultural Land Reserve Appeal No. A15-0009 for Parcel B on *Plan B6522 Amended Lot 7 DL 130 ODYD Plan 415 except Plans 18843 and KAP64190*, located at 1789 Munson Road, Kelowna BC, for an exclusion of agricultural land in the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act, be supported by Council; subject to the issuance of a Farm Protection Development Permit, and that the conditions of the Community Planning Department and the Development Engineering Department, including but not limited to access, be satisfied;

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

Defeated
Councillors Stack, Given, Donn and Gray - Opposed

Moved By Councillor Stack/Seconded By Councillor Given

R884/15/11/16 THAT Agricultural Land Reserve Appeal No. A15-0009 for Parcel B on *Plan B6522 Amended Lot 7 DL 130 ODYD Plan 415 except Plans 18843 and KAP64190*, located at 1789 Munson Road, Kelowna BC, for an exclusion of agricultural land in the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act, NOT be supported by Council;

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

Defeated
Deputy Mayor DeHart, Councillors Hodge, Sieben and Singh - Opposed

Moved By Councillor Hodge/Seconded By Councillor Singh

R885/15/11/16 THAT Council encourages the Agricultural Land Commission to find a solution to the farming issues facing Agricultural Land Reserve Appeal No. A15-0009 for Parcel B on *Plan B6522 Amended Lot 7 DL 130 ODYD Plan 415 except Plans 18843 and KAP64190*, located at 1789 Munson Road, Kelowna BC.

Carried
Councillors Given, Gray and Stack - Opposed

3.2 125 Dundas Road & 815 Highway 33 W, Z15-0046 - Unico One Developments Ltd.

Staff:

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

Moved By Councillor Sieben/Seconded By Councillor Given

R886/15/11/16 THAT Rezoning Application No. Z15-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification from the RU1 - Large Lot Housing zone to the RM5 - Medium Density Multiple Housing zone, be considered by Council on the following parcels:

Lot A, Section 22, Township 26, ODYD, Plan 19344 Except Plan 39372, located at 815 Hwy 33 W.

Lot B, Section 22, Township 26, ODYD, Plan 19344 Except Plan 39372, located at 125 Dundas Rd;

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 following:

1. To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated November 16th 2015.

Carried

3.3 125 Dundas Road & 815 Highway 33 W, BL11165 (Z15-0046) - Unico One Developments Ltd.

Moved By Councillor Given/Seconded By Councillor Donn

R887/15/11/16 THAT Bylaw No. 11165 be read a first time.

Carried

3.4 305 Homer Road, Z15-0049 - Davara Holdings Ltd.

Staff:

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

Moved By Councillor Stack/Seconded By Councillor Donn

R888/15/11/16 THAT Rezoning Application No. Z15-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 27, Township 26, ODYD, Plan 18004, located at 305 Homer Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple 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 following:

1. To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated November 2nd 2015.

Carried

3.5 305 Homer Road, BL11166 (Z15-0049) - Davara Holdings Ltd.

Moved By Councillor Donn/Seconded By Councillor Given

R889/15/11/16 THAT Bylaw No. 11166 be read a first time.

Carried

3.6 984 Dehart Road, OCP14-0022 & Z14-0047, Extension Request - Sherwood Mission Developments et al

Moved By Councillor Gray/Seconded By Councillor Sieben

R890/15/11/16 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Official Community Plan Amending Bylaw No. 11017 and Rezoning Bylaw No. 11018, be extended from October 22, 2015 to October 22, 2016;

AND THAT Council direct Staff to not accept any further extension requests.

Carried

4. Non-Development Reports & Related Bylaws

4.1 Rental Housing Grant Recommendation for 2016

Councillor Stack declared a conflict of interest as his employer is a recommended recipient for one of the Rental Housing Grants and left the meeting at 4:18 pm

Staff:

- Displayed a PowerPoint Presentation summarizing the 2016 Grant recipients and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Sieben

R891/15/11/16 THAT Council receives the report from the Planner Specialist, dated November 16, 2015 regarding the rental housing grant recommendation for 2016;

AND THAT Council approves the 2016 Rental Housing Grants as identified in the report from the Planner Specialist, dated November 16, 2015, in accordance with the Housing Opportunities Reserve Fund Bylaw No. 8593 and Council Policy No. 335.

Carried

Councillor Stack returned to the meeting at 4:38 p.m.

4.2 Rutland Arena Concession Lease

Staff:

- Displayed a PowerPoint Presentation summarizing the Food Concession Lease.

Moved By Councillor Hodge/Seconded By Councillor Singh

R892/15/11/16 THAT Council approves the City entering into a three (3) year Lease Agreement, with Una Mak, for the purpose of operating a food concession at Rutland Arena, with the option to renew for an additional two (2) year term, in the form attached to the Report of the Manager, Property Management dated November 16, 2015;

AND THAT the Mayor and City Clerk be authorized to execute the Lease Agreement.

Carried

4.3 Parking Rate, Fine and Fee Adjustments

Staff:

- Displayed a PowerPoint Presentation summarizing the parking rates, fines and fee adjustments and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Donn

R893/15/11/16 THAT Council receives, for information, the report from the Manager, Parking Services, dated November 16, 2015 with respect to Parking Rate, Fine and Fee Adjustments;

AND THAT Council approves base parking rate, fine and fee adjustments, consistent with the City-Wide Parking Management Strategy, effective February 1, 2016, as outlined in the report from the Manager, Parking Services, dated November 16, 2015;

AND THAT Bylaw No. 11167, being Amendment No. 27 to Traffic Bylaw No. 8120, be forwarded for reading consideration;

AND THAT Bylaw No. 11168, being Amendment No. 13 to Bylaw Notice Enforcement Bylaw No. 10475, be forwarded for reading consideration.

Carried

4.4 BL11167 - Amendment No. 27 to Traffic Bylaw No. 8120

Moved By Councillor Singh/Seconded By Councillor Sieben

R894/15/11/16 THAT Bylaw No. 11167 be read a first, second and third time.

Carried

4.5 BL11168 - Amendment No. 13 to Bylaw Notice Enforcement Bylaw No. 10475

Moved By Councillor Singh/Seconded By Councillor Sieben

R895/15/11/16 THAT Bylaw No. 11168 be read a first, second and third time.

Carried

5. Mayor and Councillor Items

Councillor Stack:

- Suggested that the Agricultural Land Commission listen to entire Council debate via the Castanet Link and that staff provide the link in the ALC correspondence.

Councillor Singh:

- Reminder that Miss Lady of the Lake Committee looking for volunteer escorts.

Councillor Sieben:

- Spoke to his attendance at the Western Canadian Irish Dance Championships held this past week in Kelowna.

Councillor Hodge:

- Spoke to his attendance, along with Councillor Donn, at the Fit for Children Conference.
- Reminder that Friday November 20th is National Child Day.

Councillor Gray:

- Reminder that the Kelowna Chamber of Commerce is hosting Business After Hours at the Brew House at Sopa Square on Tuesday, November 17th between 5:00 and 7:00 p.m.
- Council will be attending the launch of the Salvation Army Christmas Kettle Campaign on Friday, November 20th at Walmart.

Councillor Donn:

- Spoke to new Youth Grant Program.
- Will be attending the Okanagan Sports Hall of Fame Breakfast at the Capri on Thursday, November 19th at 7:00 a.m.

Deputy Mayor DeHart:

- Reminder that Canada's West Marketplace Trade Show is being held at the Delta Grand from November 16th to 19th.

6. Termination

This meeting was declared terminated at 5:11 p.m.

Mayor

/acm



City Clerk

DRAFT



Okanagan
Boys & Girls Clubs

City of Kelowna Partnership Presentation



A good place to be



Okanagan
Boys & Girls Clubs

Okanagan Boys & Girls Clubs

Our Vision

All children and youth discover and achieve their dreams and grow up to be healthy, successful and active participants in society.

Our Mission

To provide a safe, supportive place where children and youth can experience new opportunities, overcome barriers, build positive relationships and develop confidence and skills for life.



Okanagan
Boys & Girls Clubs

History

- Kelowna Boys Club founded in 1959
- Services have grown and evolved with our community
- Amalgamated as Okanagan Boys and Girls Clubs in 2002
- 37 service locations throughout the Okanagan
- One of 96 Boys and Girls Clubs across the country



Okanagan
Boys & Girls Clubs

Kelowna Based Programs and Services

- Early Childhood
- Middle Childhood
- Youth
- Family
- Community
- 1500 Members





Okanagan
Boys & Girls Clubs

Core Programming Areas

- Physical Activity, Health & Safety
- Leadership, Growth & Empowerment
- Learning & Career Development
- Family & Communities





Okanagan
Boys & Girls Clubs

Partnership with City of Kelowna

- Management Operating Agreement which includes
 - 3 City owned buildings
 - Operating Grant
- Very active and positive relationships with City staff



Community Support

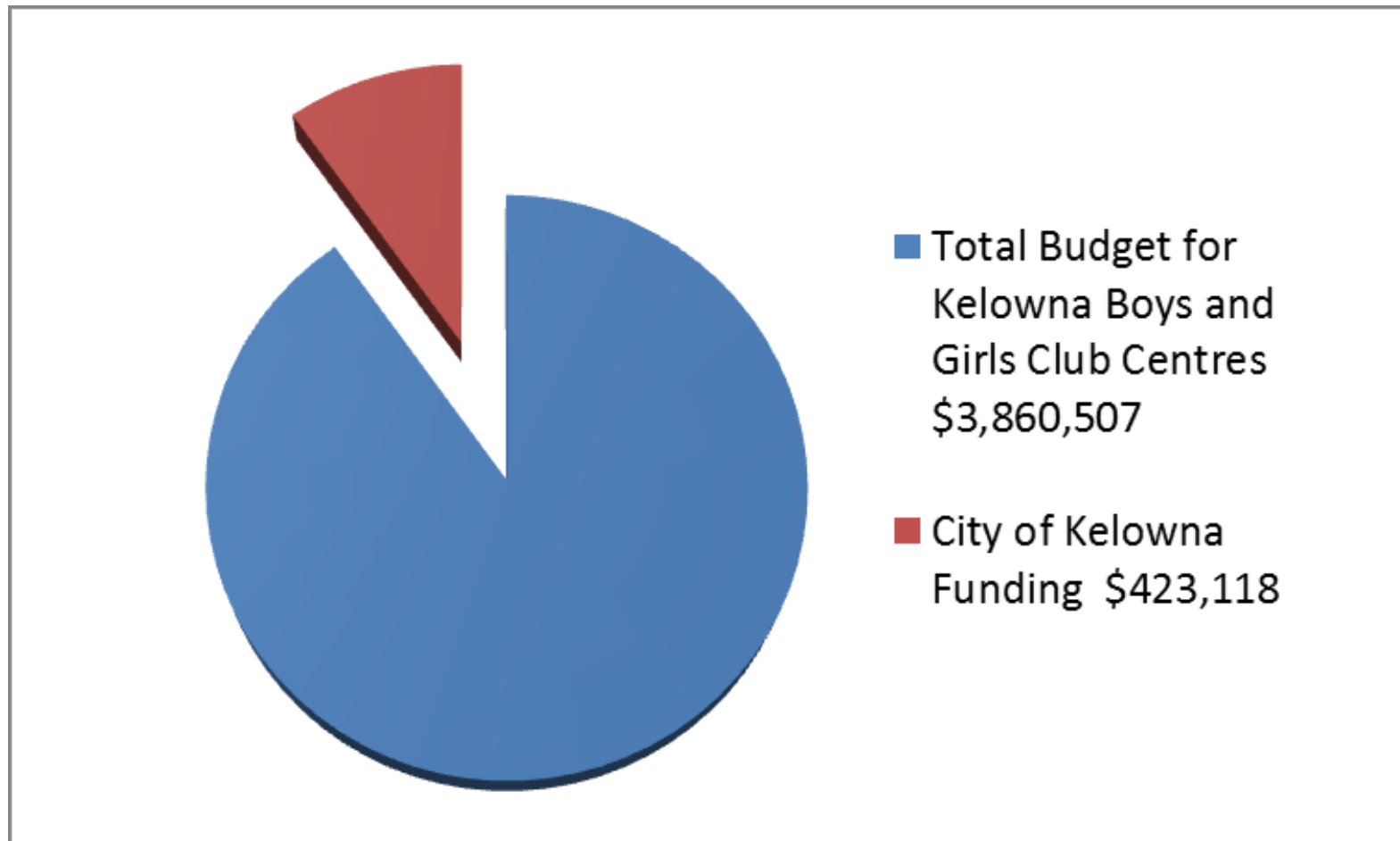
- Diversity in funding
- All levels of government
- Program Fees
- Donors
- Community Supporters
- Businesses
- Fundraising Events
- Working together





Okanagan
Boys & Girls Clubs

Economic Return on Investment





Okanagan
Boys & Girls Clubs

Martin Ave. Community Centre

- 1434 Graham Street- Martin Avenue Community Centre
- Community use - Seniors Learning in Retirement
- Before and after school programs- picking up from various schools in the area
- Family Resource Programs
- Recreation/Daycamps
- Daycare/Community Kitchen Program
- Programs for kids with special needs
- Membership of 548





Okanagan
Boys & Girls Clubs

Rutland Club

- Built by Kinsmen in the early 80's
- Part of the recreation complex in Rutland-community use
- Before and after school programs
- Family Resource Programs
- Recreation/Daycamps
- Daycare
- Rogers Raising the Grade
- Membership of 362





Okanagan
Boys & Girls Clubs

Community Locations

- Cameron Park Early Learning Centre
 - Was the Central Okanagan Daycare Society, amalgamated in late 1990's
 - Facility burnt down in early 2000s, since replaced
- Cedar Creek Community Centre
 - After school programs to serve the Mission area
- After School Programs at School Sites





Okanagan
Boys & Girls Clubs

Youth Restorative Justice

- Non court alternative for first time youth offenders
- Focused on holding youth accountable and repairing the harm
- Community volunteers work with co-ordinator
- Funded through City budget





Okanagan
Boys & Girls Clubs

Downtown Youth Centre

- 1633 Richter Street- heritage building
- One stop shop for youth services- wrap-around services
- Safe place to sleep at night
- Part of housing continuum
- Basic needs, food, showers, laundry
- Work with other service providers





Okanagan
Boys & Girls Clubs

Social Return on Investment





Okanagan
Boys & Girls Clubs

Working Together

- Doing the work together differently in our community
- Collective impact initiatives
- Youth Service Provider Group
- After School Programs
- Working with community partners, businesses





Okanagan
Boys & Girls Clubs

Okanagan Boys and Girls Clubs



Report to Council



Date: November 23, 2015
RIM: 1250-04
To: City Manager
From: Ryan Roycroft, Urban Planning
Subject: Moorage Referral and Water Use Policy Updates

Recommendation:

THAT Official Community Plan Bylaw Text Amendment No. OCP15-0006 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by adding Future Land Use descriptions for water use areas as outlined in the Report of the Community Planning Department dated November 23, 2015 be considered by Council;

AND THAT Official Community Plan Bylaw Text Amendment No. OCP15-0006 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 by amending Map 5.8 as outlined in the Report of the Community Planning Department dated November 23, 2015, be considered by Council;

AND THAT Council considers the public hearing process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Community Planning Department dated November 23, 2015;

AND THAT Zoning Bylaw Text Amendment No. TA15-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by amended the CD22 Zone as outlined in the Report of the Community Planning Department dated November 23, be considered by Council;

AND FURTHER THAT the Official Community Plan Amendment Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

Purpose:

To consider staff proposals to amend the OCP, Zoning Bylaw and City Policies regarding how Kelowna reviews and responds to referrals regarding private moorage applications.

Background:

In May of 2014, as the result of inconsistencies in communications and referrals regarding moorage application between the City of Kelowna and the Ministry of Forests, Lands and Natural Resources, Council directed staff to prepare bylaw and policy amendments to clarify how the City of Kelowna reviews referrals for moorage applications.

Staff have put together a package of Zoning Bylaw, Official Community Plan and Policy amendments to clarify how moorage referrals are reviewed and circulated, and to better guide the decision making process regarding moorage referrals.

There will be 4 policy upgrades as part of the collection of amendments.

- A. **Draft Official Community Plan Policies and Objectives:** This section provides greater direction as to the City's rationale when considering future water uses. The OCP Objectives considers key issues such as neighbourhood impact, upland uses, environmental impact, incompatibility of uses and the implications for Council and community review.
- B. **Future Water Use Designations:** This section provides high level direction as to the anticipated locations of intensive water uses, complementing the OCP policies and zoning by-law. This mapping reflects the existing W2 zones as well as areas where the upland land use is supportive of more intensive water uses. Preliminary descriptions of these Water Use Designations are included in the OCP amendments.
- C. **Zoning Bylaw Amendments:** The W1 Zone will be updated moving dock and boatlift regulations and parts of the shared dock guidelines. The new W1 Zone will have a set of regulations for private or shared moorage between two units or properties and a set of regulations for three or more units or properties or commercial moorage. Some minor changes are made to the W2 zone, but W2 uses are too diverse to provide effective regulations.
- D. **Updated Senior Government Referral Council Policy:** A new policy will be brought before Council at a later date, after the adoption of the OPC and Zoning Bylaw Amendments.

Overall, the intent of the policy amendments will be to clarify municipal policy regarding water use. The policy amendments do not dramatically alter how applications for moorage and water uses are treated in the City, but instead provide direction to developers and staff.

The amendments will give Council the opportunity to review all referrals for major moorage applications prior to their being returned to the province.

Internal Circulation:

The amendments have been put together by staff from the Community Planning and Policy Planning groups. Parks staff have also been involved in drafting the amendments.

The City Clerks office will bring the policy amendment to Council after the adoption of the OCP and Zoning Bylaw amendments.

External and Stakeholder Consultation:

Staff have conducted a targeted outreach and consultation process. Because of the limited scope of the amendments and their focus more on procedural clarity than on large scale policy changes, consultation was limited.

- Four letters of support were received from local dock builders.
- The Ministry of Forests, Lands and Natural Resource Operations (Crown Land Policy Section) support the proposed Text Amendments
- The Ministry of Transportation have no concerns over the proposed Text Amendments

Legal/Statutory Authority:

Moorage approvals in BC are issued by the Province, which refers applications to the local authorities for comment. The municipality has the opportunity to comment on these referrals, be it through staff or council comment.

Legal/Statutory Procedural Requirements:

Staff recommends that the public hearing process should be considered appropriate for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

Existing Policy:

The City of Kelowna has a Senior Government Referral policy in place giving staff direction for how to deal with certain forms of referrals, regarding broadcasting towers. The amendments to the policy would expand the policy to also deal with moorage referrals.

The City of Kelowna Official Community Plan does not designate Future Land Use on the water at this time.

The Zoning Bylaw includes some policy on docks and moorage, but it is not clearly tied to the W1 and W2 zones. The proposed amendments will clarify the relationships between moorage policy and the underlying water zone.

Financial/Budgetary Considerations:

There are no financial or budgetary impacts anticipated.

Personnel Implications:

No additional personnel will be required. Workload is not expected to expand significantly as the result of the policy amendments, only internal workflow.

Submitted by:

Ryan Roycroft, Planner

Approved for inclusion:



Ryan Smith, Department Manager, Community Planning

cc: Policy Planning

ZONING BYLAW

APPENDIX A Section 16.6.5 through 16.6.8

16.6.5 Development Regulations

- (a) **N/A**

16.6.6 Dock Regulations - Minor

The following regulations apply to a dock for one single-detached residential property or a shared dock between two single-detached residential properties, two bareland strata units, two multi-family units or two apartment hotel units:

- (a) The owner of the moorage facilities must be the owner of the upland property or be the holder of a Crown land residential lease for the upland property.
- (b) No docks, boatlifts, shall be maintained, used or constructed beyond 40.0 m from the natural boundary of the upland parcel.
- (c) Non-moorage uses such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.
- (d) The placement of fill, or the dredging of aquatic land, is not permitted. Natural habitat and shoreline processes shall not be altered.
- (e) Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means.
- (f) Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies.
- (g) Dock access ramps and walkways shall not exceed a width of 1.5m. Any other surface of the dock shall not exceed a width of 3.0m.
- (h) L or T shaped dock structures are permitted if the length of the structure which is parallel to the shoreline does not exceed the lesser of 10 m or one half the width of frontage of the upland parcel.
- (i) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 5.0m.
- (j) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 6.0 m where the adjacent property is a right-of-way beach access or is in a P3 zone.
- (k) No roof, overhead or covered structures shall be placed on the dock.

- (l) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.
- (m) No roof or covered structures shall be used, constructed, or maintained for boat lifts.
- (n) No overhead boat lift systems or mechanisms will be permitted.
- (o) Where a dock is shared, and constructed in front of abutting properties sharing the dock, the dock can be constructed on or across the common property boundaries. In such an instance, the minimum side yard setback between those two properties would be 0 m. Docks must be set back a minimum of 6.0 m from all other side property lines (as projected perpendicularly onto the foreshore from upland properties).

16.6.7 Dock Regulations - Major

The following regulations apply to a shared dock for three or more single-detached residential properties, bareland strata units, multi-family units or apartment hotel units:

- (a) The owner of the moorage facilities ~~is~~ must be the owner of the upland property or ~~is~~ be the holder of a Crown land residential lease for the upland property.
- (b) Non-moorage **uses** such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.
- (c) Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies.
- (d) Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means. Where this solution is impractical, the owners may choose, as an alternative, to allow the public to cross the upland property above the natural boundary. If this alternative is chosen, a sign must be posted on the property to advise the public of the alternative crossing.
- (e) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 5.0 m.
- (f) Dock structures including any attached or detached boatlift mechanism must be setback from the side **property line** of the upland parcel, projected onto the **foreshore**, by a minimum of 6.0 m where the **adjacent** property is a right-of-way beach access or is in a P3 **zone**.
- (g) No roof, overhead or covered structures shall be placed on the dock.
- (h) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.

- (i) Dock lighting may be installed for security and safety purposes but shall be on sensor detectors such that the lights are only on when there are people on or near the dock. Lights should be installed at not less than 10 m intervals. Bulbs should have a maximum wattage of 60 w. Lamp heads should be no more than 22" higher than the dock decking.
- (j) No overhead electrical wiring will be permitted.
- (k) No roof or covered **structures** shall be used, constructed, or maintained for **boat lifts**.
- (l) No overhead **boat lift** systems or mechanisms will be permitted.
- (m) The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of single-detached housing properties sharing a dock, extend across more than 50% of the frontage of any given upland property and must in no case exceed 25 m.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of bareland strata developments, extend across more than 40% of the frontage of the bareland strata parent parcel, and must in no case exceed 90 m.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of multi-family developments or apartment hotels, extend across more than 40% of the frontage of the upland development, and must in no case exceed 90 m.
- (n) There shall be a maximum of one berth/slip and boat lift for every upland property unit. Rental of slips is prohibited.

16.6.8 Other Regulations

- (a) A maximum of one dock or **pier** shall be allowed for each waterfront property.
- (b) Docks and boatlifts, shall be approved by the Province of B.C. or by other designated approving agencies, shall be **used** for boat access purposes only, and no commercial or industrial activity or **use** shall take place thereon.
- (c) **Boating** activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by the federal Coast Guard.
- (d) Non-emergency overnight moorage shall be allowed only at **federal government approved moorage buoys** or at docks licensed by the Province of B.C.
- (e) Camping is not permitted.
- (f) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6, the parking regulations of Section 8, and the specific **use** regulations of Section 9.

APPENDIX B Section 16.7.6 through 16.6.8

16.7.6 Other Regulations

- (a) A maximum of one dock or **pier** shall be allowed for each waterfront property.
- (b) All docks and boatlifts shall be licensed by the Province of B.C. or by other designated approving agencies.
- (c) **Boating** activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by the federal Coast Guard.
- (d) Non-emergency overnight moorage shall be allowed only at **federal government approved moorage buoys** or at docks licensed by the Province of B.C.
- (e) Camping is not permitted.
- (f) Permanent moorage is intended to be **used** for the purposes of moorage of **tour boats** and shall not include permanent live aboard accommodations.
- (g) Marine fuel facilities and other commercial facilities for **boat launches** and **marinas** shall provide holding tank pump out facilities and public restroom facilities.
- (h) Convenience retail and **minor eating and drinking establishments** shall not have more than 235 m².
- (i) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6, the parking regulations of Section 8, and the specific **use** regulations of Section 9.
- (j) Drive-in food services are not a permitted form of development in this zone.

OCP AMENDMENT

Add new Objective 5.40 as follows (proposed wording is underlined)

Support the development of intensive water uses in areas where the upland use is compatible.

Add new policy under Objective 5.40 as Policy 5.40.1 as well as adding the Social Sustainability and economic sustainability icons as follows:

Neighbourhood Context. Consider W2 zones or large shared moorage (3 slips or more) in areas where the upland Future Land Use Map is supportive of multi-unit, strata residential, commercial or mixed-use. Encourage projects where there is limited impact of traffic and noise on established single-two unit residential and where the water use will not have an excessive visual impact on nearby single-two unit residential areas or City parks and public open space.

Add new policy under Objective 5.40 as Policy 5.40.2 as well as adding the Social Sustainability and economic sustainability icons as follows:

Access and Parking. Consider allowing intensive water uses in areas where the foreshore can be accessed using a collector, mitigating potential traffic impacts. Encourage projects where upland parking is screened from public view or contained within the upland building. Give priority to projects that will not create spill-over parking problems on adjoining streets.

Add new policy under Objective 5.40 as Policy 5.40.3 as well as adding the Social Sustainability icon as follows:

Public and Council Review. Any application that proposes a more intensive water use: rezoning, new or expanded large shared moorage (3 slips or more) through new or existing strata, as well as any substantive expansion to a water use in an existing W2 zone will require Public Hearing and Council review to determine community impact and public benefit. Public review will follow the procedures of the Dock and Marina section of the *Senior Government Referral Policy*.

Add new Objective 5.41 as follows (proposed wording is underlined)

Encourage intensive water uses where it supports existing patterns of community water access.

Add new policy under Objective 5.41 as Policy 5.41.1 as well as adding the Social Sustainability icon as follows:

Community Access. Encourage more intensive water uses where the proposed use significantly improves the public's access and enjoyment to the waterfront without undue visual or safety impact to existing lake access areas.

Add new policy under Objective 5.41 as Policy 5.41.2 as well as adding the Social Sustainability icon as follows:

Orientation. Ensure the siting of any large shared moorage is undertaken in a manner that is consistent with the orientation of neighbouring water uses and does not impact access to existing moorage and adjacent properties.

Add new Objective 5.42 as follows (proposed wording is underlined)

Reduce impact on aquatic ecosystem

Add new policy under Objective 5.42 as Policy 5.42.1 as well as adding the Environmental Sustainability icon as follows:

Environmental Considerations. In planning intensive water uses give priority to areas with greater water depth to reduce potential need for dredging. Avoid the development of intensive water uses in environmentally sensitive areas.

Add new policy under Objective 5.42 as Policy 5.42.2 as well as adding the Environmental Sustainability icon as follows:

Other Guidelines and Regulations: Additionally, any application for a water use must conform to all relevant provincial and federal guidelines and regulations.

Add new Objective 5.43 as follows (proposed wording is underlined)

Limit conflict between incompatible water uses

Add new policy under Objective 5.43 as Policy 5.43.1 as well as adding the Social Sustainability icon as follows:

Promote Safety of all Water uses. Reduce the number of areas where motorized and non-motorized water users are interacting with the potential for safety impacts and conflict.

Add new policy under Objective 5.43 as Policy 5.43.2 as well as adding the Social Sustainability icon as follows:

Protect Areas for Non-motorized Water Uses. Encourage lake access areas in different areas of the city where non-motorized water uses are given priority over motorized uses through the uses of buoys and signage.

Add new policy under Objective 5.43 as Policy 5.43.3 as well as adding the Social Sustainability and Environmental Sustainability icons as follows:

Provide Buffer Between Incompatible Uses. Reduce opportunities for conflict by maintaining a buffer of 130m between intensive water uses and City parks and beach access points.

CITY OF KELOWNA

BYLAW NO. 11146

Official Community Plan Amendment No. OCP15-0006 Chapter 5 - Development Process Amendments for Intensive Water Uses

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be deleted in its entirety and replaced with a new Map 4.1 - **GENERALIZED FUTURE LAND USE** as attached to and forming part of this bylaw;
2. AND THAT Chapter 5 - Development Process, OCP AMENDMENT APPLICATIONS be amended by adding new 5.40, 5.41, 5.42 and 5.43 Objectives as follows:

**“ OBJECTIVE 5.40 SUPPORT THE DEVELOPMENT OF INTENSIVE WATER USES
IN AREAS WHERE THE UPLAND USE IS COMPATIBLE**

Policy. 1 **Neighbourhood Context.** Consider W2 zones or large shared moorage (3 slips or more) in areas where the upland Future Land Use Map is supportive of multi-unit, strata residential, commercial or mixed-use. Encourage projects where there is limited impact of traffic and noise on established single-two unit residential and where the water use will not have an excessive visual impact on nearby single-two unit residential areas or City parks and public open space.

Policy .2 **Access and Parking.** Consider allowing intensive water uses in areas where the foreshore can be accessed using a collector, mitigating potential traffic impacts. Encourage projects where upland parking is screened from public view or contained within the upland building. Give priority to projects that will not create spill-over parking problems on adjoining streets.

Policy .3 **Public and Council Review.** Any application that proposes a more intensive water use: rezoning, new or expanded large shared moorage (3 slips or more) through new or existing strata, as well as any substantive expansion to a water use in an existing W2 zone will require Public Hearing and Council review to determine community impact and public benefit. Public review will follow the procedures of the Dock and Marina section of the *Senior Government Referral Policy*.

OBJECTIVE 5.41 **ENCOURAGE INTENSIVE WATER USES WHERE IT SUPPORTS
EXISTING PATTERNS OF COMMUNITY WATER ACCESS**

- Policy .1 **Community Access.** Encourage more intensive water uses where the proposed use significantly improves the public's access and enjoyment to the waterfront without undue visual or safety impact to existing lake access areas.
- Policy .2 **Orientation.** Ensure the siting of any large shared moorage is undertaken in a manner that is consistent with the orientation of neighbouring water uses and does not impact access to existing moorage and adjacent properties.

Objective 5.42 **REDUCE IMPACT ON AQUATIC ECOSYSTEM**

- Policy .1 **Environmental Considerations.** In planning intensive water uses give priority to areas with greater water depth to reduce potential need for dredging. Avoid the development of intensive water uses in environmentally sensitive areas.
- Policy .2 **Other Guidelines and Regulations:** Additionally, any application for a water use must conform to all relevant provincial and federal guidelines and regulations.

Objective 5.43 **LIMIT CONFLICT BETWEEN INCOMPATIBLE WATER USES**

- Policy .1 **Promote Safety of all Water uses.** Reduce the number of areas where motorized and non-motorized water users are interacting with the potential for safety impacts and conflict.
- Policy .2 **Protect Areas for Non-motorized Water Uses.** Encourage lake access areas in different areas of the city where non-motorized water uses are given priority over motorized uses through the uses of buoys and signage.
- Policy .3 **Provide Buffer Between Incompatible Uses.** Reduce opportunities for conflict by maintaining a buffer of 130m between intensive water uses and City parks and beach access points.

3. 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

Legend

Permanent Growth Boundary

Land Use Designations

- Commercial (COMM)
- Education / Major Institutional (EDINST)
- First Nations Reserve (FNR)
- Future Urban Reserve (FUR)
- Health District (HLTH)
- Industrial (IND)
- Industrial - Limited (IND-L)
- Industrial - Transitional (IND-T)
- Major Park and Open Space (PARK)
- Mixed Use (Residential / Commercial) (MXR)
- Mixed Use Tourism (MXT)
- Multiple Unit Residential (Cluster Housing) (MRC)
(Associated uses: care centres, minor public services/activities, & neighbourhood park)
- Multiple Unit Residential (Low Density) (MSL)
(Associated uses: care centres, minor public services/activities, & neighbourhood park)
- Multiple Unit Residential (Medium Density) (MRM)
(Associated uses: care centres, minor public services/activities, & neighbourhood park)
- Multiple Unit Residential (High Density) (MRH)
(Associated uses: care centres, minor public services/activities, & neighbourhood park)
- Private Recreational (RDC)
- Public Service / Utilities (PSU)
- Transportation Corridor (TC)
- Resource Protection Area (RPA)
- Service Commercial (SC)
- Single / Two Unit Residential (SORS)
(Associated uses: care centres, minor public services/activities, convenience facility & neighbourhood park)
- Single / Two Unit Residential - Hillside (SORS-H)
(Associated uses: care centres, minor public services/activities, & neighbourhood park)
- Public Water Use (WAT)
- Private Low Intensity Water Use (WATP)

Future Land Use Boundaries on lots with more than one Land Use Designation are conceptual only and may change based on Development Proposals.

NOTES

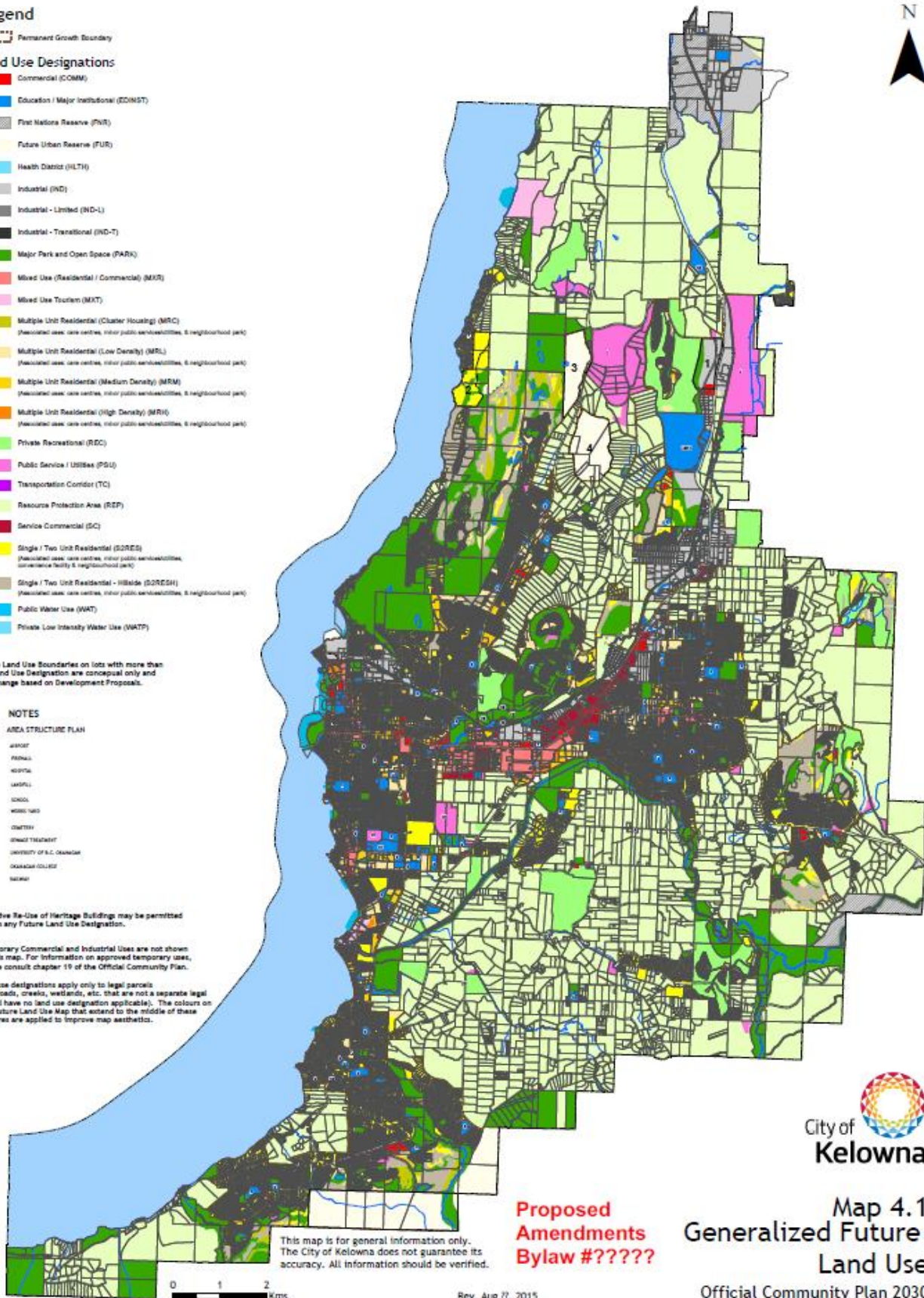
AREA STRUCTURE PLAN

- A AIRPORT
- F FERRIS
- H HOSPITAL
- L LANDFILL
- S SCHOOL
- W WOOD YARD
- CE CHURCH
- ST STREET TREATMENT
- UNIVERSITY OF B.C. CAMPUS
- OC OKANAGAN COLLEGE
- THEATRE

Adaptive Re-Use of Heritage Buildings may be permitted within any Future Land Use Designation.

Temporary Commercial and Industrial Uses are not shown on this map. For information on approved temporary uses, please consult chapter 19 of the Official Community Plan.

Landuse designations apply only to legal parcels (i.e. roads, creeks, wetlands, etc. that are not a separate legal parcel) have no land use designation applicable). The colours on the Future Land Use Map that extend to the middle of these features are applied to improve map aesthetics.



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

Rev. Aug 27, 2015



Map 4.1
Generalized Future
Land Use
Official Community Plan 2030

CITY OF KELOWNA
BYLAW NO. 11147
TA15-0005 - Section 16 - Public & Institutional Zones -
Dock Regulations

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, **Section 16 - Public & Institutional Zones, 16.6 W1 - Recreational Water Use** be amended by deleting Sub-Section **16.6.6 Other Regulations** in its entirety that reads:

"16.6.6 Other Regulations

- (a) No docks, boatlifts, shall be maintained, **used** or constructed beyond 40.0 m from the **natural boundary** of the upland parcel.
- (b) A maximum of one dock or **pier** shall be allowed for each waterfront property.
- (c) Docks and boatlifts must conform to the regulations outlined in Section 9.9, shall be approved by the Province of B.C. or by other designated approving agencies, shall be **used** for boat access purposes only, and no commercial or industrial activity or **use** shall take place thereon.
- (d) **Boating** activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by the federal Coast Guard.
- (e) Non-emergency overnight moorage shall be allowed only at **federal government approved moorage buoys** or at docks licensed by the Province of B.C.
- (f) Camping is not permitted.
- (g) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6, the parking regulations of Section 8, and the specific **use** regulations of Section 9."

And replacing it with:

"16.6.6 Dock Regulations - Minor

The following regulations apply to a dock for one single-detached residential property or a shared dock between two single-detached residential properties, two bareland strata units, two multi-family units or two apartment hotel units:

- (a) The owner of the moorage facilities must be the owner of the upland property or be the holder of a Crown land residential lease for the upland property.
- (b) No docks, boatlifts, shall be maintained, used or constructed beyond 40.0 m from the natural boundary of the upland parcel.

- (c) Non-moorage uses such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.
- (d) The placement of fill, or the dredging of aquatic land, is not permitted. Natural habitat and shoreline processes shall not be altered.
- (e) Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means.
- (f) Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies.
- (g) Dock access ramps and walkways shall not exceed a width of 1.5m. Any other surface of the dock shall not exceed a width of 3.0m.
- (h) L or T shaped dock structures are permitted if the length of the structure which is parallel to the shoreline does not exceed the lesser of 10 m or one half the width of frontage of the upland parcel.
- (i) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 5.0m.
- (j) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 6.0 m where the adjacent property is a right-of-way beach access or is in a P3 zone.
- (k) No roof, overhead or covered structures shall be placed on the dock.
- (l) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.
- (m) No roof or covered structures shall be used, constructed, or maintained for boat lifts.
- (n) No overhead boat lift systems or mechanisms will be permitted.
- (o) Where a dock is shared, and constructed in front of abutting properties sharing the dock, the dock can be constructed on or across the common property boundaries. In such an instance, the minimum side yard setback between those two properties would be 0 m. Docks must be set back a minimum of 6.0 m from all other side property lines (as projected perpendicularly onto the foreshore from upland properties).

16.6.7 Dock Regulations - Major

The following regulations apply to a shared dock for three or more single-detached residential properties, bareland strata units, multi-family units or apartment hotel units:

- (a) The owner of the moorage facilities ~~is~~ must be the owner of the upland property or be the holder of a Crown land residential lease for the upland property.
- (b) Non-moorage **uses** such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.
- (c) Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies.
- (d) Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means. Where this solution is impractical, the owners may choose, as an alternative, to allow the public to cross the upland property above the natural boundary. If this alternative is chosen, a sign must be posted on the property to advise the public of the alternative crossing.
- (e) Dock structures including any attached or detached boatlift mechanism must be setback from the side property line of the upland parcel, projected onto the foreshore by a minimum of 5.0 m.
- (f) Dock structures including any attached or detached boatlift mechanism must be setback from the side **property line** of the upland parcel, projected onto the **foreshore**, by a minimum of 6.0 m where the **adjacent** property is a right-of-way beach access or is in a P3 **zone**.
- (g) No roof, overhead or covered structures shall be placed on the dock.
- (h) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.
- (i) Dock lighting may be installed for security and safety purposes but shall be on sensor detectors such that the lights are only on when there are people on or near the dock. Lights should be installed at not less than 10 m intervals. Bulbs should have a maximum wattage of 60 w. Lamp heads should be no more than 22" higher than the dock decking.
- (j) No overhead electrical wiring will be permitted.

(k) No roof or covered **structures** shall be used, constructed, or maintained for **boat lifts**.

(l) No overhead **boat lift** systems or mechanisms will be permitted.

(m) The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of single-detached housing properties sharing a dock, extend across more than 50% of the frontage of any given upland property and must in no case exceed 25 m.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of bareland strata developments, extend across more than 40% of the frontage of the bareland strata parent parcel, and must in no case exceed 90 m.

The portion of the shared dock structure which runs roughly parallel to the shoreline shall not, in the case of multi-family developments or apartment hotels, extend across more than 40% of the frontage of the upland development, and must in no case exceed 90 m.

(n) There shall be a maximum of one berth/slip and boat lift for every upland property unit. Rental of slips is prohibited.

16.6.8 Other Regulations

(a) A maximum of one dock or **pier** shall be allowed for each waterfront property.

(b) Docks and boatlifts, shall be approved by the Province of B.C. or by other designated approving agencies, shall be **used** for boat access purposes only, and no commercial or industrial activity or **use** shall take place thereon.

(c) **Boating** activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by the federal Coast Guard.

(d) Non-emergency overnight moorage shall be allowed only at **federal government approved moorage buoys** or at docks licensed by the Province of B.C.

(e) Camping is not permitted.

(f) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6, the parking regulations of Section 8, and the specific **use** regulations of Section 9."

2. THAT City of Kelowna Zoning Bylaw No. 8000, **Section 16 - Public & Institutional Zones, 16.7 W2 -Intensive Water Use** be amended by deleting Sub-Section **16.7.6 Other Regulations** (b)in its entirety that reads:

"(b) All docks and boatlifts shall conform to regulations outlined in Section 9.9, shall be licensed by the Province of B.C. or by other designated approving agencies."

And replacing it with:

“(b) All docks and boatlifts shall be licensed by the Province of B.C. or by other designated approving agencies.”

3. 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

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: November 23, 2015

RIM No. 1250-20

To: City Manager

From: Community Planning Department

Application: OCP15-0015

Owner:

Gordon James Kirschner
Heidi Sabine-Kirschner
Donald Joseph Kirschner
Amy Ellen Kirschner
Allan Charles Kirschner
Angelica Betty Kirschner

Address: 2975 and 2980 Gallagher Road

Applicant: CTQ Consultants Ltd.

Subject: Official Community Plan Amendment

Existing OCP Designation: S2RESH, MRL, S2RES, PARK, MRL

Proposed OCP Designation: S2RESH, MRL, S2RES, PARK, MRC

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP15-0015 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot 1 Section 12 and 13 Township 26 and Sections 7 and 18 Township 27 ODYD Plan KAP71697 except Plans KAP84278, KAP86315, KAP86363, KAP88598 and EPP36504 located at 2980 Gallagher Road, Kelowna, BC and portions of Section 12 Township 26 ODYD except (1) Plans 1380, 1639 and KAP44995 and KAP48770 (2) Parcel A (Plan B6800) (3) the SW ¼ of said section, located at 2975 Gallagher Road, Kelowna, BC from REP - Resource Protection Area to S2RESH - Single / Two Unit Residential Hillside, REP - Resource Protection Area to PARK - Major Park / Open Space (Public), S2RES - Single / Two Unit Residential to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to S2RESH - Single / Two Unit Residential Hillside, S2RESH - Single / Two Unit Residential Hillside to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to PARK - Major Park / Open Space (Public), PARK - Major Park / Open Space (Public) to MRC - Multiple Unit Residential Cluster Housing, S2RES - Single / Two Unit Residential to S2RESH - Single / Two Unit Residential Hillside, PARK - Major Park / Open Space (Public) to S2RESH - Single / Two Unit Residential Hillside, S2RESH - Single / Two Unit Residential Hillside to PARK - Major Park / Open Space (Public) and S2RES - Single / Two Unit Residential to PARK - Major Park / Open Space

(Public) designations as shown on Map “A1” attached to the Report from the Community Planning Department dated November 2, 2015, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated November 23, 2015.

2.0 Purpose

To amend the Official Community Plan to alter the eventual unit composition and density of the Kirschner Mountain development.

3.0 Community Planning

Community Planning is supportive of the application to amend the Official Community Plan Future Land Use Map for the undeveloped Kirschner Mountain Development Lands. The additional density makes better use of Kelowna’s limited land base, increasing the overall unit count by more than 25% over the same footprint and providing an increased variety of housing options.

The shift away from traditional multi-family on the peak of the mountain to cluster-style multi-family on the south slope will reduce the visual impact of the development. This is in keeping with the evolution of hillside development planning in Kelowna since the adoption of the original plan.

The proposal is solely for an Official Community Plan amendment, and is highly conceptual in nature. Detailed review of road and park layout will take place during the later phases of the development approval process, including the re-zoning process, which will be subject to additional Council review and public scrutiny.

Servicing capacity in the area is adequate for the increased density, subject to the developer conducting already planned system improvements.

4.0 Proposal

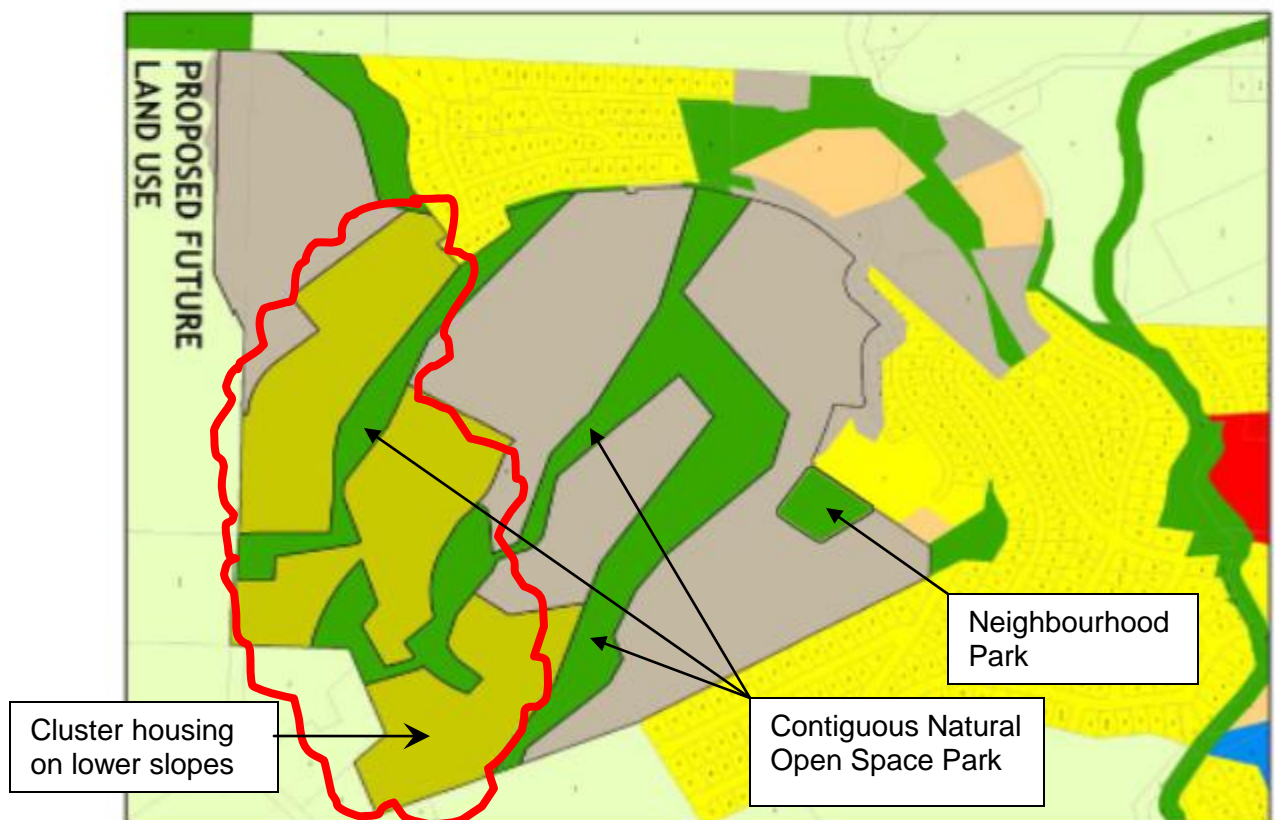
4.1 Background

In December of 2001, the Council of the day adopted the Kirschner Mountain Area Structure plan and associated Official Community Plan Amendments to allow for the development of the properties.

Since the adoption of the plan, more than 200 units have been constructed.

The applicant has entered into an agreement to sell the project, and as part of the sale, the new owner has indicated an interest to reconfigure the project to increase overall density.

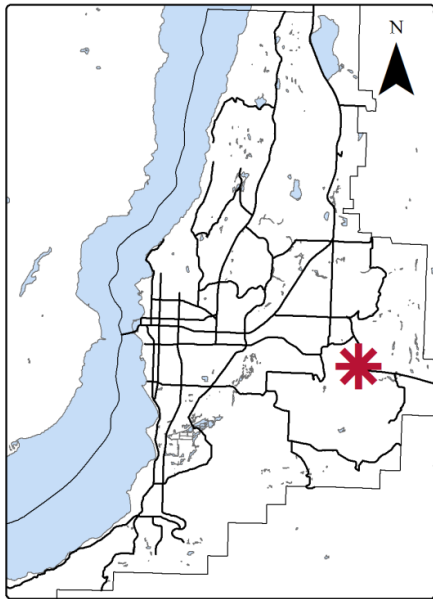
The property to the south of the development site, while owned by the same ownership group, is in the Agricultural Land Reserve, and will not be developed or altered as part of the Official Community Plan amendment process.



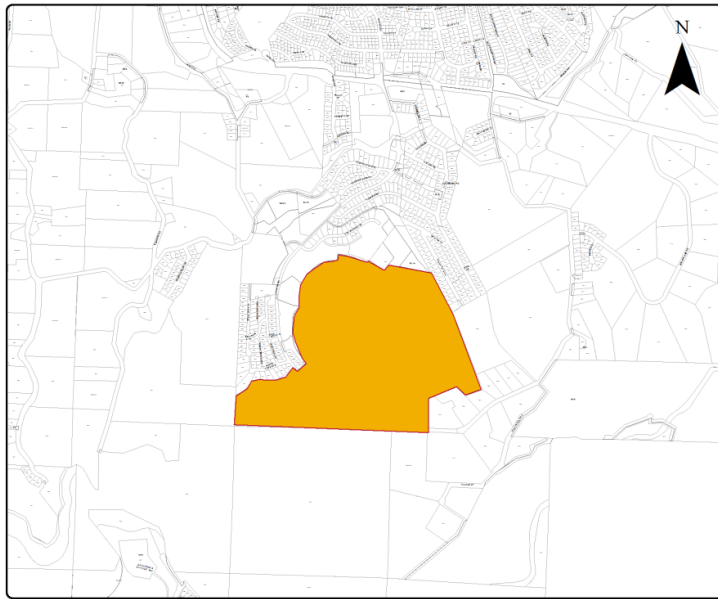
4.2 Site Context

The properties in question are located on the eastern side of the City, along Highway 33. The properties to the north have been developed extensively with single family residential units and some townhomes. The property to the south is partially in the ALR.

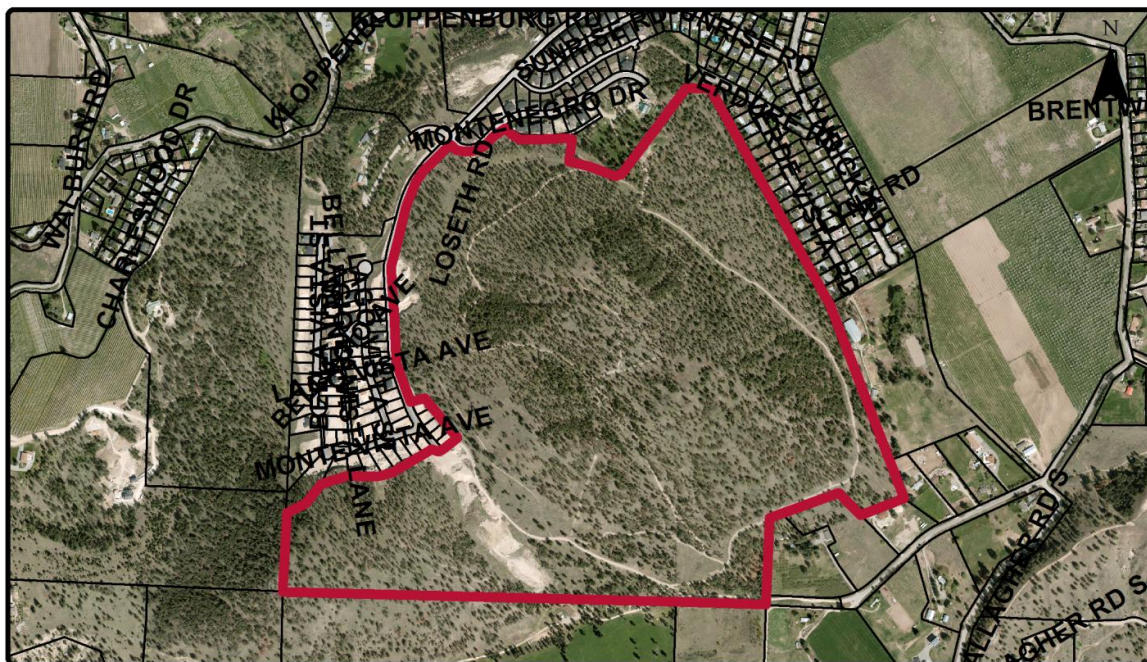
The property is dominated by the eponymous mountain, with development intended to be on the slopes. Portions of the mountain have slopes well in excess of 30%, and are not suitable for development. Those slopes would be protected with Park designations and where appropriate a public trail system established.



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

4.3 Project Description

The revised plan is intended to match more closely with the developer's goals for the site. It also better matches contemporary Kelowna planning practices, with the use of hillside designations and the removal of multi-family development from the peak of the mountain.

The most significant changes to the plan are:

- Removal of all S2RES (Single / Two Unit Residential) and replacement with S2RESH (Single/Two Unit Residential Hillside)
- Removal of MRL (Multiple Family Low Density) from peak of mountain
- Additional of MRC (Multiple Unit Residential Cluster Housing) to south slopes
- Green space amended for improved connectivity

The overall breakdown of new land designation is:

Land Use	Area (acres)	Area (ha)	Percentage
Single Family / Two Unit Hillside	98.41	39.84	46%
MRC Multiple Unit Residential - Cluster	49.64	20.10	23%
Park and Open Space	47.27	19.14	22%
Road (Major)	18.47	7.48	9%
Total	213.79	86.56	100%

4.4 Unit Counts

The Original Plan for the area would have seen a near term build-out of approximately 600 units. The new proposal increases the total number of multi-family units, likely mostly in the form of town homes, to 771 units.

Unit Type	Existing	Proposed	Total
Single	181	250	431
Multifamily	45	295	340
Total	226	545	771

For servicing purposes, units are looked at as Single Family Equivalents (SFEs). For the purposes of these calculations, a multi-family unit is calculated to be the equivalent of 0.65 SFE.

Unit Type	Existing	Proposed	Total
Single	181 SFE	250 SFE	431 SFE
Multifamily	30 SFE	197 SFE	227 SFE
Total Equivalent Units	211 SFE	447 SFE	658 SFE

Projected unit breakdown would be:

Unit Type	Existing	Proposed	Total
Single Family	181	250	431
Townhomes	45	235	280
Multifamily (Apartment)	0	60	60

All unit counts are preliminary, and may be subject to slight change during the rezoning, subdivision and development approvals processes. Over the long term, build out numbers will be subject to land use patterns and the allowable density in the zoning bylaw of the day.

4.5 Traffic

The applicant has conducted a traffic assessment on the project. Despite the increase in total units, the shift from single family to multiple-family units leads to only a slight increase in projected traffic exiting the development. Traffic generation from the new configuration is expected to increase by only 4.7% from the original plan.

At this time, all access to the development is along Loseth Road. However, as the project proceeds, the developer will be required to construct a connection to Gallagher Road along the south slope of the project, creating an additional access. This connection will be required as part of the multi-family phases on the lower slopes of the development.

Traffic calming measures and detailed roadway design will be addressed during the re-zoning and subdivision processes. The City has identified potential traffic calming solutions that will be required as part of future development approvals.

4.6 Parks and Green Space

The proposed amendments will reconfigure green space over the project.

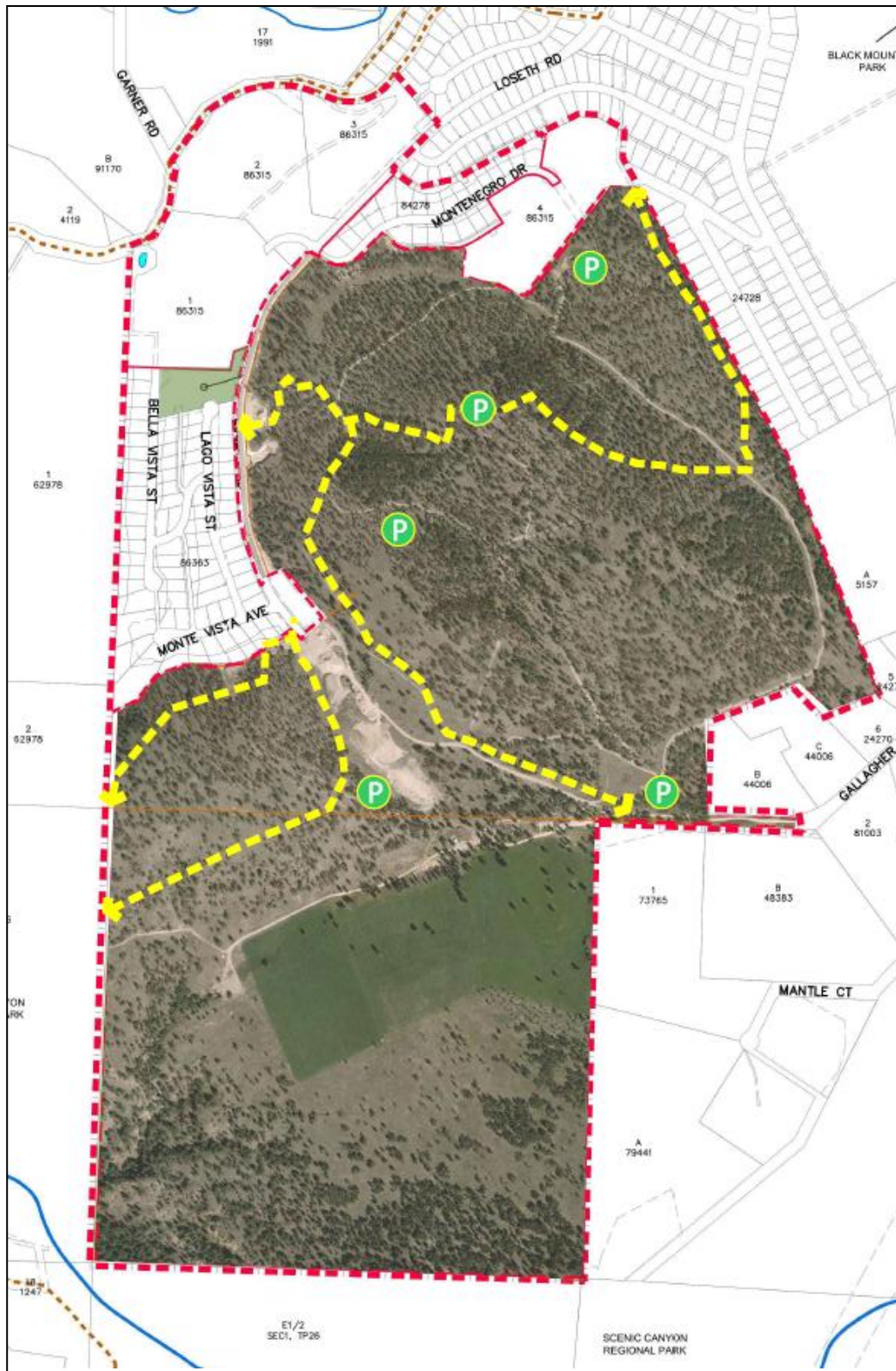
Currently, there are 19.7 ha of land dedicated as Park and Open Space on the site. The reconfiguration would dedicate an additional 19.14 ha, with another 3.0 ha to be determined during the zoning process for the provision of more active classifications of parks (neighbourhood, citywide, viewpoints, staging areas, etc.). The Village Clusters within the townhome developments may also add an additional 1.0 to 2.0 ha of natural open space, depending on final configuration.

The bulk of the lands dedicated as Park and Open Space would be on steep and sensitive slopes. Proposed parks have been identified on all significant peaks in order to protect them in public ownership, but detail design would need to take place during the rezoning phase to determine the specific boundaries.

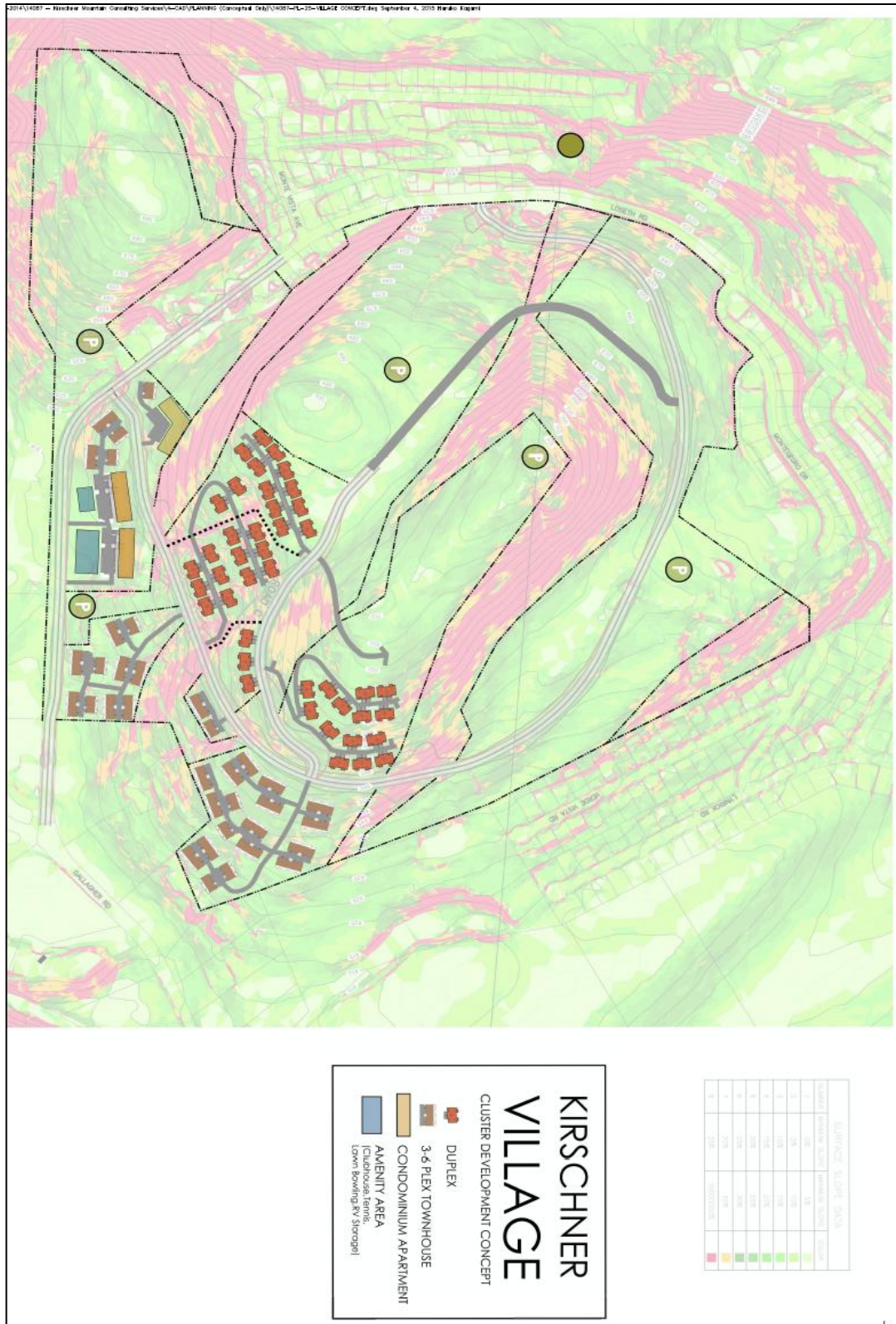
The applicant is committed to providing a trail network linking the various park spaces and neighbourhoods over the site.

The trail layout is conceptual at this time, with precise alignments to be determined during more detailed phases of the approvals process.

Conceptual Trail Plan



Cluster Development Concept



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 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.

Cluster Housing. Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private.

5.2 Public Consultation Policy #367

The applicant held a public open house on October 19th, per the requirements of Council Policy #367. Approximately 55 people attended. The Developer and Applicant provided information about the amended plan and indicated that Council would be considering the application in the near future.

6.0 Comments

6.1 Development Engineering Department

See attached Report dated October 15, 2015.

6.2 Fire Department

There were no concerns raised with the Wildfire Threat Assessment conducted as part of the process.

6.3 Irrigation District

Black Mountain Irrigation District has indicated that they have capacity to supply the development, subject to the developer installing improvements and facilities during later phases of the project.

7.0 Application Chronology

Date of Application Received:	September 4, 2015
Date of Application Addendum:	October 9, 2015
Date Public Consultation Completed:	October 19, 2015

Report prepared by:

Ryan Roycroft

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

Applicant Submission





MAP "A1" OCP AMENDMENT OCP15-0015

REP to S2RESH	S2RESH to MRC	PARK to MRC	PARK to S2RESH
REP to PARK	MRL to MRC	MRL to S2RESH	S2RESH to PARK
S2RES to MRC	MRL to PARK	S2RES to S2RESH	S2RES to PARK

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

0 50 100
Metres

CITY OF KELOWNA

MEMORANDUM

Date: October 15, 2015
File No.: OCP15-0015
To: Urban Planning (RR)
From: Development Engineering Manager (SM)
Subject: 2980 Gallagher Road

The Development Engineering comments and requirements regarding this OCP amendment application are as follows:

The City's Transportation & Mobility Branch comments are as follows;

- a. The proposed OCP amendment/site area compared to the original plan area is unclear. It appears the current plan has a total area of 85.56 ha compared to 132 ha used in the original traffic assessment done in 2000.
- b. Section 4.0 Traffic Impact mentions 770 dwelling units are being contemplated in this new plan and this has an equivalent trip generation of 600 single family units originally proposed. This methodology seems to have excluded the single family residential homes already built. This means the total number of units will be significantly higher than originally envisioned.
- c. The CTQ report assumes duplex units to have the same trip generation characteristics as a multi-family dwelling unit. We recommend the standard ITE trip rates for the land use category Single Family Residential code 210. If square footage information supports, a compromise would be to use average of ITE Land Use Code 210 and 230 trip rates for duplex units.
- d. The original traffic assessment predicted traffic volumes on Loseth Rd to be under 5,000 vehicles/day. This threshold will likely be exceeded based on the existing volumes, development size, trip generation and expected traffic distribution.
- e. The OCP Map 7.3 identifies Loseth and Gallagher Rd as Major Collector Roads. Current cross-section standards will be applicable to upgrade these roads to service the site.
- f. Gallagher Rd in the vicinity of the site has sharp curves, lack of paved shoulder and sight distance deficiencies that should be addressed prior to connecting the road to Loseth Rd and opening it to service the site.

- g. A number of new intersections are proposed within the area that will experience sight line issues for the road approach on the inside of the curve. A better alignment should be used or corners must be kept clear of sightline obstructions.
- h. A mini traffic circle should be used at the Kloppenburg Rd/Loseth Rd intersection to mitigate downstream neighborhood traffic impact/traffic calming.
- i. The increased traffic from this area will make it difficult for pedestrians to safely cross Loseth Rd to access the sidewalk on the east side. Crosswalks with flashers should be added where appropriate, for example at intersections, school walkways and park accesses.
- j. Bike lanes should be painted on both Loseth and Gallagher Rd to accommodate pedestrians and cyclists from this development and to comply with the OCP policies.
- k. Near the school paved walkways should be provided with a continuous walking infrastructure to/from this site.

These Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOT) Infrastructure Branch.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

***This Report is Supplementary to:
“The Application Form of the City of Kelowna
Development Proposal”***

August 31, 2015

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Main Roads
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Sanitary Sewer Servicing Concept
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Post-Development Storm Water Assessment

1.0 Development Proposal and Rationale

1.1 Introduction

The Kirschner Mountain lands are located south of Highway 33 and north of Mission Creek. Together with the Black Mountain development area located on the opposite side of the highway, the Kirschner/Black Mountain complex forms a major development area of the city's eastern sector. Although the Kirschner Mountain lands were planned and development initiated, almost 15 years ago, a substantial part of the mountain remains undeveloped. Two formerly approved and zoned neighborhoods accounting for approximately 105 single family homes are built out. Some minor zoned lands at the base of the mountain exist but development has not proceeded in this area. In early 2015, Kirschner Mountain JV (the Developer) decided it was timely to revisit the plan for the entire property. In February, 2015 the developer retained the services of CTQ Consultants Ltd. (CTQ) (Engineering, Planning and Urban Design), along with a number of other specialist consultants. On-going discussions have been held with City Planning and Engineering Departments. The development proposal that has resulted in recent months is embodied in this Official Community Plan Amendment Application.

1.2 Current Land Use Designations

The subject lands are contained in two contiguous properties: the most northerly block that had received approval for residential development consists of the mountain with its undulating terrain and side hills; the southern block is largely designated as a resource protection area and partially within the Agricultural Land Reserve (ALR). A minor development area in the southern block is located only in the northwest corner of the property. Agricultural uses, including wineries may be permitted in the ALR.

The current City of Kelowna Future Land Use Designations for the subject lands, are conceptual only. The land uses depicted on the attached Figure are Residential and Open Space, and further defined as follows:

1-2 HRES	Single and Two Unit Residential – Hillside
1-2 RES	Single and Two Unit Residential
MF-L	Multiple Unit Residential (Low Density)
OS	Major Park and Open Space

The MF-L designated lands are spread out throughout the plan area causing some concern and ultimately the need for review. Furthermore, topography, views and aspect on the mountain has suggested some amendment to allocation of the land uses. The changes have further defined protection of open space where steep slopes, natural areas, and wildlife corridors prevail.

1.3 Proposed Land Use Changes

The Official Community Plan amendment is based on the proposed land use concept shown on attached Figure. The concept respects placement of various land uses relative to slopes, views and visual impact. It also addresses opportunity for clustering residential uses of similar type in small areas to protect diversity of landscape and respond to market reality.

An area of cluster development is proposed for the south side of the mountain where proximity to farmland will provide lifestyle amenity, local farm produce, and unobstructed views from many residential units towards Scenic Canyon Regional Park. The intent is to create pockets of low density multiple unit residential development that are interconnected by open space, trails, parks and community amenities. (See attached Figure)

The remainder of the mountain is proposed for low density single family and two unit homes where lot sizes can vary in accordance with the hillside environment. There will be four main areas or sub-neighborhoods created by major breaks in topography and large swaths of open space between the main areas. Each sub-neighborhood will have a strategically located neighborhood park connected by trails and walkways throughout the Kirschner Mountain Estates community. (See attached Figure)

The proposed land use designations are as follows:

- Single/Two Unit Residential – Hillside
- Multiple Unit Residential – Cluster Housing
- Major Park and Open Space

1.4 Projected Buildout

Upon reviewing the former plans for the mountain and recent City of Kelowna policy directives, it was determined that there was opportunity to increase residential density and thereby allow for slightly more low density multi-unit forms of development. The plan has therefore called for varying lot sizes for single family, duplexes, townhouses and even two or three low profile condo apartments. This approach respects sound community planning principles and reality of the future market.

Proposed buildout for Kirschner Mountain is still within the projected unit allocation of the Official Community Plan. The City of Kelowna suggests approximately 700 units would be accommodated in the short term, with another 450 units added for an ultimate neighborhood of approximately 1,150 equivalent units. CTQ prepared a series of scenarios, taking into consideration the existing built and zoned areas (210 units) and various projections for both incremental single family and multi-unit developments. Several projections were derived for overall buildout; all were between 600 and 900 units. (See attached calculation sheet) The projection of expected units for this OCP amendment application is 770 units. This build out equates to 600 SFE (Single Family Equivalent) for the traffic analysis, and 658 SFE for the servicing analysis. On site sanitary sewer, water and traffic infrastructure that is allocated for Kirschner Mountain will be designed accordingly. Off-site services

are readily available to continue the development at Kirschner Mountain. BMID approval for water is subject to payment of Capital Expenditure Charges as referenced in attached BMID correspondence dated May 19, 2015. More explanation regarding the servicing plans for water, sanitary sewer and storm drainage are noted in this report.

Approximate breakdown of the total area for various uses is as follows:

Single Family/Two Unit	98.41 Acres/39.84 Hectares (incl. Neighborhood Parks and Local Roads)
Cluster Development Area	49.64 Acres/20.10 Hectares
Open Space Park System	47.27 Acres/19.14 Hectares
Road (Major Only)	18.47 Acres/7.48 Hectares
TOTAL AREA	213.79 Acres/86.56 Hectares

2.0 Development Rationale

Further to the above-noted development proposal, we offer the following rationale in support of this amendment application:

1. **The Land Use Change is Minimal** – The new plan allocates 46% to single family (including neighborhood parks and local roads), 23% to cluster development (duplex and townhouses, and includes space of community amenity), and 22% to Open Space Park system. The clustering concept allows for similar build out as the previous plans, but includes more open space/protected area and slightly higher proportion of duplexes and townhouses to meet market demand and efficient use of the lands. Concept development based on the proposed OCP designations will allow for approximately 40% multi-unit development, including duplexes. If zoning and market conditions permit more duplex development in the single family/two unit designated area, the multi-unit proportion could reach closer to 60%.
2. **Zoning to Conform with Land Use Designations** – The City of Kelowna Zoning Bylaw provides a series of “shelf ready” zones that can be used to achieve the vision set out in this plan amendment. Examples may include many of the RU Zones (RU2-RU6), many of the RH Hillside Zones (RH1 -RH3), and some of the Multiple Unit Residential Zones (RM1 –RM3). These zones are sensitive to the hillside conditions while some are adequate for achieving the cluster concept and protection of open space within the developments. Any other small special area development may warrant a CD zoning approach but otherwise the development will be subject to land use controls provided in the current City of Kelowna Zoning Bylaw. The City can also impose the Development Permit process for any of the steep slope/hazard areas.
3. **Land Use Precedent** – The land use precedent has been set for much of the mountain development. The Official Community Plan and other policies of the City of Kelowna call for the area to be a residential neighborhood within a hillside environment. Preliminary phases of low density residential development have occurred along Loseth Road and on the sides of the mountain. Infrastructure is in place to continue development of future phases.
4. **Hillside Development** – Over the last 15-20 years, the City of Kelowna has accepted the fact that much of the future low density residential growth will occur on many of our hillsides, thereby protecting the sensitive lowlands, agricultural land, important natural areas and flat areas that are more suited to accommodate commercial and industrial uses. Kirschner Mountain contains a significant amount of land that is gently sloping (less than 30% cross-slopes) that will permit contiguous development of a series of sub-neighborhoods. Hillside roads, construction standards and types of house design will respect steep slope development guidelines that help create another new mountain community for Kelowna.
5. **Protection of ALR** – The north block (mountain area) is immediately adjacent to a small block of ALR lands that form part of the same ownership. A principle objective of the OCP amendment is to protect the integrity of this agricultural area. The land uses proposed for the development area will be buffered from the ALR by a new roadway (extension of Gallaghers Road), distance setbacks, parks and community amenity areas. It is also expected that the farmland can help form an integral part of the new community,

supplying the local residents with farm produce, community gardens, vineyards or a winery, all in keeping with the provisions of the Agricultural Land Commission Act.

6. **Natural Areas/Environment** – The study area consists of a young, uniform coniferous Ponderosa pine and interior Douglas-fir forest with no waterbodies or wetlands on the property. An environmental sensitivity analysis was undertaken and almost 60% of the study area consisted of Moderate value habitat due to the homogenous habitats that occur there. A total of 38% of the property was rated as High and 4% was rated as Low, with Low areas occurring in previously disturbed areas. There was no Very High value or critical habitat areas identified. Approximately 21% of the land area will be conserved as either park or open space, and these areas were strategically selected to also facilitate wildlife movement or to act as wildlife corridors, an improvement over previous land use plans for the site. Given the adjacency of Kirschner Mountain to Mission and Gopher Creeks, the movement of wildlife through Kirschner Mountain is deemed an important consideration and has largely been accomplished through the 21% set aside as natural area. Best Management Practices for development planning and specific recommendations to facilitate detailed designs in subsequent phases of Kirschner Mountain will help reduce potential environmental impacts.
7. **Cluster Development** – The cluster development concept is envisioned to achieve a number of goals for the new community. Some of the key aspects include housing affordability, diversity of housing product, sense of community, protection of forest and terrain, development efficiencies, views to the south (Scenic Canyon, Gallagher and agricultural lands) and close proximity to an extensive regional parks and trail system. Furthermore, this type of development respects sound planning principles and consumer preferences that are demanding smaller units in a predominantly residential area where quality views exist. Preference for parking in these developments will be in-structure or comprehensively planned for the site. This would include any parking for RV storage.
8. **Roads and Access** – Roads and access to the proposed development will proceed as originally planned. The main access to the area will be along the continuous route of Loseth Road, extending beyond Monte Vista Avenue and connecting with Gallagher Road. A loop road will serve as the main internal collector, with a hierarchy of local streets and common drives or lanes to access the homes and parks. Roadway standards for such hillsides will ensure sidewalks, curb and lighting as required. Wherever strata or cluster housing is envisioned, roads and lanes will be designed in accordance to respective zoning and development standards.
9. **Parks and Trails** – Neighborhood parks have been included for each sub-neighborhood. It is intended that the parks will be accessed via local roads and interconnected by a main trail/walkway system. At least one hilltop/view park will become part of the parks system and integrated with the water reservoir location at the top of Kirschner Mountain. A larger park and amenity area is proposed at the south end of the development area where the land is flatter or gently sloped and in close proximity to the cluster housing development. The trail system is proposed to permit access into the existing residential neighborhood to the north (and ultimately lead to Black Mountain Elementary School), and ultimately connect into a Regional Trail system leading towards Scenic Canyon.

10. **Community Amenities** – It is acknowledged that commercial development will not be supported in this area as commercial land is designated near the intersection of Highway 33 and Loseth Road. However, due to the relative isolation of this area and a forecast ultimate population of 1500 to 2000 residents, the plan envisions a small community amenity area in the form of a club house, tennis courts, lawn bowling, etc. It is expected that such amenity would form part of the residential development and be located in close proximity to a community or neighborhood park.
11. **Visual Impact** – Visual impact has been modeled from key perspectives towards the mountain. The main views are gained along Highway 33 eastbound (leaving the city) and westbound (entering the city). From the eastbound perspective, earlier developments, although quite distant (over 1 km) come into view as one climbs Highway 33 near the Garner Road corner. Some future low density residential development will come into view on slopes/bench above Loseth Road. However, a large swath of protected open space/forest will break up the mass. Subdivision design and siting of homes can also assist in mitigating most visual impact. Views of the main mountain ridgetop are minor from the west; but any visual impact will be mitigated by the hilltop park, siting of houses and strategic routing of the hillside roads. The ridge top on the second hill that is located at the southwest corner of the proposed development also comes into view going eastbound. The distance from the highway (over 2 km) and the fact that it is only in view momentarily due to the obstruction by the main mountain suggests limited visual impact. Once again, subdivision design and siting of homes along with the large swath of open space/forested area will break up the mass and mitigate visual impact.

From the westbound perspective, some of the townhouses at the back of the mountain will come into view. However the location along the highway where they become most visible is over 2 km away. Again the massing that may imply any visual impact will be mitigated by open space, agricultural fields and trees in the foreground as the development matures. Otherwise, distance and open space (in the foreground and on the hill) will mitigate any major visual impact.

The cluster housing development on the backside of the mountain is largely hidden from Highway 33 and any other major roadway. The overall massing of the developments will be broken up by significant green space interspersed throughout the projects. Although grading of the area will be required, additional landscaping will be incorporated with every new housing project. This entire area will be subject to form and character design guidelines that can stipulate quality of landscape, design of retaining walls, and character of buildings.

See attached visual impact graphics.

3.0 Servicing Introduction

CTQ has been retained by the Kirschner Mountain JV to develop concept designs for the infrastructure to service the remainder of developable lands on Kirschner Mountain. Individual Master Plans for Water, Sanitary Sewer and Storm Drainage utilities are presented in the following sections:

3.1 Water

3.1.1 Introduction

Black Mountain Irrigation District (BMID) is the water purveyor in the area of this development. Water for domestic use and for Fire Protection could be available through connections to BMID's existing system at the termination of Loseth Road, Montenegro Drive and Gallagher Road. (See Attached letter from BMID)

There will be two pressure zones to service the proposed development to BMID minimum and maximum pressure standards, PZ 720m and PZ 760m. There is an existing Booster Station that will pump to a Proposed Reservoir near the highest elevation of the developed area. An Upper Booster Station will draw from this reservoir and pump to developed areas at elevations higher than the maximum service elevation of the Reservoir.

All components will be sized to City of Kelowna and/or BMID guidelines based on population served. The value used for Maximum Daily Demand (MDD) is 1,800 l/capita per day, this value is consistent with the City of Kelowna Bylaw and the Kelowna Joint Water Committee.

A Concept drawing for the proposed water system has been included for reference.

3.1.2 Design Criteria

The following design criteria are incorporated:

Unit Counts for Kirschner Mountain Development:

Single Family – (existing)	181 units	181 SFE
Multi-Family – (existing allowance)	45 units	30 SFE
Single Family – (possible addition)	250 units	250 SFE
Multi-Family – (possible addition)	295 units	197 SFE
TOTAL =	658 SFE	

Population per unit:	Single Family	3 persons/unit
	Multi Family	2 persons/unit

Per Capita Max Daily Demand:	1800 l/cap/day
Total Domestic MDD Flow:	13.7 l/sec
Design Fire Flow Rates:	150 l/sec (Comm. Zones) 60 l/sec (SF Residential Zone)
Ultimate Build-out Design Flow Rate (MDD plus Comm. Fire):	163.7 l/sec
Per Capita Peak Hour Demand:	4000 l/cap/day
Peak Hour Demand Factor:	2.20 x Max Day Demand
Peak Hour Demand:	360 l/sec
Allowable Pipe Velocity:	
	Fire Flow Max: 4.0 m/sec
	Peak Hour Max: 2.0 m/sec
System Pressures:	
	Residual at Fire Flow 140 kPa (20 psi)
	Min Service 280 kPa (40 psi)
	Max Distribution 965 kPa (140 psi)

3.1.3 Existing Booster Station – BMID #5

An existing booster station (approximate elevation 605m) is located on Loseth Road, just north of Sunrise Road. It will supply water to a proposed reservoir through a dedicated supply main. An existing portion of the dedicated 250mm^ø cl 200 pvc reservoir supply main runs from Station #5 to a stub at the lane south of Montenegro Drive. This main will be extended to the proposed reservoir in an “as direct” a configuration as possible. The existing pumping capacity will likely need to be upgraded to meet an ultimate Maximum Daily Demand capacity to a TDH of 85 m.

3.1.4 Proposed Reservoir

The proposed reservoir will have a Top Water Level (TWL) of approximately 720m and will service to a maximum 690m elevation by gravity fed mains. It will also supply the suction side of the proposed Upper Booster Station that will service developed areas above the 690m elevation.

The reservoir size, according to BMID standards, to service the 658 SFE units is 2460 cu.m. It will also store 1,080 m³ of water for Fire Protection to provide for a 150 l/s flow for a 2 hour duration. A total capacity of 3,540 m³ would be required for the Kirschner Mountain Development.

The reservoir will be accessible to trucks for operation and maintenance purposes.



3.1.5 Proposed Upper Booster Station

There are proposed development areas above the 690m maximum service elevation of the proposed reservoir. These areas will be fed by a small booster station with variable frequency drive pumps, pressure tanks for domestic supply and a larger pump for fire protection. Standby power will be provided for the larger pump. This smaller booster station may be incorporated into the reservoir structure, depending on detailed site grading design.

The booster station will be located at an elevation of approximately 715m. The station will boost to an HGL of 760m. The design capacity of the small booster station will be determined by the number of units it services. The Upper Booster station will be accessible to trucks for operation and maintenance purposes.

3.1.6 Proposed Pressure Reducing Valve Stations

Looped water distribution mains for this development will improve flow capacities and water quality. In order to achieve the looped system when having several pressure zones, Pressure Reducing Valve Stations (PRVs) will be required. The PRVs will be sized based on the expected flow through each valve to City of Kelowna and/or BMID standards. At Preliminary Design stage these PRV locations will be examined to see if they are best configured as above-ground kiosk or below ground vault styles.

3.1.7 Fire Protection

Fire Protection throughout the developed areas will be provided by the water distribution network through mains and hydrants. These appurtenances will be sized to handle fire flows that will meet City of Kelowna Bylaw and BMID guidelines. Stored water in the Upper Reservoir will provide gravity fed fire flows to all zones except the highest 760m zone. Fire flows to this zone will be via a dedicated pump, with backup power, in the Upper Booster Station drawing water from the Upper Reservoir. The fire pump will have a capacity of 60 l/s to a TDH of approximately 25m.

3.1.8 Backup Power Generator

The proposed pumps will be driven by electric motors. In order to provide backup power in the case of electric power loss a generator set will be installed. This generator set will be diesel fuel powered and be located alongside of the new station in a weatherproof, sound-attenuated enclosure. The generator set will provide enough power to start and run the fire pump and building loads.

The generator set will be controlled to start automatically in the event of a utility power failure. It will have a battery charger to ensure it will start, and a coolant heater to allow for a short warm up time.

3.2 Sanitary Sewer

3.2.1 Introduction

Sanitary sewers exist in the neighborhoods to the west, north and northeast of the subject property. These sewers connect to the City of Kelowna's Gopher Creek trunk sewer, running through Rutland to join the NE trunk main at the corner of Highway 97 and Highway 33.

3.2.2 Design Criteria

The following design criteria are incorporated:

Unit Counts for Kirschner Mountain Development:

Single Family – (existing)	181 units	181 SFE
Multi-Family – (existing allowance)	45 units	30 SFE
Single Family – (possible addition)	250 units	250 SFE
Multi-Family – (possible addition)	295 units	197 SFE
TOTAL =		658 SFE

Population per unit:	Single Family	3 persons/unit
	Multi Family	2 persons/unit

Population Density: 1974 persons

Per Capita Flow: 300 l/cap/day

Harmon Peak Factor: 2.69

Reduction Factor for Peak: 0.75

Infiltration: 5,000 l/ha/day

Area of Infiltration: 86 ha

Roughness Coefficient: 0.011

Allowable Pipe Velocity:		
	Gravity Mains:	0.6 m/sec (min.)
	Force Mains:	1.0 – 3.5 m/sec

3.2.3 Off-site Sewers

The design flows for the proposed development were supplied to the City of Kelowna for confirmation of capacity of the downstream. The city ran their sanitary model and confirmed there is capacity for the proposed flows.

The Kirschner Mountain Development, with its total developed number of SFE units = 658, will generate a total flow of 23.43 l/s. This flow is based on City of Kelowna's current bylaws. Results of additional monitoring tasks by the City may show this number to be a high estimate.

3.2.4 On-site Sewers

The proposed system will connect to the existing Gopher Creek System at three locations, Loseth Road, Montenegro Drive and Verde Vista Road. Approximately 50% of the developed units will connect by gravity mains to the existing system. The Southeastern portion of the developed area will drain to a proposed lift station at the SE edge of the subject property. A Concept drawing for the proposed sanitary system has been included for reference.

The lift station would service approximately 240 SFE units with a pumping capacity of 30 l/sec to a TDH of 67m through approximately 920m of 200mm diameter forcemain. There would be two 26 WHP pumps in the lift station. The pumps would have backup power provided by a diesel fueled generator set.

Detailed design tasks will include examining the possibility of using small sections of deep sewers to limit the number of units connecting to the proposed lift station.

3.3 Storm Sewer

3.3.1 Introduction

The total catchment area of this site is approximately 103ha. The future development of this site will increase the impermeable surface area on the property. The existing rainwater runoff must be safely collected and conveyed, and future development must restrict future runoff to the storm system to the values generated in this SWMP.

The objective of this SWMP is to identify peak flows and storage requirements and recommend effective measures to safely convey, store, and release excess runoff in an effective manner that will mitigate the risk of on-site flooding and control the impact to downstream watersheds. The storm water management plan will be prepared using Best Management Practices (BMP) and recommendations from the environmental report prepared by Ecoscape.

Please note: The information contained in this SWMP is based on information available at time of writing. Although every effort has been made to ensure information in this report is valid, the requirements may change due to design changes and new information.

CTQ
CONSULTING
PLANNING
DESIGN

3.3.2 Design Criteria

This section summarizes the design parameters used for analysis. The criteria used for rainfall are based on the City of Kelowna Subdivision Development and Servicing Bylaw No. 7900, Schedule 4, Section 3 and where applicable, accepted best management practices for storm water.

3.3.2.1 Design Approach

Storm water management analysis includes analyzing two specific scenarios, a minor storm and a major storm. The City of Kelowna requires that a piped drainage network shall be in place to collect and convey a 1 in 5 year rainfall event (minor storm). In addition, overland drainage routes must be designed to safely convey and store runoff for up to a 1 in 100 year rainfall event (major storm). Storage facilities are designed such that the release rate from the development is equivalent to runoff from the pre-development storm event. The predevelopment and post development storm water scenarios have been modeled using Autodesk Storm and Sanitary Analysis 2015 modeling software.

3.3.2.2 Rainfall Criteria

The rainfall hyetographs from Table 3 of Schedule 4 section 3 of the City of Kelowna Subdivision and Servicing Bylaw were used to determine the volume of rainfall for the 5 year and 100 year 1 hour design storms.

3.3.2.3 StormNet Model Parameters

The same parameters were used for each subcatchment area. The parameters used are shown below.

Max Infiltration Rate: 12mm/hr

Min Infiltration Rate: 7mm/hr

N-Impervious: 0.016

N-Pervious: 0.25

Depression Storage Impervious: 2mm

Depression Storage Pervious: 5mm

3.3.3 ENGINEERING ANALYSIS

In preparation of this analysis we reviewed the report prepared by Stantec Consulting Ltd.: Kirschner Mountain Drainage Study Dated November 7, 2000.

It should be noted that the analysis completed produced results consistent with the Stantec report.

3.3.3.1 Predevelopment Storm System

The storm water analysis is separated into two main catchments areas. The north area drains into the Gopher Creek watershed (63 Ha) and the south area drains into the Mission Creek watershed (40 Ha). As such we have divided our comments into two sections. The Pre-Development Storm Water Assessment figure is included for reference.

3.3.3.1.1 Gopher Creek watershed

The existing drainage for this area has three main catchments with the North West side of the mountain draining to the Garner Road pond which has a capacity of 1,250 m³. This pond is built to its ultimate size and future development will not drain into this pond so we have not looked at it further. The North side of the mountain drains to the Gopher Creek pond which has a capacity of 4,000 m³ (information obtained from the "As Constructed drawings prepared by A.C Ponto Associates dated December 10, 2005) and is an offset pond to Gopher Creek. The drainage area is only 25% developed to date but the pond has been built to its ultimate size. The North East side of the mountain drains to Gopher Creek itself through a series of open ditches and piped systems. This area consists of existing single family developments and large lots.

3.3.3.1.2 Mission Creek watershed

The existing drainage for this area drains to Mission Creek in two locations. The South West area drains through a natural ravine and the South East area drains generally to Gallagher Road and directly to the south to Mission Creek.

3.3.3.2 Post Development Storm System

As with the pre-development condition we have separated the drainage areas into the two watersheds for clarity. We have analyzed the system based on gravity flow of the runoff and as such identified where ROW's will be required to convey the runoff to the creek. The Post-Development Storm Water Assessment figure is included for reference.

3.3.3.2.1 Gopher Creek watershed

There are two main catchment areas that drain to the Gopher Creek Pond. For modelling purposes we divided the catchments into 29 sub-catchments based on the proposed road infrastructure and land-use. Catchment area #1 drains west to Gopher creek through the Garner Road pond and is fully developed. Catchment area #2 drains north via multiple locations along Loseth Road to the Gopher Creek pond. The model analysis indicates that when we use the existing release rate from the Gopher Creek pond (70 L/s) the required storage is 3,335 m³, which is consistent with the Stantec report. The exist capacity of the Gopher Creek pond is 4,000 m³. The East side however is a little more complicated as it has several options where it could drain. The ultimate option should be decided during the predesign portion of development as road alignments and development

areas will be further refined. We have identified here the options as we see them to date. These options are indicated on the Post-Development Storm Water Assessment figure included.

Drain to pond #1 on the East side of the mountain with a controlled release rate (pre-development flow rate) to the existing open ditch system on Lynrick Road. This will require a ROW acquisition through private lands from the development boundary to Lynrick Road. This will then drain to Gopher Creek upstream of the Gopher pond.

Drain to pond #1 on the East side of the mountain with a controlled release rate (pre-development flow rate) to the south towards Gallagher Road and to Mission Creek. This will require a ROW acquisition through private land holdings from the development to the Mission Creek corridor.

Drain to pond #1 on the East side of the mountain with a controlled release rate (pre-development flow rate) North to the existing pipe near Verdure Road and then down to the Gopher Creek pond. This will require a ROW acquisition through private currently owned by the developer.

3.3.3.2.2 Mission Creek watershed

There are two main catchment areas that drain to Mission Creek. For modelling purposes we divided the catchments into 13 sub-catchments based on the proposed road infrastructure and land-use

The South West area will drain towards the natural ravine to a proposed pond that requires a storage volume of 2,440 m³ at a release rate of 62 l/s.

The South East area and the extension of Gallagher Road will drain to the South to mission Creek. A storage structure will be required with a volume of 270 m³ and a release rate of 150 L/s.

4.0 Traffic Impact

The Official Community Plan Amendment considers the transportation requirements in the form of roads, transit and bicycle paths entering the property as well as throughout the neighborhood. Roadway planning includes routing for collectors and a conceptual configuration for local roads.

A second access via Gallagher Road is planned. Gallagher Road improvements (as a two lane rural collector), from Lago Vista Road to the eastern limit of the Kirschner Mountain neighborhood are included with the City of Kelowna 20year Servicing Plan, as a DCC improvement scheduled for completion within the fourth quarter of the plan (2025 to 2030).

Hillside roadway standards will be incorporated where appropriate, including but not limited to: narrow carriageways, pullout/parking bays, divided lanes to protect sensitive features, steeper grades, and common access driveways.

Roads and transit planning will respect policy direction from City Master Plans and other pertinent regulations of various authorities. Bicycle paths will be considered as a component of a regional system connecting to nearby parks and trail network as well as an opportunity for alternative modes along the proposed roads.

Current plans are to develop up to 770 units, with a mix of single family homes, townhomes and mid-rise apartments. A Traffic Impact Assessment (TIA) was completed for the initial Kirschner Area Structure Plan in October of 2000. The original plan was based on the development of up to 600 single family homes. The revised build out of 770 units with a mixed type of housing is projected to generate an equivalent number of trips as the original plan of 600 single family homes. With a similar number of trip generated from the overall development (as were envisioned with the original area Structure Plan) the impact on the adjacent City of Kelowna and Ministry of Transportation roadway infrastructure, is as presented in the October 2000 TIA. A comparison of the trip generation rates is presented on the following Table T-1:

Original Single Family Development

Description / ITE Code	Units	ITE Vehicle Trip Generation Rates							Expected Units	Total Generated Trips			Total Distribution of Generated Trips			
		Weekday	AM	PM	AM In	AM Out	PM In	PM Out		Daily	AM Hour	PM Hour	AM In	AM Out	PM In	PM Out
Single Family Homes ITE Code 210	Dwelling Unit	9.52	0.75	1.00	25%	75%	63%	37%	600.0	5,712	450	600	113	338	378	222
									600	5,712	450	600	113	338	378	222

Proposed Mixed Use Development

Description / ITE Code	Units	ITE Vehicle Trip Generation Rates							Expected Units	Total Generated Trips			Total Distribution of Generated Trips			
		Weekday	AM	PM	AM In	AM Out	PM In	PM Out		Daily	AM Hour	PM Hour	AM In	AM Out	PM In	PM Out
Existing Single Family Homes ITE Code 210	Dwelling Unit	9.52	0.75	1.00	25%	75%	63%	37%	181.0	1,723	136	181	34	102	114	67
Existing Resd. Condo / Townhouse ITE Code	Dwelling Unit	5.81	0.44	0.52	17%	83%	67%	33%	45.0	261	20	23	3	16	16	8
Single Family Homes ITE Code 210	Dwelling Unit	9.52	0.75	1.00	25%	75%	63%	37%	250.0	2,380	188	250	47	141	158	93
Resd. Condo / Townhouse 230	Dwelling Unit	5.81	0.44	0.52	17%	83%	67%	33%	235.0	1,365	103	122	18	86	82	40
Mid-Rise Apartment ITE Code 223	Dwelling Unit	3.96	0.30	0.39	31%	69%	58%	42%	60.0	238	18	23	6	12	14	10
									771	5,968	464	600	107	357	383	217

Table T-1 Trip Generation Comparison

5.0 Geotechnical Assessment

Interior Testing Services Ltd of Kelowna, BC completed their geotechnical assessment of the subject lands at the end of May, 2015. The report is appended as part of the submission in support of the OCP Amendment for Kirschner Mountain Estates.

6.0 Wildfire Threat Assessment

Swanson Forestry Services Ltd of Kelowna, BC completed their Wildfire Threat Assessment and Mitigation Plan in March/April of 2015. The report is appended as part of the submission in support of the OCP Amendment for Kirschner Mountain Estates.

7.0 Environmental Inventory and Impact Assessment

Ecoscape Environmental Consultants Ltd of Kelowna, BC completed their EIA for the subject property in August, 2015. The report is appended as part of the submission in support of the OCP Amendment for Kirschner Mountain Estates.

CITY OF KELOWNA

BYLAW NO. 11169

Official Community Plan Amendment No. OCP15-0015 Gordon Kirschner, Heidi-Sabine Kirschner, Donald Kirschner, Amy Kirschner, Allan Kirschner, and Angelica Kirschner 2975 and 2980 Gallagher Road

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 1 Section 12 and 13 Township 26 and Sections 7 and 8 Township 27 ODYD Plan KAP71697 except Plans KAP84278, KAP86315, KAP86363, KAP88598 and EPP36504 located on Gallagher Road, Kelowna, BC and portions of Section 12 Township 26 ODYD except (1) Plans 1380, 1639 and KAP 48770 (2) Parcel A (Plan B6800) (3) the SW ¼ of said section, located on Gallagher Road, Kelowna, BC from REP - Resource Protection Area to S2RESH - Single / Two Unit Residential Hillside, REP - Resource Protection Area to PARK - Major Park / Open Space (Public), S2RES - Single / Two Unit Residential to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to S2RESH - Single / Two Unit Residential Hillside, S2RESH - Single / Two Unit Residential Hillside to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to PARK - Major Park / Open Space (Public), PARK - Major Park / Open Space (Public) to MRC - Multiple Unit Residential Cluster Housing, S2RES - Single / Two Unit Residential to S2RESH - Single / Two Unit Residential Hillside, PARK - Major Park / Open Space (Public) to S2RESH - Single / Two Unit Residential Hillside, S2RESH - Single / Two Unit Residential Hillside to PARK - Major Park / Open Space (Public) and S2RES - Single / Two Unit Residential to PARK - Major Park / Open Space (Public) designations as per Map "A1" attached to and forming part of this bylaw.
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



MAP "A1" OCP AMENDMENT OCP15-0015

REP to S2RESH	S2RESH to MRC	PARK to MRC	PARK to S2RESH
REP to PARK	MRL to MRC	MRL to S2RESH	S2RESH to PARK
S2RES to MRC	MRL to PARK	S2RES to S2RESH	S2RES to PARK

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

0 50 100 Metres

REPORT TO COUNCIL



Date: November 23, 2015

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z15-0034

Owner: Teresa Corea- Gaspari

Address: 580 Patterson Ave

Applicant: Lynn Welder Consulting

Subject: Rezoning Application

Existing OCP Designation: MRL -Multiple Unit Residential (Low Density)

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z15-0034 to amend the City of Kelowna Zoning Bylaw NO. 8000 by changing the zoning classification of Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, Kelowna, BC from RU6 - Two Dwelling Housing zone to the RM1 - Four 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" attached to the Report from the Community Planning Department dated November 23, 2015;

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

2.0 Purpose

To rezone the subject property to facilitate the development of four dwelling housing.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to allow the construction of a new four-plex on the subject property.

The MRL - Multiple Unit Residential (Low Density) land use designation permits the proposed RM1- Four Dwelling Housing zone. Currently the subject parcel and adjacent parcels contain single family dwellings, many with carriage houses or a second dwelling.

Rezoning and development of RM1-Four Dwelling Housing has occurred throughout the immediate area, including two parcels on the same block of Patterson Avenue as indicated on the subject property map attached below. The proposed multi-residential use is consistent with the Official Community Plan (OCP) Future Land Use Map and consistent with the city policy for Compact Urban Form and Sensitive Infill.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50 m radius were provided with a circulation package in regards to the development.

4.0 Proposal

4.1 Project Description

The subject application has been through various modifications to address concerns regarding privacy to adjacent parcels resulting in the need for two variances. Balconies have been removed, with the remaining ones reduced to one foot Juliette style. This will ensure the primary outdoor space will be on the main floor level patios which are two feet above grade. A landscape buffer is provided through the placement of hedges along the length of the side property lines and multiple trees to ensure privacy for both the adjacent parcels and the subject parcel. All vehicular access will be taken from the rear laneway.



The first variance is to reduce the front yard setback requirement from 4.5 m required to 3.75 m proposed. This variance is required due to The City of Kelowna Development Engineering Department request for a 0.76m road dedication. This area is to allow for the possible future road widening of Patterson Avenue. All other building setback requirements have been met.

The second variance is to allow an off-street parking stall to be 1.0m from the side property line. The Zoning Bylaw states that any development over two units may not have an off-street parking stall within 1.5m of the side property line. The parking stall is required to be 3.30m wide in order to allow egress from the adjacent garage side door. The variance is required for the east parking stall only, as the west side provides a sufficient setback and also accommodates the garbage and recycling bins required for the site.

The subject property has a Future Land Use designation of MRL - Multiple Unit Residential (Low Density) in the Official Community Plan (OCP) and is currently zoned RU6 - Two Dwelling Housing. The property is within the Character Neighborhood Development Permit Area and the Mill Creek Flood Plain. All flood mitigation requirements and the location of mechanical equipment will be addressed at time of the building permit.

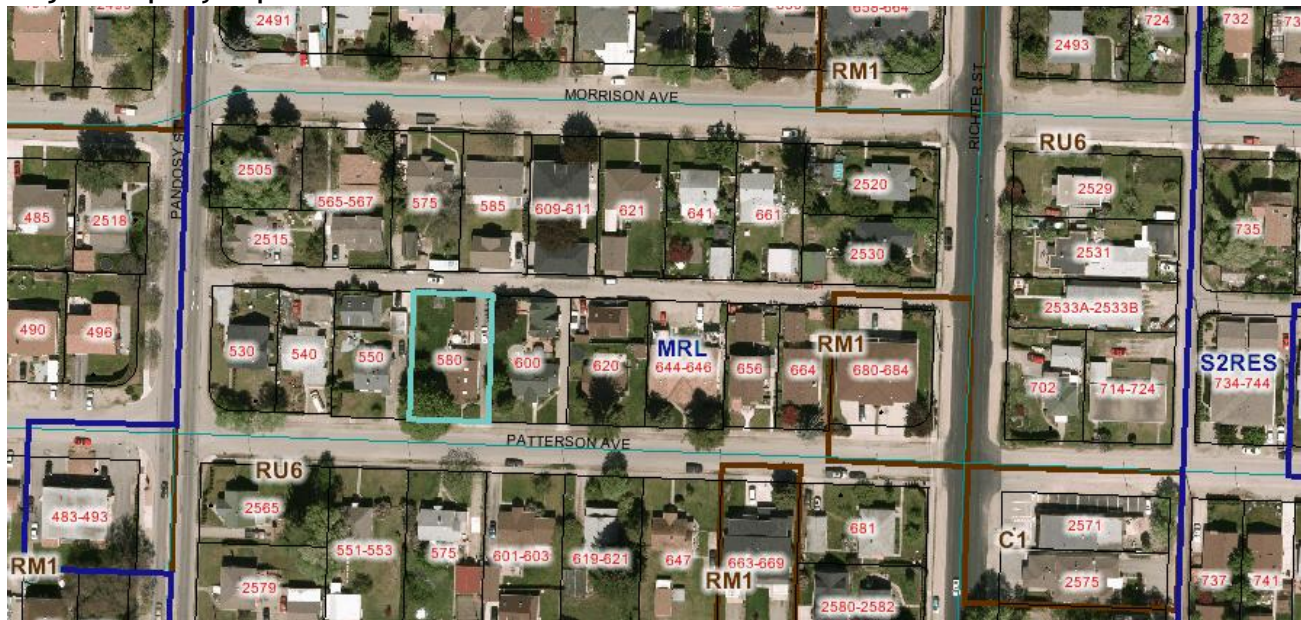
4.2 Site Context

The parcel is located mid-block on the north side of Patterson Avenue between Pandosy Street and Richter Street.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing
East	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House
South	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing
West	RU6- Two Dwelling Housing	Single Detached Dwelling w/ Carriage House & Two Dwelling Housing

Subject Property Map: 580 Patterson Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	700 m ²	737.80 m ²
Minimum Lot Width	20 m	21.34 m
Minimum Lot Depth	30 m	34.60 m
Development Regulations		
Maximum Floor Area Ratio	0.6	0.59
Maximum Site Coverage (buildings)	40%	39.56%
Maximum Site Coverage (buildings, driveways and parking)	50%	48.60%
Maximum Height (Lessor of)	9.5 m or 2 ½ storeys	9.0 m
Minimum Front Yard	4.5 m	3.75 m ●
Minimum Side Yard (east)	2.5 m	4.3 m

Minimum Side Yard (west)	2.5 m	4.3 m
Minimum Rear Yard	7.5m	7.9 m
Minimum Rear Yard for Access. Building	1.5m	1.5 m
Other Regulations		
Minimum Parking Requirements	1.5 stalls/2 bdrm dwelling units (x4 units = 6 stalls req.)	6 stalls
Minimum Side Setback to a Parking Stall	1.5 m	1.0 m ❷
Minimum Private Open Space	25 m ² / unit	+38 m ² / unit
❶ Indicates a requested variance to the required front yard setback.		
❷ Indicates a requested variance to the required side yard setback to a parking stall.		

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 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.

Sensitive Infill.² 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

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Mechanical Room required and not shown
- Fire separation and Spatial calculation required at time of Building Permit Applications
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached Schedule A

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- All units shall have a posted address on Patterson Ave.
- Should a gate or fence be installed between north and south building the gate is to open without special knowledge (locking device).
- A man door shall be installed on the garage so that should there be a car fire access is through a man door and not an overhead door
- Emergency access is NOT from the lane to the north but from Patterson Ave.

7.0 Application Chronology

Date of Application Received:	June 22, 2015
Date Public Consultation Completed:	July 31, 2015
Date of Amended Plans Received	October 1, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Terry Barton, Urban Planning Manager

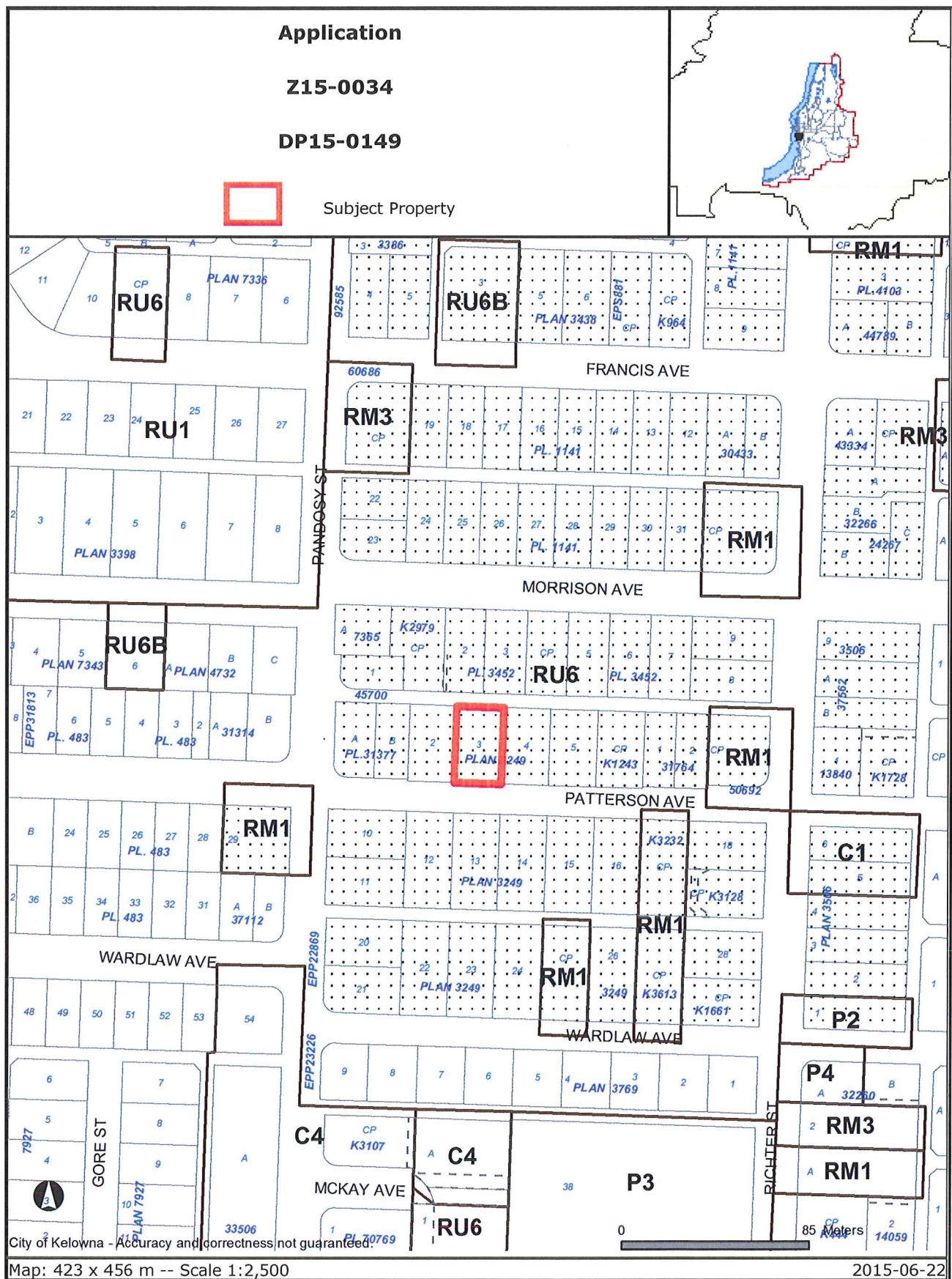
Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Attachment A - Development Engineering Memorandum
Site Plan
Conceptual Elevations
Landscape Plan



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA
MEMORANDUM

Date: July 22, 2015
File No.: Z15-0034

To: Urban Planning Department (LK)
From: Development Engineering Manager

Subject: 580 Patterson Ave

RU6 to RM1

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 Sergio Sartori

1. Domestic Water and Fire Protection

The subject property is currently serviced with a 19mm water service. The developer will need to determine the domestic and fire protection requirements of this proposed development. Only one service will be permitted for this development. The applicant will arrange for the disconnection of existing service and the installation of a new service. The disconnection of the existing small diameter water services and the tie-in of a larger new service can be provided by City forces at the developer's expense. One metered water service will supply the development. 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 Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should 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 Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

3. Road Improvements

Patterson Ave 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 **\$11,565.00 not including utility service cost**

CITY OF KELOWNA

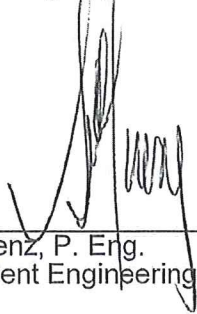
MEMORANDUM

Date: July 22, 2015
File No.: DP15-0149
To: Urban Planning (LK)
From: Development Engineer Manager (SM)
Subject: 580 Patterson Ave

The Development Engineering comments and requirements regarding this Development Permit application are as follows:

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z15-0034.



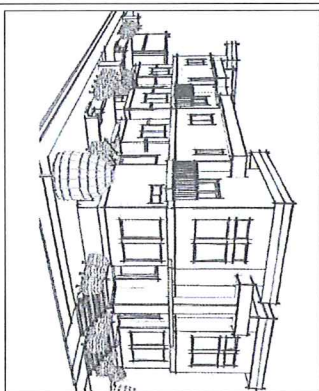
Steve Muenz, P. Eng.
Development Engineering Manager

SS

PATTERSON AVE. FOURPLEX KELOWNA, B.C.

RESIDENTIAL DEVELOPMENT

CONCEPTUAL RENDERING



LOCATION MAP



CONSULTANTS:

ARCHITECTURAL:
GTA ARCHITECT LTD.
CONTACT: GARRY TOMPOROWSKI
240 - 1888 SPRINGFIELD ROAD
KELOWNA, BC V1Y 4V7
PHONE: (250) 979-1668 FAX: (250) 979-1666
EMAIL: gary@gtacbc.ca

CIVIL:
APLIN & MARTIN
CONTACT: CORY BARBER
454 LEON AVENUE
KELOWNA, BC V1Y 4V7
PHONE: (250) 440-0157
EMAIL: cory@aplinmartin.com

STRUCTURAL:
LIST OF DRAWINGS:
N/A FOR DEVELOPMENT PERMIT

LIST OF DRAWINGS:
A00 COVER SHEET
A01 SITE PHOTOS
A02 BASIN PLAN
A03 UPPER FLOOR PLAN
A04 ELEVATIONS
A05 ELEVATIONS
A06 PERSPECTIVE

MECHANICAL:
LIST OF DRAWINGS:
N/A FOR DEVELOPMENT PERMIT

ELECTRICAL:
LIST OF DRAWINGS:
N/A FOR DEVELOPMENT PERMIT

LIST OF DRAWINGS:
N/A FOR DEVELOPMENT PERMIT

LIST OF DRAWINGS:
N/A FOR DEVELOPMENT PERMIT

GEOTECHNICAL:

INTERIOR TESTING SERVICES LTD.
208 1888 SPALL ROAD
KELOWNA, BC V1Y 4V7
PHONE: 250-860-6540
EMAIL: jerry@interior-testing.com

SUBMITTER:

OUTLAND DESIGNS LTD.
208 1888 SPALL ROAD
KELOWNA, BC V1Y 4V7
PHONE: 250-860-6540
EMAIL: landesigns@outland.ca

LANDSCAPE:

OUTLAND DESIGNS LTD.
208 1888 SPALL ROAD
KELOWNA, BC V1Y 4V7
PHONE: 250-860-6540
EMAIL: landesigns@outland.ca

LIST OF DRAWINGS:
L1 LANDSCAPE PLAN

PROJECT INFO:

CIVIC ADDRESS: 380 PATTERSON AVENUE, KELOWNA, BC.
CURRENT: LOT 3, PLAN 3248, O.D.V.D.
LEGAL ADDRESS: LOT 3, PLAN 3248, O.D.V.D.
ZONING: R1A - TWO DWELLING HOUSING
PROPOSED: RM1 - FOUR DWELLING HOUSING

CITY OF KELOWNA ZONING BY-LAW (No. 8000) ANALYSIS:

SECTION 8 - PARKING AND LOADING

8.1.1 MINIMUM NUMBER OF PARKING SPACES

TABLE 8.1 (APARTMENT/TOWNHOUSING): 15 DWELLING UNIT
15 SPACES * 4 UNITS = 6 SPACES

PROP: 6 SPACES

8.1.2 PARKING SPACES FOR THE DISABLED

a) PER B.C. BUILDING CODE: NOT REQUIRED
b) BUILDING CODE: NOT REQUIRED

PROP: NONE

8.1.3 VISITOR PARKING

TABLE 8.1 (APARTMENT/TOWNHOUSING): 17 DWELLING UNITS
4 UNITS * 1 VISITOR SPACE

PROP: 1 SPACE

8.1.4 RESIDENTIAL USE LOCATION

b) PARKING NOT PERMITTED IN REAR YARD

PROP: PARKING IN REAR YARD

8.1.5 PARKING SETBACK

a) FRONT PROPERTY LINE: MIN 1.5m
EAST PROPERTY LINE: MIN 1.5m
REAR PROPERTY LINE: MIN 1.5m

PROP: 1.5m
PROP: 1.0m VARIANCE
PROP: 1.5m

8.1.6 EASY ACCESS FROM VISITOR PARKING

TO BUILDING/DEVELOPMENT ACCESS

PROP: COMPLEES

8.1.7 MIN. SIZE

a) MIN. WIDTH: 2.5m
b) MIN. LENGTH: 6.0m
MIN. HEIGHT: 2.0m

PROP: 2.5m
PROP: 6.0m
PROP: 2.0m

8.1.8 OFF-STREET BICYCLE PARKING

TABLE 8.3 (APARTMENT/TOWNHOUSING):
CLASS 1.5 DWELLING UNIT
CLASS 1.5 DWELLING UNIT = 1 SPACE
CLASS 1.5 DWELLING UNIT = 1 SPACE

PROP: IN SUITE
PROP: 1

SECTION 13 - URBAN RESIDENTIAL ZONES

13.2 RM1 - FOUR DWELLING HOUSING
13.2 PRINCIPLE USES
13.2.1 PRINCIPLE USES
13.2.2 PRINCIPLE USES

PROP: FOUR-PLEX HOUSING
PROP: FOUR-PLEX HOUSING

13.2.3 BUILDINGS AND STRUCTURES PERMITTED

13.2.3.1 SUBDIVISION REGULATIONS
a) MIN. LOT WIDTH: 20.0m
b) MIN. LOT DEPTH: 30.0m
c) MIN. LOT AREA: 700m²

PROP: 21.24m
PROP: 34.55m
PROP: 738.2m²

13.2.4 DEVELOPMENT REGULATIONS

a) MAX SITE COVERAGE: 40%
b) EXCEPT THE MAX. SITE COVERAGE OF BUILDINGS,
DEVELOPMENTS AND PERMITTED USES: 50%
c) (1442715 * 0.857) / 7342 = 0.4866

PROP: 39.6%
PROP: 48.6%

13.2.5 MAX FLOOR AREA RATIO: 0.6

a) MAX HEIGHT: LESSER OF 9.5m or 2 1/2 STOREYS
b) MAX HEIGHT ACCESSORY BUILDING: 4.5m
c) MIN. FRONT YARD: 4.5m
d) MIN. SIDE YARD (1 OR 1 1/2 STOREYS): 2.0m
e) MIN. SIDE YARD (ACCESSORY BUILDING): 2.0m
f) MIN. SIDE YARD (2 STOREYS): 2.5m
g) MIN. REAR YARD (1 OR 1 1/2 STOREYS): 6.0m
h) MIN. REAR YARD (2 STOREYS): 7.5m
i) MIN. REAR YARD (ACCESSORY STRUCTURE): 1.5m

PROP: 0.59
PROP: 2 1/2 STOREYS (9.5m)
PROP: 1 STOREY (4.5m)
PROP: 3.5m VARIANCE
PROP: 4.5m
PROP: 7.5m
PROP: 1.5m

13.2.7 OTHER REGULATIONS

a) MIN. AREA PRIVATE OPEN SPACE: 26m²/DWELLING
4 UNITS * 26m²/UNIT = 104m²
b) WHERE LANE ACCESS IS PROVIDED, NO VEHICLE ACCESS FROM THE FRONTING STREET
c) ADDITIONAL REGULATIONS

PROP: 104m² (1442 SF)
PROP: AS APPLICABLE

SITE AREA: 737.2 m² (7942 SF)

FLOOR AREA:
BUILDING A

PROP: 6 SPACES

PROP: NONE

PROP: 1 SPACE

PROP: PARKING IN REAR YARD

PROP: COMPLEES

PROP: 2.5m

PROP: 6.0m

PROP: 2.0m

PROP: IN SUITE

PROP: 1

PROP: FOUR-PLEX HOUSING

PROP: FOUR-PLEX HOUSING

PROP: 21.24m

PROP: 34.55m

PROP: 738.2m²

PROP: 39.6%

PROP: 48.6%

PROP: 0.59

PROP: 2 1/2 STOREYS (9.5m)

PROP: 1 STOREY (4.5m)

PROP: 3.5m VARIANCE

PROP: 4.5m

PROP: 7.5m

PROP: 1.5m

PROP: 104m² (1442 SF)

PROP: AS APPLICABLE

GARAGE: AREA: 78.1m² (832 SF)

BUILDING B

PROP: 6 SPACES

PROP: NONE

PROP: 1 SPACE

PROP: PARKING IN REAR YARD

PROP: COMPLEES

PROP: 2.5m

PROP: 6.0m

PROP: 2.0m

PROP: IN SUITE

PROP: 1

PROP: FOUR-PLEX HOUSING

PROP: FOUR-PLEX HOUSING

PROP: 21.24m

PROP: 34.55m

PROP: 738.2m²

PROP: 39.6%

PROP: 48.6%

PROP: 0.59

PROP: 2 1/2 STOREYS (9.5m)

PROP: 1 STOREY (4.5m)

PROP: 3.5m VARIANCE

PROP: 4.5m

PROP: 7.5m

PROP: 1.5m

PROP: 104m² (1442 SF)

PROP: AS APPLICABLE

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FOURPLEX
580 PATTERSON AVE.
LAKE COUNTRY, BC

COVER SHEET

A0.0
DATE: APRIL 2015 FILE: A1558

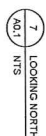
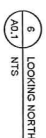
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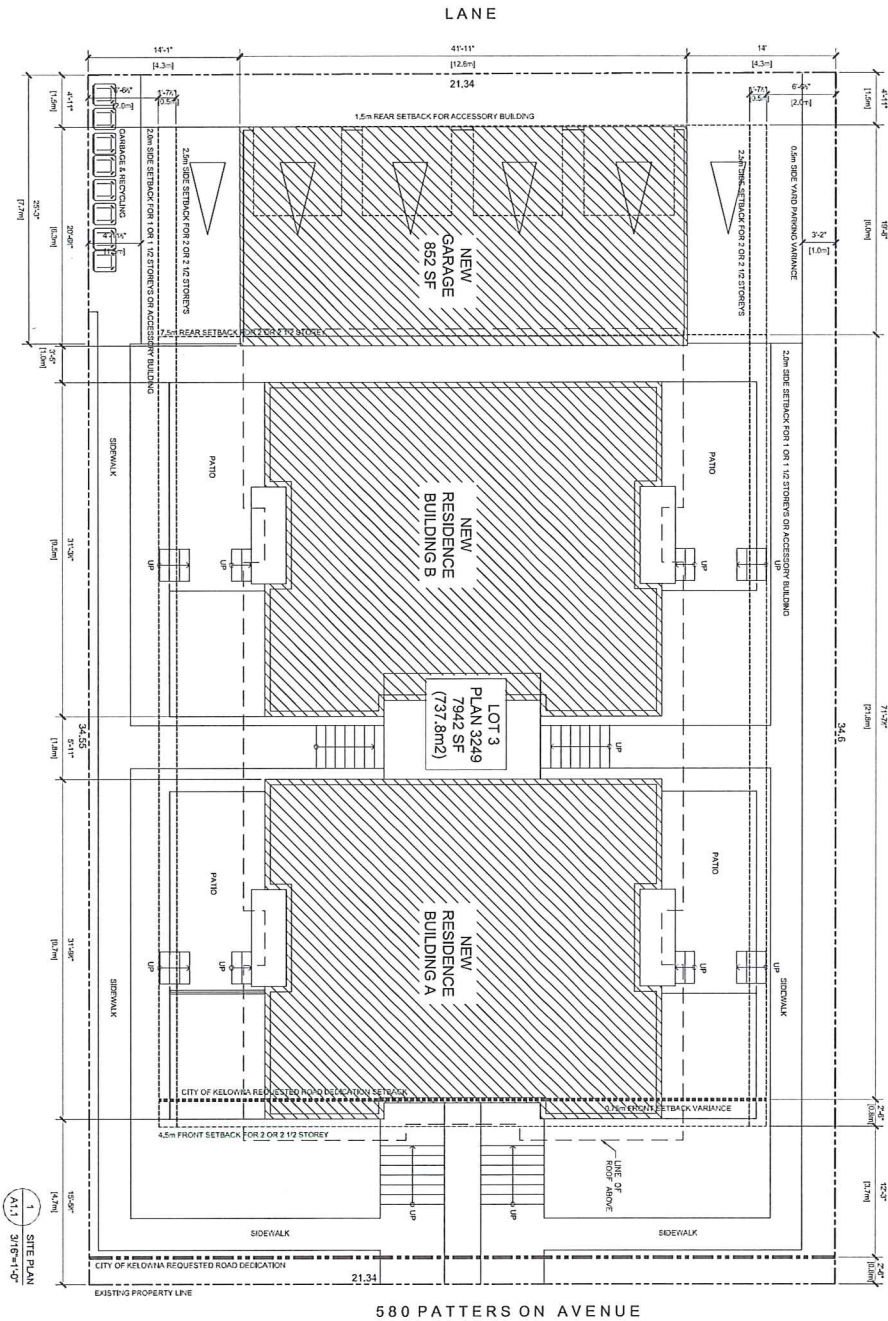
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FOURPLEX
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LAKE COUNTRY, BC
SHEET 17E

SITE PHOTOS

DR #001	PHET 101
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DATE: APRIL 2015	FILE: A15-06





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10	REVISION	2023/01/10

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FOURTEX
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KELOWNA, BC

SITE PLAN

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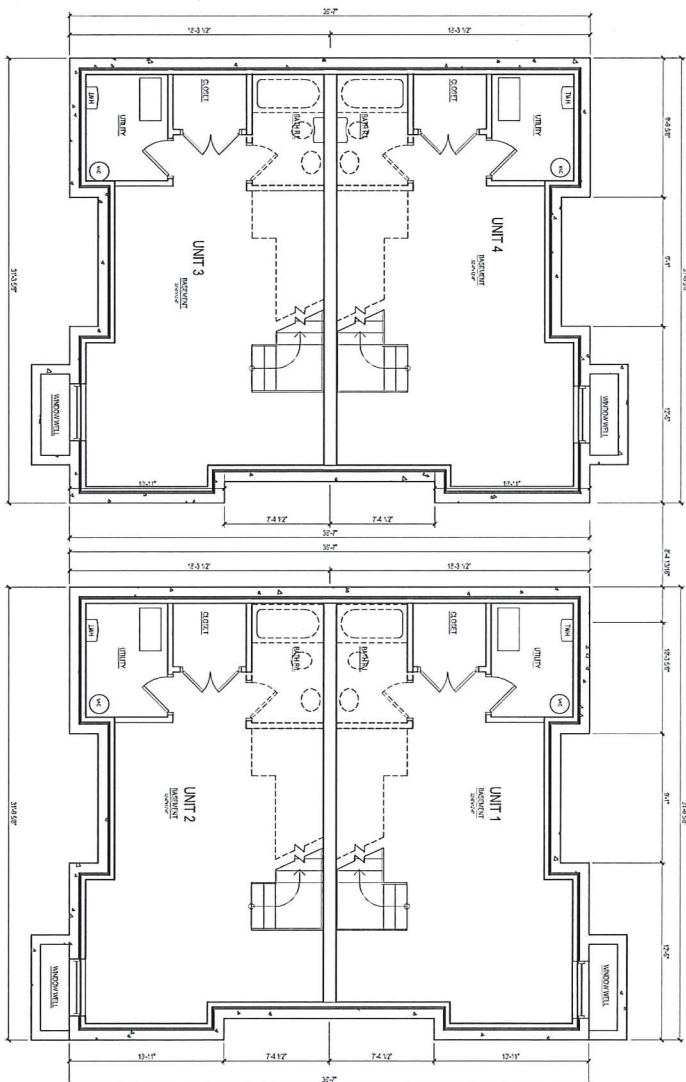
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FOURPLEX
580 PATTERSON AVE.

KELOWNA, BC

BASEMENT PLAN

Drawn	SHEET NO.
RD	A2.2
SCALE	
AS NOTED	
DATE	FILE: A15-06
APRIL 2015	

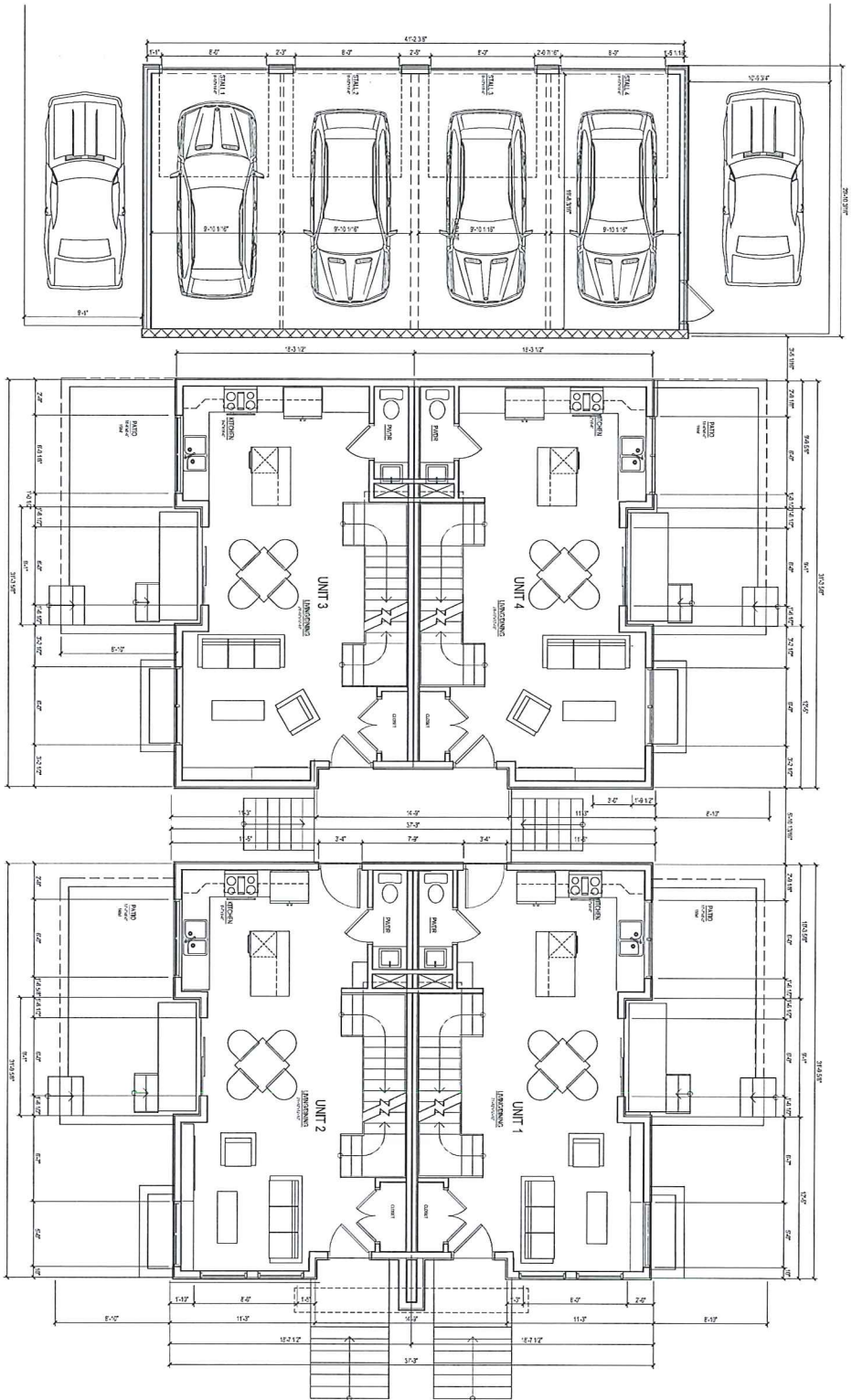


2	UNIT 3 & 4 (BUILDING B) BASEMENT FLOOR PLAN
A2.2	1/4"=1'-0"

UNIT 1 & 2 (BUILDING A)
BASEMENT FLOOR PLAN

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9	1	2013-04-15	ISSUED FOR PERMIT
10	1	2013-04-15	ISSUED FOR PERMIT



2 UNIT 3 & 4 (BUILDING B)
MAIN FLOOR PLAN
A2.3 1/4"=1'-0"

1 UNIT 1 & 2 (BUILDING A)
MAIN FLOOR PLAN
A2.3 1/4"=1'-0"

MAIN FLOOR

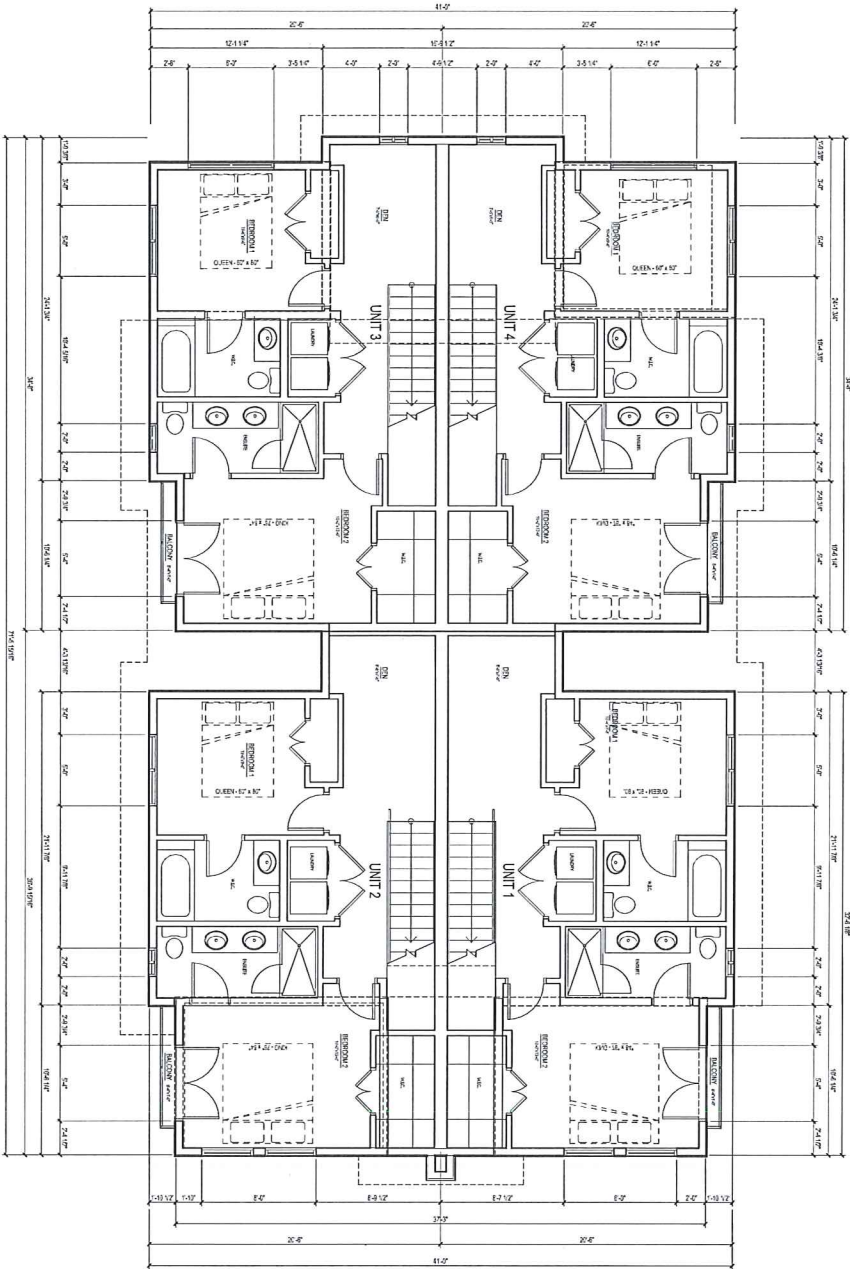
DATE	2013-04-15
BY	AS NOTED
FILE	A2.3
DATE	2013-04-15
FILE	A2.3

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9	10/10/10	ISSUED FOR PERMIT
10	10/10/10	ISSUED FOR PERMIT



UNIT 3 & 4 (BUILDING B)
UPPER FLOOR PLAN
A2.4 1/8"=1'-0"

UNIT 1 & 2 (BUILDING A)
UPPER FLOOR PLAN
A2.4 1/8"=1'-0"

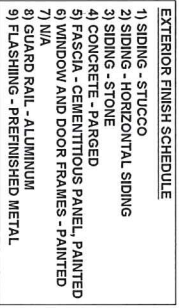
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FOURPLEX
580 PATTERSON AVE.
KELOWNA, BC

UPPER FLOOR

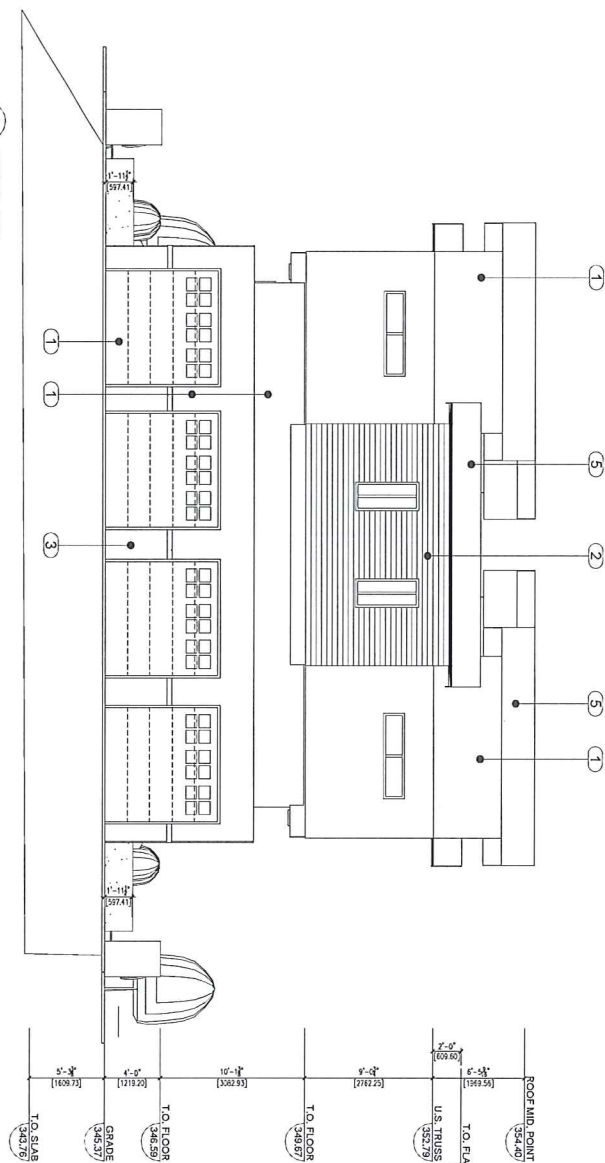
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10/10/10	AS NOTED	A2.4
APRIL 2015		FILE: A15-05



FOURPLEX	
\$80 PATTERSON AVE.	
KELOWNNA, BC	
SHEET FOUR	
FRONT ELEVATION	
DRAWING	SHEET NO.
R/B	
SCALE	
AS NOTED	
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APRIL 2015	TITLE: A3-DEG
A3.1	

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10	FOR CONSTRUCTION	APRIL 2015



1 ELEVATION - REAR
 A2.1 1/4"=1'-0"

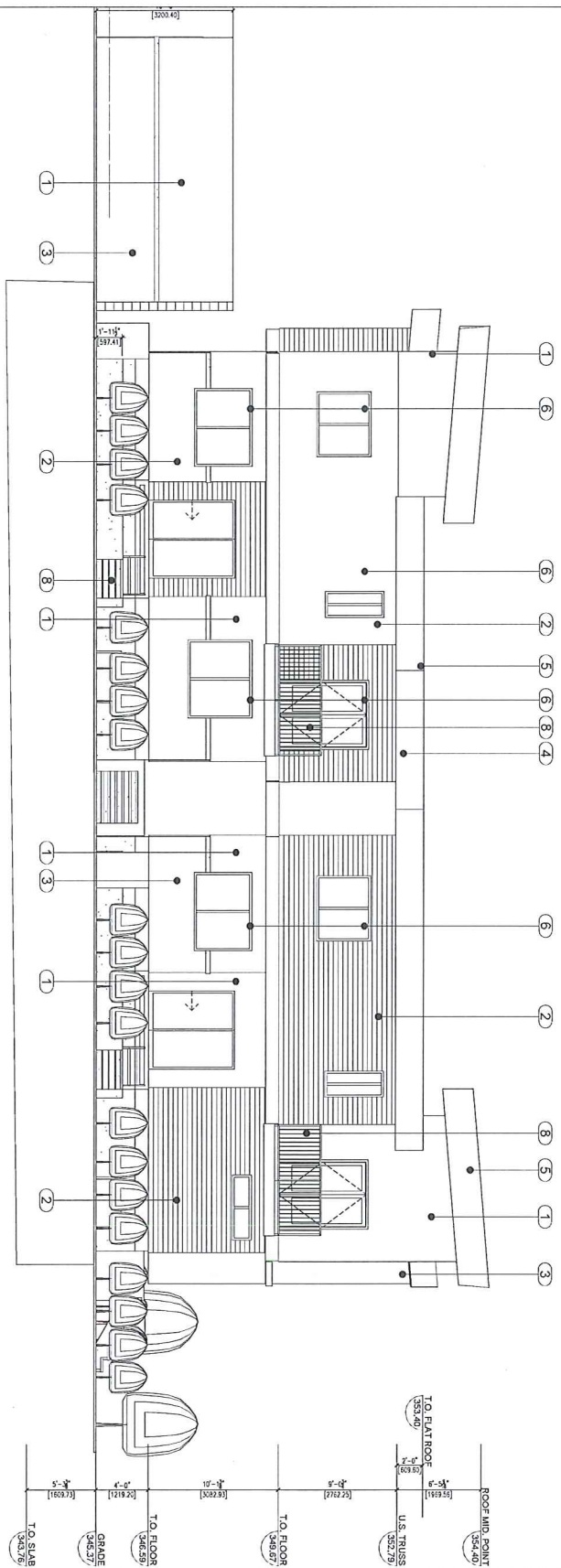
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REAR ELEVATION

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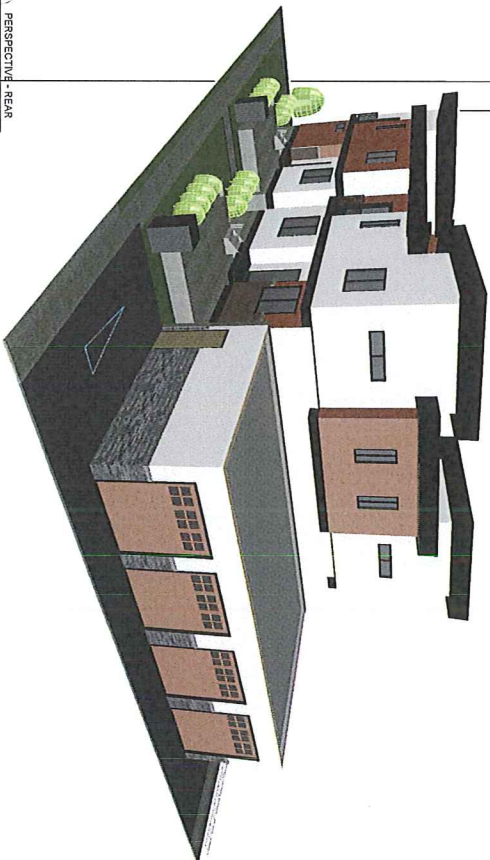
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A2.1	1/4"=1'-0"

SIDE ELEVATION

ISSUING RIB	SHEET NO.
SCALE AS NOTED	A3.3
DATE APRIL 2015	
FILE: A15-06	



1	PERSPECTIVE - FRONT
A3.4	N.T.S.



2	PERSPECTIVE - REAR
A3.4	N.T.S.

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PERSPECTIVES

ISSUING RD	SHEET NO.
SCALE AS NOTED	A3.4
DATE APRIL 2015	
FILE: A15-06	

CITY OF KELOWNA
BYLAW NO. 11170
Z15-0034 - Teresa Corea-Gaspari
580 Patterson 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 3, District Lot 14, ODYD, Plan 3249 located on Patterson Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM1 - Four 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 23, 2015
File: 1815-01
To: City Manager
From: David Gatzke, Cemetery Manager
Subject: Kelowna Memorial Park Cemetery Bylaw Update

Recommendation:

THAT Council receives for information the report from the Cemetery Manager, dated November 23, 2015 recommending changes to the Kelowna Memorial Park Cemetery Bylaw 8807;

AND THAT Council gives reading consideration to Bylaw No. 11144 being amendment No. 6 to Kelowna Memorial Park Cemetery Bylaw No. 8807

Purpose:

To update the Memorial Park Cemetery Bylaw with regards to pricing, the addition of new inventory, as well as some housekeeping and language updates.

Background:

The recently completed Kelowna Memorial Park (KMPC) Master Plan contains a number of recommendations intended to maximize the utilization of the Cemetery property and ensure the business plan and product pricing are sufficient to achieve long term financial sustainability. Specifically, the plan identified immediate changes that should be made with regards to pricing, and recommended additional inventory and development plans over the next 25 years, which includes the new "Legacy Gardens" development.

The amended KMPC bylaw contains some general language and housekeeping updates, as well as updates to definitions, fees and inventory.

Definitions

Definitions were changed to reflect the addition of the new Scattering Trail and Legacy Gardens. Additionally, a few definitions were updated to reflect current operational procedures. A new definition for "concurrent interment" was added for situations where multiple interments are taking place at the same time.

Benchmark Fee Adjustments

The 2015 KMPC Master Plan identified certain plot types to be adjusted to reflect market value when compared to similar benchmark communities. The adjustments recommended are:

- In-ground cremation plot that is currently priced at \$371 be adjusted to \$498, and
- Small plots that are currently priced at \$303 be adjusted to \$376.

New Fees

The following new fees have been added:

- Concurrent interment fee -for when an additional interment takes place at the same time as another interment in the same plot, niche or mausoleum,
- Non-resident fee applied to services/interment permits - previously only applied to plot sales,
- Adding a plaque to an existing memorial bench,
- Adding a second plaque to an existing memorial bench or memorial tree marker,
- Memorial Table,
- Legacy Garden Niches and Mausolea (to reflect new inventory), and
- As of December 1, 2015, any casket burial plot in Section A or B surrendered or sold back to the city will be resold at the same price as current large plots in Sections C,D,E, and G4.

Scheduled Fee increases

In following the recommendations set out in the 2015 KMPC Master Plan, all fees and service charges for 2016 have been increased by 5%.

All fees and service charges for 2017 and 2018 have been included in this amendment at a rate of +5% from the preceding year.

These recommended fee increases will help KMPC to achieve future targets for Cemetery reserves and help pay for perpetual maintenance of the site once it is fully occupied. Under the proposed fee structure, KMPC continues to waive interment fees for children under the age of 12. A note has been made in the fee Schedule A to clarify that the zero fee for interment of children refers to an interment in a small child plot.

Internal Circulation:

Legislative Services
Communications
Finance

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Submitted by:

David Gatzke, Cemetery Manager

Approved for inclusion:



Joe Creron, Divisional Director, Civic Operations

KMPC BYLAW AMENDMENT

2015



KMPC BYLAW AMENDMENT

Reasons for update:

- ▶ Financial Sustainability
- ▶ New Inventory
- ▶ Housekeeping

KMPC BYLAW AMENDMENT

Financial Sustainability

- ▶ KMPC Master Plan (2015)
 - ▶ Market adjustments for in-ground cremation plot and small burial plots (benchmark communities)
 - ▶ Recommended 5% per year increase in fees for 10 years, then 2% per year

KMPC BYLAW AMENDMENT

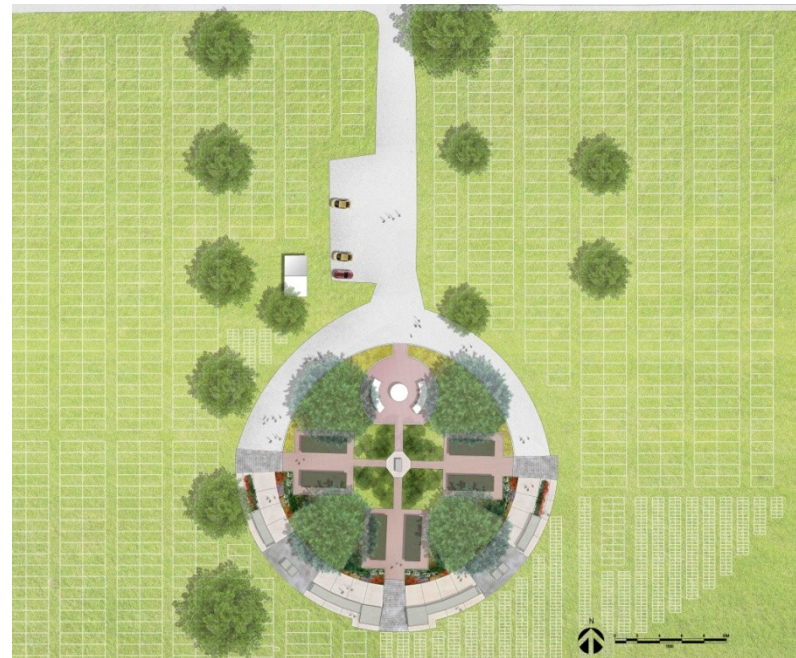
Financial Sustainability

- ▶ Fee increase will help ensure the Cemetery breaks even, and help meet the projected needs for perpetual care
 - ▶ *The interest from the perpetual care fund is expected to fund on-going maintenance once a cemetery becomes in-active*
 - ▶ *Projected perpetual maintenance costs estimated to be \$423,000 in 50 years time*

KMPC BYLAW AMENDMENT

New Inventory

- ▶ Scattering Trail
- ▶ Legacy Gardens
 - ▶ Phase 1: May 2016
 - 860 Niches
 - 12 Mausolea



KMPC BYLAW AMENDMENT



KMPC BYLAW AMENDMENT

Questions?

CITY OF KELOWNA

BYLAW NO. 11144

Amendment No. 6 to Kelowna Cemetery Bylaw No. 8807

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Cemetery Bylaw No. 8807 be amended as follows:

1. THAT PART 1 - GENERAL, 1.3 Definitions be amended by:

- a) Adding a new definition for “**Bennett Memorial Columbarium**” in its appropriate location that reads:

“**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.

- b) Adding a new definition for “**Concurrent Interment**” in its appropriate location that reads:

“**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.”

- c) deleting the definition for “**Interment**” that reads:

“**Interment**” means the act of burying a casket in a grave.

And replacing it with:

“**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.

- d) a new definition for “**Legacy Gardens**” in its appropriate location that reads:

“**Legacy Gardens**” means the columbarium and mausolea in **Section D** surrounding the Bennett Memorial Columbarium which consists of 10 double side columbarium of 70 niches each, 4 columbarium of 20 niches each, 2 columbarium of 40 niches each, and 2 mausolea of 6 crypts each.

- e) Adding a new definition for “**Scattering Trail**” that reads:

“**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**.

- f) Deleting the definition for “**Section D**” that reads;

“**Section D**” of the **Cemetery** means the grassed area consisting of Rows 104 to 224 (inclusive) as shown on Schedule “G”.

And replacing it with the following:

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

2. AND THAT **PART 6 - INTERMENT IN THE CEMETERY** be amended by:

a) Deleting section 6.10 Scattering of Cremated Remains that reads:

"6.10 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**. The scatter of cremated remains within the Promontory Green garden will consist only of a small portion of remains, where the majority of cremated remains are place in an ossuary. All cremated remains that are placed in the scattering garden or ossuary are considered non-recoverable and commingled. The placement of cremated remains in the ossuary will only be performed by Cemetery Staff."

And replacing it with:

"6.10 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 garden will consist only of a small portion of remains, where the majority of cremated remains are place in an ossuary. All cremated remains that are placed in the scattering garden or 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 done by those in possession of the appropriate permit."

b) Adding to the end of the paragraph in Section 6.13 Hours of Interment the sentence that reads "There will be an additional fee for interments scheduled after 3:00 p.m. as indicated in Schedule "A" of this bylaw."

3. AND THAT **PART 10 - ADORNMENT** be amended by:

a) Deleting section 10.5 (b) that reads:

"trees, shrubs, hedges or plants, other than potted flowering plants of not more than 50 centimeters in height and width and not secured to the ground in any manner, which plants 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, and in any event, no later than seven days after placement."

And replacing it with:

"trees, shrubs, hedges or other plant materials, other than potted flowering plants of not more than 50 centimeters 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."

b) Adding "All memorial markers placed in a Family Estate must be approved by the **Cemetery Manager** prior to installation." to the beginning of Section 10.8 (d) under **MEMORIALS**.

- c) Adding the following sentence to the beginning of 10.8 Specifications, sub-paragraph (d) "All memorial markers placed in a Family Estate must be approved by the **Cemetery Manager** prior to installation."
4. AND THAT Schedule "A" be deleted in its entirety and replaced with a new Schedule "A" as attached to and forming part of this bylaw.
5. AND THAT Scheudle "F", Section 6. (i) On Full Size Adult Plots (A) be amended by:
- a) deleting "Minimum" before 20"x12"; and
- b) Adding the word "or" inbetween subparagraphs (A) and (B).
6. AND THAT Schedule "F", Section 6. (i) On Full Size Adult Plots (b) be amended by deleting the word "Maximum" at the beginning of the paragraph.
7. AND THAT Schedule "F", Section 6. be amended by deleting (ix) Mausoleum Crypt Nameplate that reads:

(ix) Mausoleum Crypt Nameplate. The minimum requirements for the crypt nameplate shall be:

- (A) Matthews Abby Companion a single bronze cast crypt plate 30 inches by 71/8 inches, or 30 inches by 10 5/8 inches centered on the crypt door.
- (B) Matthews Abby Individual a single bronze cast crypt plate 24 inches by 73/16 inches, or 24 inches by 11 inch centered on the crypt door.
- (C) the lettering to consist of surname and given name and/or initials for an individual and/or companion; lettering shall be on three (3) separate lines as follows:
- First line - to include surname in lettering 1 1/4 inch in height;
- Second line - to include the given name and/or initials in lettering 3/4 inch in height; and
- Third line - to include year of birth and year of death, in lettering 1/2 inch in height, with lettering sizes to be adjusted accordingly in the event of a long surname,
- (D) lettering to be in Renic font, and name plate to be hand chased and polished.

And replacing it with:

(ix) Mausoleum Crypt Nameplat (Promontory Green and Legacy Gardens Phase One).

The minimum requirements for the crypt nameplate shall be:

- (A) Matthews Abby Companion a single bronze cast crypt plate 30 inches by 71/8 inches, or 30 inches by 10 5/8 inches centered on the crypt door.

(B) Matthews Abby Individual a single bronze cast crypt plate 24 inches by 73/16 inches, or 24 inches by 11 inch centered on the crypt door.

(C) The lettering to consist of surname and given name and/or initials for an individual and/or companion; lettering shall be on three (3) separate lines as follows:

First line - to include surname in lettering 1 1/4 inch in height;

Second line - to include the given name and/or initials in lettering 3/4 inch in height; and

Third line - to include year of birth and year of death, in lettering 1/2 inch in height, with lettering sizes to be adjusted accordingly in the event of a long surname,

(D) Lettering to be in Renic font, and name plate to be hand chased and polished.

8. AND THAT Schedule "F", Section 6. be amended by adding a new section (iix) **Legacy Gardens Columbarium** that reads;

(ix) Legacy Gardens Columbarium

Niche Nameplates.

All Niches will be engraved.

(A) Where a niche plate is engraved, inscriptions shall be carved into the surface to a depth of 0.3 cm (1/8") in Roman Classic letters and figures.

(E) Inscriptions for companion niches shall be composed of six (6) lines centred.

(1) First line - to include family surname(s) in lettering 1 & 1/4 inch in height;

(2) Second line - to include the given names(s) of the first inurnment in lettering 7/8 inch in height;

(3) Third line - to include year of birth and the year of death in lettering 7/8 inch in height;

(4) Fourth line - to include the given name(s) of the second inurnment In lettering 7/8 inch in height;

(5) Fifth line - to include year of birth and the year of death in Lettering 7/8 inch in height;

(6) Sixth line - to include a sentiment or phrase, in lettering 1/2 inch In height, that is in keeping with the dignity of the Cemetery, adjacent niches and community standards; and

(7) (7) All names, initials, title, rank, sentiment, phrases, etc are carved on the particular line as space permit.

9. AND THAT Schedule "G" be deleted in its entirety and replaced with a new Schedule "G" as attached to and forming part of this bylaw.

10. This bylaw may be cited for all purposes as "Bylaw No. 11144, being Amendment No. 6 to Kelowna Memorial Park Cemetery Bylaw No.8807."

11. 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

KELOWNA MEMORIAL PARK CEMETERY'S FEE SCHEDULE "A"

PRODUCT/SERVICE <i>Non-residents add 25% to all fees</i>		5% Annual Increase Effective 01/01/16	5% Annual Increase Effective 01/01/17	5% Annual Increase Effective 01/01/18
	2015 Base Fee	2016 Base Fee	2017 Base Fee	2018 Base Fee

CASKET PLOTS

*Grave liner required

UPRIGHT MARKER SECTIONS

G1, G7 Lawn Crypt

Right of Interment	\$2,142	\$2,249	\$2,362	\$2,480
Cemetery Replacement Fund	\$1,071	\$1,125	\$1,181	\$1,240
Cemetery Maintenance Fund	\$1,071	\$1,125	\$1,181	\$1,240
Total	\$4,284	\$4,498	\$4,723	\$4,959

G4 Large Plot *

Right of Interment	\$1,038	\$1,090	\$1,144	\$1,202
Cemetery Replacement Fund	\$519	\$545	\$572	\$601
Cemetery Maintenance Fund	\$519	\$545	\$572	\$601
Total	\$2,076	\$2,180	\$2,289	\$2,403

FLAT MARKER SECTIONS

G7 Lawn Crypt

Right of Interment	\$1,544	\$1,621	\$1,702	\$1,787
Cemetery Replacement Fund	\$772	\$811	\$851	\$894
Cemetery Maintenance Fund	\$772	\$811	\$851	\$894
Total	\$3,088	\$3,242	\$3,405	\$3,575

C,D,E, G4 Large Plot *

Right of Interment	\$741	\$778	\$817	\$858
Cemetery Replacement Fund	\$370	\$389	\$408	\$428
Cemetery Maintenance Fund	\$370	\$389	\$408	\$428
Total	\$1,481	\$1,555	\$1,633	\$1,714

DRY LANDSCAPE SECTIONS

A,B* - Existing inventory as of Dec. 1, 2015

Right of Interment	\$260	\$272	\$285	\$300
Cemetery Replacement Fund	\$129	\$136	\$143	\$150
Cemetery Maintenance Fund	\$129	\$136	\$143	\$150
Total	\$518	\$544	\$571	\$600

A,B* - Inventory returned to KMPC after Dec. 1, 2015

Right of Interment	\$741	\$778	\$817	\$858
Cemetery Replacement Fund	\$370	\$389	\$408	\$428
Cemetery Maintenance Fund	\$370	\$389	\$408	\$428
Total	\$1,481	\$1,555	\$1,633	\$1,714

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

Right of Interment	\$188	\$197	\$207	\$218
Cemetery Replacement Fund	\$94	\$99	\$104	\$109
Cemetery Maintenance Fund	\$94	\$99	\$104	\$109
Total	\$376	\$395	\$415	\$435

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	\$29,850	\$31,343	\$32,910	\$34,555
Cemetery Replacement Fund	\$14,926	\$15,672	\$16,456	\$17,279
Cemetery Maintenance Fund	\$14,926	\$15,672	\$16,456	\$17,279
Total	\$59,702	\$62,687	\$65,821	\$69,113

SEMI PRIVATE ESTATE

Also includes: Shared Granite Bench, Flower Beds

Right of Interment	\$22,018	\$23,119	\$24,275	\$25,489
Cemetery Replacement Fund	\$11,008	\$11,558	\$12,136	\$12,743
Cemetery Maintenance Fund	\$11,008	\$11,558	\$12,136	\$12,743
Total	\$44,034	\$46,236	\$48,547	\$50,975

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	\$249	\$261	\$275	\$288
CEMETERY REPLACEMENT FUND	\$124.50	\$131	\$137	\$144
CEMETERY MAINTENANCE FUND	\$124.50	\$131	\$137	\$144
Total	\$498	\$523	\$549	\$576

Section G5 / G6 *

Right of Interment	\$309	\$324	\$341	\$358
Cemetery Replacement Fund	\$154	\$162	\$170	\$178
Cemetery Maintenance Fund	\$154	\$162	\$170	\$178
Total	\$617	\$648	\$680	\$714

Section G3**Promontory Green Interment Garden Plot ***

Right of Interment	\$401	\$421	\$442	\$464
Cemetery Replacement Fund	\$201	\$211	\$222	\$233
Cemetery Maintenance Fund	\$201	\$211	\$222	\$233
Total	\$803	\$843	\$885	\$930

FAMILY PLOTS (Space for 6 Urns)**Section G5 & G6***

Right of Interment	\$617	\$648	\$680	\$714
Cemetery Replacement Fund	\$309	\$324	\$341	\$358
Cemetery Maintenance Fund	\$309	\$324	\$341	\$358
Total	\$1,235	\$1,298	\$1,363	\$1,431

Section G3**Promontory Green Interment Garden Plot***

Right of Interment	\$741	\$778	\$817	\$858
Cemetery Replacement Fund	\$370	\$389	\$408	\$428
Cemetery Maintenance Fund	\$370	\$389	\$408	\$428
Total	\$1,481	\$1,555	\$1,633	\$1,714

MAUSOLEA**LEGACY GARDENS - Section D****Single Crypt (*no increase from 2015-2016)****Level 1**

Right of Interment	\$8538	\$8538	\$8,965	\$9,413
Cemetery Replacement Fund	\$6,830	\$6,830	\$7,171	\$7,529
Cemetery Maintenance Fund	\$1,707	\$1,707	\$1,792	\$1,882
Total	\$17,075	\$17,075*	\$17,928	\$18,824

Level 2

Right of Interment	\$8,803	\$8,803	\$9,242	\$9,705
Cemetery Replacement Fund	\$7,042	\$7,042	\$7,394	\$7,764
Cemetery Maintenance Fund	\$1,760	\$1,760	\$1,848	\$1,940
Total	\$17,605	\$17,605*	\$18,485	\$19,409

Level 3

Right of Interment	\$8,902	\$8,902	\$9,346	\$9,813
Cemetery Replacement Fund	\$7,120	\$7,120	\$7,477	\$7,851
Cemetery Maintenance Fund	\$1,780	\$1,780	\$1,869	\$1,962
Total	\$17,802	\$17,802*	\$18,692	\$19,626

PROMONTORY GREEN - Section G2**Single Crypt - Includes Standard Crypt Plate, Vase and**

Open/Close Fee

Level 1

Right of Interment	\$6,300	\$6,615	\$6,946	\$7,293
Cemetery Replacement Fund	\$5,040	\$5,292	\$5,557	\$5,834
Cemetery Maintenance Fund	\$1,261	\$1,324	\$1,390	\$1,460
Total	\$12,601	\$13,231	\$13,893	\$14,587

Level 2

Right of Interment	\$7,560	\$7,938	\$8,335	\$8,752
Cemetery Replacement Fund	\$6,048	\$6,350	\$6,668	\$7,001
Cemetery Maintenance Fund	\$1,512	\$1,588	\$1,667	\$1,750
Total	\$15,119	\$15,875	\$16,669	\$17,502

Level 3

Right of Interment	\$7,121	\$7,477	\$7,851	\$8,243
Cemetery Replacement Fund	\$5,696	\$5,981	\$6,280	\$6,594
Cemetery Maintenance Fund	\$1,423	\$1,494	\$1,569	\$1,647
Total	\$14,240	\$14,952	\$15,700	\$16,485

Couch Crypt - Includes Standard Crypt Plate, Vase and

Open/Close Fee

Level 1, 2, and 3

Right of Interment	\$10,495	\$11,020	\$11,571	\$12,149
Cemetery Replacement Fund	\$8,396	\$8,816	\$9,257	\$9,719
Cemetery Maintenance Fund	\$2,099	\$2,204	\$2,314	\$2,430
Total	\$20,990	\$22,040	\$23,141	\$24,299

NICHES**LEGACY GARDENS - Section D****Phase One** (*no increase from 2015-2016)**Level 1**

Right of Interment	\$1,623	\$1,623	\$1,704	\$1,788
Cemetery Replacement Fund	\$1,298	\$1,298	\$1,363	\$1,431
Cemetery Maintenance Fund	\$3,24	\$3,24	\$340	\$358
Total	\$3,245	\$3,245*	\$3,407	\$3,577

Level 2

Right of Interment	\$1,793	\$1,793	\$1,882	\$1,976
Cemetery Replacement Fund	\$1,434	\$1,434	\$1,506	\$1,581
Cemetery Maintenance Fund	\$3,58	\$3,58	\$376	\$395
Total	\$3,585	\$3,585 *	\$3,764	\$3,952

Level 3/4/5

Right of Interment	\$1,899	\$1,899	\$1,995	\$2,094
Cemetery Replacement Fund	\$1,520	\$1,520	\$1,595	\$1,675
Cemetery Maintenance Fund	\$379	\$379	\$3,98	\$4,18
Total	\$3,798	\$3,798 *	\$3,988	\$4,187

BENNETT MEMORIAL**Concord** - Includes Bronze Wreath and birth year date plate

Right of Interment	\$1,396	\$1,466	\$1,539	\$1,616
Cemetery Replacement Fund	\$698	\$733	\$770	\$808
Cemetery Maintenance Fund	211	\$222	\$233	\$244
Total	\$2,365	\$2,483	\$2,607	\$2,738

Curved Wall -Includes Open/Close Fee**Level 1**

Right of Interment	\$1,544	\$1,621	\$1,702	\$1,787
Cemetery Replacement Fund	\$1,236	\$1,298	\$1,363	\$1,431
Cemetery Maintenance Fund	\$309	\$324	\$341	\$358
Total	\$3,089	\$3,242	\$3,405	\$3,575

Level 2

Right of Interment	\$1,636	\$1,769	\$1,858	\$1,951
Cemetery Replacement Fund	\$1,310	\$1,415	\$1,486	\$1,560
Cemetery Maintenance Fund	\$317	\$353	\$370	\$389
Total	\$3,273	\$3,537	\$3,714	\$3,900

Level 3

Right of Interment	\$1,699	\$1,784	\$1,873	\$1,967
Cemetery Replacement Fund	\$1,359	\$1,427	\$1,498	\$1,573
Cemetery Maintenance Fund	\$306	\$321	\$337	\$354
Total	\$3,364	\$3,532	\$3,709	\$3,894

Round Unit - Includes Open/Close Fee

Level 1 & 6

Right of Interment	\$1,544	\$1,621	\$1,702	\$1,787
Cemetery Replacement Fund	\$1,236	\$1,298	\$1,363	\$1,431
Cemetery Maintenance Fund	\$309	\$324	\$341	\$358
Total	\$3,089	\$3,242	\$3,405	\$3,575

Level 2 & 5

Right of Interment	\$1,636	\$1,718	\$1,804	\$1,894
Cemetery Replacement Fund	\$1,310	\$1,376	\$1,444	\$1,516
Cemetery Maintenance Fund	\$327	\$343	\$361	\$379
Total	\$3,273	\$3,437	\$3,608	\$3,789

Level 3 & 4

Right of Interment	\$1,699	\$1,784	\$1,873	\$1,967
Cemetery Replacement Fund	\$1,359	\$1,427	\$1,498	\$1,573
Cemetery Maintenance Fund	\$306	\$321	\$337	\$354
Total	\$3,364	\$3,532	\$3,709	\$3,894

PROMONTORY GREEN INTERMENT GARDEN

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

LEVEL 1

Right of Interment	\$1,544	\$1,621	\$1,702	\$1,787
Cemetery Replacement Fund	\$1,236	\$1,298	\$1,363	\$1,431
Cemetery Maintenance Fund	\$309	\$324	\$341	\$358
Total	\$3,089	\$3,242	\$3,405	\$3,575

Level 2

Right of Interment	\$1,636	\$1,718	\$1,804	\$1,894
Cemetery Replacement Fund	\$1,310	\$1,376	\$1,444	\$1,516
Cemetery Maintenance Fund	\$327	\$343	\$361	\$379
Total	\$3,273	\$3,437	\$3,608	\$3,789

Level 3

Right of Interment	\$1,699	\$1,784	\$1,873	\$1,967
Cemetery Replacement Fund	\$1,359	\$1,427	\$1,498	\$1,573
Cemetery Maintenance Fund	\$306	\$321	\$337	\$354
Total	\$3,364	\$3,532	\$3,709	\$3,894

Level 4				
Right of Interment	\$1,636	\$1,718	\$1,804	\$1,894
Cemetery Replacement Fund	\$1,310	\$1,376	\$1,444	\$1,516
Cemetery Maintenance Fund	\$327	\$343	\$361	\$379
Total	\$3,273	\$3,437	\$3,608	\$3,789

SCATTERING

PROMONTORY GREEN INTERMENT GARDEN SCATTERING GARDEN OSSUARY or SCATTERING TRAIL

Scattering Only

Right of Interment	\$75	\$79	\$83	\$87
Cemetery Replacement Fund	\$39	\$41	\$43	\$45
Cemetery Maintenance Fund	\$39	\$41	\$43	\$45
Total	\$153	\$161	\$169	\$177

Scattering with Name Plate

Right of Interment	\$279	\$293	\$308	\$323
Cemetery Replacement Fund	\$141	\$148	\$155	\$163
Cemetery Maintenance Fund	\$141	\$148	\$155	\$163
Total	\$561	\$589	\$619	\$649

Promontory Green Memorial Wall Space - Name Plate Only

Right of Interment	\$279	\$293	\$308	\$323
Cemetery Replacement Fund	\$141	\$148	\$155	\$163
Cemetery Maintenance Fund	\$141	\$148	\$155	\$163
Total	\$561	\$589	\$619	\$649

SERVICES

Non-residents add 25% to all fees

		5% Annual Increase	5% Annual Increase	5% Annual Increase
	2015 Fee	2016 Fee	2017 Fee	2018 Fee

INTERMENT PERMIT

Open/Close Fees

Casket - Burial	\$816	\$857	\$900	\$945
Casket - Mausoleum	\$850	\$892	\$936	\$982
Cremated Remains - In-ground	\$357	\$375	\$394	\$413
Cremated Remains - Niche	\$357	\$375	\$394	\$413
Children Under 12 Years of Age - interred in a designated Child Plot (SMALL PLOTS - Section A,C, D (3'x5'))	\$ 0	\$ 0	\$ 0	\$ 0

Concurrent Interment Per

Casket	\$408	\$428	\$449	\$471
Cremated Remains - in-ground	\$179	\$187	\$196	\$205
Cremated Remains - niche	\$138	\$144	\$151	\$158

Additional Fees

Interments After 3PM	\$459	\$482	\$506	\$531
Weekend/Holiday Services	\$816	\$857	\$900	\$945
Deepening Large Plot	\$1,236	\$1,298	\$1,363	\$1,431
Deepening Cremation Plot	\$309	\$324	\$341	\$358
Additional Use Fee (3RD/+ INTERMENT for in-ground plots)	\$309	\$324	\$341	\$358

DISINTERMENT PERMIT

Casket	\$1,236	\$1,298	\$1,363	\$1,431
Cremated Remains	\$309	\$395	\$415	\$435

ADMINISTRATIVE FEES

Transferring a Plot/Surrendering a Plot/Add Name to Reservation	\$62	\$65	\$68	\$72
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LINERS

Standard Size	\$494	\$519	\$545	\$572
Child's Liner	\$186	\$195	\$205	\$215
Cremation Liners (in ground)	\$154	\$162	\$170	\$178
Handling and Placing Liners (vaults) Supplied by Funeral Homes	\$309	\$324	\$341	\$358

MEMORIALS

Marker Permit - Installation of Markers by the City in
Sections C, D, E1,E2,E3,G3,G4,G5 & G6

Cemetery Maintenance Fund	\$128	\$134	\$141	\$148
Installation	\$191	\$201	\$211	\$221
Total	\$319	\$335	\$352	\$369

Marker Permit - Installation of Markers by Others in Sections A, B
and Upright Marker Sections of Section G

\$186	\$195	\$205	\$215
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Marker Modification Permit - Resetting/Removal/Reinstallation of
Marker

\$62	\$65	\$68	\$72
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Disposal of Marker

\$84	\$88	\$93	\$97
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Engraving of Granite Shutter (niche - each occurrence)

\$235	\$247	\$259	\$272
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Supply Second Year Date Plate for Niche

\$153	\$161	\$169	\$177
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VASES

Bud Vase - Niches	\$201	\$211	\$222	\$233
In-Ground Galvanized Flower Vase	\$64	\$67	\$71	\$74
In-Ground Galvanized Flower Vase - Supplied by Funeral Home	\$25	\$26	\$28	\$29

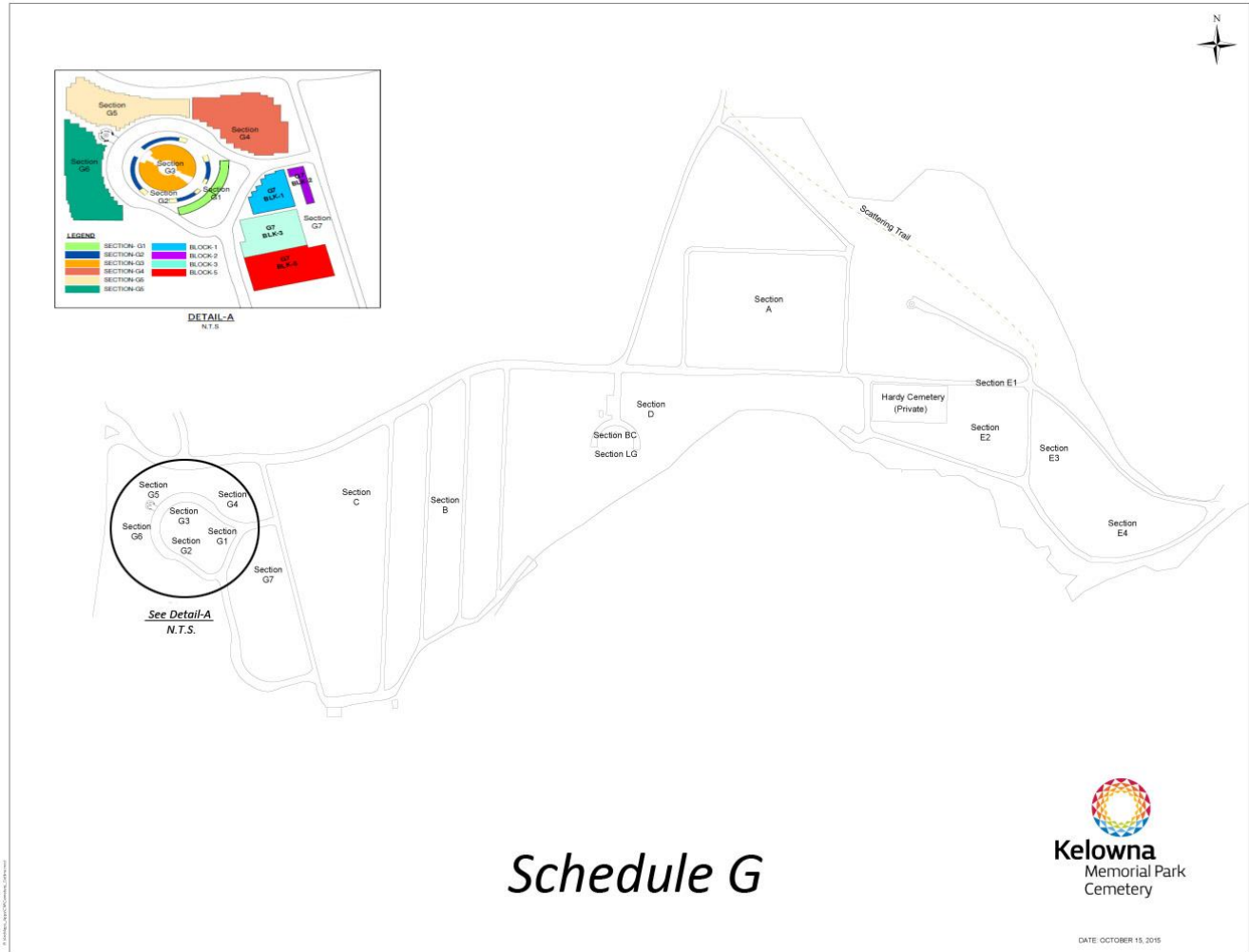
ADDITIONAL SERVICES

Canopy Service (Second Tent)	\$105	\$110	\$116	\$122
To Supply Pall Bearer Per (Two Employees)	\$91	\$96	\$100	\$105

Dedication Program

Memorial Tree (with plaque at cemetery only -) -includes scattering of ashes at KMPC Scattering Garden or Trail	\$1,122	\$1,178	\$1,237	\$1,299
Memorial Tree (no plaque - all sites besides KMPC)	\$1,122	\$1,178	\$1,237	\$1,299
Memorial Bench (with plaque)	\$2,550	\$2,678	\$2,811	\$2,952
Memorial Bench (existing bench, adding a plaque)	\$1850	\$1943	\$2040	\$2142
Adding Second Plaque to Existing Memorial Bench or Tree	\$620	\$651	\$684	\$718
Memorial Table (with plaque)	\$2,550	\$2,678	\$2,811	\$2,952

KELOWNA MEMORIAL PARK CEMETERY'S FEE SCHEDULE "G"



Report to Council



Date: November 9, 2015
File: 0600-10
To: City Manager
From: S. Muenz, Development Engineering Branch Manager
Subject: Development Engineering Branch - Administration and Inspection Fee Increase
Report Prepared by: S. Muenz

Recommendation:

THAT Council, receives, for information, the Report from the Development Engineering Manager dated November 9, 2015 recommending that Council amends the City's Development Engineering Administration and Inspection Fee;

AND THAT Bylaw No. 11172, being Amendment No. 4 to the Development Application Fees Bylaw No. 10560 be forwarded for reading consideration.

Purpose:

To complete a fee adjustment in support of the Development Engineering Branch's budget objective whereby 50% of operating costs are recovered from fee revenue, while still ensuring that Kelowna remains a favourable City for developers to invest.

Background:

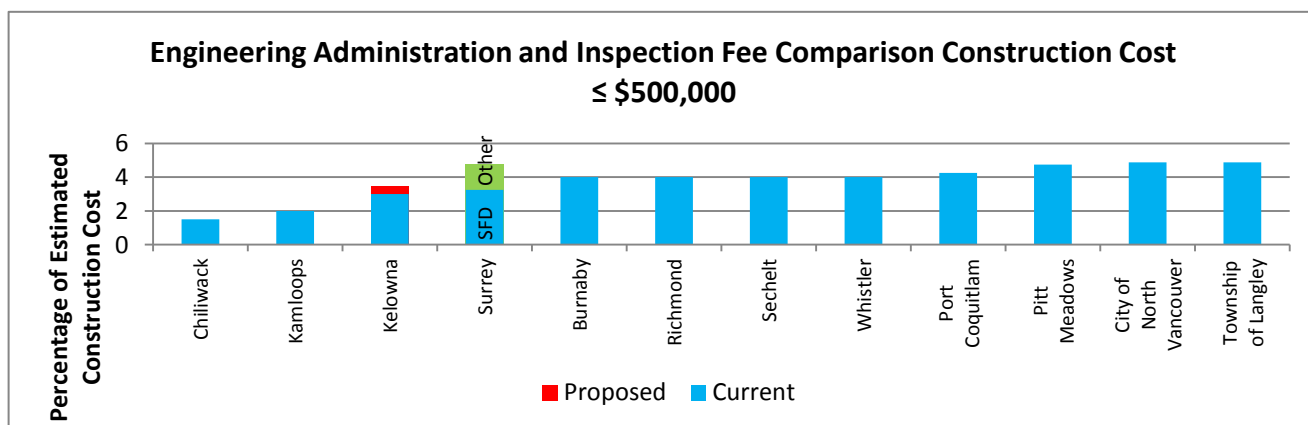
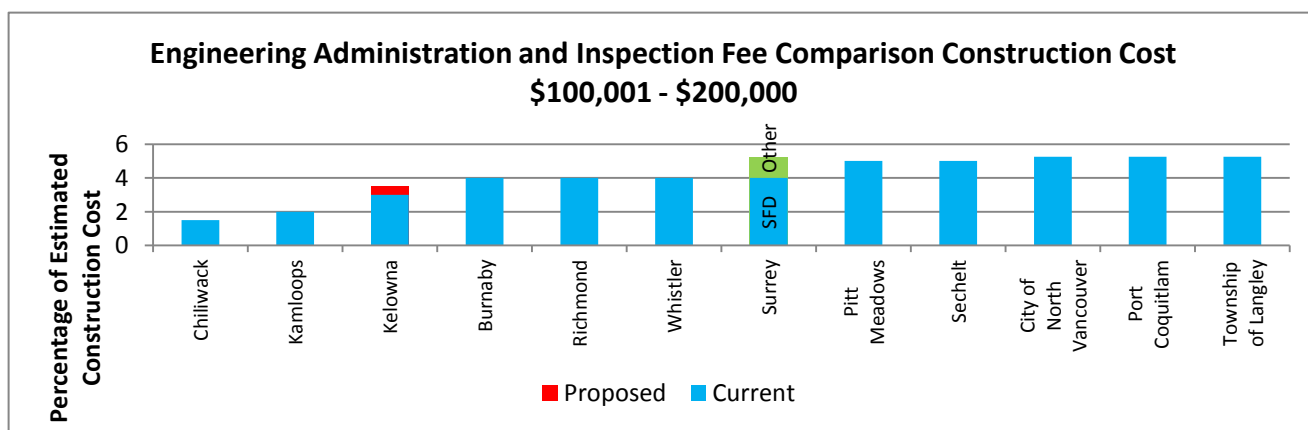
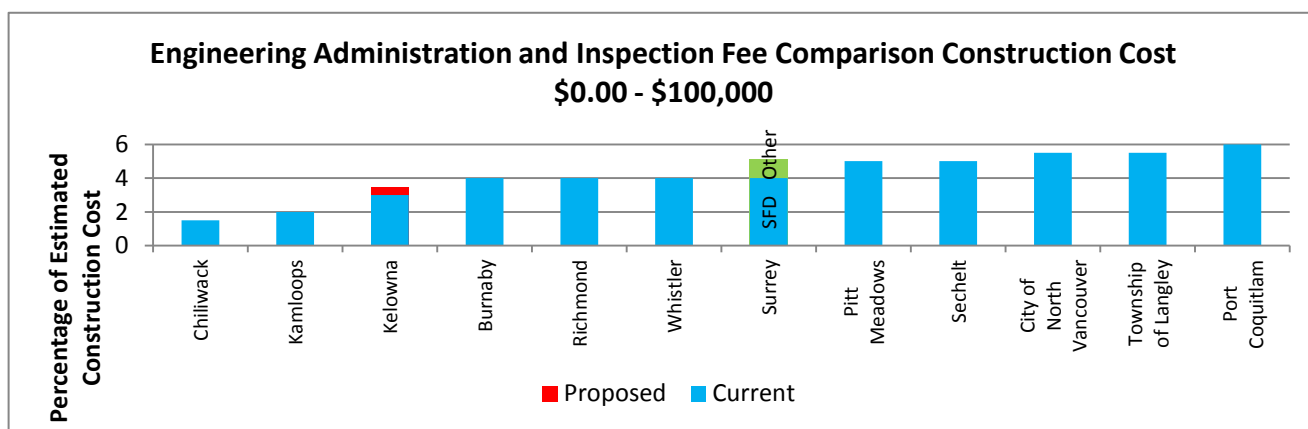
A review of the current City Engineering Administration and Inspection Fees was conducted to determine if changes should be made to the current charges.

A minimum \$300.00 fee per application and a 3.0% fee based on estimated construction costs of the associated infrastructure, have been in effect for over 25 years and have provided a partial recovery of the Development Engineering Branch costs of operation. Over the years the cost recovery has varied significantly as it is directly impacted by the levels of development activity in the community. Specifically, the charge is a direct function of the amount of infrastructure constructed by the development community that will remain in City ownership. The Development Engineering Branch's total operating budget for 2015 is \$598,752.00 and typically charges have recovered slightly less than 50% of the Branch's operating costs.

In addition to the Development Engineering Branch's costs associated with development, other departments such as Infrastructure Planning and Civic Operations contribute staff time to development process and these costs are not included as part of the 50% recovery

objective; nor does this include any municipal overhead costs. The Development Engineering Branch also provides a great deal of support and corporate engineering input to the Community Planning Department, the Policy and Planning Department, the Building Department and to all the shallow utility companies. This service is provided without cost recovery.

A survey of other B.C. municipalities was conducted and three comparative charts of varying construction costs are included below which indicate the maximum percentage of fees charged in these jurisdictions. It should be noted that only projects with a servicing agreement have been included. Projects that pay cash in lieu have no servicing agreement and therefore fees are not collected.



Recovery strategies vary significantly between municipalities, as fixed percentage, variable percentage or a variable percentage plus a fixed fee calculation are all being used. The common practice is that the fees in all these municipalities do not fully recover their engineering operation costs to support development. Kelowna's current 3.0% fee is the 3rd lowest of the surveyed communities.

Based on our statistics, the vast majority of developments are small in nature yet create significant work in terms of negotiating servicing requirements and developing the subsequent legal agreements.

Recognizing the cost increase of resources (including staffing) and the complexities of servicing agreements, the City of Kelowna fees should be increased to reflect the true costs of delivering the services. To meet the objective of 50% cost recovery of the Development Engineering Branch's operating costs, it is proposed that the City's Development Engineering Administration and Inspection Fee be increased from 3.00% to 3.50%, and that the minimum fee of \$300.00 to be increased to \$500.00

If the proposed fee increase is approved, Kelowna will still be the 3rd lowest among the surveyed municipalities in the City Engineering Administration and Inspection Fees. Development Application Fees Bylaw No. 10560 would need to be amended accordingly.

Internal Circulation:
Finance Department

Legal/Statutory Authority:
Development Application Fees Bylaw No. 10560

External Agency/Public Comments:
The Urban Development Institute has been consulted

Considerations not applicable to this report:
Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
Communications Comments:
Alternate Recommendation:

Submitted by:

S. Muenz, Development Engineering Manager

Reviewed by:

☐

M. Bayat, Director, Development Services

Approved for Inclusion:

☐

D. Gilchrist, Divisional Director, Community Planning & Real Estate

CITY OF KELOWNA

BYLAW NO. 11172

Amendment No. 4 to Development Application Fees Bylaw No. 10560

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Development Application Fees Bylaw No.10560 be amended as follows:

1. **THAT Schedule A - Development Fees - Table 2 - FEES PURSUANT TO SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900 AND LAND TITLE ACT**, under Application Fee be amended by deleting the following:

"3.0% of the total cost of off-site and on-site construction (minimum \$300.00) determined as follows:"

And replace it with:

"3.5% of the total cost of off-site and on-site construction (minimum \$500.00) determined as follows:"
2. This bylaw may be cited for all purposes as "Bylaw No. 11172, being Amendment No. 4 to Development Application Fees Bylaw No. 10560."
3. 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: 11/23/2015
File: 1120-21-010
To: City Manager
From: J. Säufferer, Manager, Real Estate Services
Subject: Public Place Making Initiative - Bernard Ave Laneway
Report Prepared by: B. Walker, Property Officer II

Recommendation:

THAT Council receives, for information, the Report from the Manager, Real Estate Services dated November 23, 2015, with respect to the benefits of public placemaking in the City of Kelowna;

AND THAT Council directs staff to explore the viability and potential for a public placemaking initiative for the Bernard Avenue laneway, across from the sails sculpture and adjacent to 229 Bernard Avenue and report back to Council.

Purpose:

To advise Council of the benefits of public place making and obtain Council support to explore a public placemaking initiative with respect to the vacant Bernard Avenue laneway adjacent to 229 Bernard Avenue.

Project Background:

Public Placemaking

Public place making has been defined as "a collaborative process by which we can shape our public realm in order to maximize shared value"¹. In this context, targets of public placemaking initiatives often include underutilized public spaces (such as laneways and alleys), as these provide an ideal environment to capture and foster the needs, culture and character of the local community in a manner that maximizes impacts and minimizes costs. Successful public placemaking projects create a flexible and fully programmable environment that has the ability to accomplish a variety of events and functions. These spaces are often interchangeable to accommodate a variety of activities such as:

- Simple passive urban pocket parks or plazas; or,
- An entertaining space filled with activities ranging from food vendors, festival sites, live performances, movie screenings, and even special diner events.

¹ Project For Public Spaces; "What is Placemaking"; www.pps.org

Key examples of revitalized public laneway projects include the following:

- 2013 Laneway Project - Kelowna, British Columbia
- The Laneway Project - Toronto, Ontario
- Kimber Lane - Sydney, Australia
- Camberwell Laneway - Boroondara, Australia
- Hidden Laneway Project - Melbourne, Australia
- Green Alley Program - Chicago, United States

The Bernard Avenue Laneway

The Bernard Avenue laneway is a prominent, yet underutilized public space in the heart of the downtown located at the west end of Bernard Avenue, directly across from the Sails sculpture. The laneway runs north to south, connecting Bernard Avenue to Lawrence Avenue. As such, it serves a number of practical purposes such as:

- a utility corridor for municipal utilities;
- a service corridor for deliveries and waste management for surrounding businesses; and,
- a key access corridor connecting pedestrians between Leon Avenue, Lawrence Avenue and Bernard Avenue.

The location of the laneway, including photos of its current condition, are attached as Schedule "A".

History of "The Laneway Project"

In August 2013, a temporary parkette titled "The Laneway Project" was installed along the Bernard Avenue laneway. The project's intent was to reinvent a small piece of unused land that had long been ignored, overlooked and abandoned, and turn it into a vibrant and animated space for expanded social opportunity. The installation was the result of a collaboration of minds that included local landscape architects, architects, artists, industrial designers, fabricators, and, most importantly the public.

Team members took a nontraditional approach to the public laneway installation known as "Tactical Urbanism" (i.e. a "do it yourself" intervention on the urban environment) and in doing so they were able to construct the project so that it aligned with the 2013 Summer Block Party (run by the Downtown Kelowna Association). As a result of this installation, over 200 members of the public signed a petition in support of a permanent pedestrian laneway.

Photos from the Laneway Project are attached as Schedule "B".

Given the prominent location of the Bernard Avenue laneway, its underutilized potential, and the previous success and public support experienced in the 2013 "Laneway Project", the Bernard Avenue laneway appears to be an ideal target for a more permanent public placemaking initiative.

Advantages of a more permanent place making project

A more permanent place making project for the Bernard Avenue laneway would be expected to include the following benefits and opportunities for the downtown:

- create a blueprint and act as a catalyst for the development of other downtown laneways in the future;
- build and support the local economy;
- create improved safety and accessibility for pedestrians using the laneway;
- create a cost effective distinct urban public park; and,
- promote strong community involvement and a diverse user group.

Items that would need to be coordinated in order to implement a successful placemaking project include the following:

- cooperation from neighbouring business, community groups and land owners to ensure a unified vision and support for the initiative; and,
- working with waste management, utilities and the fire department to ensure municipal needs are met.

Moving Forward

With Council endorsement, the City would look to spearhead a project team to develop a placemaking initiative for the Bernard Avenue laneway in a way that reflects the local community's needs, culture and character. This would be best approached through a collaborative and cooperative process that would include key stakeholders such as the Downtown Kelowna Association, the original laneway project team, local contractors, local businesses and, most importantly, the citizens who want to directly impact the way their neighbourhood looks, feels and functions. A placemaking analysis for the Bernard Avenue laneway would include a review of the following key components:

- the advantages and disadvantages of various levels of programming and animation;
- the projected construction costs associated with the various options;
- the advantages and disadvantages of the various land tenure possibilities associated with animating the laneway (e.g. leasing the land, selling a portion of the land, etc);
- potential revenue opportunities for the space (e.g. activity concession, food and beverage concession, etc); and,
- the extent to which the various options resonate with the local community, stakeholders, and the public.

Following a comprehensive review of placemaking alternatives based on the principles above, Staff would return to Council at a future time with a recommendation for a specific placemaking initiative. This recommendation will include a description of the proposed project, costs, revenue opportunities, land use impacts, community/stakeholder support, and any other relevant details.

Internal Circulation:

Manager, Urban Planning
Manager, Development Engineering
Manager, Transportation & Mobility
Manager, Long Range Policy Planning
Manager, Grants & Partnerships
Manager, Cultural Services
Divisional Director, Active Living & Culture

Considerations not applicable to this report:

Financial/Budgetary Considerations:
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by: J. Säufferer, Manager, Real Estate Services

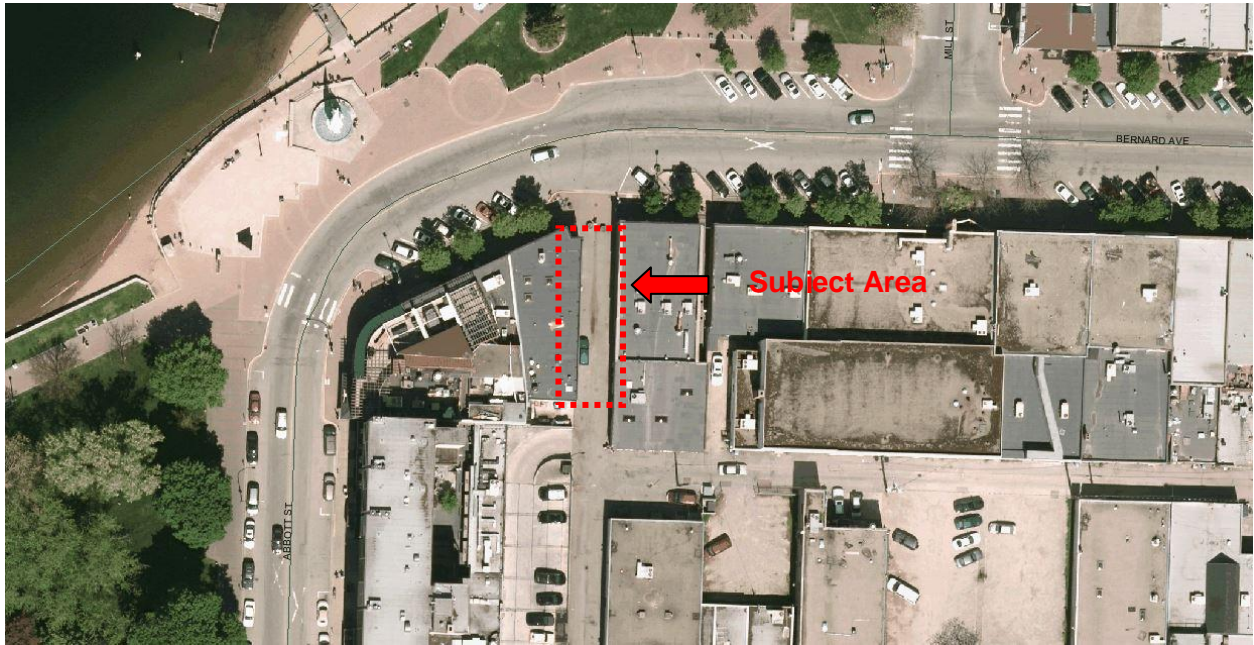
Approved for inclusion: D. Edstrom, Director, Real Estate

Attachments: 1. Schedule "A" - Map and photos for Laneway
2. Schedule "B" - Photos from the "Laneway Project"
3. PowerPoint Presentation

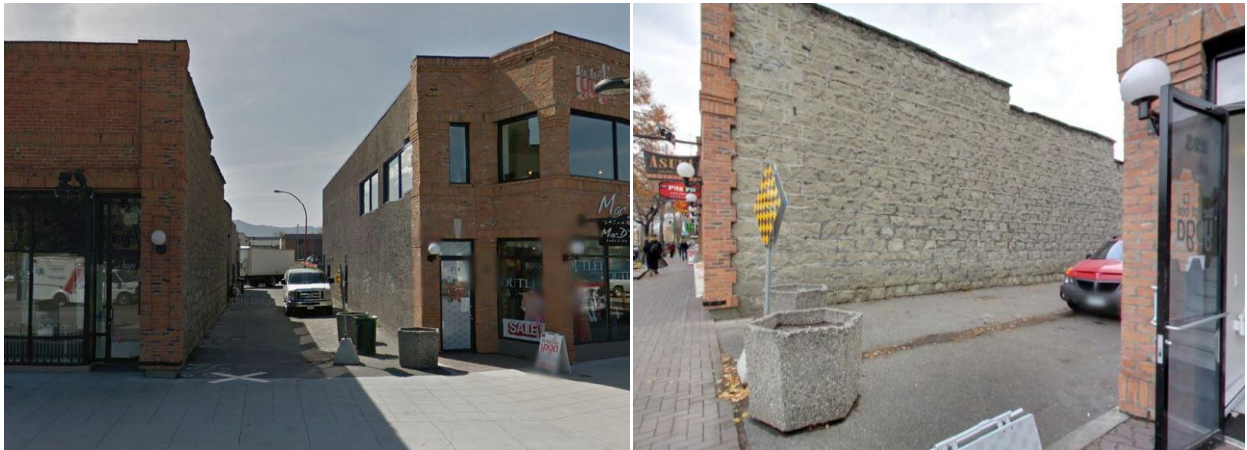
cc: T. Barton, Manager, Urban Planning
S. Muenz, Manager, Development Engineering
M. Hasan, Manager, Transportation & Mobility
J. Moore, Long Range Policy Planning
L. Gunn, Manager, Grants & Partnerships
S. Kochan, Manager, Cultural Services
J. Gabriel, Divisional Director, Active Living & Culture

Schedule "A"

Location of Laneway



Photos of the Laneway



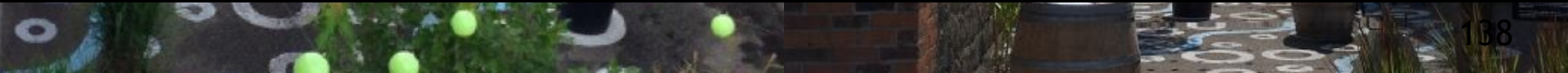
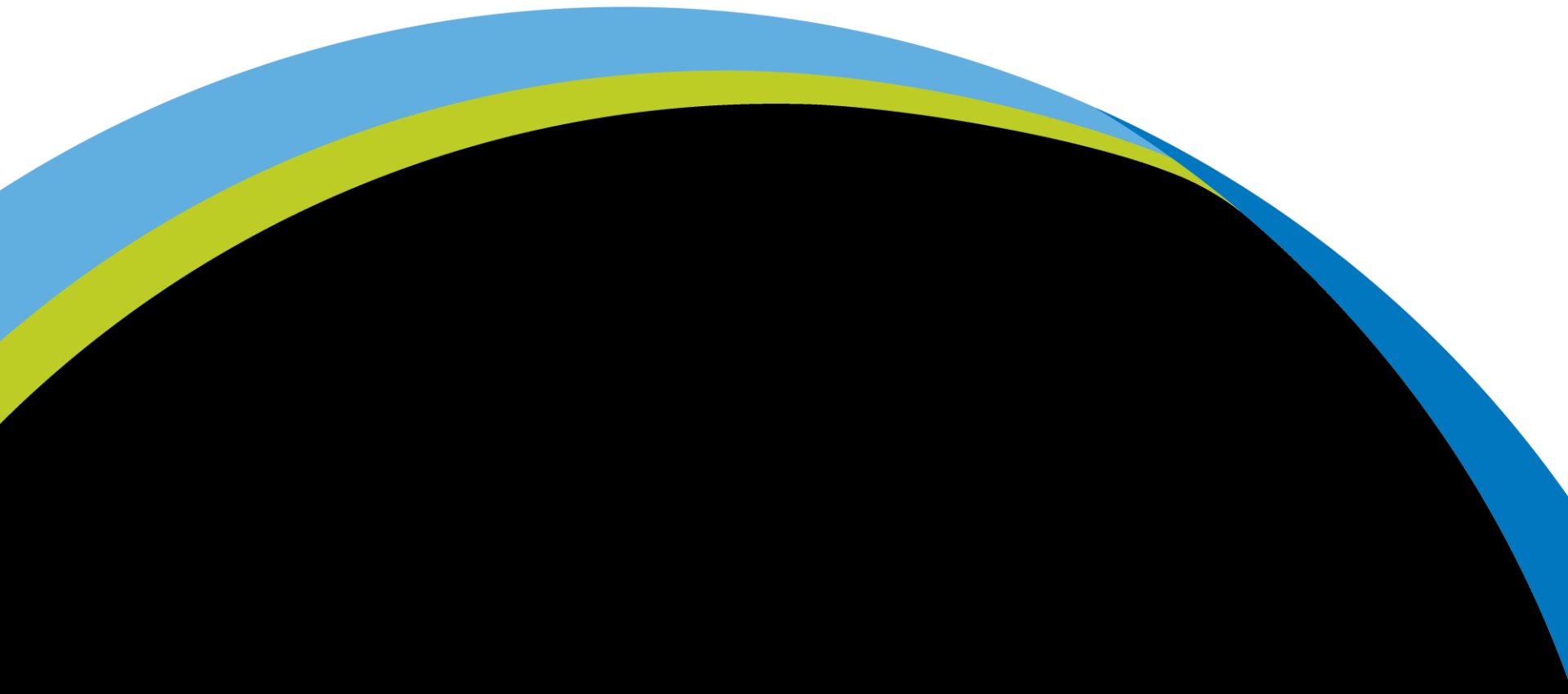
Schedule “B”

Photos from “The Laneway Project”



PUBLIC PLACE MAKING INITIATIVE

Bernard Ave. Laneway - November 2015



PUBLIC PLACE MAKING

- ▶ What is public place making?
 - ▶ Underutilized public spaces
 - ▶ Collaborative process
 - ▶ Capture and foster the character of a community
- ▶ What makes it a success?
 - ▶ Flexible
 - ▶ Programmable
 - ▶ Variety of activities
 - ▶ Passive
 - ▶ Active

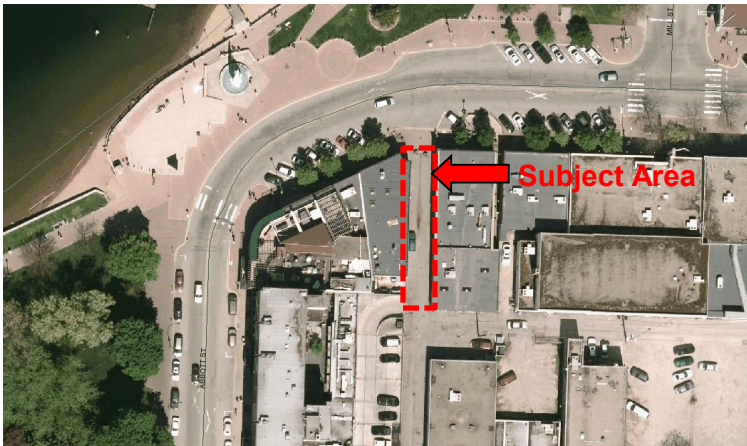


Revitalized Lane – Unknown Location



Public Art in Groove Alley – Brooklyn

THE BERNARD AVENUE LANEWAY



Site Location



Street View of Site

- ▶ Prominent but underutilized public space
- ▶ Site Location
 - ▶ Heart of downtown
 - ▶ West end of Bernard Avenue
- ▶ Users of laneway
 - ▶ Utility corridor
 - ▶ Service corridor
 - ▶ Pedestrian connector between Leon Avenue, Lawrence Avenue and Bernard Avenue

HISTORY OF “THE LANEWAY PROJECT”

- ▶ 2013 The Laneway Project
 - ▶ Temporary installation to reinvent the laneway into a vibrant and animated space
 - ▶ Collaboration of minds
- ▶ Tactical Urbanism
 - ▶ Do it yourself intervention
 - ▶ DKA Downtown Block
- ▶ Local support
 - ▶ 200+ signatures in support
- ▶ Ideal target for initiative



The Laneway Project - Perspective



The Lane Project – Street Painting

ADVANTAGES OF PLACE MAKING



Reanimated Laneway - Australia



Buskers in Camberwell Lane - Australia

- ▶ Advantages
 - ▶ Blueprint and catalyst for future laneways
 - ▶ Support local economy / community
- ▶ Coordination Items
 - ▶ Council support
 - ▶ Community and stakeholder support
 - ▶ City Departments

MOVING FORWARD

- ▶ Collaboration and cooperation
- ▶ Review and recommendations will consider
 - ▶ Advantages and disadvantages
 - ▶ Design options and costs
 - ▶ Response from local community
 - ▶ Revenue opportunities
 - ▶ Funding and grant options
 - ▶ Land tenure possibilities
 - ▶ Ownership and upkeep



Unknown Lane



Lindes Lane - Australia

Report to Council



Date: 11/23/2015

File: 0913-20-067

To: City Manager

From: J. Säufferer, Manager, Real Estate Services

Subject: Road Closure & Land Exchange - Ellis Street / Gaston Avenue / St. Paul Street

Report Prepared by: A. Warrender, Property Officer Specialist

Recommendation:

THAT Council receives the Report from the Manager, Real Estate Services dated November 23, 2015, recommending that Council adopted the proposed road closure and disposition of dedicated lane adjacent to of 1123, 1131, 1135-1139, & 1155 Ellis Street and 1110, 1118, 1128, 1138, 1146 and 1166 St. Paul Street;

AND FURTHER THAT Bylaw No. 11157, being proposed road closure and disposition of dedicated lane adjacent to of 1123, 1131, 1135-1139, & 1155 Ellis Street and 1110, 1118, 1128, 1138, 1146 and 1166 St. Paul Street, be given reading consideration.

Purpose:

To dispose of a 825.3m² portion of road (laneway) at the rear of 1123, 1131, 1135-1139, & 1155 Ellis Street and 1110, 1118, 1128, 1138, 1146 and 1166 St. Paul Street for consolidation with the adjacent properties.

Background:

The proposed road closure (shown as "Lane Closure Area" in blue, green and red in the attached Schedule 'A') will allow the adjacent owners to consolidate their properties and create 4 comprehensive properties as shown in Schedule 'B'. While the proposed 4-lot subdivision meets the City's long term planning objectives in this region, it is not anticipated that any of the current land or building uses will change in the near future. The existing lane is currently used to service the properties involved in the consolidation, and has been blocked off by Kelowna Ready Mix for a number of years in order to limit transient use of the laneway and the adjacent properties. Furthermore, Kelowna Ready Mix has a significant building encroachment over top of the lane.

Given the various factors outlined above, and given the lack of current and future municipal uses for the lane, it has been deemed excess to the City's needs.

Internal Circulation:

Manager, Transportation & Mobility
Manager, Development Engineering
Manager, Urban Planning
Manager, Long Range Policy Planning

Considerations not applicable to this report:

Financial/Budgetary Considerations:
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by: J. Säufferer, Manager, Real Estate Services

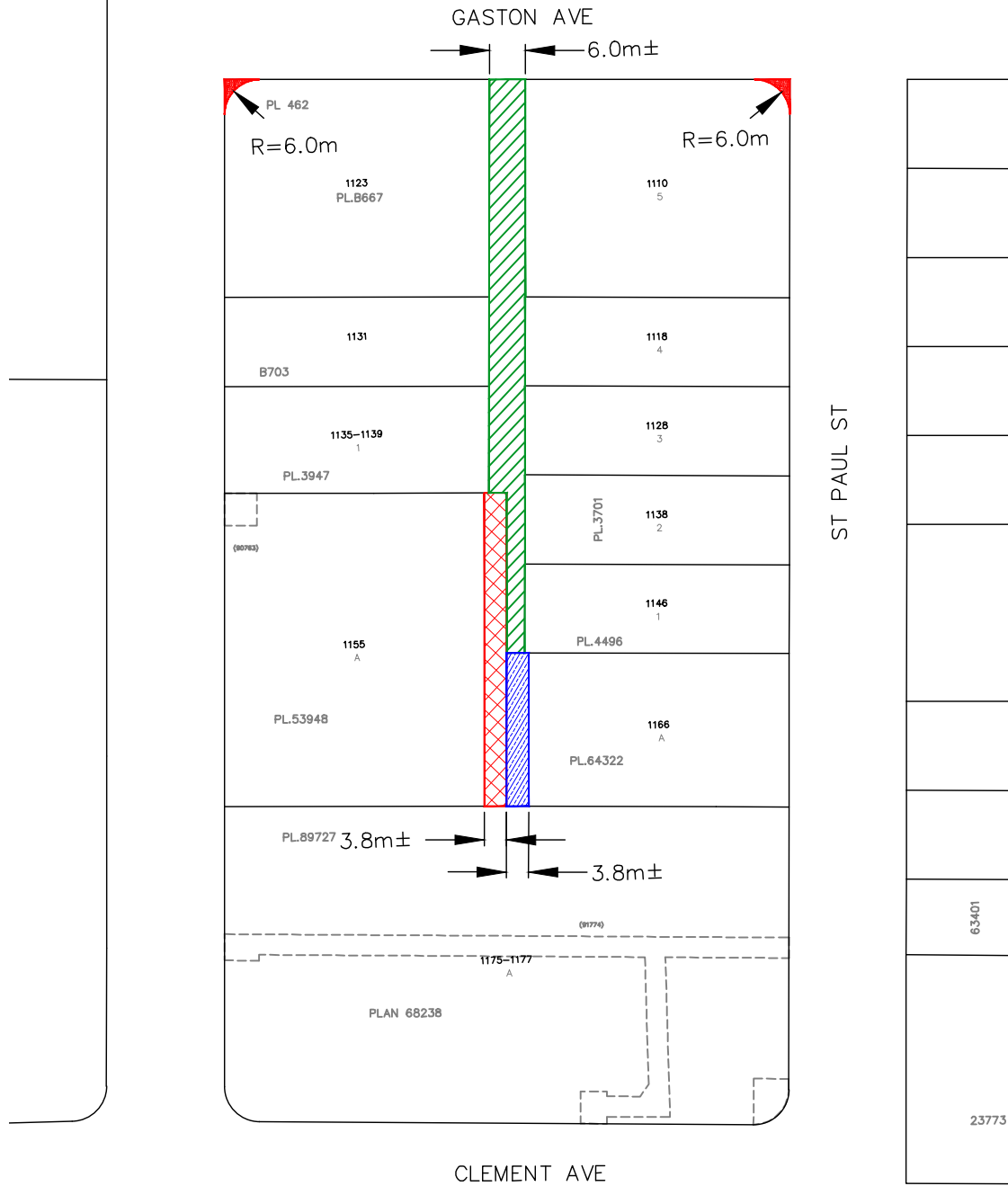
Approved for inclusion: D. Edstrom, Director, Real Estate

Attachments: Schedule A - Road Closure Area
Schedule B - Consolidation Plan

cc: T. Barton, Manager, Urban Planning
S. Muenz, Manager, Development Engineering
M. Hasan, Manager, Transportation & Mobility
J. Moore, Long Range Policy Planning

Schedule A

PAGE _____



SCALE N.T.S.

MAILING ADDRESS _____

LEGAL DESCRIPTION: LOT NO. _____ PLAN NO. _____

TWP. _____ SEC. _____



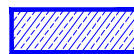
LANE CLOSURE AREA=521sqm±



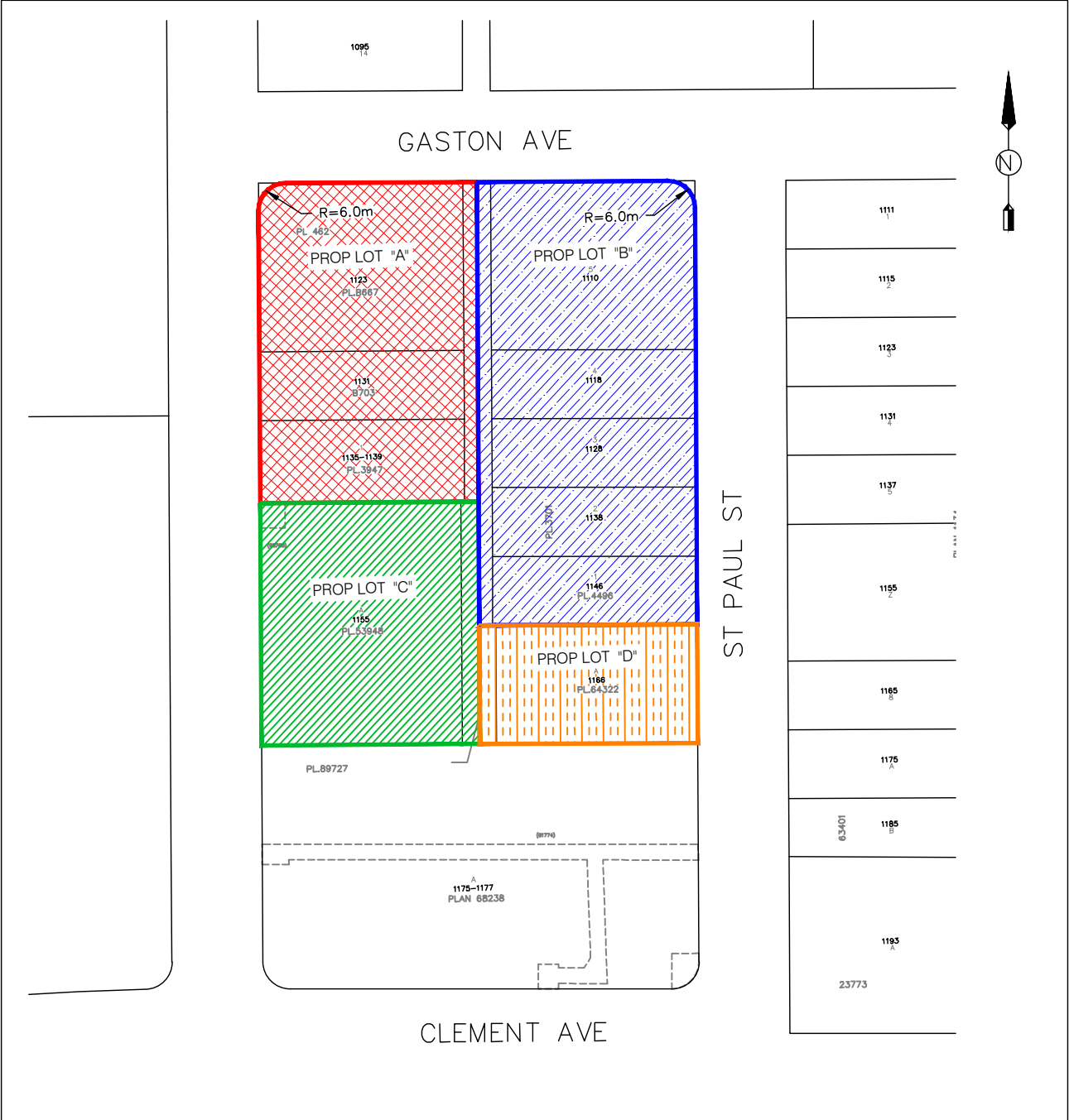
CORNER ROUNDING AREA=15.4sqm±







LANE CLOSURE AREA=205sqm±



LANE CLOSURE AREA=99.3sqm±



LANE CLOSURE AND LOT CONSOLIDATION PLAN

-  PROPOSED LOT "A" AREA=3,419sqm±
-  PROPOSED LOT "B" AREA=4,735sqm±
-  PROPOSED LOT "C" AREA=2,593sqm±
-  PROPOSED LOT "D" AREA=1,268sqm±

CITY OF KELOWNA

BYLAW NO. 11171

Road Closure and Removal of Highway Dedication Bylaw
(Portion of lane adjacent to 1123, 1131, 1135-1139, & 1155 Ellis Street and 1110, 1118, 1128, 1138, 1146 and 1166 St. Paul Street)

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 Ellis and St. Paul Street

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 818.5 m² shown in bold black as closed road on the Reference Plan prepared by Douglas A. Goddard, 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

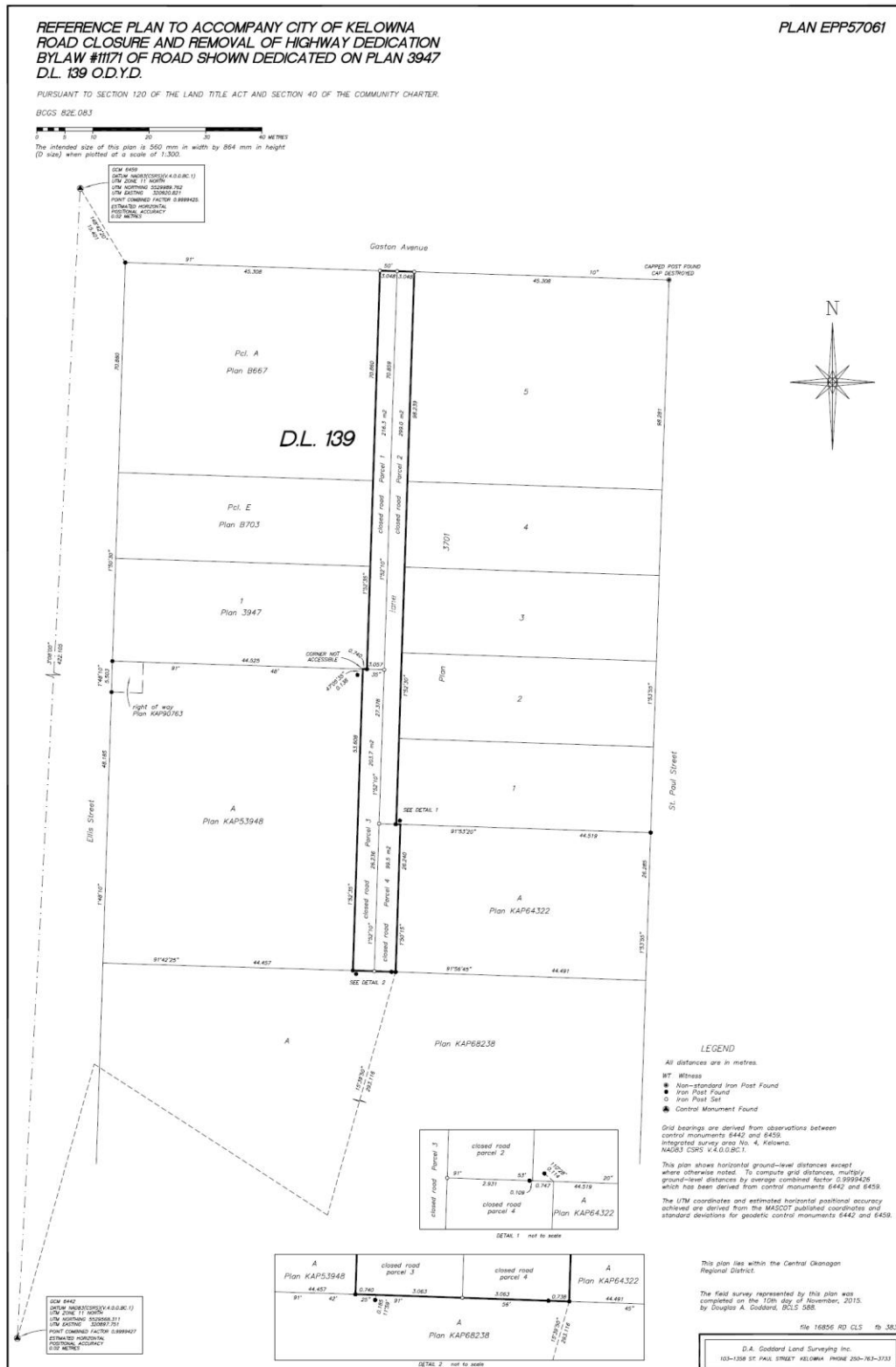
Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Bylaw No. 11171 - Page 2

Schedule "A"



DRAFT RESOLUTION

Re: 2016 Council Meeting Schedule

Staff is recommending the following schedule for regular Council Meetings in 2016:

THAT the 2016 Council Meeting Schedule be adopted as follows:

Monday Regular Meetings

January 11, 18, and 25
February 1, 15, 22 and 29
March 7, 14, and 21
April 4, 11, 18 and 25
May 2, 9, 16 and 30
June 13, 20 and 27
July 11 and 25
August 8, 22 and 29
September 8*, 12 and 19
October 3, 17, 24 and 31
November 7, 14, 21 and 28
December 5, 12 and 15*

Public Hearing/Regular Meetings

January 19
February 2 and 16
March 1, and 15
April 5 and 26
May 3, 17 and 31
June 14 and 28
July 12 and 26
August 9 and 23
September 6 and 20
October 4 and 18
November 1, 15 and 29
December 13

- * September 8th - Pre-Budget Council Meeting
- * December 15th - 2017 Budget Deliberations

BACKGROUND:

The recommended schedule provides for thirty-eight (38) Monday Council Meetings (excluding the September 8th Pre-Budget Council Meeting and the December 15th 2017 Budget Deliberations) and twenty-four (24) Public Hearing/Regular Council Meetings. As in previous years, the schedule accommodates Council's attendance and participation at the SILGA, FCM and UBCM annual conventions.

Date: November 18, 2015
File: 0610-50

 Monday Regular Meetings (9:00 am/1:30 pm)

 2017 Pre-Budget Meeting [Sept 8] (evening)

 Summer Schedule

 Public Hearing/Regular Meeting (6:00 pm)

 2017 Budget Deliberations [Dec 15] (9:00 am)

 Stat Holiday

Conventions:



SILGA: April 19 - 22 (Kelowna)

FCM: June 3 - 5 (Winnipeg)

UBCM: September 26 - 30 (Victoria)

JANUARY						
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31						

FEBRUARY						
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28	29					

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29	30	31				

JUNE						
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JULY						
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31						

AUGUST						
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OCTOBER						
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30	31					

NOVEMBER						
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20	21	22	23	24	25	26
27	28	29	30			

DECEMBER						
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CITY OF KELOWNA

BYLAW NO. 11167

Amendment No. 27 to Traffic Bylaw No. 8120

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **Part 1 - INTRODUCTION, 1.4 Definitions, 1.4.1 Definitions**, be amended by deleting the name "Handicapped Parking Permit" and replacing it with "Accessible Parking Permit".
2. AND THAT all references to "Handicapped Parking Permit" in the bylaw be replaced with "Accessible Parking Permit".
3. AND THAT **Part 4 - PARKING REGULATIONS, 4.1 General Parking Prohibitions, 4.1.2** be amended by deleting:

"Handicapped (gg) in any parking space on public or private property that is designated by a traffic control device to be reserved for the use of the handicapped unless such **vehicle** displays a valid **handicapped parking permit.**"

And replaced with:

"Accessible Parking (gg) in any parking space on public or private property that is designated by a traffic control device as an accessible parking space unless such **vehicle** displays a valid **accessible parking permit.**"

4. AND THAT **Part 4 - PARKING REGULATIONS, 4.2 Handicapped Parking**, be deleted that reads:

4.2 Handicapped Parking

4.2.1 Handicapped parking permits. A person holding a handicapped parking permit, or a Disabled Persons' Parking Permit issued pursuant the Motor Vehicle Act including handicapped or disabled persons' parking permits issued by other jurisdictions, shall not be subject to the penalties provided for the breach of Subsections 4.1.2 (bb), (cc) or (dd) of this Part so long as that permit remains valid and subsisting.

- (a) Handicapped parking permits indicating "permanently handicapped" or "temporarily handicapped" may be issued to an individual and shall be suspended from the rear view mirror or placed on the dashboard in front of the driver's position of the vehicle in which the Permittee is travelling in a location visible from outside the vehicle.

- (b) Use of the handicapped parking permit contrary to the provisions of this subsection shall render the permit void.
- (c) The handicapped parking permit shall be valid for a period of up to three (3) years.
- (d) The handicapped parking permit shall not be transferable and shall be issued to an individual and not the vehicle that such person owns or operates.
- (e) A handicapped parking permit shall be issued by the City and shall be recorded in a register for that purpose and the record shall include the Permittee's name, address, telephone number and permit number.

And replacing it with:

4.2 Accessible Parking

4.2.1 Accessible parking permits. A person holding an Accessible parking permit, or a Disabled Persons' Parking Permit issued pursuant the Motor Vehicle Act including accessible or disabled persons' parking permits issued by other jurisdictions, shall not be subject to the penalties provided for the breach of Subsections 4.1.2 (bb), (cc) or (dd) of this Part so long as that permit remains valid and subsisting.

- (a) **Accessible parking permits** indicating "permanently disabled" or "temporarily disabled" may be issued to an individual and shall be suspended from the rear view mirror or placed on the dashboard in front of the driver's position of the vehicle in which the Permittee is travelling in a location visible from outside the vehicle.
- (b) Use of the **accessible parking permit** contrary to the provisions of this subsection shall render the permit void.
- (c) The **accessible parking permit** shall be valid for a period of up to three (3) years.
- (d) The **accessible parking permit** shall not be transferable and shall be issued to an individual and not the vehicle that such person owns or operates.
- (e) An **accessible parking permit** shall be issued by the City and shall be recorded in a register for that purpose and the record shall include the Permittee's name, address, telephone number and permit number.

5. AND THAT Part 7- SIDEWALK/ROADWAY OCCUPANCY PERMITS, 7.1 Sidewalk/Roadway Occupancy Permits Excluding Bernard Avenue, 7.1.5 'Permit areas - roadways' be amended by deleting the references "handicapped parking stalls" and replacing them with "accessible parking stalls".
6. AND THAT SCHEDULE "A" FEES, PART 4 - PARKING REGULATIONS be amended by adding in its appropriate location a new subsection 4.2.1 - **Accessible Parking Permits** that reads:

"Subsection 4.2.1 - Accessible Parking Permits

- a) Permanent **Accessible Parking Permit Fee**:
\$20.00 (including applicable taxes), valid for 3 years.

- b) Temporary Accessible Parking Permit Fee:
\$20.00 (including applicable taxes), valid up to a maximum of 1 year.”

7. AND THAT SCHEDULE “A” FEES, PART 4 - PARKING REGULATIONS, subsection 4.3.1(d) Reserved On-Street Parking be deleted that reads:

“Subsection 4.3.1(d) Reserved On-Street Parking Permit Fee

Reserved On-Street Parking Permit fee: \$5.00 per day per sign
\$5.00 per day per parking hood

Reserved On-Street Parking Permit Security Deposit per sign or parking hood: \$25.00 each”

and replacing it with:

“Subsection 4.3.1(d) Reserved On-Street Parking Permit Fee

a) Reserved On-Street Parking permit fee: \$11.00 per day per stall/permit
\$11.00 per day per meter hood

b) Security Deposit (Per Permit/Meter Hood): \$25.00 each”

8. AND THAT SCHEDULE “A” FEES, PART 4 - PARKING REGULATIONS, subsection 4.3.3 On-Street Pay Parking & Short Term Parking Lot** be amended by:

a) adding to the bottom of the fee list the following:

“\$ 12.00** 1 Month - Bicycle Locker Rental
**Plus Applicable taxes.”

b) adding to the end of the list of “*** Designated Off-Street Pay Parking - “Short Term Parking Lots” the following new bullet:

- Museum Parking Lot (470 Queensway - Access from Ellis Street)

9. AND THAT SCHEDULE “A” FEES, PART 4 - PARKING REGULATIONS subsection 4.4.2 (a) - Off Street Pay Parking (Long Term Parking Lot) and subsection 4.4.2 (b) - Off-Street Pay Parking - Peripheral Lot (Long Term Parking Lot) be deleted that reads:

“Subsection 4.4.2(a) - Off-Street Pay Parking (Long Term Parking Lot)

<u>FEE</u>	<u>PERMITTED PARKING TIME</u>
\$0.25*	15 Minutes
\$0.50*	30 Minutes
\$1.00*	Per 60 Minutes (1 Hour) - (\$5.00 daily maximum)
\$5.00*	1 Day (Standard Vehicle - Regular Operating Hours for Lot)
\$2.50*	1 Day (Motorcycle - Regular Operating Hours for Lot)

\$5.00* 24 Hour Parking for Vehicle & Boat Trailer (Cook Road Boat Launch Only)
 \$5.00* Special Event Parking
 *Applicable taxes are included.

\$66.00** 1 Month - Random Parking
 \$99.00** 1 Month - Reserved Stall***
 **Plus Applicable taxes.

*Above Rates apply to all City Owned Parking Lots not otherwise specified in this bylaw.
 *** Available only in specified parking lots.*

Subsection 4.4.2(b) - Off-Street Pay Parking - Peripheral Lot (Long Term Parking Lot)

<u>FEE</u>	<u>PERMITTED PARKING TIME</u>
\$0.25*	15 Minutes
\$0.50*	30 Minutes
\$1.00*	Per 60 Minutes (1 Hour) - (\$5.00 daily maximum)
\$5.00*	1 Day (Standard Vehicle - Regular Operating Hours for Lot)
\$2.50*	1 Day (Motorcycle - Regular Operating Hours for Lot)
	\$5.00* Special Event Parking
	*Applicable taxes are included.
\$53.00**	1 Month - Random Parking
	**Plus Applicable taxes.

Available only in designated Off-Street Pay Parking - Peripheral Lots located at:

- St. Paul Street at Cawston Avenue (1311 St Paul Street)
- Waterfront Park (Dolphins Lot) (1200 Water Street)
- Rosemead Lot (1750 Chapman Place)"

And replacing it with:

"Subsection 4.4.2(a) - Off-Street Pay Parking (Long Term Parking Lot)

<u>FEE</u>	<u>PERMITTED PARKING TIME</u>
\$ 0.25*	15 Minutes
\$ 0.50*	30 Minutes
\$ 1.00*	Per 60 Minutes (1 Hour)
\$ 6.00*	1 Day (Standard Vehicle - Regular Operating Hours for Lot)***
\$ 3.00*	1 Day (Motorcycle - Regular Operating Hours for Lot)
\$ 5.00*	24 Hour Parking for Vehicle & Boat Trailer (Cook Road Boat Launch Only)
\$ 5.00*	Special Event Parking
	*Applicable taxes are included.
\$ 12.00**	1 Month - Bicycle Locker Rental
\$ 77.00**	1 Month - Random Parking
\$ 116.00**	1 Month - Reserved Stall***
	**Plus Applicable taxes.

*Above Rates apply to all City Owned Parking Lots not otherwise specified in this bylaw.
 *** Not Available at all parking lots.*

Subsection 4.4.2(b) - Off-Street Pay Parking - Peripheral Lot (Long Term Parking Lot)

<u>FEE</u>	<u>PERMITTED PARKING TIME</u>
\$ 0.25*	15 Minutes
\$ 0.50*	30 Minutes
\$ 1.00*	Per 60 Minutes (1 Hour)
\$ 6.00*	1 Day (Standard Vehicle - Regular Operating Hours for Lot)***
\$ 3.00*	1 Day (Motorcycle - Regular Operating Hours for Lot)
\$ 5.00*	Special Event Parking
	*Applicable taxes are included.
\$ 12.00**	1 Month - Bicycle Locker Rental
\$ 62.00**	1 Month - Random Parking
	**Plus Applicable taxes.

**** Not Available at all parking lots.*

Available only in designated Off-Street Pay Parking - Peripheral Lots located at:

- St. Paul Street at Cawston Avenue (1311 St Paul Street)
- Waterfront Park (Dolphins Lot) (1200 Water Street)"

10. AND THAT SCHEDULE "A" FEES, PART 4 - PARKING REGULATIONS, subsection 4.4.3 Off-Street Pay Parking (Structured Parking Garage) be deleted that reads:

"Subsection 4.4.3 Off-Street Pay Parking (Structured Parking Garage)"

<u>FEE</u>	<u>PERMITTED PARKING TIME</u>
\$ 0.25*	15 minutes
\$ 0.50*	30 minutes
\$ 1.00*	Per 60 Minutes (1 Hour) - (\$5.00 daily maximum)
\$ 5.00*	1 Day (Standard Vehicle - Regular Operating Hours for Lot)
\$ 2.50*	1 Day (Motorcycle - Regular Operating Hours for Lot)
\$ 5.00*	Special Event Parking
	*Applicable taxes are included.
\$ 66.00**	1 Month - Random Parking
\$ 99.00**	1 Month - Reserved Stall***
	**Plus Applicable taxes.

The baseline for all parking rates based upon the 2013 Consumer Price Index (CPI). Annual Parking Rate Adjustments will be made on June 1st, based on the CPI (all items) value from the preceding year. Any adjustments will be rounded to the nearest \$0.25 for ease of use by customers paying with cash/coin. Any annual adjustments that do not result in an amendment will be compounded until such time an increase is indicated."

And replacing it with:

"Subsection 4.4.3 Off-Street Pay Parking (Structured Parking Garage)"

<u>FEE</u>	<u>PERMITTED PARKING TIME</u>
\$ 0.25*	15 minutes
\$ 0.50*	30 minutes
\$ 1.00*	Per 60 Minutes (1 Hour)
\$ 6.00*	1 Day (Standard Vehicle - Regular Operating Hours for Lot)***
\$ 3.00*	1 Day (Motorcycle - Regular Operating Hours for Lot)
\$ 5.00*	Special Event Parking

*Applicable taxes are included.

\$ 12.00**	1 Month - Bicycle Locker Rental
\$ 77.00**	1 Month - Random Parking
\$ 116.00**	1 Month - Reserved Stall***

**Plus Applicable taxes.

*** Not Available at all parking garages.

The baseline for all parking rates in this Schedule are based upon the 2013 Consumer Price Index (CPI). Annual Parking Rate Adjustments will be made on June 1st, based on the CPI (all items) value from the preceding year. Any adjustments will be rounded to the nearest \$0.25 for ease of use by customers paying with cash/coin. Any annual adjustments that do not result in an amendment will be compounded until such time an increase is indicated."

11. This bylaw may be cited for all purposes as "Bylaw No. 11167, being Amendment No. 27 to Traffic Bylaw No. 8120."
12. This bylaw shall come into full force and effect and be binding on all persons as of February 1, 2016.

Read a first, second and third time by the Municipal Council this 16th day of November, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11168

Amendment No. 13 to Bylaw Notice Enforcement Bylaw No. 10475

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Bylaw Notice Enforcement Bylaw No. 10475 be amended as follows:

1. THAT **Schedule “A”, Traffic Bylaw No. 8120, PART 4 - PARKING REGULATIONS** be amended by deleting the following Sections that read:

8120	4.1.2 (dd)	Parked off-street parking without pass	\$30.00	\$10.00	\$35.00	No
8120	4.1.2 (hh)	Expired parking meter	\$30.00	\$10.00	\$35.00	No
8120	4.1.2 (hh.2)	Expired parking meter - Dispenser	\$30.00	\$10.00	\$35.00	No
8120	4.1.2 (ii)	Parked outside metered space	\$10.00	\$ 5.00	\$15.00	No
8120	4.1.2 (ff)	Parked in same block	\$10.00	\$ 5.00	\$15.00	No

And replacing it with:

8120	4.1.2 (dd)	Parked off-street parking without pass	\$30.00	\$20.00	\$35.00	No
8120	4.1.2 (hh)	Expired parking meter	\$30.00	\$20.00	\$35.00	No
8120	4.1.2 (hh.2)	Expired parking meter - Dispenser	\$30.00	\$20.00	\$35.00	No
8120	4.1.2 (ii)	Parked outside metered space	\$20.00	\$15.00	\$25.00	No
8120	4.1.2 (ff)	Parked in same block	\$20.00	\$15.00	\$25.00	No

2. This bylaw may be cited for all purposes as "Bylaw No. 11168, being Amendment No. 13 to Bylaw Notice Enforcement Bylaw No. 10475."
3. This bylaw shall come into full force and effect and be binding on all persons as of February 1, 2016.

Read a first, second and third time by the Municipal Council this 16th day of November, 2015.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk