



Agenda

penticton.ca

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

Tuesday, April 3, 2018
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**
 - 6.1 Minutes of the March 20, 2018 Committee of the Whole 1-2 Receive
 - 6.2 Minutes of the March 20, 2018 Public Hearing 3-4 Receive
 - 6.3 Minutes of the March 20, 2018 Regular Council Meeting 5-11 Adopt
7. **Committee and Board Reports**
 - 7.1 Economic Development & Prosperity Task Force Minutes of February 22, 2018 12-14
Staff Recommendation: THAT Council receive the draft minutes of the Economic Development & Prosperity Task Force meeting of February 22, 2018.
 - 7.2 Penticton Creek Restoration Committee Minutes of March 21, 2018 15-17
Staff Recommendation: THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of March 21, 2018.
8. **Correspondence**
9. **Staff Reports:**
 - BA 9.1 2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19 18-22
Staff Recommendation: THAT Council give first, second and third reading to "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19".

GMI	9.2	Land Swap/Purchase Re: 298 VanHorne Street <i>Staff Recommendation: THAT Council approve the land swap / purchase between the City and the property owners of 298 Van Horne Street, Richard and Diane Spray, as outlined in this Council Report dated April 3, 2018; AND THAT Council authorize the Mayor and Corporate Officer to execute the required documents and agreements related to the land swap / purchase; AND FURTHER THAT Council amend the 2018 Budget by increasing the budget for Penticton Creek, CAP10097-C50 by \$75,000 with \$28,000 coming from the Capital Reserve and \$47,000 coming from General Surplus.</i>	23-36	
	10.	Public Question Period		
	11.	Recess to In-Camera Meeting <i>Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:</i> (a) <i>personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;</i> (e) <i>the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;</i> (j) <i>information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.</i> (2)(b) <i>the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;</i>		
	12.	Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.		
	13.	Reconsideration of Bylaws and Permits:		
	13.1	Cemetery Management Bylaw No. 2018-15	37-78	Adopt
	13.2	Fees and Charges Amendment Bylaw No. 2018-16 Re: Appendix 6 - Cemetery	79-83	Adopt
	13.3	Zoning Amendment Bylaw No. 2018-14 Re: 274 Kinney Avenue	84-85	Adopt
	13.4	Zoning Amendment Bylaw No. 2018-18 Re: 657 Churchill Avenue	86-87	2 nd /3 rd
	14.	Land Matters:		
PM	14.1	Development Variance Permit PL2018-8139 Re: 2883 and 2895 Partridge Drive <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8139", a permit to increase the permitted height of a retaining wall in a required yard from a maximum height of 1.2m to a maximum height of 4.5m for Lots 4 and 5 of District Lot 2710, Similkameen Division Yale District, Plan EPP28587, located at 2883 and 2895 Partridge Drive; AND THAT staff are directed to issue "Development Variance Permit PL2018-8139".</i>	88-95	Del/Sub
PM	14.2	Development Variance Permit PL2018-8162 Re: 120 & 130 Wyles Crescent <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8162", a permit to increase the permitted height of a fence from a maximum height of 1.2m in a front yard and 1.8m elsewhere to a maximum height of 1.8m in a front yard and 2.4m elsewhere for Lot 3, District Lot 115, Similkameen</i>	96-104	Del/Sub

Division Yale District, Plan 4461, Except Plans 34401, 34743, KAP44192 and KAP46609 (130 Wyles Crescent) and Lot C, District Lot 115, Similkameen Division Yale District, Plan KAP46609 (120 Wyles Crescent); AND THAT staff are directed to issue "Development Variance Permit PL2018-8162".

PM 14.3 Official Community Plan Amendment Bylaw No. 2018-21
Zoning Amendment Bylaw No. 2018-22 105-134
Development Variance Permit PL2018-8184
DP PL2018-8168 & DP PL2018-8185
Re: 175 Cossar Avenue

Staff Recommendation: THAT prior to consideration of "OCP Amendment Bylaw No. 2018-21" and in accordance with Section 475 of the Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "OCP Amendment Bylaw No. 2018-21", being a bylaw to amend "OCP Bylaw No. 2002-20" on Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Avenue as follows:

- 'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment 'B' of this report) from HR (High Density Residential) to MR (Medium Density Residential); and
- 'Schedule H: Development Permit Area' to change the Development Permit Area of the site (as identified on Attachment 'D' of this report) from High Density Development Permit Area to General Multiple Family Development Permit Area, be given first reading and be forwarded to the April 17, 2018 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2018-22", a bylaw to amend Zoning Bylaw 2017-08 for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the April 17, 2018 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2018-8184" for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave, a permit to reduce the side yard setback from 3m to 1.5m, be heard at the April 17th Public Hearing; AND THAT Council consider "DVP PL2018-8184", following the adoption of "Zoning Amendment Bylaw No. 2018-22".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-22", approve Development Permit PL2018-8185, for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave, a permit that allows for the construction of two side-by-side duplexes.

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

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

Tuesday, March 20, 2018
Recessed from the Regular Council Meeting at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Ben Johnson, Manager, Special Projects
Angie Collison, Deputy Corporate Officer

1. Call to order

The Mayor called the Committee of the Whole meeting to order at 1:02 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on March 20, 2018 be adopted as presented.

CARRIED UNANIMOUSLY

3. Delegations and Staff Presentations:

3.1 Smart Grid Application

Troy Martin, CIMEA and Shawn Filice, Electric Utility Manager, provided Council with an overview of three smart grid initiatives and the Natural Resources Canada Smart Grid Grant that the City will be applying for.

3.2 Non-Medical Cannabis Update and Public Engagement Strategy

Blake Laven, Planning Manager and JoAnne Kleb, Community Engagement Specialist, provided Council with an overview of the provincial framework and the proposed community engagement strategy on legalization of non-medical cannabis.

It was MOVED and SECONDED

THAT the Committee of the Whole endorse the public consultation work plan outlined herein, with the goal of creating regulations regarding the distribution and consumption of non-medical cannabis in Penticton.

CARRIED UNANIMOUSLY

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held March 20, 2018 at 1:49 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, March 20, 2018
at 6:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Ben Johnson, Manager, Special Projects
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Blake Laven, Planning Manager
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw No. 2018-14. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

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

2. "Zoning Amendment Bylaw No. 2018-14" (274 Kinney Avenue)

The purpose of "Zoning Amendment Bylaw No. 2018-14" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 101A, District Lot 116, Similkameen Division Yale District, Plan 333, Except Plan 24855, located at 274 Kinney Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct a three storey, 6-unit townhouse development.

The Director of Corporate Services advised that 2 letters have been received since the printing of the agenda and distributed to Council.

DELEGATIONS

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

- Len Fox, applicant, spoke in support of the application, no variances required.
- Lynn Kelsey, Oakville Street, drove by property, large lot, project fits into the neighbourhood.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2018-14" was terminated at 6:11 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Regular Council Meeting
held at City of Penticton Council Chambers
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Tuesday, March 20, 2018
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Picton
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Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Ben Johnson, Manager, Special Projects
Angie Collison, Deputy Corporate Officer

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on March 20, 2018 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:02 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:49 p.m.

6. Adoption of Minutes:

- 104/2018 6.1 Minutes of the March 6, 2018 Committee of the Whole
It was MOVED and SECONDED
THAT Council receive the minutes of the March 6, 2018 Committee of the Whole as presented.
CARRIED UNANIMOUSLY

- 105/2018 6.2 Minutes of the March 6, 2018 Public Hearing
It was MOVED and SECONDED
THAT Council receive the minutes of the March 6, 2018 Public Hearing as presented.
CARRIED UNANIMOUSLY

- 106/2018 6.3 Minutes of the March 6, 2018 Regular Meeting of Council
It was MOVED and SECONDED
THAT Council adopt the minutes of the March 6, 2018 Regular Meeting of Council as presented.
CARRIED UNANIMOUSLY

7. Committee and Board Reports

- 108/2018 7.1 Parks & Recreation Master Plan Steering Committee Minutes of February 7, 2018
It was MOVED and SECONDED
THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee meeting of February 7, 2018.
CARRIED UNANIMOUSLY

- 109/2018 7.2 Parks & Recreation Master Plan Steering Committee Minutes of February 15, 2018
It was MOVED and SECONDED
THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee meeting of February 15, 2018.
CARRIED UNANIMOUSLY

- 110/2018 7.3 Affordable Community Task Force Minutes of February 16, 2018
It was MOVED and SECONDED
THAT Council receive the draft minutes of the Affordable Community Task Force meeting of February 16, 2018.
CARRIED UNANIMOUSLY

- 111/2018 7.4 Arts, Creative & Cultural Innovations Committee Minutes of February 23, 2018
It was MOVED and SECONDED
THAT Council receive the draft minutes of the Arts, Creative & Cultural Innovations Committee meeting of February 23, 2018.
CARRIED UNANIMOUSLY

7.5 Transportation Advisory Committee Minutes of February 27, 2018

112/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of February 27, 2018.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Correspondence from City of Vernon

Re: Request to co-sponsor SILGA resolution re: local government police services

113/2018

It was MOVED and SECONDED

THAT Council lend their support to the SILGA resolution from the City of Vernon regarding local police service funding.

CARRIED UNANIMOUSLY

8.2 Correspondence from Blossom Court Strata

Re: Urban deer population growing into a problem

114/2018

It was MOVED and SECONDED

THAT Council receive into the record the correspondence dated February 24, 2018 from Blossom Court Strata regarding urban deer and request that staff provide an update on deer population control from other communities and regional districts.

CARRIED UNANIMOUSLY

9. Staff Reports:

9.1 Parks and Recreation Master Plan Steering Committee Terms of Reference: Quorum

115/2018

It was MOVED and SECONDED

THAT Council amend the Parks & Recreation Master Plan Steering Committee Terms of Reference to define Quorum as five appointed members.

CARRIED

Councillors Picton, and Martin, Opposed

9.2 Parks and Recreation Advisory Committee: Terms of Reference

116/2018

It was MOVED and SECONDED

THAT Council refer the establishment of the Parks and Recreation Advisory Committee and the Terms of Reference to staff for more information.

CARRIED UNANIMOUSLY

9.3 Cemetery Management Bylaw No. 2018-15

Fees and Charges Amendment Bylaw No. 2018-16

117/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Cemetery Management Bylaw No. 2018-15", a bylaw to provide for the regulation, management, operation and maintenance of the City of Penticton municipal cemeteries;

AND THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2018-16", a bylaw that amends the cemetery fees as outlined in Appendix 6 – Cemetery.

CARRIED UNANIMOUSLY

9.4 Short Term Vacation Rental Program Update

118/2018

It was MOVED and SECONDED

THAT Council direct staff to review the Short Term Vacation Rental Program and come back with modifications.

CARRIED UNANIMOUSLY

9.5 Liquor Store – Permanent Change of Hours
Re: Bench 1775 Winery, 1775 Naramata Road

119/2018

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Permanent Change to hours of service for Bench 1775 Winery;
AND THAT staff report back to Council at their regular meeting on April 17, 2018 with the results of the public consultation for Council's consideration.

CARRIED UNANIMOUSLY

9.6 Winery Lounge Endorsement, Application for Structural Change
Re: Moraine Estate Winery, 1865 Naramata Road

120/2018

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Structural Change and Winery Lounge Endorsement for Moraine Estate Winery;
AND THAT staff report back to Council at their regular meeting on April 17, 2018 with the results of the public consultation for Council's consideration.

CARRIED UNANIMOUSLY

9.7 Penticton to Kelowna Transit

Councillor Sayeed left the meeting at 3:18 p.m.

121/2018

It was MOVED and SECONDED

THAT Council support the RDOS in moving forward with an inter-regional Transit connection between Penticton and Kelowna as outlined in the report dated March 20, 2018.

CARRIED UNANIMOUSLY

Councillor Sayeed returned to the meeting at 3:21 p.m.

10. Public Question Period

11. Recess to In-Camera Meeting

122/2018

It was MOVED and SECONDED

THAT Council recess at 3:45 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (c) *labour relations or other employee relations;*
- (e) *the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- (f) *law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- (g) *litigation or potential litigation affecting the municipality;*
- (i) *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- (j) *information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.*

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 6:12 p.m.

13. Reconsideration of Bylaws and Permits

- 13.1 Fees and Charges Amendment Bylaw No. 2018-07
Re: Appendix 31 – Storm Water Utility

123/2018

It was MOVED and SECONDED

THAT Council adopt “Fees and Charges Amendment Bylaw No. 2018-07”.

CARRIED UNANIMOUSLY

- 13.2 Zoning Amendment Bylaw No. 2018-13
Re: 330 Power Street

124/2018

It was MOVED and SECONDED

THAT Council adopt “Zoning Amendment Bylaw No. 2018-13”.

CARRIED UNANIMOUSLY

- 13.3 Zoning Amendment Bylaw No. 2018-14
Re: 274 Kinney Avenue

125/2018

It was MOVED and SECONDED

THAT Council give second and third reading to “Zoning Amendment Bylaw No. 2018-14”.

CARRIED UNANIMOUSLY

14. Land Matters

- 14.1 Development Variance Permit PL2018-8165
Re: 4045 Lakeside Road

Delegations/Submissions: Roland Blaze, Harmony Homes and Robert Lee, Owner, available to answer questions.

- Tiffany Saunders, Finnerty Road, spoke in opposition to four storey homes on the lot, undesirable precedent. Ms. Saunders read a letter of concern from the Lalonde family, resident of Finnerty Road.
- Roland Blaze, spoke to fire concerns, home will have one hour fire rating.

126/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8165" for Lot 25 Block 209 District Lot 190 Similkameen Division Yale District Plan 466, located at 4045 Lakeside Road, a permit to decrease the minimum front yard from 6.0m to 3.0m and to decrease the minimum interior yards from 1.5m to 1.2m; AND THAT staff be directed to issue "Development Variance Permit PL2018-8165."

**CARRIED
Councillor Sentes, Opposed**

14.2 Development Variance Permit PL2018-8171
Re: 245 Edmonton Avenue

Delegations/Submissions: nil

127/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8171" for Lot 1 District Lot 250 Similkameen Division Yale District Plan KAP92469, located at 245 Edmonton Avenue, a permit to decrease the minimum interior yard from 4.5m to 2.1m to allow for the construction of a 17-unit multi-family residential development; AND THAT staff be directed to issue "Development Variance Permit PL2018-8171."

THAT Council approve "Development Permit PL2018-8195", for Lot 1 District Lot 250 Similkameen Division Yale District Plan KAP92469, located at 245 Edmonton Avenue, a permit that allows for the construction of a 17-unit multi-family residential development; AND THAT staff be directed to issue "Development Permit PL2018-8195."

CARRIED UNANIMOUSLY

14.3 Zoning Amendment Bylaw No. 2018-18
Development Variance Permit PL2018-8178
DP PL2018-8168 & DP PL2018-8169
Re: 657 Churchill Avenue

128/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-18", a bylaw to amend Zoning Bylaw 2017-08 for Lot 22, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 4075, located at 657 Churchill Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the April 3, 2018 Public Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-18", a 1.9 meter road dedication along the Churchill Avenue frontage of the property be registered with the Land Title Office;

AND THAT delegations and submissions for "Development Variance Permit PL2018-8178" for Lot 22, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 4075, located at 657 Churchill Avenue, a permit to increase the maximum lot coverage from 40% to 43%, to allow for the construction of a front-to-back duplex on both newly formed lots, be heard at the April 3, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8178" following the adoption of "Zoning Amendment Bylaw No. 2018-18".

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-18" and subdivision of the two lots, approve Development Permit PL2018-8168 and Development Permit PL2018-8169, for Proposed Lot A and Proposed Lot B of the subdivision of Lot 22, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 4075, located at 657 Churchill Avenue, a permit that allows for the construction of a front-to-back duplex on both newly formed lots.

CARRIED UNANIMOUSLY

15. Notice of Motion

Notice of Motion for consideration from Councillor Picton:

129/2018

It was MOVED and SECONDED

THAT staff investigate an Economic Investment Zone (EIZ) program and/or similar incentive program to promote environmentally green developments, creating significantly higher standard builds that lower the cost of living for residents.

CARRIED UNANIMOUSLY

16. Business Arising

17. Council Round Table

18. Public Question Period

19. Adjournment

130/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, March 20, 2018 at 7:05 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Economic Development & Prosperity Task Force Meeting

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

Thursday, February 22, 2018
at 8:00 a.m.

- Present:** Mayor Andrew Jakubeit, Chair
Danielle Robinson
Derek Badger
Eric Corneau
Kirk Marleau
Stephen Noton (via teleconference)
- Staff:** Anthony Haddad, Director of Development Services
Laurie Darcus, Director of Corporate Services
Sharon Thompson, Recording Secretary
- Guests:** Hugh McClelland, Baird McClelland Inc., Economic Development Consultant

1. **Call to order**

The Economic Development & Prosperity Task Force was called to order by the Mayor at 8:10 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the agenda dated February 22, 2018 as amended: remove item 5.1 Election of Committee Chair & Vice-Chair.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the minutes of the January 11, 2018 meeting as circulated.

CARRIED UNANIMOUSLY

4. **Terms of Reference Review**

Terms of Reference are approved by Council and the mandate of the Task Force, its role in advising Council, how decisions are made through motions and the role of the Chair were reviewed. The Director of Corporate Services offered assistance to Task Force members as required.

5. Business Arising from Prior Meetings

5.1 Strategic Plan Update

- Penticton is a finalist in the 2018 Small Business BC Awards in the Open for Business category. Two Penticton companies, Duffy Baker Construction and Winecrush are finalists. Winners will be announced February 23 in Vancouver.
- Collaboration has begun with PIB on potential joint projects and a meeting with the Minister of Jobs, Trade and Technology who is touring communities to discuss export opportunities.
- Accelerate Okanagan, an accelerator and resource hub for the tech industry, is interested in assisting Penticton with the Government of Canada's Smart Cities Challenge.
- The 100 participants in the Business Climate Survey have been invited to a Launch Event March 13. A Survey summary report will be completed by March 1.
- The 2018-2022 Economic Development Strategic Plan will be rolled out to community groups over the next 2 months.
- Working to identify and track virtual workers and to gauge the success of the Remote Worker Program.
- Q1 update will be presented to Council at their Regular meeting March 6.

6. New Business

6.1 Industry Cluster Presentation & Task Force Discussion

- The presentation reviewed how business and industry clusters are defined and the value of working in terms of clusters in the context of furthering Penticton's economic development priorities, and then presented a draft existing and potential Penticton Business Clusters Grid based on findings of recent research and studies.
- In discussion of the Draft Clusters Grid presented the Task Force agreed that the "Virtual Workers/Companies" and the "Trades & Services" draft clusters would be eliminated as stand-alone clusters and incorporated into other draft clusters as appropriate. The Task Force further determined that "Private Health and Senior Care" and "Professional Sports/Leisure Services" were potential draft clusters for staff and contractors to do background research on and include in the draft cluster listing going forward if research warranted. The Task Force further requested that the updated draft cluster listing be presented in a graphic form showing relationships and relative sizes of clusters.
- The draft cluster grid will be updated to reflect the information and priorities identified by the Task Force. The redrawn cluster map will be distributed to the Task Force for review prior to the next meeting.

- Council will receive a report at the Regular meeting March 6.

6.2 Q1 Reporting Update

- Currently working at expanding available statistics in Planning & Development (ex. construction activity, business license activity and data trends), Partnership Activity and Economic Development and should have a solid package of economic indicators by the end of 2018.
- Business license mapping which recognizes both commercial and home based businesses continues to be updated.
- Council will be provided with quarterly updates.

6.0 Next Meeting

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

7.0 Adjournment

It was MOVED and SECONDED that the Economic Development & Prosperity Task Force Meeting of February 22, 2018 adjourn at 9:48 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Sharon Thompson
Committee Secretary



Penticton Creek Restoration Committee Meeting

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

Wednesday, March 21, 2018
at 9:00 a.m.

Present: Bryn White, Chair and South Okanagan Similkameen
Conservation Program Representative
Bruce McFarlane, Regional Water Engineer, Min. of FLNRO Representative
Hillary Ward, Province of BC Fisheries, Min. of FLNRO Representative
Bill Wickett, Penticton Fly Fishers Association Representative
Bruce Turnbull, Penticton Fly Fishers Association Representative

Staff: Ian Chapman, City Engineer
Lorraine Witowski, Committee Secretary

Guest: Dwight Shanner, Aarde Environmental Ltd.

1. Call to Order

The Penticton Creek Restoration Committee was called to order by the Chair at 9:07 a.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adopt the agenda for the meeting held on March 21, 2018 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adopt the minutes of the January 19, 2018 meeting as circulated.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adopt the minutes of the March 12, 2018 special meeting as circulated.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Committee Overview Discussion

Deferred to the next meeting.

5. **Business Arising from Prior Meetings**

5.1 Penticton Creek Lower 3A Budget and Estimated Costs

The Chair provided an update on funding noting all funding extensions have been approved. Additional grant funding has been received from Freshwater Fisheries of British Columbia. Discussion followed on estimated costs. The Chair commented that we won't know if there will be a shortfall of funds or not until the tender prices are received.

5.2 Penticton Creek Lower 3A Project Permitting, Tendering Process, Documents and Timing

Staff confirmed the permit has been received and the tendering process should move along ahead of schedule. The consultant advised the fisheries window for rainbow trout fry is now between August 7-August 24 and should be noted in the tender document so the contractor is aware of the timeline. Discussion followed on fish management for rainbow and kokanee, timelines and what information needs to be included in the tender. The consultant confirmed he will be working with Ministry personnel regarding the submission of the variance request. The Province of BC Fisheries, Min. of FLNRO Representative stated a Scientific Collection Fish Permit needs to be attached to the variance request. The Chair asked that the variance request be completed by mid-April so this information can be included in the tender document. The Chair further commented that is important to keep everyone informed and she is happy to provide assistance with that. The Chair will connect with the City's Communication Manager to coordinate key messaging for distribution in the community and stakeholders.

The City Engineer stated they are looking at mid-April to have the tender document completed and issued with the end of April being the absolute latest date. At the next meeting staff will provide an update on the variance request and tender documents for review. Discussion followed on potential issues on elevated flows that should be noted in the tender and whether or not the City should purchase the diversion pipe for this and future projects. Staff to confirm if the pipe was included in the cost estimates.

5.3 Nesting Timing and Removal of Vegetation – Lower 3A Project

The Chair questioned when the removal of vegetation in preparation for the project would begin as the work window to avoid nesting season and be compliant with regulations is April 1- August 31. The removal of vegetation is addressed as part of the environmental management plan and with the oversight of a Qualified Environmental Professional. The City Engineer stated the City will begin to remove trees and vegetation. Discussion followed on the need to inform the public on when that will be happening and a potential issue with the removal of a hedge and loss of privacy for one land owner. It was suggested temporary green fencing could be installed. Staff to investigate that option. Staff also to confirm a start date and work with the Communications Manager to inform the public.

5.4 Update of Freshet 2017 Repair Works Penticton Creek and Ellis Creek

Staff provided an update on the current applications for repair works for Penticton and Ellis Creek. Staff are waiting for permits from the Ministry before repair works can begin.

The Chair asked if any communication will be sent out to the public before the repair work and any emergency work begins and offered to work with the Communication Manager to provide information to the public. Staff to confirm a start date and also inform the Penticton Fly Fishers Association.

6. **Next Meeting**

The next scheduled meeting of the Penticton Creek Restoration Committee is April 18, 2018 at 9:00 a.m.

7. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adjourn the meeting held on Wednesday, March 21, 2018 at 10:17 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Witowski
Committee Secretary

Council Report

Date: April 3, 2018 File No: 1700-05
To: Peter Weeber, Chief Administrative Officer
From: Wes Renaud, Budget Analyst
Subject: **2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19**

Staff Recommendation

THAT Council give first, second and third reading to “2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19”.

Background

Section 165 of the *Community Charter* provides that a municipality may amend the Five Year Financial Plan at any time to reflect changes that occur during the year.

Financial Implications

On January 9, 2018, Council adopted “2018-2022 Five Year Financial Plan Bylaw No. 2017-79”. Since then, emerging priorities have given rise to a few necessary budget amendments affecting reserve and surplus accounts as follows:

Funding Source	Amount	Reason
Land Acquisition Reserve	1,515,550	Purchase of four (4) properties on Eckhardt Avenue
Electrical Surplus	125,000	Expedited Multi-Year Metering Audit
General Surplus	35,000	Campbell Mountain Parking & Signage Project
Various	(119,986)	Internal Budget Reallocations
Increase to transfers from reserve	1,555,565	

Discussion

Eckhardt Avenue Property Purchases – Recognizing the increased volume of activities around the South Okanagan Event Centre complex and the anticipated growing need for parking in the area the City made the acquisition of four properties on Eckhardt Avenue that will enable parking expansion for an additional 47 stalls in the future.

Multi-Year Metering Audit – Following the metering issues discovered in 2016 with the Penticton Lakeside, the electrical department budgeted in 2017 to purchase equipment that would allow for meter checks to be completed. The 2017 plan saw 25 of the 100 largest customer accounts reviewed. The electrical staff

embarked on this program in 2017 and discovered a single but notable anomaly. Based on that it was decided to accelerate the program and look at all of our large customer accounts, some 580 accounts. A firm was hired to undertake this work. This budget amendment is to provide the required funds to complete the project.

Campbell Mountain Parking - Over the past year there has been an increasing number of conflicts between people using the Campbell Mountain Crown lands and adjacent land owners. The issues revolve around parking, traffic and signage. Staff have worked with the Province of BC, the adjacent land owners, the Penticton Indian Band and the RDOS and developed a solution that would see the existing parking lot expanded, a new parking lot built, a drop off area created, informational, directional and no stopping signs installed, a minor intersection reconfiguration, and a crosswalk and access gate installed. This will be a positive step to eliminating the conflicts that currently exist in the area.

Internal Budget Reallocations – Over the past few months, staff have identified areas where budgets could be reduced and as such, have been returned to surplus.

In addition to the above items, there have also been some budget reallocations made within a few departmental budgets in order to code invoices and track expenses more efficiently.

Staff have also added to Schedule B a disclosure of the City’s use of Revitalization Tax Exemptions following the section on the use of Permissive Tax Exemptions.

Attachments

Attachment A –2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19

Respectfully submitted,



Wes Renaud
Budget Analyst

Approvals

Chief Financial Officer <i>JWB</i>	Chief Administrative Officer PW
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Bylaw No. 2018-19

A Bylaw to Amend 2018-2022 Five Year Financial Plan Bylaw No. 2017-79

WHEREAS the Council of the City of Penticton has adopted a Five Year Financial Plan Bylaw pursuant the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend 2018-2022 Five Year Financial Plan Bylaw No. 2017-79;

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

1. **Title:**

This bylaw may be cited for all purposes as "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-19".

2. **Amendment:**

2.1 "2018-2022 Five Year Financial Plan Bylaw No. 2017-79" is hereby amended as follows:

Delete and replace Schedule 'A' and 'B' in their entirety with the attached Schedule 'A' and 'B'.

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

READ A FIRST time this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
ADOPTED this	day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule A

	2018 Budget	2019 Projection	2020 Projection	2021 Projection	2022 Projection
Revenue					
Taxation	(53,575,138)	(55,638,494)	(57,784,523)	(60,016,545)	(62,336,706)
Sale of Services	(6,850,424)	(6,881,903)	(6,896,816)	(6,932,683)	(6,969,499)
Electric Utility Fees	(42,075,442)	(43,335,543)	(44,633,405)	(45,970,158)	(47,346,968)
Sewer Utility Fees	(5,615,077)	(6,178,775)	(6,653,300)	(6,692,009)	(6,712,253)
Water Utility Fees	(8,466,692)	(8,817,919)	(9,201,250)	(9,601,446)	(10,019,248)
Fiscal Services	(3,036,330)	(3,033,713)	(3,034,991)	(3,035,278)	(3,035,573)
Grants	(1,560,898)	(1,623,320)	(1,623,320)	(1,623,320)	(1,623,320)
Other Revenues	(12,338,848)	(12,208,338)	(12,270,724)	(12,281,337)	(12,304,093)
Development Cost Charges	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
Donations	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
	<u>(134,128,848)</u>	<u>(138,328,005)</u>	<u>(142,708,330)</u>	<u>(146,762,775)</u>	<u>(150,957,660)</u>
Expense					
General Operating	70,585,627	71,121,311	72,842,435	74,457,734	76,023,916
Electric Operating	37,175,423	36,206,355	37,609,191	39,053,053	40,073,471
Sewer Operating	4,761,304	4,805,587	4,817,541	4,915,810	4,736,055
Water Operating	3,986,240	4,030,214	4,153,704	4,184,822	4,213,195
	<u>116,508,595</u>	<u>116,163,467</u>	<u>119,422,872</u>	<u>122,611,420</u>	<u>125,046,636</u>
Annual Surplus	(17,620,253)	(22,164,539)	(23,285,458)	(24,151,355)	(25,911,024)
Capital					
General Capital	10,326,426	11,881,565	24,654,518	23,359,241	18,728,821
Electric Capital	3,305,287	1,551,681	1,373,674	2,082,282	1,643,589
Sewer Capital	2,642,000	6,769,200	2,503,875	6,828,051	4,325,000
Water Capital	3,407,250	5,543,335	8,198,500	4,389,600	3,246,300
	<u>19,680,963</u>	<u>25,745,780</u>	<u>36,730,567</u>	<u>36,659,175</u>	<u>27,943,710</u>
Debt Proceeds	(1,635,040)	(702,000)	(3,677,197)	-	-
Land Proceeds	(1,000,000)	(200,000)	(200,000)	(200,000)	(200,000)
Principal repayments	2,982,421	2,334,314	2,443,004	2,528,880	2,530,793
Transfer to/from surplus/reserve	(2,408,091)	(5,013,556)	(12,010,916)	(14,836,699)	(4,363,480)
Financial Plan Balance	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Schedule B

Current Revenue Portions by Funding Source for Operating (excluding borrowing and transfers from reserve/surplus):

Taxation	31,540,871	23.52%
Grants in Lieu	254,519	0.19%
Business & Local Improvement Levy	403,875	0.30%
Collections for Other Governments	21,375,873	15.94%
Sale of Services	6,850,424	5.11%
Electric Utility Fees	42,075,442	31.37%
Sewer Utility Fees	5,615,077	4.19%
Water Utility Fees	8,466,692	6.31%
Other Revenue	12,338,848	9.20%
Fiscal Services	3,036,330	2.26%
Grants	1,560,898	1.16%
Donations	10,000	0.01%
Development Cost Charges	600,000	0.45%
	<u>134,128,848</u>	<u>100.00%</u>

Current Property Class Multiples:

<u>Ratio</u>	<u>2018 Est</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Residential	1.000	1.000	1.000	1.000
Utilities	5.930	5.930	5.000	4.028
Light Industry	1.580	1.580	1.580	1.524
Business	1.580	1.580	1.580	1.625
Rec/Non-Profit	1.390	1.390	1.350	1.350
Farm	2.060	2.060	2.250	2.760

The ratios in this chart are based on the 2017 calculations. Council will review the business multiplier in April when we set the tax rates for 2018.

Use of Permissive Tax Exemptions

In 2016, Council passed Bylaw 2016-57 to exempt certain properties from taxation in the next three years (2017-2019). In 2017, Council passed amending Bylaw 2017-61 to exempt certain properties from taxation in 2018. The Bylaw contains the list of properties and the estimated amount of tax revenue forgone (\$485,263). The list of properties includes religious institutions, historical societies, recreational facilities, and service organizations that form a valuable part of our community. These organizations have demonstrated to Council that their services support our residents and community.

Use of Revitalization Tax Exemptions

Revitalization tax exemption bylaws were introduced in Penticton in 2010 to provide economic incentives for specified key areas within the City. The specified areas include the downtown, the industrial areas, and other strategic areas of the city. Bylaws 2014-04, 2014-44, and 2015-52 provide for tax exemptions in the specified areas in the City.

Council Report

penticton.ca

Date: April 3, 2018
To: Peter Weeber, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure
Subject: **298 Van Horne Street Land Swap / Purchase**

File No: Civic Files

Staff Recommendation

THAT Council approve the land swap / purchase between the City and the property owners of 298 Van Horne Street, Richard and Diane Spray, as outlined in this Council Report dated April 3, 2018;

AND THAT Council authorize the Mayor and Corporate Officer to execute the required documents and agreements related to the land swap / purchase;

AND FURTHER THAT Council amend the 2018 Budget by increasing the budget for Penticton Creek, CAP10097-C50 by \$75,000 with \$28,000 coming from the Capital Reserve and \$47,000 coming from General Surplus.

Strategic priority objective

The Penticton Creek Restoration project supports the Council Priorities of:

- Environmental Sustainability - Ensuring the sustainability of the environment and the ecosystems within our community;
- Fiscal Sustainability - Undertaking asset management to ensure the sustainability of municipal infrastructure.

Background

One of the 2018 Engineering Department projects is to undertake the next phase of Penticton Creek Restoration by naturalizing the stretch of creek from the upstream end of the showcase project to Van Horne Street. Part of the work requires a land purchase / swap. This matter was brought to an open Council meeting on July 4, 2017 where Council passed Resolution 380/2017, see Attachment "A", authorizing the closure of a 25 square meter piece of boulevard on Van Horne Street and a swap for property owned by Richard and Dianne Spray at 298 Van Horne Street.

On July 26, 2017 a Letter of Intent, see Attachment "B", was executed between the City and Richard and Dianne Spray. The Letter of Intent set out the future arrangements between the parties that would see land transferred from the Sprays to the City for use in the Penticton Creek Restoration project. City staff are now seeking Council approval to:

- Swap / purchase 130 square meters of land being the net area of obtaining the land outlined in blue and red on Attachment "C" from the Sprays and providing to the Sprays the land outlined in black on Attachment "C".
- Paying the Sprays \$10,000 for incidental expenses.
- Undertaking to complete fence and vegetation removal, new fence construction and landscaping as outlined in Attachment "D".

Financial implication

The costs associated with the land swap / purchase are summarized as follows:

• Land swap purchase:	\$22,240
• Survey and Legal Costs:	\$ 5,760
• Cheque to the Sprays for Incidentals:	\$10,000
• Fence Construction:	\$12,000
• Landscaping:	<u>\$25,000</u>
TOTAL	\$75,000

\$28,000 of the required funds will come from the Capital Reserve and the remainder will come from General Surplus.

Analysis

Proceeding with the Land Swap / Purchase as outlined in this Council Report will allow the next phase of the Penticton Creek Restoration to occur and will allow the City to access some \$250,000 in grant funds.

Alternatively Council could elect not to proceed with the land swap and cancel the 2018 Penticton Creek Restoration project.

Alternate recommendations

Alternative 1

THAT Council not proceed with the land swap / purchase at 298 Van Horne Street and cancel the 2018 Penticton Creek Restoration project.

Attachments

Attachment "A" – July 4, 2017 Resolution 380/2017

Attachment "B" – July 26, 2017 Letter of Intent

Attachment "C" – Land Swap / Purchase

Attachment "D" – Fence and Vegetation Works

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure

Approvals

CFO <i>LWB</i>	Chief Administrative Officer PW
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Attachment "A" – July 4, 2017 Resolution 380/2017

380/2017

It was MOVED and SECONDED

THAT Council direct Staff to close the +-25 sq.m. portion of unutilized boulevard in the 200 block of Nanaimo Avenue East that is south of 298 Van Horne Street and swap that land for an equal sized portion of land owned by Richard and Dianne Spray required for restoration of Penticton Creek;

AND THAT the survey and legal costs be paid by the City;

AND THAT consultation required for the road closure bylaw be carried out in accordance with the Community Charter;

AND THAT the proposed disposition of City lands be advertised pursuant to the Community Charter;

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary documents;

AND FURTHER THAT staff be directed to develop a policy regarding disposal of boulevard no longer required for future needs of the City and bring it back to council for consideration.

CARRIED UNANIMOUSLY

Attachment "B" – July 26, 2017 Letter of Intent

SCHEDULE "B"



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

Letter of Intent for Purchase and Sale of Land

July 26, 2017

This agreement summarizes the principal terms of the proposed purchase and sale of the property, but it is not intended to, and does not create any legally binding obligation on either party. No binding commitment will arise unless and until the parties enter into an Agreement of Purchase and Sale for the property.

BASIC TERMS:

(a) Parties: The Corporation of the City of Penticton
171 Main Street
Penticton, British Columbia, V2A 5A9
(the "City")

and

Richard John Spray and Dianne Marie Spray
298 Van Horne Street
Penticton, BC V2A 4K4
(the "Sprays")

(b) Property: portion of 298 Van Horne Street, Penticton as shown outlined in red and blue on the Map included as Attachment A and the portion of the road boulevard south of 298 Van Horne Street as outlined in black on Attachment A - "Map Showing Parcels" and "Attachment C "Closed Road Survey" .

(c) Agreement: The Sprays agree to sell to the City ~7' or ~ 55 sq.m. of their side yard property fronting the creek (outlined in red) plus the portion of their property that extends into the creek works area (outlined in blue). The City agrees to sell to the Sprays a 27.9 sq.m. portion of boulevard as shown outlined in black. Transfer values are based on \$278/sq.m. for the Boulevard and side yard and \$139/sq.m. for the creek portion.

(d) Price: The value breakdown is as follows:

Side yard (red) 55 sq.m. X \$278/sq.m. = \$15,290

Creek area (blue) 100 sq.m. X \$139/sq.m. = \$13,900

Boulevard (black) 25 sq.m. X \$278/sq.m. = **\$ 6,950**

= \$22,240 net payable to Sprays for property

If survey results indicate a larger net area is to be transferred to the City the value will



be adjusted upward following the formula above. If the net area is smaller the transfer price will remain the same.

Payment: Payment in full for the land transfer as noted above will be completed upon registration of transfers at the Land Titles Office. This sale will complete as soon as practical in 2017

Additionally, a onetime stipend payment of \$10,000 will be paid to the Sprays to cover incidentals and all other requirements associated with the proposed creek works not specifically included in this agreement. This payment will be made when the creek works that will affect the Spray's property are started (expected in July –August 2018 but not guaranteed.

(e) Undertakings of the City: To facilitate this land transaction the City agrees, at their cost, to:

- look into creating barriers that will inhibit pedestrians from walking along the north side of the creek adjacent to 298 Van Horne;
- replace all fencing along the creek & Nanaimo Avenue side, Van Horne Street side and the lane to the east, with a treated sealed cedar fence with all posts of treated lumber properly secured in concrete at a height of 6' (1.8 m.) and of a similar character and quality to the fence pictured in Attachment B. The City will replace the both gates accessing the property off of Nanaimo Avenue and Van Horne Street with two part swinging cedar gates. The gate height fronting Van Horne St. limited to 4' (1.2 m.) while that fronting Nanaimo will be at 6' (1.8 m.)
- to replace all plants and trees removed during the creek widening process and/or any required access to the property, including replacement of the existing cedar trees with 10' cedar trees or the tallest trees readily available locally. The one large tree to be replaced with the largest tree of a type selected by the Sprays available locally and for which the equipment required to plant is available locally. If a large 20'- 25' tree cannot be found two of the largest trees available can be planted. The contract for the landscaper will include design work for the new landscaping layout for the reduced area. The new plantings will be guaranteed to survive for two years after planting and the irrigation system will be rebuilt to accommodate the new plantings and change of lot layout. The amount of attention the contracted landscaper provides to ensure survival of the plantings after installation is at the landscaper's discretion and not the responsibility of the City. Any portions of the existing rock wall removed that defines the planted tree area will be replaced with a matching rock wall;
- to landscape the remainder of the triangular boulevard area off of Nanaimo in landscaping rock, including the placement of larger rocks adequate to prevent parking on the boulevard and inhibit access to the north side of the creek;
- pay for all legal and survey cost associated with the sale.

3

If you are in agreement with the above please sign the two original documents and return one to the City keeping the second for Sprays records.

The City of Penticton

Attachment A
Map Showing Parcels



5

Attachment B
Replacement Fence Details



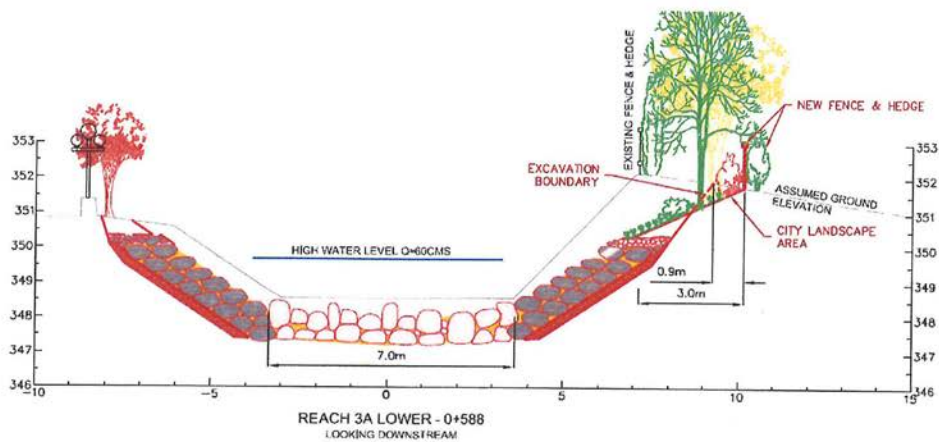
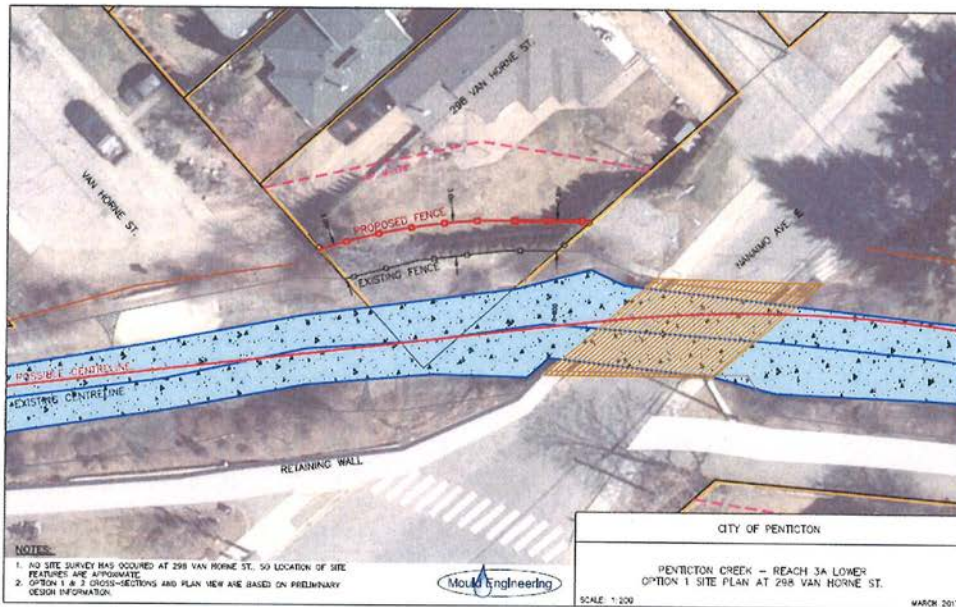
Treated post set in concrete Cedar fence boards and rails



Schedule A
Proposed Creek Works affecting ~~Sprays~~ Property

298 Van Horne Street

RS



Attachment "C" – Land Swap / Purchase



Attachment "D" – Fence and Vegetation Works

- Replace all fencing along the creek and Nanaimo Avenue side, Van Horne Street side and the lane to the east with a treated sealed cedar fence with all posts of treated lumber properly secured in concrete at a height of 6' (1.8m) and of a similar character and quality as shown in the Replacement Fence Details picture below. The City will replace both gates accessing the property off of Nanaimo Avenue and Van Horne Street with two part swinging cedar gates. The gate height fronting Van Horne Street is limited to 4' (1.2m) while that fronting Nanaimo will be at 6' (1.8m).

Replacement Fence Details



Treated post set in concrete Cedar fence boards and rails



- Replace all plants and trees removed during the creek widening process and / or any required access to the property, including replacement of the existing cedar trees with 10' cedar trees or the tallest trees readily available locally. The one large tree to be replaced with the largest tree of a type selected by the Sprays available locally and for which the equipment required to plant is available locally. If a large 20' – 25' tree cannot be found two of the largest trees available can be planted. The contract for the landscaper will include design work for the new landscaping layout for the reduced area. The new plantings will be guaranteed to survive for two years after planting and the irrigation system will be rebuilt to accommodate the new plantings and change of layout. The amount of attention the contracted landscaper provides to ensure survival of the plantings after installation is at the landscaper's discretion and not the responsibility of the City. Any portions of the existing rock wall removed that defines the planted tree area will be replaced with a matching rock wall.
- Landscape the remainder of the triangular boulevard area off of Nanaimo in landscaping rock, including the placement of larger rocks adequate to prevent parking on the boulevard and inhibit access to the north side of the creek.

The Corporation of the City of Penticton

Bylaw No. 2018-15

A Bylaw to provide for the regulation, management, operation and maintenance of the Corporation of the City of Penticton municipal cemeteries.

WHEREAS the Municipal Council of the Corporation of the City of Penticton, acting as the Board of Trustees of the City Cemeteries, deems it expedient to create a new cemetery bylaw;

AND WHEREAS the Municipal Council of the City of Penticton wishes to repeal "The Corporation of the City of Penticton Cemetery Management Bylaw No. 2010-09 (2010)" and amendments thereto in their entirety;

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

1.0 TITLE

1.1 This Bylaw may be cited for all purposes as "Cemetery Management Bylaw No. 2018-15".

2.0 INTERPRETATION

2.1 Any enactment referred to herein is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations made thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Penticton, as amended, revised, consolidated or replaced from time to time.

2.2 The headings given to the parts, sections and paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

2.3 The use of a word signifying the masculine shall include the feminine and the use of a word signifying the plural shall include the singular and such references are used for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

2.4 If any part, section or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

2.5 The Schedules listed here and as attached form a part of this Bylaw:

Schedule A: Memorial Specifications

Schedule B: Interment Specifications

3.0 DEFINITIONS

3.1 In this bylaw terms defined in the "*Cremation, Interment, and Funeral Services Act*" (CIFSA) and this bylaw shall have that meaning unless expressly defined otherwise herein, and the following words have the meaning ascribed to them unless the context otherwise requires:

"applicant" means, as context may imply, an individual who has made petition to the City for a right of interment, an interment or for a memorial permit;

"at-need" means at the time a death has occurred;

“burial” means the in-ground interment of human remains or cremated remains in a lot;

“burial container” means a container to enclose human remains for interment that:

- (a) has a rigid base and is of sufficient strength to contain and move human remains;
- (b) is capable of being closed so that the public is not able to see the human remains;
- (c) is constructed so that it does not leak or otherwise cause a hazard to any person’s health, but;
- (d) does not include a grave liner, burial vault or an urn;

“burial permit” means a legal document in the province of B.C. acknowledging the registration of a death with the Vital Statistics Agency of B.C. as required for a burial in the province of B.C.;

“care fund” means a fund for the care and maintenance of a place of interment established, held and administered in accordance with the CIFSA for the purpose of funding the maintenance and care of a Cemetery;

“cemetery” means land owned by the City that is set apart or used, now or at some date in the future, as a place of interment of human remains or cremated remains and includes any incidental or ancillary buildings on the land;

“child” means a person between the ages of two (2) and twelve (12) years of age;

“CIFSA” means the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35* administered by the consumer protection authority, as amended or repealed from time to time and all regulations made thereunder;

“City” means The Corporation of the City of Penticton and together or separately may also mean, the Mayor and Council of the City, a department of the City, a person or persons employed by the City, or a person or persons appointed by the City to conduct work directly related to the development, management, operation, provision of service and maintenance of a City cemetery;

“City cemetery” means the "Lakeview Cemetery" or "Fairview Anglican Cemetery" or a combination thereof or any other cemetery that may be developed or acquired by the City at some date in the future;

“columbarium” means a structure or building or an area in a structure or building that contains, as an integral part of the structure or building or as freestanding sections, niches for the inurnment of cremated remains;

“comingled” means the intentional or unintentional mixing of the cremated remains of more than one deceased person;

“Consumer Protection Authority” means the Business Practices and Consumer Protection Authority of B.C. established under the *Business Practices and Consumer Protection Authority Act (BPCPA), S.B.C. 2004, C.3* as amended or repealed;

“Corporate Officer” means a person appointed as the City Corporate Officer as such from time to time by Council, or their designate;

“Council” means the elected Mayor and Council of the Corporation of the City of Penticton;

“cremated remains” means the human bone fragments left after cremation and that may also include the residue of other materials cremated with the human remains;

“crypt” means one type of lot, a space in a mausoleum designed, used or intended to be used for the interment of human remains;

“deceased” means a person who has died;

“disinterment” means the removal of human remains or cremated remains from a lot in which the remains are interred and the container or any of the remaining container holding the remains for the purpose of permanent relocation;

“entombment” means one form of interment, the interment of human remains in a crypt;

“exhumation” means the exposure of interred human remains for the purposes of viewing or examination and further where such viewing or examination may occur in the lot where the remains are interred or the remains are removed from the lot where they are interred and where the exhumed remains shall be re-interred into the same lot after the viewing or examination has been completed;

“family member” means a parent or stepparent, a grandparent or step grandparent, a sibling (natural, adopted or step), a spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step);

“fees” means the schedule of fees prescribed in the Fees & Charges Bylaw;

“Fees and Charges Bylaw” means the current “City of Penticton Fees and Charges Bylaw” and as, from time to time, may be amended or repealed and replaced;

“funeral director” means an individual licensed by the Consumer Protection Authority who, in the course of business, does any of the following:

- (a) negotiates or enters into funeral contracts;
- (b) arranges, conducts or directs bereavement rites and ceremonies;
- (c) arranges for the interment or cremation of human remains;
- (d) transfers human remains or directs or supervises the transfer of human remains;
- (e) cares for or prepares human remains prior to disposition, other than the disinfecting, preservation or restoration of human remains;

“funeral service provider” means a person who carries on a business licensed by the Consumer Protection Authority of providing funeral services;

“grave” means one type of lot, an excavated space in the cemetery designed, used or intended to be used for the in-ground interment of human remains or cremated remains;

“grave liner” means a receptacle with a lid, constructed of a durable material, that may or may not have a bottom, into which a burial container holding human remains or an urn holding cremated remains is placed to provide reinforcement of a lot as part of an interment;

“green burial” means a natural form of interment where such interments meet specific criteria set out in the cemetery bylaw for green burial;

“holiday” means any of the following days; New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, B.C. Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any day or part of a day as may be proclaimed from time to time as a holiday to be observed by the City;

“human remains” means a dead human body in any stage of decomposition, or a body of a stillborn infant in any stage of decomposition, but does not include cremated remains;

“infant” means a person less than two (2) years of age;

“interment” means disposition by:

- (a) burial of human remains or cremated remains;

- (b) entombment of human remains;
- (c) inurnment of cremated remains;

“interment right” means a right of use granted in perpetuity and acquired through purchase, inheritance or permitted transfer, for,

- (a) the interment of human remains or cremated remains in a lot at a City cemetery, and;
- (b) the installation of a memorial on a lot at a City cemetery, and;
- (c) issued in accordance and in full compliance with the Bylaw of a City cemetery;

“interment rights certificate” means a document, set out in a form prescribed by the City, that describes a right of interment and the terms and conditions that govern the right of interment for a lot in a City cemetery;

“rights holder” means a person who, or a corporation or an organization that,

- (a) has purchased a right of interment for a lot registered in the records of the cemetery to be held in their name, or;
- (b) has a right of interment registered in their name but is not the original purchaser of the right of interment, or;
- (c) is the legal representative of a deceased individual who has a right of interment held in the deceased’s name, or;
- (d) is an individual who has, in compliance with the bylaws of the cemetery, had a right of interment transferred to be held in their name, or;
- (e) is an individual who is an heir or successor of a deceased interment rights holder and, by demonstration of a right of legal succession, may be entitled to inherit a deceased rights holder’s right of interment;

“interment authorization” means a document, set out in a form prescribed by the City, that is completed and signed at-need by the individual having the legal authority to authorize the interment of human remains or cremated remains of a deceased person;

“interment process” means the excavation and preparation of a lot for an interment and the closing of a lot after the interment of human remains or cremated remains has been made in a lot;

“inurnment” means one form of interment, the burial of cremated remains in an in-ground lot or a niche;

“lantern tablet” means an 28cm (11”) x 51cm (20”) concrete tablet installed by the City flush to ground level at the head of the grave to allow for the placement of a permitted lantern or vase at a gravesite;

“legal representative” means a person who, or an agency that, by order of priority set out in *Section 5* of the *CIFSA*, has the right to control the disposition of the human remains or cremated remains of a deceased person;

“lot” means a designated space in the cemetery as set out in a right of interment to be used or intended to be used for;

- (a) the interment of human remains or cremated remains under a right of interment;
- (b) the installation of a memorial to identify a lot or memorialize a deceased person or stillborn child, and;
- (c) includes but is not limited to a grave, crypt, niche or plot;

“mausoleum” means a structure or a building that contains crypts designed for the entombment of human remains and may also contain niches for the interment of cremated remains;

“mayor” means the elected Mayor or Deputy Mayor of the City;

“medical health officer” means a person appointed from time to time under the *Health Act, RSBC 1996 c. 179* as amended or replaced from time to time to act as Medical Health Officer for the City;

“memorial” means a product or structure used or intended to be used to identify a lot or to memorialize a deceased person, including but not limited to;

- (a) a flat marker, pillow marker, upright monument, tombstone, plaque or other marker on a lot or;
- (b) an inscription or ornamentation on a crypt or niche front, or;
- (c) other product as may be approved for memorialization at a City cemetery;

“memorial dealer” means a person who or business that offers for sale or sells to or installs memorials for the public;

“memorialization” means the process related to the selection, installation or placement of a memorial in remembrance of a deceased person at a lot or a memorial space and may include the purchase of a memorial;

“niche” means one kind of a lot, a space, usually within a columbarium, used or intended to be used for the interment of cremated remains;

“non-resident” means a person who does not satisfy the definition of a resident;

“ossuary” means a receptacle, usually located below ground, for the non-recoverable, comingled scattering of cremated remains;

“plot” means an area of the cemetery designated, in a form prescribed by the City, for the in-ground disposition of human remains or cremated remains;

“purchase contract” means a contract in a form prescribed by the City and as prescribed by Business Practices and Consumer Protection Act and Regulation that sets out details relating to;

- (a) the purchase of a right of interment for a lot in a City cemetery, or;
- (b) the purchase of an interment service and the provision and delivery of other cemetery goods and services needed to complete an interment in a City cemetery, or;
- (c) the purchase of a memorial or a memorial installation and the provision and delivery of other cemetery goods and services needed complete a memorial installation in a City cemetery;

“resident” means a person who resides or has resided or has owned property within the boundaries of the City of Penticton for a period of six (6) months immediately preceding the purchase of a right of interment in the cemetery, proof of ownership will be required;

“scattering” means the irreversible dispersal of cremated remains in a defined area or feature within a City cemetery where such dispersal may result in the comingling of cremated remains previously scattered in the scattering location;

“trustees” means the Mayor and Council of the City of Penticton acting as the board of trustees for the City’s cemeteries;

“urn” means a container used or intended to be used for the containment of cremated remains;

“veteran” means a person who is fully qualified (Military Occupation Class, MOC) and serving or who has honourably served, one-year minimum, in the Armed Forces of Canada, the Commonwealth or its wartime allies or who has served in the Merchant Navy or Ferry Command during wartime;

“without prior notice” means that for maintenance and operational actions deemed necessary by the City there is no obligation of the City to make or provide, in any form or manner, advance notice of said action occurring to an interment rights holder, the legal representative of a deceased or their heirs or successors;

“working day” means every day of a year that is not a Saturday, a Sunday or a holiday as defined in this bylaw or as may be observed by the City.

4.0 PURPOSE & APPLICATION OF BYLAW

4.1 The following described real properties are set aside, held, laid out, developed, improved, used and maintained, as City owned cemeteries and dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose;

(a) Lakeview Cemetery

Legally described as Lots 138, 139 and 140, of Map 305, and Lot “A” and Lot 187 of Plan B-5378, save and except the right of way of the Canadian Pacific Railway Company, and;

(b) Fairview Anglican Cemetery

Legally described as Lot 55, Plan 299.

4.2 The City cemeteries are acquired, established and laid out for the purpose of making interment, memorialization and bereavement rites and ceremonies and incidental memorial goods available to all persons, irrespective of race, faith, orientation or any other form of categorization, and are established more specifically to provide;

(a) suitable in-ground or above ground space for the interment of human remains and cremated remains or for the scattering of cremated remains, and;

(b) such additional facilities, services and goods as may be approved from time to time by the City that may ordinarily arise from the provision of interment, memorialization or bereavement rites or ceremonies at any Cemetery owned by the City.

4.3 The development, administration, operation and maintenance of every City cemetery and the provision of services therein and the application and administration of this bylaw and the establishment of fees and charges for every City Cemetery shall be conducted in accordance with any enactment of British Columbia or Canada, as the case may be, and regulations made thereto, as amended, revised, consolidated or replaced from time to time, and more specifically shall include but is not limited to;

(a) the *Cremation, Interment and Funeral Services Act (SBC 2004) Chapter.35*, and;

(b) the *Business Practices and Consumer Protection Act (SBC 2004) Chapter 2*, and;

(c) the *Local Government Act (RSBC 2015) Chapter 1*, and;

(d) the *Community Charter Act (RSBC 2003) Chapter 26*, and;

(e) the *Workers Compensation Act (RSBC 1996) Chapter 492*;

(f) the *Personal Information Protection Act (SBC 2003) Chapter 63*; and

(g) the *Freedom of Information and Protection of Privacy Act (RSBC 1996) Chapter 165*.

- 4.4 The City shall have the full and complete control and management over the land, buildings, plantings, roads, utilities, books and records of the City's cemeteries and shall have the authority to amend, establish, administer and enforce the Bylaws established for a City cemetery.
- 4.5 The City shall have the right to manage, maintain or alter the interment areas, memorials, roads and pathways, buildings, services infrastructure, change or remove plantings, grade, alter in shape or size, or otherwise to change all or any part of a City cemetery as they deem necessary or appropriate and subject only to compliance with any applicable requirement of the *CIFSA*.
- 4.6 The City shall establish and maintain Schedules that shall form a part of the Cemetery Management Bylaw, setting out the interment specifications and memorial specifications that shall apply to all City cemeteries.
- 4.7 The City shall have the authority to sell interment rights for any number lots of their choosing under such terms and conditions as they deem appropriate for the conduct of the business of the Cemetery.
- 4.8 The City shall have the authority to designate, on a limited basis, specific areas within the Cemetery for the exclusive use of a faith, organization or other group under such terms and conditions as they deem appropriate for the conduct of the business of the Cemetery.
- 4.9 The City shall have the authority to establish a client service program or enter into a client service agency agreement, an interment services agreement, a maintenance and operations agreement or other such agreements with an individual, business or other organization of their choosing and under such terms and conditions as they may deem appropriate for the conduct of the business of the Cemetery.
- 4.10 The City shall have the authority, at its cost and in a timely manner, to correct any error that may be made by it in making an interment, disinterment or in the description of a lot or the transfer or conveyance of a right of interment and grant in lieu thereof, a right of interment or a lot of equal value and location so far as is reasonably possible. In the instance of an error that may involve the interment or disinterment of human remains the City shall correct the error in compliance with and under such terms as may be set out in the *CIFSA*.
- 4.11 Subject to the authority and oversight of Council, the Corporate Officer of the City in an emergent or extraordinary circumstance shall have the authority to waive the application or enforcement of this bylaw where such action shall not contravene or violate any article or clause of the *CIFSA* or the *BPCPA*.

5.0 GENERAL PROVISIONS & REGULATIONS

- 5.1 The business days and hours of operation of the City cemeteries shall, for the following purposes, be;
- (a) **Visiting:** every day of the year from 7:00 a.m. to one hour after sunset on the same day, and;
 - (b) **Interment Services:** may, upon satisfying such terms and conditions established further in this Bylaw, occur on Monday through Saturday at a time arranged with and set by the City, and; may not occur on Sundays or on holidays observed by the City, and;

- (c) **Office:** located at the Finance Department in Penticton City Hall, Monday through Friday, from 1:00 p.m. to 4:00 p.m. and closed on weekends and holidays observed by the City.
- 5.2 No person shall be in a City cemetery between one (1) hour after sunset and 7:00 a.m. the following morning, without express permission of the City. A person who is in violation of this bylaw shall be deemed guilty of an infraction of this Bylaw and liable to the penalty herein set out.
- 5.3 The City shall have the authority to suspend or cancel interment services at, and limit or prohibit public access to part or all of a City cemetery when severe weather, road or grounds conditions or other extenuating or extraordinary circumstance may warrant or pose a hazard to the public, City personnel or make the movement and operation of vehicles or equipment unsafe.
- 5.4 Floral tributes may be placed at a City cemetery in accordance with the following schedule;
- (a) on the day of an interment and for a period of seven (7) days following an interment, any type of floral tribute is permitted, and;
 - (b) from April 31 to October 31, only fresh cut flowers may be placed on a lot. Potted plants, wreaths and artificial floral tributes of any type are prohibited during this period, and;
 - (c) from November 1 to March 31, in addition to fresh cut flowers, potted plants, wreaths, artificial floral tributes and seasonal floral tributes may be placed on a lot, and;
 - (d) potted plants, wreaths, artificial floral tributes and seasonal floral tributes placed between November 1 to March 31 will, without prior notice, be removed when the first grounds clean-up is carried out in the spring, and;
 - (e) a limit of one (1) flower container for the placement of fresh cut flowers, as approved by the City, shall be allowed to be set in each lot, and;
 - (f) in the case of a columbarium niche or a mausoleum crypt, artificial floral tributes may be placed in a bud vase approved, supplied and installed by the City, and;
 - (g) except for the day of an interment, the placement of any form of floral tribute shall not be permitted at the base of any columbarium or mausoleum structure, and;
 - (h) the City shall have the right, without prior notice, to remove or order removed any floral tribute that has been determined to be deteriorated, withered, is otherwise unsightly or has become detrimental to the general aesthetic of adjacent lots, a cemetery or that may pose a safety risk, or for the purpose of maintenance, or that may otherwise contravene this Bylaw.
- 5.5 The placement of any form of decoration, adornment, personal memento or other extraneous object, unless in compliance with this Bylaw, is not permitted on any lot in a City cemetery. Unauthorized items placed on any lot or in any City cemetery may, without prior notice, be removed or ordered removed by the City. This includes, but is not limited to, photographs, pictures, frames, boxes, shells, toys, wire screens, decorative rock, arbours, trellises and floral tripods.
- 5.6 Notwithstanding article 5.5 and subject to the approval of the City small personal objects or mementos may be permitted to be placed within mausoleum crypt or a columbarium niche where such items must be non-decomposing and non-perishable and will not be a hazard, harm or destroy the structure and will easily fit within the crypt or niche.

- 5.7 No open flame, candle, or burning of any substance or other material may take place inside a City cemetery without prior authorization given by the City and conducted under the direct supervision of the City.
- 5.8 The City shall not be liable for the deterioration, damage or loss of flowers, decorations or any other article attached to or placed on a lot or at a memorial site. Such flowers or articles that may be unsightly, broken or deteriorated may, without prior notice, be removed at the discretion of the City.
- 5.9 Except as may specifically be provided for elsewhere in this Bylaw, no lot or other part of a City cemetery may be decorated or adorned in any manner by any person other than the City without the express consent of the City where the exercise of such consent shall be within the sole discretion and authority of the City's Corporate Officer.
- 5.10 No tree, shrub, plant, bulb, flower or other decorative plant feature may be planted, pruned, cut down, removed or otherwise altered on a lot or anywhere else within the limits of a City cemetery without the express consent of the City.
- 5.11 Cemetery roadways are for the exclusive use of interment processions, cemetery patrons, or other persons as may be approved by the City and no vehicle shall exceed twenty (20) kilometers per hour and every operator of a vehicle shall, at all times, obey the directions and orders of the City.
- 5.12 No person shall drive or park a vehicle over any lawn, garden or flower bed without express permission of and subject to the supervision of the City.
- 5.13 Every person, including those in funeral processions, upon entering and while within a City cemetery, shall follow every instruction of the City. Any person not behaving with proper decorum within a cemetery or who disturbs the peace, quiet and good order of the cemetery may be evicted by the City, and in addition, shall be guilty of an infraction of this Bylaw and liable to the penalties hereof.
- 5.14 The City shall be responsible for:
 - (a) the supervision, control and charge of the City cemeteries and the services and goods provided therein, and;
 - (b) the direction of all workers employed from time to time by the City to perform work within the limits of a City cemetery, and;
 - (c) refusing admission or expelling from a City cemetery any individual or persons if such action is warranted, and;
 - (d) refusing the admission of and, without prior notice, ordering the removal of any unauthorized product, material, tree, shrub, plant or floral tribute brought into or placed at a lot or in a City cemetery in contravention of these bylaws.
- 5.15 No person shall:
 - (a) scatter, dispose of, or inter any cremated remains or bury any human remains within the limits of a City cemetery except in compliance with these bylaws and the CIFSA, and;
 - (b) define or delineate any lot or group of lots in a City cemetery by a fence, railing, coping, hedge or by any other marking except as may be permitted in the Memorial provisions of this bylaw, and;
 - (c) willfully or negligently destroy, mutilate, deface, damage, injure or remove anything from a City cemetery, including and without limitation, any memorial, plant, flower, tree, rock or other item located within the limits of a City cemetery, and;

- (d) carry out any activity within a City cemetery other than the attendance at an interment or memorial service or the visitation of a lot for the purpose of paying respect to the dead, and;
 - (e) drive a vehicle in a City cemetery other than on a designated roadway for vehicles and in compliance with posted speed regulations or other directives;
 - (f) conduct them self in a manner so as to disturb the peace, quiet and good order of City cemetery or an interment or memorial service being conducted therein, and;
 - (g) discharge any firearm in a City cemetery other than at a military funeral for which a firearm salute has been authorized by the City and is conducted under the direct command of an officer in charge and only during an interment or memorial service being conducted therein;
 - (h) bring into or dump any rubbish, debris or other offensive item or matter in a City cemetery or make an unauthorized removal of any cemetery refuse, waste or rubbish, and;
 - (i) allow a child or children under the age of sixteen (16) years within the limits of a City cemetery that is not accompanied by a parent, guardian or an adult supervisor, and;
 - (j) play any manner of sports game or sport activity within the limits of a City cemetery;
 - (k) otherwise violate any provision of this Bylaw or the *CIFSA*.
- 5.16 In the instance where an individual or a group of persons through their immediate behavior, or a pattern of behavior tracked over time, contravenes article 5.15 of this bylaw then the City may take such steps to expel the individual or a group of persons from a City cemetery and the individual or group of persons expelled may be subject to application of further penalty as set out in article 13.0 *Penalty for Infractions* of this bylaw.
- 5.17 No gratuity or extraordinary consideration shall be paid to or accepted by an employee or agent of the City for any service rendered or good provided in connection with a City cemetery.
- 5.18 All work within City cemeteries shall be performed by the City, employees of the City and authorized agents of the City. An individual or contractor other than those authorized workers of the City who perform work in a City cemetery, including an individual or contractor that performs work on behalf of a rights holder or legal representative of a deceased or their heirs or successors shall supply to the City, in a form prescribed by the City, such proof of the firm's or the contractor's Workers Compensation Insurance, Public Liability Insurance and Motor Vehicle Insurance coverage, in a form and amount acceptable to the City, prior to commencement of any work within the limits of a City cemetery.
- 5.19 The behavior of a contract worker including a contractor performing work on behalf of a rights holder or legal representative of a deceased or their heirs or successors within a City cemetery shall be subject to the supervision and control of the City.
- 5.20 A contract worker working in a City cemetery shall immediately cease work in the immediate vicinity of any interment or memorial service until the conclusion of the service and those persons attending the service have left the area where the service was being conducted.
- 5.21 No work may be performed at a City cemetery except during the regular business hours of the City and/or a City cemetery except where work outside of said days or hours has been specifically authorized and approved by the City.

- 5.22 The City shall, at all times, have the right of passage in any manner it sees fit over every lot and the land of every City cemetery to ensure that cemetery operations can be performed in a safe, efficient and timely manner.
- 5.23 Notwithstanding article 5.15(d) of this Bylaw the City shall have the authority to conduct or to permit to be conducted public or private events within a City cemetery that are, in the opinion of the City, deemed appropriate for and in keeping with the dignity and purpose of a cemetery.

6.0 INTERMENT RIGHTS

- 6.1 The City, subject to payment of an established fee, may grant an interment right for a vacant lot in a City cemetery on an at-need or a reserve basis.
- 6.2 An interment right is granted solely to confer the right to use a lot within the limits of a City cemetery subject to compliance with this bylaw or any Cemetery Management Bylaw that may be enacted by the City in the future.
- 6.3 An interment right does not confer to a rights holder any title to, ownership of, or interest in the land of a City cemetery or of a lot therein or any other special privilege over any land of a City cemetery.
- 6.4 An interment right confers to a rights holder a right to use, in compliance with this Bylaw or any Cemetery Management Bylaw that may be enacted in the future, a lot for the interment of human remains or cremated remains, or the scattering of cremated remains, of a person or persons named on an Interment Rights Certificate.
- 6.5 Possession of an interment right does not entitle a rights holder to require the City to perform an interment of human remains or cremated remains, or the scattering of cremated remains, into a lot until the rights holder complies in all respects with the this Bylaw as it relates to the interment of human remains or cremated remains, the scattering of cremated remains, or the purchase and placement of a memorial, including and without limitation the payment of all fees related to the exercise of the interment right.
- 6.6 The City shall issue to an individual paying in full the fee set out in the *Fees and Charges Bylaw* for an interment right an 'Interment Rights Certificate', in a form prescribed by the City, which sets out the rights of lot use attributed to the purchaser identified on the certificate.
- 6.7 An interment rights holder shall have the authority to designate who, other than them-self, may be authorized to control the exercise of an interment right registered in their name.
- 6.8 An interment rights holder, at the time of purchase, shall reserve the right to use a lot they have purchased for them-self or assign the right or any secondary rights to a lot to another person to which the interment right refers where an assignee so named shall be a family member of the rights holder. No interment right may be assigned to a non-resident without the express consent and agreement of the City and additional payment to the City equal to the difference between the resident and non-resident lot fees.
- 6.9 The City, at the request of an interment rights purchaser, may reserve for that purchaser a right to purchase the interment rights for one (1) adjoining vacant lot subject to:
 - (a) the purchaser being advised in writing that they are not acquiring the interment rights for the adjoining vacant lot but only a right to purchase the adjoining lot at a time of future need and where the purchase fee for the interment rights shall be the fee set out in the *Fees and Bylaws Charges Bylaw* in effect at the time of future need, and;

- (b) the purchaser, to maintain the reservation, shall agree to pay and keep in good account the reservation through payment in full of an annual reservation fee as set out in the *Fees and Bylaws Charges Bylaw*, and;
 - (c) the purchaser being advised that should they default, for any reason, on payment of the annual reservation fee their right to purchase the reserved adjoining lot shall be forfeited and the lot shall be returned to the vacant lot inventory of the cemetery and the City shall have the right to sell the interment right for the formerly reserved lot to another purchaser, and;
 - (d) subject to at-need lot demand, the City shall have the right to limit or suspend the reservation of interment rights in a City cemetery at any time and shall on a reservation basis never reserve more than twenty-five percent (25%) of the developed lots available at any given time in a City cemetery.
- 6.10 An interment rights holder may only designate one lot for their own use.
- 6.11 The exercise of an interment right, every interment or every other form of disposition of human remains or of cremated remains or installation of a memorial within the limits of a City cemetery is subject to;
- (a) all provisions of this Cemetery Management Bylaw as is now or may be in the future be in effect, and;
 - (b) this Bylaw and any terms, conditions, design, lot plan, interment and memorial parameters, standards of operation and maintenance established by the City for the City cemeteries, and;
 - (c) payment in full of any fee set out in the *Fees and Charges Bylaw* as is now or may in the future be in effect for the services and goods required for the use of a lot, and where payment shall be made in advance of a right of an interment, a service or a good being provided.
- 6.12 The City shall advise an interment rights holder to make a provision, upon a rights holder's death, for the transfer, whether in a will or other legal form of transmission, of their possession and control of an interment right or any secondary interment rights for a lot registered in their name at a City cemetery.
- 6.13 In the instance evidence of a clear line of transfer, inheritance, succession or authority for an interment right that survives an original rights holder is not provided by the legal representative, heir or successor of the original rights holder then the City shall have the authority to;
- (a) determine, through a policy, process and in a form prescribed by the City, the person or persons who may exercise a surviving right of interment and under what terms and conditions a surviving right of interment may be exercised or;
 - (b) where a clear and distinct right of succession cannot be reasonably demonstrated or ascertained prohibit the use of any surviving interment rights.
- 6.14 No individual or organization may purchase the interment rights for more than four (4) lots in a City cemetery without the prior consent and agreement of the City, where such consent and agreement may, at the City's sole discretion, be withheld.
- 6.15 Generally, and except where it may be otherwise set out in this Bylaw, a right of interment shall confer the following permitted uses for a human remains interment lot:
- (a) **Infant / Child Lot:** This form of lot is limited to the interment of the human remains of one (1) infant or child and the secondary interment of the cremated remains of not more than two (2) individuals who have a direct and immediate

familial (parent, sibling or grandparent) relationship to the interred infant or child;

- (b) **Flat Marker Lot:** This form of lot is limited to the interment of the human remains of two (2) persons and the secondary interment of the cremated remains of not more than four (4) persons;
- (c) **Green Burial Lot:** This form of lot is limited to the interment of the human remains of two (2) individuals and the secondary interment of the cremated remains of not more than four (4) individuals. The use of a green burial lot is subject, in every way, to *Section 9.0 'Green Burial' of the Cemetery Management Bylaw*;
- (d) **Veteran's Lot:** This form of lot will be located in a designated Veteran's section of a City cemetery and is limited to the interment of the human remains of one (1) individual who qualifies as a Veteran and the City may permit the secondary interment of the human remains or the cremated remains of the spouse of the Veteran interred in a Veteran's lot;
- (e) **Upright Monument Lot:** This form of lot is limited to the interment of the human remains of two (2) individuals and the secondary interment of the cremated remains of not more than four (4) individuals.
- (f) **Family Estate Lot:** This form of lot is limited to the interment of the human remains of up to four (4) individuals and the interment of the cremated remains of up to sixteen (16) individuals. This form of lot shall have as its first and primary form of memorial either one (1) double upright monument or two (2) single upright monuments and may also have up to six (6) additional flat memorials installed flush with the ground.
- (g) **Mausoleum Crypt Lot:** This form of lot is limited to the interment of the human remains of one (1) individual and the secondary interment of the cremated remains of not more than one (1) individual.

6.16 Generally, and except where it is otherwise set out in this bylaw, a right of interment shall confer the following permitted uses for a cremated remains interment lot:

- (a) **Standard Cremation Lot:** This form of lot is limited to the interment of the cremated remains of four (4) individuals;
- (b) **Green Burial Cremation Lot:** This form of lot is limited to the interment of the cremated remains of four (4) individuals. The use of any form of green burial lot is subject, in every way, to *Section 9.0 'Green Burial' of the Cemetery Management Bylaw*;
- (c) **Veteran's Cremation Lot:** This form of lot is limited to the interment of the cremated remains of two (2) individuals, of which at least one (1) individual qualifies as a Veteran;
- (d) **Family Estate Cremation Lot:** This form of lot is limited to the interment of the cremated remains of eight (8) individuals;
- (e) **Columbarium Niche Lot:** This form of lot is limited to the interment of the cremated remains of two (2) individuals.

6.17 Generally, and except where it is otherwise set out in this bylaw, a right of use shall confer the following permitted uses for the scattering and memorialization of cremation:

- (a) **Cremation Scattering:** This form of service is limited to the scattering of the cremated remains of one (1) person where the scattering shall be made in an ossuary or in a designated scattering area of a City cemetery. Only one (1) memorial of a design and type and at a location established by the City for scattering memorialization may be installed for this type of service.

6.18 The City shall have the authority to establish, amend or otherwise set out other interment rights for lots in a City cemetery that may have the same classification as the lots described herein but may have different interment capacity and memorial criteria specific to their design and location in a City cemetery.

7.0 TRANSFERS, RECLAMATION & SPECIAL PROVISIONS

7.1 An interment right for any unused lot may only be transferred back to the City. The original interment rights holder, their legal representative or their heir or successor must make a transfer request, in writing and in a form prescribed by the City, and the original interment rights certificate must be surrendered to the City.

7.2 An interment right may be surrendered to the City at the discretion of the City and, if approved, a refund, equal to the original purchase price of the lot LESS the Cemetery Care Fund contribution will be issued to the applicant provided;

- (a) there are no interments in the designated lot, and;
- (b) the original interment rights holder, their legal representative or their heir or successor has made written application to the City stating their intent to surrender the interment right, and;
- (c) the original Interment Rights Certificate is surrendered to the City, and;
- (d) an administration fee, in the amount equal to twenty percent (20%) of the original lot purchase price is paid to the City, and;
- (e) any fees or charges associated with the removal of any memorial that is on, or surrounding the surrendered lot is paid.

7.3 Subject to the *CIFSA*, and upon approval from the Consumer Protection Authority, an interment right for an unused lot may be reclaimed by the City if all of the following have occurred;

- (a) the interment rights holder would be at least ninety (90) years of age, and;
- (b) a minimum period of fifty (50) years has elapsed from the date of purchase, and;
- (c) a minimum of ninety (90) days has passed since notice of the intent to reclaim the interment right has been sent to last known address on record for the interment rights holder;
- (d) the City has made a reasonable and diligent attempt to contact the interment rights holder.

7.4 In the instance an interment right for a lot has been reclaimed and resold under the above circumstances and the interment right is subsequently required for use by the original rights holder, the City will provide another interment right of equal or greater value that has been chosen from the available lots of the cemetery by the original interment rights holder or the person who has authority under Section 5 of the *CIFSA* with respect to the interment of a deceased rights holder.

7.5 The City may sell the interment rights for five (5) or more lots but not more than ten (10) lots to an individual or organization under such terms and conditions as the City deems appropriate. Interment rights issued and services rendered by the City under this form of sale and its applicable conditions, shall be subject to payment at the regular rates set out in

the Fees and Charges Bylaw.

- 7.6 The City may, by special agreement, with a society, church, or other organization, reserve a section of a City cemetery under such terms and conditions as the City deems appropriate, to be used exclusively for the interment of deceased members of the society, church, or other organization. Upon such an agreement being made no person shall be issued an interment right for the reserved section, unless an application for an interment right is accompanied by a certificate from the society, church, or organization, stating that the individual is entitled to interment in the reserved section. All interment rights issued and services rendered by the City, under such an agreement and its applicable conditions, shall be subject to payment at the regular rates set out in the Fees and Charges Bylaw.

8.0 INTERMENT, SCATTERING, DISINTERMENT & EXHUMATION

- 8.1 Every interment of human remains or cremated remains into a lot shall be consistent with this Bylaw and Schedule B: Interment Specifications which is a part of this Bylaw.
- 8.2 Only human remains or cremated human remains may be interred in a City cemetery.
- 8.3 The interment of human remains or cremated remains or the scattering of cremated remains in a City Cemetery shall be conducted in a manner consistent with the dignity of adjacent lots, the Cemetery and general community standards.
- 8.4 No interment, disinterment, exhumation, scattering or any other form of human remains or cremated remains disposition at a City cemetery shall be permitted until:
- (a) the legal representative of a deceased completes, signs and delivers to the City an interment authorization, in a form prescribed by the City, and;
 - (b) it is ascertained that the deceased holds a valid interment right at a City cemetery or a rights holder at a City cemetery provides authorization for a deceased's human remains or cremated remains to be interred in a lot for which they hold an interment right, and;
 - (c) all outstanding indebtedness to the City relating to an interment right to be exercised, the interment fee and the fee for any other service provided or product supplied by the City to facilitate the interment, has been paid in full to the City, and;
 - (d) proper notice, in a manner prescribed by the City, has been provided to the City, and;
 - (e) for human remains, a B.C. Burial Permit has been surrendered to the City, or;
 - (f) for cremated remains, a Certificate of Cremation has been surrendered to the City, or;
 - (g) where a death has occurred in a jurisdiction other than the province of B.C., a disposition document for the interment, deemed acceptable by the City, has been surrendered to the City.
- 8.5 The City shall have the right to enter into an agency agreement with a funeral service provider or a funeral director or other qualified person or organization who shall assume responsibility to qualify an interment rights holders and / or a legal representative of a deceased and acquire all necessary information to complete a City interment authorization and collect payment for an interment and deliver all required documents, authorizations and payment prior to an interment, to the City, in a form prescribed by the City.
- 8.6 Reasonable notice of an interment is required. Normally notice and all documents and fees related to an interment booking shall be delivered to the City not less than twenty-four (24) hours prior to a scheduled interment time. Where an interment notice is requested in a period shorter

than twenty-four (24) hours prior to a scheduled interment time notice may, at the discretion of the City may be accommodated but shall be subject to payment of an administrative fee (short notice) fee as set out in the Fees and Charges Bylaw of the cemetery.

8.7 All cemetery appointments, interment bookings and payments for cemetery services shall be transacted under the terms set out herein and through the Finance Department office at Penticton City Hall located at 171 Main Street on the days and hours of operation of the City set out here for cemetery purposes;

- (a) Monday through Friday from 1:00 p.m. to 4:00 p.m., and;
- (b) this office shall be closed and no calls or appointments will be accepted or processed on weekends or holidays observed by the City, and;
- (c) where at least twenty-four (24) hours advance notice for an interment service is provided to the City within the days and times noted, and;
- (d) interment services bookings proposed for a Monday or a day following a City observed holiday must be received at the office on or before 2:00 p.m. of the previous business day of the City, and;
- (e) the City shall have the right, from time to time, to establish an interment services schedule that will control, limit or restrict the types and numbers of interments that may occur in a City Cemetery on a given day, and;
- (f) the failure to provide all due and proper advance notice to the City may result in an interment service booking being denied, and;
- (g) no booking or notice for an interment will be accepted by the City more than sixty (60) days in advance of a proposed date of interment, and;
- (h) the City, at its sole discretion, shall have the right to vary, alter or waive its established interment services schedule, advance notice requirements and booking limitations as deemed appropriate or as circumstances may permit.

8.8 Upon provision of proper notice and authorization, to the satisfaction of the City, for an interment service, interments may occur at a City cemetery as set out here;

a) **Human Remains Interment Services:**

- (i) may occur on Monday through Saturday;
- (ii) during the months of January 1 through December 31 between 9:00 a.m. to 1:00p.m. where the gravesite shall be clear of interment service attendees by 3:00 p.m., or;
- (iii) shall occur at a set time arranged with the City and conclude within two (2) hours of that time, and;
- (iv) may not occur on Sundays or on holidays observed by the City.

b) **Cremated Remains Interment Services:**

- (i) may occur on Monday through Saturday;
- (ii) during the months of April 1 through October 31 between 9:00 a.m. to 3:00p.m. where the gravesite shall be clear of interment service attendees by 3:30p.m. or;
- (iii) during the months of November 1 through March 31 between 9:00 a.m. to 2:00p.m. where the gravesite shall be clear of interment service attendees by 3:00p.m., and;
- (iv) shall occur at a set time arranged with the City and conclude within one (1) hour of that time, and;

(v) may not occur on Sundays or on holidays observed by the City.

- 8.9 Where an interment is directed by a Medical Health Officer written instructions with respect to all procedures to be followed on the interment, to protect the health and safety of all persons who may come into contact with the burial container bearing the human remains, shall be provided to the City by the Medical Health Officer in advance of the interment. The City shall convey the instructions of the Medical Health Officer to every City employee or their authorized agent participating in the interment and the City shall take such steps necessary to ensure the instructions are carried out throughout the course of the interment. The City shall be obligated to accommodate an interment directed by the Medical Health Officer as a when so ordered.
- 8.10 The City shall have the authority to suspend or cancel interment services at, and limit or prohibit public access to part or all of a City cemetery where severe weather, road or grounds conditions or other extraordinary circumstance may warrant or pose a hazard to the public, City personnel or their agents.
- 8.11 An individual, family or a group of people, may be allowed to witness an interment process subject to the following criteria;
- (a) the request to witness an interment is delivered to the City as part of the normal notice for and authorization of an interment, and;
 - (b) the City may, for safety purposes, limit the number of people allowed to witness an interment, and;
 - (c) all proceedings at an interment shall be under the direction of the City and every witness present shall be obligated to follow every instruction given by the City personnel directing the interment, and;
 - (d) a witness interment service may be subject to an administrative fee set out in the Fees and Charges Bylaw of the cemetery and said fee shall be paid in full to the City prior to the interment service, and;
 - (e) witnesses to an interment may be required to sign a waiver exempting the City from responsibility for any emotional, psychological or physical injury that may arise from witnessing an interment.
- 8.12 Only the City shall excavate, open or close a grave, crypt, niche or any other form of a lot in a City cemetery.
- 8.13 Every interment service in a City cemetery shall be conducted by or performed under the direct supervision of the City.
- 8.14 The City shall establish a Schedule that sets out the interment standards for each type of lot and interment offered at a City cemetery including, lot excavation criteria, minimum interment depths and minimum interment coverage depths in City cemetery lots.
- 8.15 For every grave designated for the interment of the human remains the first interment of human remains shall be made in the grave at the deepest interment depth and any subsequent interment shall be made over the first and each of the interments in the grave shall conform to any further specifications established by the City relating to interment depths and coverage.
- 8.16 For interment into an in-ground lot, human remains shall be enclosed in a burial container that complies with the *CIFSA* and these bylaws.
- 8.17 For interment into a mausoleum crypt, human remains shall be enclosed in a burial container that complies with the *CIFSA*, these bylaws, and;
- (a) the human remains shall be embalmed, or;

- (b) if the human remains are not embalmed, they shall be enclosed in a hermetically sealed burial casket or container that is approved by the City.
- 8.18 Every in-ground interment of human remains shall be made into a grave liner of a standard design established and maintained for every interment by the City and normally provided by the City at the expense of the legal representative of a deceased, an interment rights holder or their legal representative, heir or successor. The only permitted exception to this requirement for a grave liner is for the interment of an infant or an interment into a green burial lot.
- 8.19 Where a grave liner, that meets in every way the standard established and maintained by the City, is proposed to be supplied by an individual or business other than the City then only the City shall install the grave liner into the lot or the City may require the supplier of the grave liner to install the grave liner they are supplying under the supervision of the City and any installation made shall be at the supplier's expense and at a day and time of the City's choosing. The installation of a grave liner supplied by an individual or business other than the City shall be subject to an administrative fee set out in the *Fees and Charges Bylaw* of the Cemetery and the fee shall be paid in full to the City prior to the delivery of a grave liner to a City cemetery or the installation of the grave liner into a lot at City cemetery.
- 8.20 The legal representative of a deceased, the interment rights holder, their heirs or successors, or their agent or funeral service provider shall be deemed to retain custody of human remains or cremated remains for interment until the remains are delivered to the City's representative at an interment lot. Prior to accepting custody of remains at a lot the City shall not be liable for any delay in an interment service and, after accepting custody, shall not be liable for any delay in an interment arising from circumstances outside of the City's control.
- 8.21 It is the responsibility of the legal representative of a deceased, or the interment rights holder, or their heir or successors, or their agent or funeral service provider to provide such means and persons to transfer and deliver human remains to an interment lot for interment.
- 8.22 Cremated remains for interment into an in-ground lot shall be enclosed in an urn or container of a design, size and material approved by the City.
- 8.23 Cremated remains for interment into a columbarium niche or a mausoleum crypt shall be enclosed in a sealed urn or container constructed of permanent, durable material approved by the City.
- 8.24 In a lot designated for the double-depth interment of human remains any cremated remains interred into the lot before the human remains interments occur, or made over the first human remains interment into the lot, must be enclosed in a permanent, non-decomposing urn or container that will permit recovery, removal and re-interment of the cremated remains when accommodating any future human remains interment in the lot. Cremated remains interred into this form of lot that are not interred in a permanent, non-decomposing urn or container will not be disturbed to permit the future use of a double-depth grave for any permitted interment of human remains.
- 8.25 Cremated remains may only be scattered in a City cemetery in areas or features designated for scattering in a City cemetery.
- 8.26 Only the City, or a person and under the supervision of City personnel, is authorized to place cremated remains into a cemetery vessel or ossuary or to scatter cremated remains in a designated scattering area in a City cemetery.
- 8.27 Cremated remains placed into an ossuary shall be considered from the moment of placement as a permanent, co-mingled and non-recoverable disposition of the cremated remains.
- 8.28 No form of urn or other form of container may be placed into an ossuary.

- 8.30 The City, its employees and authorized agents of the City providing cemetery services shall exercise due care and attention in making an interment but shall not be responsible for any emotional, psychological or physical injury that may occur to a living person or any injury to human remains or damage to any casket, urn or any other form of burial container sustained as part of an interment, disinterment or exhumation except where such injury or damage may be caused by the gross negligence of the City, its employees or its agents.
- 8.31 Every exhumation and disinterment of human remains or cremated remains shall be conducted in compliance with the *CIFSA* and in a manner consistent with the dignity of adjacent lots, the City and general community standards.
- 8.32 Except where ordered by a Court of competent jurisdiction or a Medical Health Officer no disinterment or exhumation of human remains or cremated remains shall be made from a green burial lot in a designated green burial area.
- 8.33 Human remains interred in a green burial lot shall be considered non-recoverable from the date of interment. The City shall have no obligation, except where ordered to do so under a provision of legislation, regulation or as ordered by a Court of competent jurisdiction to recover human remains interred in a green burial lot.
- 8.34 Where the City may be required or ordered to perform a disinterment or exhumation of human remains from a green burial lot the requesting institution, party, interment rights holder and / or legally authorized representative of the deceased, their heirs or successors, or any other authorizing party ordering the disinterment or exhumation shall be responsible for the costs associated with the provision of the service provided and the costs related to the destruction and restoration of all green burial area plantings affected by the provision of the disinterment or exhumation service.
- 8.35 Cremated human remains scattered or interred in any area or lot in a green burial area shall be considered non-recoverable from the date of the scattering or interment and the City shall have no obligation to attempt a recovery of cremated remains so scattered or interred.
- 8.36 No disinterment or exhumation shall be allowed until;
- (a) the legal representative of the deceased who, pursuant to Section 5 of the *CIFSA*, has the right to authorize the disinterment of a deceased person's human remains has acquired, completed, duly signed and provided to the City a disinterment authorization, in a form prescribed by the City, and;
 - (b) a disinterment/exhumation permit as may be required or issued by the Consumer Protection Authority under the *CIFSA*, has been delivered to the City, and;
 - (c) in the instance where the person who is the legal representative of the deceased to be disinterred is not the rights holder for the lot from which the disinterment/exhumation is being made then written authorization from the rights holder to open their lot for the disinterment/exhumation shall be provided to the City, in a form prescribed by the City, and;
 - (d) all outstanding indebtedness to the City relating to a right of interment, the exercise of the disinterment/exhumation right from the lot, and any other service provided or product supplied by City to facilitate a disinterment/exhumation, has been paid in full at the Finance Department Office, where the fees for disinterment and exhumation are set out in the Fees and Charges Bylaw, and;

- (e) a transport permit, as circumstance may require under the *CIFSA*, issued by the Consumer Protection Authority has been delivered to the City.
- 8.37 In the instance where a rights holder makes a request for the discretionary disinterment of human remains or cremated remains from a lot under their control then the rights holder making the request shall first provide in writing to the City at their expense and in a form prescribed by the City, a document setting out;
- (a) such proof as the City may request, up to and including sworn affidavits, to establish the identity and the legal right and authority of the person to make such a request, and;
 - (b) such other information as the City may reasonably request as to the purpose and reason for the disinterment, and;
 - (c) the provision of such information shall not bind the City to permit the discretionary disinterment and the City shall have the right to require the person making the discretionary disinterment request to acquire, at their expense, a Court order that compels the City to make the disinterment requested.
- 8.38 Except where ordered by a Court of competent jurisdiction or a Medical Health Officer, no person other than employees or authorized agents of the City along with any duly contracted funeral director shall be permitted to be present at the disinterment or exhumation of human remains or cremated remains from a lot in a City cemetery.
- 8.39 The City's responsibility in the performance of a disinterment/exhumation shall be limited to;
- (a) the excavation of soil from a lot to permit access to the human or cremated remains buried in the lot, or;
 - (b) the opening of a sealed crypt or niche to permit access to the human remains or cremated remains interred in a crypt or niche, and;
 - (c) the removal of intact burial liners, and;
 - (d) the closure of the lot when the disinterment/exhumation is complete.
- 8.40 The physical removal of exposed human remains and their transfer into a container that fully encloses the disinterred human remains shall be performed by a funeral director authorized by and employed at the expense of the person requesting the disinterment. No employee or agent of the City shall be compelled or required to handle or participate in the removal of exposed human remains from a lot.
- 8.41 The City shall exercise due care and attention in making a disinterment or exhumation but shall not be responsible for any physical injury to human remains or damage sustained to any burial casket, urn, other form of burial container or grave liner as part of the disinterment or exhumation process.
- 8.42 Other than the recovery of the human remains or cremated remains readily apparent and present in a lot opened for a disinterment the City shall make no representation or warranty as to what other material, personal effect or other extraneous item may possibly be recovered from a disinterment or exhumation.
- 8.43 The authorization of a disinterment/exhumation shall grant the City sole and discretionary authority to dispose of, in a safe, environmentally sensitive and dignified manner, all extraneous materials that may incidentally be recovered from a lot as part of a disinterment or exhumation process, including but not limited to remnants of a burial casket, urn, other form of burial container or a grave liner or burial vault present from the date of the original interment.

- 8.44 A disinterment or exhumation in a City cemetery shall, without exception, be performed on a day and at a time of the City's choosing.
- 8.45 The re-interment of disinterred human remains or cremated remains into another lot within a City cemetery shall comply with this Bylaw in every way and as may be applicable.

9.0 GREEN BURIAL

- 9.1 The City shall have the right to designate areas within a City cemetery where the green burial of human remains and cremated remains may be accommodated.
- 9.2 The Bylaws of the cemetery in their entirety together with those that follow here shall apply to the provision of green burial rights of interment, green burial interment of human remains, interment or scattering of cremated remains in a green burial area, memorialization, planting and visitation in a green burial area in a City cemetery.
- 9.3 Interment Rights in a green burial area may be purchased on an at-need basis only.
- 9.4 Green burial lot assignment shall only be made at the time a lot is required for an interment of human remains or cremated remains.
- 9.5 Green Burial Interment Rights may be purchased for the following type of green burial lot:
- (a) a double-depth interment lot where ground conditions permit such interment and the cemetery lot plan designates this form of lot, and;
 - (b) this form of lot may be used for the interment of the human remains of two (2) persons and the secondary interment of the cremated remains of a not more than four (4) persons or, where no interment of human remains is intended, the interment of the cremated remains of not more than six (6) persons.
- 9.6 For every exercise of an interment right in a green burial area the City shall have the right to assign the green burial area and lot to be used for an interment where such assignment shall be subject to the lot use, planting and eco-system management plan established by the City for the green burial area where a lot is located.
- 9.7 Human remains interred in a green burial lot shall be considered non-recoverable from the date of interment and the City shall have no obligation, except where ordered to do so under provisions of legislation, regulation or as ordered by a court of competent jurisdiction to recover human remains interred in a green burial lot.
- 9.8 Human remains proposed for interment in a green burial lot shall:
- (a) be in a natural state and shall not be embalmed, and;
 - (b) be clothed, wrapped or shrouded in natural and fully biodegradable fiber or material, and;
 - (c) be enclosed in a shroud, casket or alternative container that is approved by the City for use in a green burial lot, and;
 - (d) be enclosed in a shroud, casket or alternative container with a rigid base that permits the dignified transport and safe handling of the human remains by all persons so charged.
- 9.9 An interment rights holder and / or the legal representative of a deceased person to be interred in a green burial lot shall:
- (a) ensure a shroud, casket or alternative container proposed for interment in a green burial lot is a City approved container, and;
 - (b) arrange for the dignified transfer of the human remains to a gravesite.
- 9.10 A shroud, casket or alternative container proposed for green burial interment shall;

- (a) comply with any provision set out for caskets or containers set out in any legislation or regulation, and;
 - (b) be approved for use in the green burial area of the cemetery by the City prior to a scheduled interment service, and;
 - (c) be primarily constructed of fully biodegradable and environmentally sustainable materials, and;
 - (d) have interior finishing primarily fabricated of fully biodegradable and environmentally sustainable materials and natural fibers, and;
 - (e) have, as a function of their design, a safe and secure means with which to facilitate the dignified transfer of the human remains enclosed to the interment site and lowered into the excavated lot, and;
 - (f) with the exception of minimally necessary structural hinges, nails and screws, not have any extraneous part, fixture or decoration attached that is made of plastic, metal, or other non-biodegradable material, and;
 - (g) not have a high gloss or polish finish achieved through the application of any synthetic or environmentally hazardous, toxic or non-biodegradable chemical or agent, and;
 - (h) not have been constructed with the use of any synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent, and;
 - (i) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable material, and;
 - (j) not have any non-biodegradable personal item, memento or article placed inside the space occupied by the human remains.
- 9.12 Shrouds, caskets or alternative containers that are constructed from fibre-board, particleboard, plywood, non-sustainable or exotic wood, metal, bleached or non-recycled cardboard or other form of non-sustainable, non-biodegradable or artificial material are prohibited from interment in a green burial lot.
- 9.13 The City shall have the right to approve, or to refuse to accept for burial, any shroud, casket or alternative container proposed for interment in a green burial lot.
- 9.14 The interment of human remains in a green burial lot shall be made at a depth deemed sufficient to achieve effective, natural decomposition of the human remains interred and be of sufficient depth to ensure the interred human remains will not be disturbed by wildlife.
- 9.15 No form of exterior grave box, grave liner or protective vault is permitted in a green burial interment lot.
- 9.16 The City shall have the right to utilize such equipment, including motorized equipment, to open and close a green burial lot as it deems necessary to protect the safety of all City personnel, and any person participating in and attending the interment service and to permit for the safe and dignified interment of the human remains into the lot, and shall make every reasonable effort to replace soil in a grave occupied by human remains in as sensitive a manner as is practical.
- 9.17 Upon provision of advance notice to the City, family members and / or friends of a deceased may be permitted to participate in the closing of a green burial lot. In the instance where persons other than City personnel participate in the closing of a lot, said persons shall;
- (a) be subject to supervision by City personnel, and;
 - (b) follow all instructions issued them by City personnel, and;

- (c) be of sound physical condition and be capable of the participation intended, and;
 - (d) assume personal liability for any injury arising as a result of their participation in such activity.
- 9.18 The City makes no warranty of protection nor bears any liability for the aesthetic, structural or physical impacts made to a casket or alternative container and the enclosed human remains that may arise from the replacement of gravesite soil into a green burial lot.
- 9.19 The interment of cremated remains in a green burial area shall be considered non-recoverable from the date of disposition and the City shall have no obligation and shall have no means to recover cremated remains interred in a green burial area.
- 9.20 Where an interment right has been purchased and assigned for a green burial lot with the intent of interring or scattering cremated remains in the lot, the disposition of cremated remains shall not be made until all of the permitted interment(s) of human remains have been made into the assigned lot.
- 9.21 Cremated human remains proposed for disposition in a green burial area shall be enclosed in an urn or container that;
 - (a) is approved for use in the green burial area by the City prior to a scheduled scattering or interment service;
 - (b) is designed to decompose upon contact with or in the ground;
 - (c) is made of a fully biodegradable material which may include recycled and unbleached paper or cardboard;
 - (d) shall not have any interior plastic, metal or other form of permanent liner, container or bag.
- 9.22 Witnessing the disposition of cremated remains in a green burial area shall be subject to the following;
 - (a) provision of a request to witness the disposition is provided to the City at the time the disposition arrangements are made, and;
 - (b) the City for safety reasons may, at its discretion, limit the number of persons permitted within close proximity to the site where the green burial or scattering of cremated remains is taking place, and;
 - (c) all proceedings within the green burial area shall be under the sole direction of the City, and;
 - (d) all persons attending a witness service shall comply with the supervision of and instructions given by the City.
- 9.23 Witness services may be subject to an additional fee set out in the *Fees and Charges Bylaw* for the cemetery and shall be paid in full to the City prior to the witness service.
- 9.24 To maintain and protect the health and integrity of maturing green burial area plantings and eco-systems the City shall have the right to scatter or inter cremated remains intended for a specific lot in an area that is adjacent to or as near as possible to a requested lot. The City shall make every reasonable effort to make such a scattering or interment of cremated human remains in a specific lot requested.
- 9.25 The City shall have the right to permit the non-recoverable, random, co-mingled surface scattering of cremated remains in a green burial area providing that such scattering is done by the City in areas not occupied by or reserved as interment lots under a grant of an interment right.

- 9.26 The City shall install communal memorials of a design of their choosing for the purpose of making approved memorial inscriptions to commemorate green burial interments and scatterings.
- 9.27 When a green burial interment or a scattering is made in a green burial area there is no obligation to have a memorial inscription made on a green burial memorial.
- 9.28 No inscription shall be made on a green burial memorial until;
- (a) the inscription is approved by the City;
 - (b) all outstanding indebtedness to the City relating to the right of interment for a lot, interment and the engraving of the inscription has been paid in full.
- 9.29 For every memorial inscription made on a green burial memorial the inscription shall be;
- (a) placed on the memorial stone designated for the lot or group of lots where an interment was made;
 - (b) recorded sequentially on the appropriate memorial stone as interments occur;
 - (c) composed on one line, as space may permit, of an inscription limited to the given name(s) and/or initial(s) and the surname of a deceased and the year of birth and the year of death of a deceased.
 - (d) engraved to a standard depth in a standard font established by the City for the memorial where the inscription is being made, and;
 - (e) made by the City or an approved agent or supplier of the City.
- 9.30 No inscription that deviates from the content and specifications set out in Article 9.29 of this Bylaw or that is inconsistent with the dignity of adjacent inscriptions, lots, the Cemetery or community standards shall be placed on any green burial memorial.
- 9.31 The City shall have the right to determine when inscriptions may be made on a green burial memorial and shall make new inscriptions as they may accumulate at a minimum of two (2) times in each calendar year.
- 9.32 Other than City installed memorials no other memorial marker, monument, edging, grave cap or other stone, vase, ornament or any other structure shall be placed on, in or around any lot in a green burial area.
- 9.33 The City shall have the right to maintain, reposition, move, relocate or otherwise change a green burial memorial as deemed necessary and subject only to compliance with the requirements of the CIFSA.
- 9.34 The City shall have the right, without prior notice, to remove and dispose of any unauthorized memorial product, object or memento from a green burial lot or a green burial area.
- 9.35 Floral tributes that accompany human remains or cremated human remains as part of an interment service shall be permitted to remain on an interment site for a maximum of two (2) weeks. After two (2) weeks the City shall have the right, without prior notice, to remove and dispose of such flowers.
- 9.36 Except for floral tributes accompanying an interment service no other floral tributes, artificial flowers, unauthorized planting, memorial, vase or decoration of any form or type may be placed on a green burial lot. The City shall have the right, without prior notice, to remove and dispose of any unauthorized object, flower or plant on a green burial lot.
- 9.37 To maintain a balance of planting species in green burial areas all plantings shall be made according to a pre-established planting plan for the area.

- 9.38 Only locally indigenous trees, bushes, shrubs, groundcover and wildflowers native to and typical of those found in the City's climate zone shall be planted in a green burial area.
- 9.39 Planting in a green burial area shall only be done as may seasonally be recommended for the type of planting to be made. This may mean that a burial which takes place in late winter may not have a planting made on that lot until the following fall or winter.
- 9.40 Only the City shall make or supervise planting in a green burial area.
- 9.41 Depending on the location of a lot used, an interment rights holder, the legal representative of a deceased, their heirs or successors may be offered a choice of planting for a lot and may be offered the opportunity to participate in the planting process for their lot.
- 9.42 The City shall make every reasonable effort to ensure the longevity of any memorial planting but does not offer any guarantee in this respect.
- 9.43 The City shall have the right to manage, maintain and alter the interment areas, memorials, roads and pathways, change or remove plantings, grade, alter in shape or size, or otherwise to change all or any part of a green burial area as they deem necessary and subject only to compliance with any applicable requirements of the *CIFSA*.
- 9.44 Visitors shall be permitted to visit green burial areas during the regular visiting hours of the City cemetery.
- 9.45 The City shall establish and maintain pedestrian paths and visitation zones around green burial communal memorials to facilitate visitation.
- 9.46 To protect and maintain the health and integrity of green burial area plantings and ecosystems the City shall have the right to limit, restrict or prohibit the visitation of individual graves in any green burial area in a City cemetery.
- 9.47 The City shall have the right to limit, restrict or prohibit vehicle access to any green burial area in a City cemetery.

10.0 MEMORIALS

- 10.1 Every installation of a memorial onto a lot in a City cemetery shall be consistent with this Bylaw and *Schedule A: Memorial Specifications* which is a part of this Bylaw.
- 10.2 For the purposes of this section of the Bylaw, *applicant* means an interment rights holder or the legal representative of a deceased, their heirs or successors, or a memorial supplier acting as an agent of an interment rights holder or the legal representative of a deceased, or their heirs or successors.
- 10.3 It is the responsibility of a rights holder or the legal representative of a deceased to make arrangements for the supply and installation of a memorial on a City cemetery lot. The City shall bear no responsibility or obligation to place or install at the City's expense any form of temporary or permanent memorial at an interment lot or a remembrance site.
- 10.4 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot.
- 10.5 Every memorial and the installation thereof shall conform to the plan established for the lot and the section of the City cemetery in which the memorial is proposed to be installed specifically, and to the plan of the City cemetery generally.
- 10.6 Every memorial shall be constructed of granite, or bronze on a granite base, or another material of permanent and durable material approved by the City that conforms to this Bylaw and any and all other specifications established by the City for the City cemetery in which the memorial is proposed to be installed.

- 10.7 The City shall create, maintain and keep current a *Schedule of Memorial Specifications* that sets out the details of permitted design, construction, inscription, location and installation of memorials for each type of lot or memorial offered in a City cemetery and the *Schedule of Memorial Specifications* shall form a part of this Bylaw.
- 10.8 No memorial, inscription, engraving, or ornamentation or combination thereof, including but not limited to a reference to any pet or pets, that is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 10.9 No memorial shall be installed on a lot until plans and specifications describing fully the memorial's proposed size, design, material, inscription and location have been submitted to the City, in a form prescribed by the City, by an applicant for a memorial permit.
- 10.10 No memorial shall be installed on a lot until:
- (a) an application for installation is received by the City, and;
 - (b) it is determined the memorial described on the application complies in every way with the specifications set out for memorial placement on the lot where installation is proposed, and;
 - (c) the applicable memorial installation Care Fund contribution set out in the fees and rates bylaw is paid in full to the City, and;
 - (d) all outstanding indebtedness as relates to interment rights, lot, interment, and memorial installation has been paid in full to the City, and;
 - (e) upon satisfying all of the above a memorial permit may be issued by the City to authorize installation of the memorial.
- 10.11 Where an applicant is a memorial supplier, other than the City, then it is the responsibility of the memorial supplier to confirm the correct location for a memorial proposed for installation and, for a companion memorial, to further confirm the correct orientation for a companion inscription on the memorial. The City shall bear no responsibility or financial liability for a memorial where it can be shown these tasks were not performed by an applicant or outside memorial supplier.
- 10.12 The City shall have the authority to refuse to issue a memorial/marker permit to an applicant if the applicant has failed to comply with the requirements of this Bylaw or any requirement established by the City governing memorials at City cemeteries. Where such a refusal may occur, the City shall inform the applicant of what is not compliant about the memorial application and the steps that must be taken to resolve the deficiency.
- 10.13 The City shall have the authority to reject a memorial, despite the prior issuance of a memorial permit, when the memorial delivered for installation does not match the specifications described in the memorial permit application or does not comply with the requirements of this Bylaw or any requirement established by the City governing memorials at City cemeteries or, the memorial, inscription, engraving, or ornamentation or combination thereof is, in the judgement of the City is inconsistent with the dignity of adjacent lots, the cemetery or community standards. Where such a refusal may occur, the City shall inform the applicant of what is not compliant about the memorial delivered for installation and the steps that must be taken to resolve the deficiency.
- 10.14 The type and design of a memorial and, the maximum width, depth and thickness of a memorial and, the form and style of a memorial inscription is conditional on the type of lot or lots on which it is being installed. In every instance, a memorial shall comply with the specifications set out in this Bylaw and in any further requirements established by the City for a particular form of lot at a City cemetery.

- 10.15 No memorial shall have a photographic appliqué or emblem of any kind that is attached by adhesive of any kind. Any form of photograph or emblem must be an integral part of the memorial either casted, or bronze, or sand-blasted or laser-etched on granite.
- 10.16 Every memorial shall conform to the specifications set out in this Bylaw and any further requirements established by the City for a particular form of lot at a City cemetery at the time the memorial is placed or installed, not at the time the memorial is purchased or at the time of death.
- 10.17 Every memorial at a City cemetery shall be placed, installed, relocated or removed by the City.
- 10.18 The installation of memorials shall occur during the regular business hours of the City cemetery and installations will be made as soon as practicable after the delivery of a memorial to the City. Memorial installation timelines may vary depending on cemetery service and staff scheduling, weather and ground conditions. Memorial installation, due to winter weather conditions, will not normally occur from November 1 through to March 31.
- 10.19 The City shall be responsible to maintain the land of the lot on which a memorial is placed or installed but shall not be responsible for the maintenance of any memorial on the lot and shall not be liable for, or obligated to repair, any scratch, breakage or damage to a memorial in a City cemetery except where it can be shown any such a scratch, breakage or damage has been caused by the gross negligence of the City, its employees or its agents.
- 10.20 A rights holder or the legal representative of a deceased, their heirs or successors are required to keep in proper repair, at their expense and to the satisfaction of the City, all memorials on their lot. In the instance a memorial is placed, or installed, on a lot in a City cemetery and then falls into a state of disrepair, the City will document the condition of the memorial and shall have the authority, without prior notice, to have the memorial removed from the lot and from the City cemetery, in each case at the expense of rights holder, the legal representative of a deceased, their heirs or successors.
- 10.21 Where it is determined a memorial or its installation do not comply with this Bylaw or any further memorial requirements established by the City for a City cemetery then the non-compliant memorial may, without prior notice, be moved, reinstalled or permanently removed and placed in safekeeping by the City at the expense of a rights holder, the legal representative of a deceased, their heir or successor, or their memorial supplier.
- 10.22 Subject to the approval of the City, the City may permit one concrete lantern tablet, installed by the City flush to ground level at the head of a standard or infant grave only, to allow for the placement of not more than two (2) single solar powered lanterns per grave.
- 10.23 Lantern tablets, as a form of memorial, shall be supplied and installed solely by the City and purchased exclusively from the City.
- 10.24 Lantern tablets shall only be installed, removed or modified in a City cemetery when a person requesting a tablet has made application to the City and subject to the terms and conditions, as may be applicable, set out in Article 10.8 of this Bylaw.
- 10.25 The City shall have the right, under such terms and conditions as it may see fit, to permanently discontinue the supply and installation of lantern tablets at a future date of its choosing.
- 10.26 At the time of an interment the City may permit a temporary, non-permanent memorial marker of a design and size approved by the City to be placed on a lot where the temporary memorial marker shall be limited to placement on the lot for a period not to exceed six (6) months from the date of interment. The City shall have the authority to remove and dispose

of, without prior notice, a temporary, non-permanent memorial marker remaining on a lot where more than six (6) months have expired from the date of interment.

- 10.27 The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature may be permitted subject to the approval of the City and the following criteria;
- (a) an application, in a form prescribed by the City, shall be made to the City giving the proposed specifications, design and materials of the proposed memorial and must be approved in writing by the City before any delivery or installation can proceed, and;
 - (b) site selection shall conform to the plan of the City cemetery as determined by the City, and;
 - (c) installation, if not performed by the City, shall be under the supervision of the City and the cost of installation shall be borne by the applicant, and;
 - (d) the placement of a dedicated item or custom memorial does not entitle a donor or an applicant to any privilege or right over the land upon which the memorial may be situated.
- 10.28 A memorial planting, memorial bench or any other form of custom memorial shall only be installed, removed or modified in a City cemetery when a person requesting a memorial planting, memorial bench or any other form of custom memorial has made application to the City as an applicant and subject to the terms and conditions, as may be applicable, set out in articles 10.8 and 10.23 of this Bylaw.

11.0 ADMINISTRATION

- 11.1 The Mayor and Council of the City are the trustees of the City cemeteries and are responsible for the development, management, operation and maintenance of the City cemeteries in accordance with any enactment of British Columbia or Canada, as the case may be, and regulations made thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw of the Council of the City of Penticton, as amended, revised, consolidated or replaced from time to time.
- 11.2 The Mayor and Council of the City as trustees of the City cemeteries are responsible for the administration and enforcement of this bylaw where said administration and enforcement of this bylaw shall be conducted in a consistent, fair and equitable manner in every case and circumstance with every user of a City cemetery.
- 11.3 The Mayor and Council of the City as trustees of the City cemeteries shall designate such employees of the City or engage and authorize such agents of its choosing and as it deems necessary to administer the City cemeteries and to develop, manage, operate and maintain the City cemeteries in the name of the City.
- 11.4 The Corporate Officer of the City shall be responsible for the general administration, interpretation and enforcement of this bylaw and further;
- (a) shall ensure all records and information for the management, administration, operation and maintenance of the City cemeteries are collected and retained as required under the *CIFSA* and *BPCPA*, as administered and enforced by the *Consumer Protection Authority of B.C.*, and;
 - (b) shall ensure all rights of interment, permits and contracts are issued as required and in compliance with the *CIFSA* and *BPCPA*, as administered and enforced by the *Consumer Protection Authority of B.C.*, and as authorized by this bylaw, except as otherwise provided in this bylaw, and;

- (c) shall, in the instance of providing clarification or resolving a dispute, have the authority to interpret and enforce this bylaw in the name of the City, and;
- (d) may designate other City employees to perform administrative tasks and actions in support of their responsibility under articles 11.4 (a) and (b) above.

12.0 FEES & CHARGES

- 12.1 The City shall from time to time and on a regular basis review, establish, add, amend or delete the fees and charges to be charged at City cemeteries for the provision of interment rights, interment services, memorials and memorial installations and any other services or goods ancillary to the provision of service, operation and maintenance of the City cemeteries.

13.0 PENALTY FOR INFRACTIONS

- 13.1 A person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform a duty or obligation imposed by this bylaw, shall be liable on summary conviction to a penalty of not less than \$50 and not more than \$2,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding three (3) months, or both.

14.0 CEMETERY CARE FUND

- 14.1 A fund for the maintenance and care of the cemetery and the lots therein is hereby established, set aside and maintained. All monies in the Cemetery Care Fund shall be held and invested as trust funds by the City and in accordance with the requirements of the *CIFSA*.
- 14.2 The Cemetery Care Fund will be maintained with the City's financial institution in an account to be designated as the "Cemetery Care Fund". The City will be responsible for all deposits to the account and for ensuring that:
- (a) the account and all deposits comply with all applicable provisions of the *CIFSA*, and;
 - (b) any investment of monies in the Cemetery Care Fund is carried out as permitted and in compliance with the *CIFSA*; the *Local Government Act*, the *Community Charter [SBC 2003] Chapter 26* and this bylaw, and;
 - (c) any interest earned on investments of the Cemetery Care Fund may be used for maintenance and care of the cemetery in the year in which the interest and income is earned, or may be retained in the Cemetery Care Fund to increase the principal sum of the fund.
- 14.3 The City may accept voluntary payments to the Cemetery Care Fund from any person or organization.
- 14.4 The principal sum of the Cemetery Care Fund shall not be reduced other than in accordance with an order from the Consumer Protection Authority pursuant to the *CIFSA*.

15.0 COMMENCEMENT OF TRANSITIONAL PROVISIONS

- 15.1 This Bylaw will come into force upon adoption thereof.

16.0 REPEAL OF PRIOR BYLAW

16.1 "The Corporation of the City of Penticton Cemetery Management Bylaw No. 2010-09 (2010)" and all amendments thereto are hereby repealed upon adoption of this bylaw.

READ A FIRST time this	20	day of	March, 2018
READ A SECOND time this	20	day of	March, 2018
READ A THIRD time this	20	day of	March, 2018
ADOPTED this		day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

SCHEDULE 'A': MEMORIAL SPECIFICATIONS

1.0 GENERAL RULES

- 1.1 Every memorial and the installation thereof shall conform to the plan established for the lot and the section of the City cemetery in which the memorial is proposed to be installed.
- 1.2 Every memorial shall be constructed of granite, or bronze on a granite base or another material of permanent and durable material approved by the City that conforms to the *Cemetery Management Bylaw* and *Schedule 'A': Memorial Specifications* of the Bylaw.
- 1.3 No memorial, inscription, engraving, ornamentation or combination thereof, including but not limited to a reference to any pet or pets, that is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 1.4 No memorial shall be installed on a lot until plans and specifications describing fully a memorial's proposed size, design, material, inscription and location have been submitted to the City, in a form prescribed by the City, by an applicant for a memorial permit.
- 1.5 No memorial shall be installed on a lot until:
 - (f) an application for installation is received by the City, and;
 - (g) it is determined the memorial described on the application complies in every way with the specifications set out for memorial placement on the lot where installation is proposed, and;
 - (h) the applicable memorial installation Care Fund contribution set out in the fees and rates Bylaw is paid in full to the City, and;
 - (i) all outstanding indebtedness as relates to the interment rights, lot, interment, and memorial installation has been paid in full to the City, and;
 - (j) upon satisfying all of the above a memorial permit may be issued by the City to authorize installation of the memorial.
- 1.6 The type and design of a memorial and, the maximum width, depth and thickness of a memorial and, the form and style of a memorial inscription is conditional on the type of lot or lots on which it is being installed.
- 1.7 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot.
- 1.8 No memorial shall have a photographic appliqué or emblem of any type that is attached solely by an adhesive of any kind. Any form of photograph or emblem must be an integral part of the memorial either cast in bronze or sand-blasted or laser-etched on granite.
- 1.9 Every memorial shall conform to the specifications set out in the *Cemetery Management Bylaw Schedule 'A': Memorial Specifications* and any further requirement that may be established by the City for a lot at a City cemetery at the time the memorial is placed or installed, not at the time the memorial is purchased or at the time of death.
- 1.10 Every memorial at a City cemetery shall be placed, installed, relocated or removed by the City.
- 1.11 The design, layout, dimensions, location of interments and placement of memorials for every lot type in a City cemetery shall be those set out in these specifications.

2.0 MEMORIALS

- 2.1 Except for the thickness of a flat memorial installed flush with the ground, which shall be not less than three (3") inches (7.6 cm) thick, memorial dimension stated herein may have a variance of not more than plus or minus one (1") inch (2.5 cm).
- 2.2 Every flat marker memorial shall be installed onto a foundation, installed by the City at an applicant's expense, that will consist of:
 - (a) excavation of the installation site, and;
 - (b) placement and compaction of sufficient consolidated aggregate materials, and;
 - (c) a foundation placed to ensure a stable and level, vertical and horizontal installation of the flat marker flush with the surface level of the lot where the foundation may minimize the potential effect of frost heave on the memorial.
- 2.3 Every upright monument memorial shall be installed onto a foundation, installed by the City at an applicant's expense, that will consist of:
 - (a) excavation of the installation site, and;
 - (b) placement and compaction of sufficient consolidated aggregate materials, and,
 - (c) fabrication of a reinforced concrete pad that:
 - (i) for a standard upright monument is not less than six (6") inches (15.24 cm) thick, and;
 - (ii) for a large upright monument is not less than eight (8") inches (20.3 cm) thick, and;
 - (iii) in every instance, the top of the foundation is level and is two (2") inches (5 cm) wider and longer than the base of the monument to be installed on the lot, and;
 - (d) a foundation placed to ensure a stable and level, vertical and horizontal installation of the upright monument above the surface level of the lot is achieved where the foundation may minimize the potential effect of frost heave on the memorial.
- 2.4 No form of decorative rock, gravel or other form of material may be placed at or around a memorial in a City Cemetery. Only materials approved or used by the City for the installation and maintenance of memorials is permitted at or around memorials or gravesites.
- 2.5 **Flat Marker Memorial:** A memorial taking the form of a flat marker to be installed flush with the ground shall be:
 - (a) Installed onto a foundation, installed at the applicant's expense, that conforms to Article 2.2 of these Memorial Specifications and to any other requirement that may be issued by the City for a gravesite where a flat memorial marker is proposed for installation, and;
 - (b) A granite memorial that is smooth sawn on the bottom and its sides and the side surfaces shall be true and perpendicular with the memorial's top surface and the inscription and design shall be carving or engraving on the face of the memorial, or;
 - (c) A bronze memorial anchored onto a granite base which shall be both wider and longer than the bronze marker and has a border of exactly two (2") inches (5 cm) of the base surface exposed on all sides and, the base top, bottom and sides shall be smooth sawn and, the side surfaces shall be true and

perpendicular with the base's top surface and, the base shall be not less than three (3") inches (7.6 cm) thick, or;

- (d) A bronze memorial anchored onto a reinforced concrete base which shall not have a border of not more than two (2") inches (5 cm) of concrete exposed on all sides, and;
 - i. the concrete base shall consist of one (1) mat of No. 3 steel reinforcing bar placed in the centre of the three (3") inch (7.6 cm) slab and protected from the edges with one and one-half (1.5") inches (3.8 cm) of concrete. This form of mat shall have not less than two (2) pieces of reinforcing bar running the width of the base and three shorter pieces running the length of base, or;
 - ii. the concrete base may consist of not less than two (2) layers of No. 9 wire reinforcing mesh placed in the centre of the slab and spaced 0.4" inches (1cm) to 0.8" inches (2 cm) apart from the other, and;
 - iii. the concrete base for a bronze memorial shall be not less than three (3") inches (7.6 cm) thick, and;
 - iv. a bronze memorial mounted on a concrete base shall not exceed the maximum permitted size of a memorial that may be permitted on a lot, and;
 - v. the scrolls, letters, figures or other design elements of the memorial shall not be raised more than one-half (0.5") inch (1.2 cm) above the finished surface of the memorial.

2.6 **Upright Monument Memorial:** A memorial taking the form an upright monument installed above the ground level of a lot shall be:

- (a) installed onto a reinforced concrete foundation, installed at the applicant's expense, that conforms to Article 2.3 of these Memorial Specifications and to any other requirement that may be issued by the City for a gravesite where an upright monument is proposed for installation, and;
- (b) a monument base shall be made of granite and shall first be installed and secured to its foundation in a manner approved by the City and the bottom of the granite base shall be smooth sawn and unpolished so as to permit effective placement of the base on the foundation;
- (c) a monument base side surfaces shall be true and perpendicular with the base's top surface and may be smooth sawn or rock pitch and may be polished or unpolished, and;
- (d) a monument base shall be wider and longer than the monument tablet in order to provide a minimum border of two (2") inches (5 cm) to a maximum border of four (4") inches (10.1 cm) of the base surface exposed on all sides, and;
- (e) a monument tablet shall be constructed of granite and attachment of a monument tablet to its base shall be with dowel pins and / or an adhesive epoxy compound approved by the City and, in the instance where dowels are mandated by the City, the dowels shall be made of a non-corrosive material, be centered on the base, be not less than six (6") inches (15.2 cm) in length and evenly extended into both the tablet and the base, and installed in a 'dry' mode, and;

- (f) a monument tablet shall be not less than six (6") inches (15.2 cm) thick but may be no thicker than a dimension that leaves not less than a two (2") inch (5 cm) to a maximum of a four (4") inch (10.1 cm) border of the monument base surface exposed on all sides, and;
 - (g) a monument tablet inscription and design shall be carving or engraving on the face of the tablet, or a bronze plaque securely anchored to the face of the tablet with non-corrosive fasteners and / or an adhesive epoxy approved by the City.
- 2.7 No inscription, lettering, plaque or other form of adornment or decoration shall be placed on the back or any side of an upright monument base or monument tablet.
- 2.8 No upright monument shall be installed to extend over the space where a lot has been or may be opened to accommodate an interment of human remains.
- 2.9 An upright monument with a design feature that is an integral part of a monument tablet may be permitted so long as the monument and design feature conform to the size specifications set out in these specifications.
- 2.10 A monument in the form of a freestanding design shall not be permitted.
- 2.11 No monument shall have any uncovered vertical joint.
- 2.12 Except for approved lantern tablets supplied and installed by the City no form of candleholder, vase, lantern or other form of fixture may be attached in any manner to a memorial or placed adjacent to where a memorial is installed.
- 2.13 **Crypts:** A memorial taking the form of a crypt plate:
- (a) shall, subject to the plate size, have an inscription carved or engraved on the surface of the plate that consists of the given name(s) or initials, the surname, the year of birth and the year of death of the individual interred in the crypt niche, and;
 - (b) may, subject to the plate size and as approved by the City, have up to three (3) lines of epitaph carved or engraved on the surface of the plate, and;
 - (c) may, subject to the plate size and as approved by the City, have a symbol, decoration or other form of adornment carved or engraved on the surface of the plate, and;
 - (d) every inscription on a crypt plate shall be made in a font style, size and layout that is consistent with adjacent crypts and with the overall design established for the mausoleum which they are a part.
- 2.14 **Niches:** A memorial taking the form of a niche plate:
- (a) shall, subject to plate size, have an inscription carved or engraved on the surface of the shutter that consists solely of the given name(s) or initials, the surname, the year of birth and the year of death of the individual interred in the niche, and;
 - (b) shall not have any other form of symbol, decoration or other form of adornment engraved, inscribed or attached to the surface of the plate, and;
 - (c) every inscription shall be made in a font style, size and layout that is consistent with adjacent niches and with the overall design established for the columbarium of which they are a part.
- 2.15 **Lantern Tablets:** The following rules shall apply to the placement of a memorial lantern tablet that may be permitted by the City and, where:

- (a) to allow for the placement of not more than two (2) single solar powered lanterns per lot, the City may permit one eleven (11") inch (27.9 cm) by eleven (11") inch (27.9 cm) concrete lantern tablet to be installed flush to ground level at the head of a standard adult or infant/child interment lot only and;
- (b) City approved single solar powered lanterns shall be supported by a single steel rod up to but not higher than eighteen (18") inches (45.7 cm) in height and shall be inserted into the lantern tablet installed on a lot, and;
- (c) lantern tablets shall be purchased exclusively from, supplied by and installed solely by the City, and;
- (d) lantern tablets shall only be installed, removed or modified in a City cemetery when a person requesting a tablet has made application to the City subject to the terms and conditions, as may be applicable, and set out in the Cemetery Management Bylaw, and;
- (e) the City shall have the authority, under such terms and conditions as it may see fit, to permanently discontinue the supply and installation of lantern tablets at a future date of its choosing.

2.16 **Temporary Memorials:** At the time of an interment the City may permit a temporary, non-permanent marker of a design and size approved by the City to be placed on a lot where the temporary marker shall be limited to placement on the lot for a period not to exceed six (6) months from the date of interment. The City will not be responsible for the maintenance of the marker during the six month (6) time frame and shall have the authority to remove and dispose of, without prior notice, a temporary, non-permanent marker remaining on a lot where more than six (6) months have expired from the date of interment.

3.0 LOT TYPES & PERMITTED MEMORIALS

3.1 Interment into any form of lot in a City cemetery shall comply with *Schedule 'B': Interment Specifications* of the *Cemetery Management Bylaw* as may currently be in force or as may be amended or repealed and replaced from time to time in the future.

3.2 Generally, the following specifications shall constitute the type and number of memorials permitted on a lot as they may be designed and laid-out in a City cemetery:

- (f) **Infant / Child Lot:** This form of lot may have memorial markers installed flush with the ground which are limited to:
 - (i) one (1) flat marker that is twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals, and/ or;
 - (ii) not more than two (2) flat markers that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.
- (g) **Flat Marker Lot:** This form of lot may have memorial markers installed flush with the ground which are limited to:
 - (i) one (1) flat marker that is not less than twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide or more than eighteen (18") inches (45.7 cm) deep by thirty six (36") inches (91.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals, and/ or;
 - (ii) not more than four (4) flat markers that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.

- (h) **Green Burial Lot:** This form of lot does not permit for the installation of any form of memorial on the interment lot. Memorialization for a green burial lot shall only be made at a communal memorial feature established by the City for a green burial area. The memorial inscription on any green burial communal memorial feature shall be of a design, font, size, format and layout that is consistent with similar or adjacent inscriptions and with the overall design established for a green burial area or a green burial communal memorial of which the inscription is a part.
- (i) **Side-by-Side Flat Marker Lot:** This form of lot shall have memorial markers installed flush with the ground which are limited to:
 - (i) one (1) flat marker, installed over the center line of the adjoined lots, that is eighteen (18") inches (45.7 cm) deep by thirty-six (36") inches (91.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing a maximum of four (4) individuals, or;
 - (ii) two (2) flat markers, installed one (1) on each of the adjoined lots, that are twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals each, and/ or;
 - (iii) not more than eight (8) flat markers, installed not more than four (4) on each of the adjoined lots, that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.
- (j) **Veteran's Lot:** This form of lot shall have memorial markers installed flush with the ground which are limited to:
 - (i) one (1) flat marker that is twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals, and/ or;
 - (ii) not more than two (2) two flat markers that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.
- (k) **Upright Monument Lot:** This form of lot shall, as its primary form of memorial, have an upright monument and may also have additional memorial markers installed flush with the ground which are limited to:
 - (i) one (1) upright monument with a base that is twelve (12") inches (30.4 cm) deep by thirty six (36") inches (91.4 cm) wide by six (6") inches (15.2 cm) high AND a monument tablet that is thirty (30") inches (76.2 cm) wide by not more than thirty (30") inches (76.2 cm) high by eight (8") inches (20.3 cm) thick and memorializing not more than two (2) individuals, and;
 - (ii) not more than four (4) flat markers that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.
- (l) **Side-by-Side Upright Monument Lot:** This form of lot shall, as its primary form of memorial, have one (1) large upright monument or two (2) standard upright monuments and may also have additional flat markers installed flush with the ground which are limited to:
 - (i) one (1) large upright monument, installed over the center line of the adjoined lots, that has a base that is sixteen (16") inches (40.6 cm) deep by forty eight (48") inches (121.9 cm) wide by eight (8") inches (20.3cm) high AND a monument tablet that is thirty six (36") inches (86.3 cm)

wide by not more than forty (40") inches (101.6 cm) high by twelve (12") inches (30.4 cm) thick and memorializing a maximum of four (4) individuals, or;

- (ii) two (2) standard upright monuments, installed one (1) on each of the adjoining lots, that consist of a base that is twelve (12") inches (30.4 cm) deep by thirty six (36") inches (91.4 cm) wide by six (6") inches (15.2 cm) high AND a monument tablet that is thirty (30") inches (76.2 cm) wide by not more than thirty (30") inches (76.2 cm) high by eight (8") inches (20.3 cm) thick and memorializing not more than two (2) individuals each, and;
- (iii) not more than eight (8) flat markers, installed not more than four (4) on each of the adjoining lots, that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.

(m) **Family Estate Lot:** This form of lot shall have as its first and primary form of memorial one (1) large upright monument or two (2) small upright monuments and may also have up to twelve (12) additional flat markers installed flush with the ground. This form of lot, within its final design boundary, may incorporate non-interment land for the installation of landscape features that create a delineation from surrounding lots. The memorials on this form of lot may be:

- (i) one (1) large upright monument, installed on the center line of the human remains interment lots, that has a base that is sixteen (16") inches (40.6 cm) deep by forty eight (48") inches (121.9 cm) wide by eight (8") high AND a monument tablet that is thirty six (36") inches (91.4 cm) wide by not more than forty (40") inches (101.6 cm) high by twelve (12") inches (30.4 cm) thick and memorializing a maximum of four (4) individuals, or;
- (ii) two (2) standard upright monuments, installed one (1) on each of the human remains interment lots, that consist of a base that is twelve (12") inches (30.4 cm) deep by thirty six (36") inches (91.4 cm) wide by six (6") inches (15.2 cm) high AND a monument tablet that is thirty (30") inches (76.2 cm) wide by not more than thirty (30") inches (76.2 cm) high by eight (8") inches (20.3 cm) thick and memorializing not more than two (2) individuals each, and;
- (iii) four (4) flat markers, installed one (1) on each of the standard cremation lots forming a part of the estate lot, that are twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals each, and/ or;
- (iv) not more than eight (8) flat markers that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each, and;
- (v) such other memorial features, as may be approved by the City, that may be accommodated within the boundaries of the estate lot.

(n) **Mausoleum Crypt Lot:** This form of lot shall have as its primary form of memorial an inscription made on the face of the crypt plate in a design, font style, size and layout that is consistent with article 2.13 of these specifications and with the adjacent crypts and the overall design established for the mausoleum of which the crypt is a part.

(o) **Standard Cremation Lot:** This form of lot may have memorial markers installed flush with the ground which are limited to:

- (i) up to two (2) flat markers, installed flush with the ground, that are eight (8") inches (20.3 cm) deep by twenty four (24") inches (60.9 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than four (4) individuals, or;
- (ii) up to four (4) flat markers, installed flush with the ground, that are eight (8") inches deep by twelve (12") inches wide by (3") inches (7.6 cm) thick each memorializing one individual.

(p) **Veterans Cremation Lot:** This form of lot may have memorial markers installed flush with the ground which are limited to:

- (i) One (1) flat marker, installed flush with the ground, that is not more than twelve (12") inches (30.4 cm) deep by twenty (24") inches (50.8 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals, or
- (ii) Up to two (2) flat markers, installed flush with the ground, that are not more than eight (12") inches (20.3 cm) deep by twelve (12") inches (60.9 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than 1 individual each.

(q) **Family Estate Cremation Lot:** This form of lot may, as its primary form of memorial, have one (1) upright monument or one (1) large flat marker installed flush with the ground and may also have additional flat markers installed flush with the ground which are limited to:

- (i) one upright monument with a base that is twelve (12") inches (30.4 cm) deep by twenty-eight (28") inches (71.1 cm) wide by six (6") inches (15.2) cm high AND a monument tablet that is twenty-four (24") inches (60.9 cm) wide by not more than thirty (30") inches (76.2 cm) high by eight (8") inches (20.3 cm) thick and memorializing not more than four (4) individuals each, or;
- (ii) one (1) large flat marker, installed flush with the ground, that is eighteen (18') inches (45.7 cm) deep by thirty-six (36") inches (91.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing a maximum of four (4) individuals, and;
- (iii) not more than two (2) flat markers, installed flush with the ground, that are eight (8") inches (20.3 cm) deep by twelve (12") inches (30.4 cm) wide by three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals each.

(r) **Green Burial Cremation Lot:** This form of lot does not permit for the installation of any form of memorial on the interment lot. Memorialization for a green burial lot shall only be made at a communal memorial feature established by the City for a green burial area. The memorial inscription on any green burial communal memorial feature shall be of a design, font, size, format and layout that is consistent with similar or adjacent inscriptions and with the overall design established for a green burial area or a green burial communal memorial of which the inscription is a part.

(s) **Columbarium Niche Lot:** This form of lot shall have as its primary form of memorial an inscription made on the face of the niche plate in a design, font style, size and layout that is consistent with article 2.14 of these specifications and with the adjacent niches and the overall design established for the columbarium of which the niche is a part.

SCHEDULE 'B': INTERMENT SPECIFICATIONS

1.0 LOT SIZES

- 1.1 HUMAN REMAINS: Generally, lots designed, laid out and designated for the interment of human remains shall be the following size:
- (a) **Infant / Child Lot:** Shall not exceed, but may be less than, four (4') feet (1.2 m) wide by five (5') feet (1.5 m) long;
 - (b) **Standard Adult / Green Burial Lot:** Shall not exceed four (4') feet (1.2 m) wide by eight (8') feet (2.4 m) long;
 - (c) **Crypt:** The dimensions of a crypt shall be those that are designed for and provided to the City by a mausoleum / crypt supplier.
- 1.2 CREMATED REMAINS: Generally, lots designed, laid out and designated for the interment of cremated remains shall be the following size:
- (a) **Standard Cremation Lot:** Shall not exceed two (2') feet (60.9 cm) wide by two (2') feet (60.9 cm) long;
 - (b) **Family Estate Cremation Lot:** Shall not exceed four (4') feet (1.4 m) wide by four (4') feet (1.4 m) long;
 - (c) **Cremation Niche:** The dimensions of a niche, which may vary in size depending on a columbarium layout, shall be those that are designed for and provided to the City by a columbarium / niche supplier.
- 1.3 CREMATION SCATTERING: Generally, areas designed, laid out and designated for the scattering of cremated remains shall be of sufficient size and design to permit for the discreet, dignified, comingled disposition of cremated remains. Cremated remains designated for scattering shall not be assigned a unique, individual lot descriptor but rather shall, for the purposes of maintaining cemetery records, be recorded as having been scattered in a designated scattering area or feature of a cemetery.
- 1.4 Lots may be laid out separately, in combinations or in combination of one lot type with another lot type.
- 1.5 Human remains interment lots may permit for the secondary interment of cremated remains over top of interred human remains.
- 1.6 In every instance, the official dimensions of any lot in a City cemetery shall be those set-out in the design plan and subsequent lot survey completed for the cemetery in which they are located.
- 1.7 The City shall have the authority to vary the dimensions of a lot or group of lots as circumstances may dictate or as it deems appropriate for the operation and maintenance of the Cemetery.
- 1.8 The design, layout, dimensions, location of interments and placement of memorials for every lot type in a City cemetery shall be those set out in these specifications.

2.0 INTERMENT

- 2.1 Generally, the following specifications shall be followed in making an interment of human remains or cremated remains into a lot or scattering of cremated remains in a City cemetery.
- 2.2 HUMAN REMAINS:

- (a) **In-Ground Interment:** For every interment of human remains in a lot;
 - (i) the first interment shall be made at the lowest depth of the lot and shall be of sufficient depth to permit a future second interment of human remains, separated by not less than two (2) feet (60.9 cm) of soil between interments, and where, after any future second interment in the lot, when filled and closed, shall have not less than thirty (30) inches (76.2 cm) of soil between the finished surface of the lot and the uppermost surface of the grave liner, casket or container enclosing the human remains resting in the upper level of the lot.
- (b) **Crypt Interment:** A crypt shall be opened and closed according the design parameters and specifications established by and provided to the City by the crypt supplier.

2.3 CREMATED REMAINS

- (a) **In-Ground Interment:** The in-ground interment of cremated remains shall be made in a lot which, when filled and closed, provides not less than six (6) inches (15.2 cm) of earth between the finished surface level of the lot and the uppermost surface of the urn enclosing the cremated remains resting in the lot;
- (b) **Green Burial Interment:** The in-ground interment of cremated remains into a green burial section in a City cemetery shall be made in a lot which, when filled and closed, provides not less than six (6) inches (15.2 cm) of earth between the finished surface level of the lot and the uppermost surface of the fully biodegradable urn enclosing the cremated remains resting in the lot. No form of grave liner or non-biodegradable urn or container may be used in a green burial lot;
- (c) **Niche Interment:** A niche shall be opened and closed according the design parameters and specifications established by and provided to the City by the columbarium supplier.
- (c) **Scattering:** Scattering of cremated remains shall be made into an ossuary, other form of vessel designed to contain cremated remains or onto the surface of the ground in a designated scattering area of a City Cemetery. Where cremated remains are scattered onto the surface of the ground the City may place a shallow layer of leaf or bark mulch over the scattered cremated remains to protect the cremated remains from disturbance.

2.4 Scattering of cremated remains shall always be performed by or under the supervision of a City employee and in a discreet, respectful and dignified manner.

3.0 PERMITTED INTERMENTS

3.1 The installation of a memorial on any form of lot listed below or in a City cemetery shall comply with *Schedule 'A': Memorial Specifications* of the *Cemetery Management Bylaw* as may currently be in force or as may be amended or repealed and replaced from time to time in the future.

3.2 Generally, the following specifications shall constitute the lot types and permitted interment densities for lots as they may be designed and laid-out in a City cemetery:

- (t) **Infant / Child Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.1(a) of these specifications. This form of lot will accommodate the single-depth interment of the human remains of one (1) infant / child and the secondary interment of the cremated remains of not more than two (2)

individuals who have a direct and immediate familial (parent, sibling or grandparent) relationship to the interred infant or child.

- (u) **Flat Marker Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.1(b) of these specifications. This form of lot is limited to the double-depth interment of the human remains of two (2) individuals and the secondary interment of the cremated remains of not more than four (4) individuals.
- (v) **Green Burial Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.1(b) of these specifications. This form of lot is limited to the double-depth interment of the human remains of two (2) individuals and the secondary interment of the cremated remains of not more than four (4) individuals. The use of any form of green burial lot is subject, in every way, to *Section 9.0 'Green Burial' of the Cemetery Management Bylaw.*
- (w) **Veteran's Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.1(b) of these specifications. This form of lot will be located in a designated Veteran's section of a City cemetery. This form of lot is limited to the interment of the human remains of one (1) individual who qualifies as a Veteran and the City may permit the secondary interment of the human remains or the cremated remains of the spouse of the Veteran interred in a Veteran's lot.
- (x) **Upright Monument Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.1(b) of these specifications. This form of lot is limited to the double-depth interment of the human remains of two (2) individuals and the secondary interment of the cremated remains of not more than four (4) individuals.
- (y) **Family Estate Lot:** This is a lot for which the final design boundary shall incorporate two (2) standard adult lots with dimensions which shall be those set out in in Article 1.1(b) of these specifications and four (4) cremated remains lots with dimensions which shall be those set out in in Article 1.2(a) of these specifications. This form of lot is limited to the double-depth interment of the human remains of up to four (4) individuals and the interment of the cremated remains of up to sixteen (16) individuals. This form of lot shall have as its first and primary form of memorial either one (1) double upright monument or two (2) single upright monuments and may also have up to six (6) additional flat memorials installed flush with the ground.
- (z) **Mausoleum Crypt Lot:** This form of lot is limited to the interment of the human remains of one (1) individual and the secondary interment of the cremated remains of not more than one (1) individual.
- (aa) **Standard Cremation Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.2(a) of these specifications. This form of lot is limited to the interment of the cremated remains of four (4) individuals.
- (bb) **Green Burial Cremation Lot:** This is a lot for which the dimensions shall be those set out in Article 1.2(a) of these specifications. This form of lot is limited to the *green burial* interment of the cremated remains of four (4) individuals. The use of any form of green burial lot is subject, in every way, to *Section 9.0 'Green Burial' of the Cemetery Management Bylaw.*

- (cc) **Veteran's Cremation Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.2(a) of these specifications. This form of lot is limited to the interment of the cremated remains of two (2) individuals, of which at least one (1) individual qualifies as a Veteran.
- (dd) **Family Estate Cremation Lot:** This is a lot for which the dimensions shall be those set-out in Article 1.2(b) of these specifications. This form of lot is limited to the interment of the cremated remains of eight (8) individuals.
- (ee) **Columbarium Niche Lot:** This form of lot is limited to the interment of the cremated remains of two (2) individuals.

The Corporation of the City of Penticton

Bylaw No. 2018-16

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

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

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

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

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2018-16".

2. **Amendment:**

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

- Appendix 6 – Cemetery

2.2 Appendix 6 attached hereto forms part of this bylaw.

READ A FIRST time this	20	day of	March, 2018
READ A SECOND time this	20	day of	March, 2018
READ A THIRD time this	20	day of	March, 2018
ADOPTED this		day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Appendix 6

CEMETERY	2018	Effective May 1, 2018
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Grave Space

Standard Size Plot - Flat Marker Section

Residents (including Care Fund contribution of 25%)	\$1,352.00	\$1,352
Non-Residents (including Care Fund contribution of 25%)	\$1,791.00	\$1,825

Standard Size Plot - Up-Right Marker Section

Residents (including Care Fund contribution of 25%)		\$2,028
Non-Residents (including Care Fund contribution of 25%)		\$2,738

Small Size Plot (includes infants less than 2 years) - Flat Marker Section

Residents (including Care Fund contribution of 25%)	\$441.00	\$441
Non-Residents (including Care Fund contribution of 25%)	\$835.00	\$595

Small Size Plot (includes infants less than 2 years) - Up-Right Marker Section

Residents (including Care Fund contribution of 25%)		\$662
Non-Residents (including Care Fund contribution of 25%)		\$893

Cremation Size Plot - Flat Marker Section

Residents (including Care Fund contribution of 25%)	\$434.00	\$434
Non-Residents (including Care Fund contribution of 25%)	\$789.00	\$586

Green Burial Plot

Residents (including Care Fund contribution of 25%)		\$1,352
Non-Residents (including Care Fund contribution of 25%)		\$1,825

Family Estate Plot - Traditional In-ground

Residents (including Care Fund contribution of 25%)		\$29,000
Non-Residents (including Care Fund contribution of 25%)		\$39,150

Appendix 6

CEMETERY	2018	Effective May 1, 2018
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Family Estate Plot - Cremation

Residents (including Care Fund contribution of 25%)		\$2,300
Non-Residents (including Care Fund contribution of 25%)		\$3,105

Any plots reserved as per the City of Penticton Cemetery Management Bylaw may be bought back by the Corporation at 80% of the purchase price.

Services Interment

Standard size - Traditional In-ground or Green Burial - First Interment per Plot	\$947.00	\$1,386
Standard size - Traditional In-ground or Green Burial - Second Interment		\$947
Small size	\$470.00	\$470
Infant under 2 years	\$470.00	\$470
Cremation size	\$294.00	\$294

Green Burial - Memorialization - Name and Dates etched into communal marker stone (optional)		\$225
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Opening and Closing Grave for Exhumation

Standard size	\$1,797.00	\$1,797
Small size	\$723.00	\$723
Infant under 2 years	\$723.00	\$723
Cremation size	\$381.00	\$381

Extra-Deep to Permit Second Burial in Same Grave	\$439.00	N/A
Less than 24 Hours Notice - Charge	\$240.00	\$240

Installation of Memorials (each time) - including care fund contribution of 25%	\$272.00	\$272
Reset Fee	\$184.00	\$184

Reservation of Side by Side Graves for Extended Family

One time Administration Fee	\$73.00	\$73
Annual Reservation Fee	\$27.00	\$27

Fairview Interment

Fairview Cemetery Fee	\$366.00	\$366
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Goods

Grave Liners - Regular	\$490.00	\$490
Grave Liners - Child	\$207.00	\$207
Concrete Slab for Lanterns	\$207.00	\$207

Appendix 6		
CEMETERY	2018	Effective May 1, 2018

Columbarium

Resident

Level I	\$3,150.00	\$3,150
Level II	\$3,045.00	\$3,045
Level III	\$2,940.00	\$2,940

Non-Resident

Level I	\$4,200.00	\$4,253
Level II	\$4,095.00	\$4,111
Level III	\$3,990.00	\$3,969

The rates include a one-time opening/closing rate, and initial engraving

Care Fund Per Niche Sold

Columbarium	\$368.00	\$368
Marker	\$26.00	\$26

Other Charges

Additional Opening/closing (includes 2nd engraving)	\$293.00	\$293
Niche Flower Vase	\$81.00	\$81
Exhumation	\$322.00	\$322
Overtime	\$424.00	\$424

Mausoleum

Basic Rate per unit

Resident

Level I	\$19,110.00	\$19,110
Level II	\$18,375.00	\$18,375
Level III	\$17,640.00	\$17,640

Non-Resident

Level I	\$25,725.00	\$25,799
Level II	\$24,990.00	\$24,806
Level III	\$24,255.00	\$23,814

The rates include a one-time opening/closing rate, and initial engraving

Appendix 6		
CEMETERY	2018	Effective May 1, 2018

Care Fund Per Unit Sold

Columbarium	\$368.00	\$368
Marker	\$26.00	\$26

Opening and Closing for Exhumation

Level I, II and III	\$1,757.50	\$1,758
Level II	\$1,487.00	N/A
Level III	\$1,217.00	N/A

Ossuary / Scattering Garden and Memorial

Basic Rate per Unit:

Ossuary - Resident	\$439.00	\$439
Ossuary - Non-resident	\$585.00	\$593
Bronze Memorial Wall Name Plaque		\$325

Lakeview Cemetery – Cost of Saturday burials is the same as on weekdays

Fairview Cemetery – cost of Saturday burials is subject to additional labour charges

No Sunday or Statutory Holiday Burials

Bylaw No. 2018-14

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-14".

2. **Amendment:**

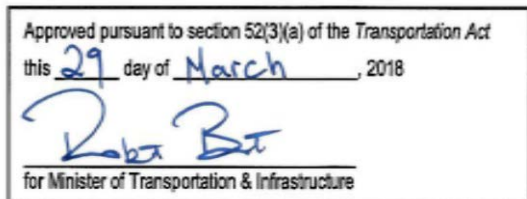
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 101A, District Lot 116, Similkameen Division Yale District, Plan 333, Except Plan 24855, located at 274 Kinney Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	6	day of	March, 2018
A PUBLIC HEARING was held this	20	day of	March, 2018
READ A SECOND time this	20	day of	March, 2018
READ A THIRD time this	20	day of	March, 2018
RECEIVED the approval of the	29	day of	March, 2018
Ministry of Transportaton on the			
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 9 day of March, 2018 and the 14 day of March, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

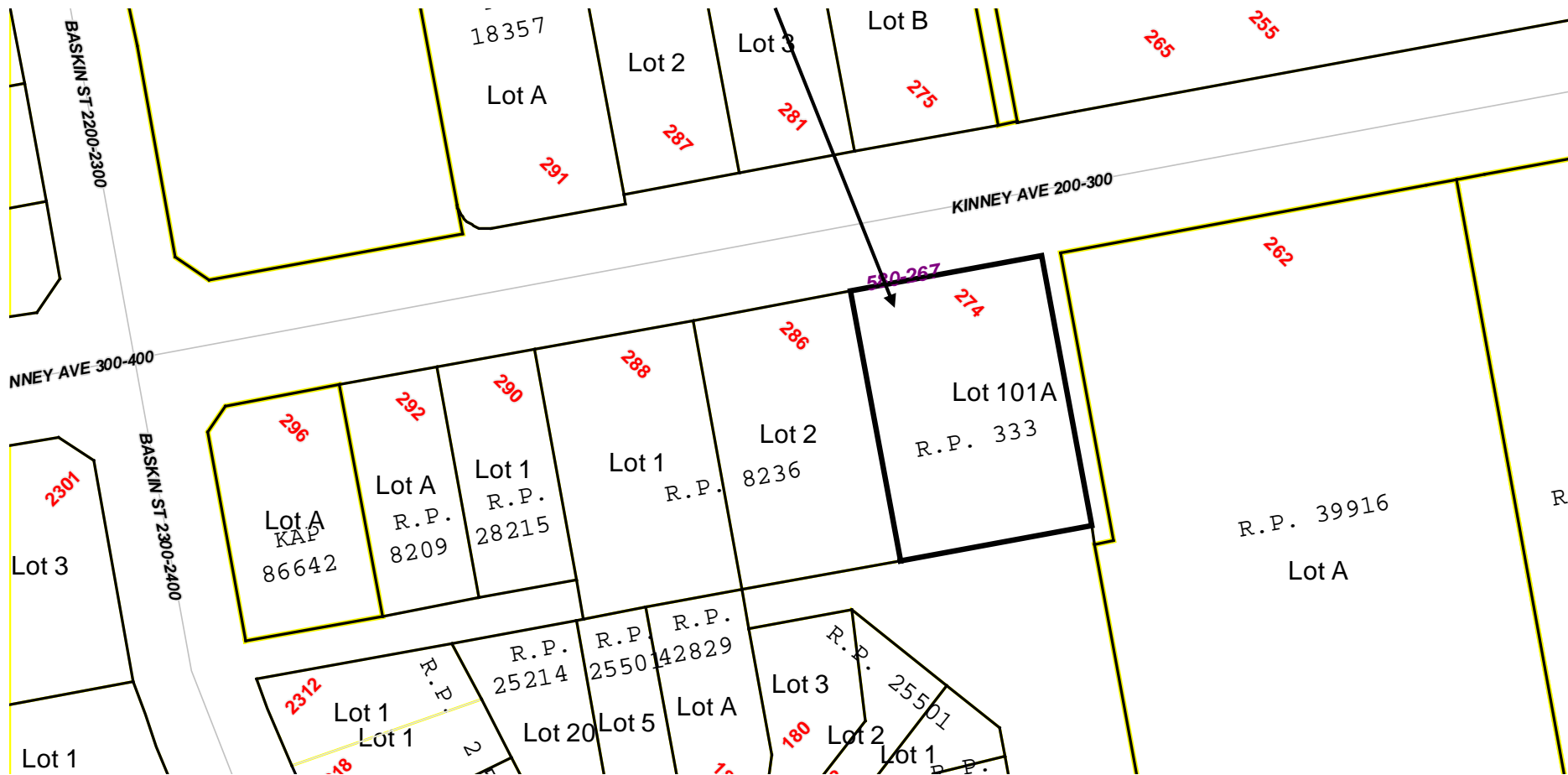


Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

274 Kinney Avenue

Rezone from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-14

Date: _____

Corporate Officer: _____

Bylaw No. 2018-18

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

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

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-18".

2. Amendment:

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

Rezone Lot 22, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 4075, located at 657 Churchill Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	20	day of	March, 2018
A PUBLIC HEARING was held this	3	day of	April, 2018
READ A SECOND time this		day of	, 2018
READ A THIRD time this		day of	, 2018
RECEIVED the approval of the		day of	, 2018
Ministry of Transportation on the			
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 23 day of March, 2018 and the 28 day of March, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

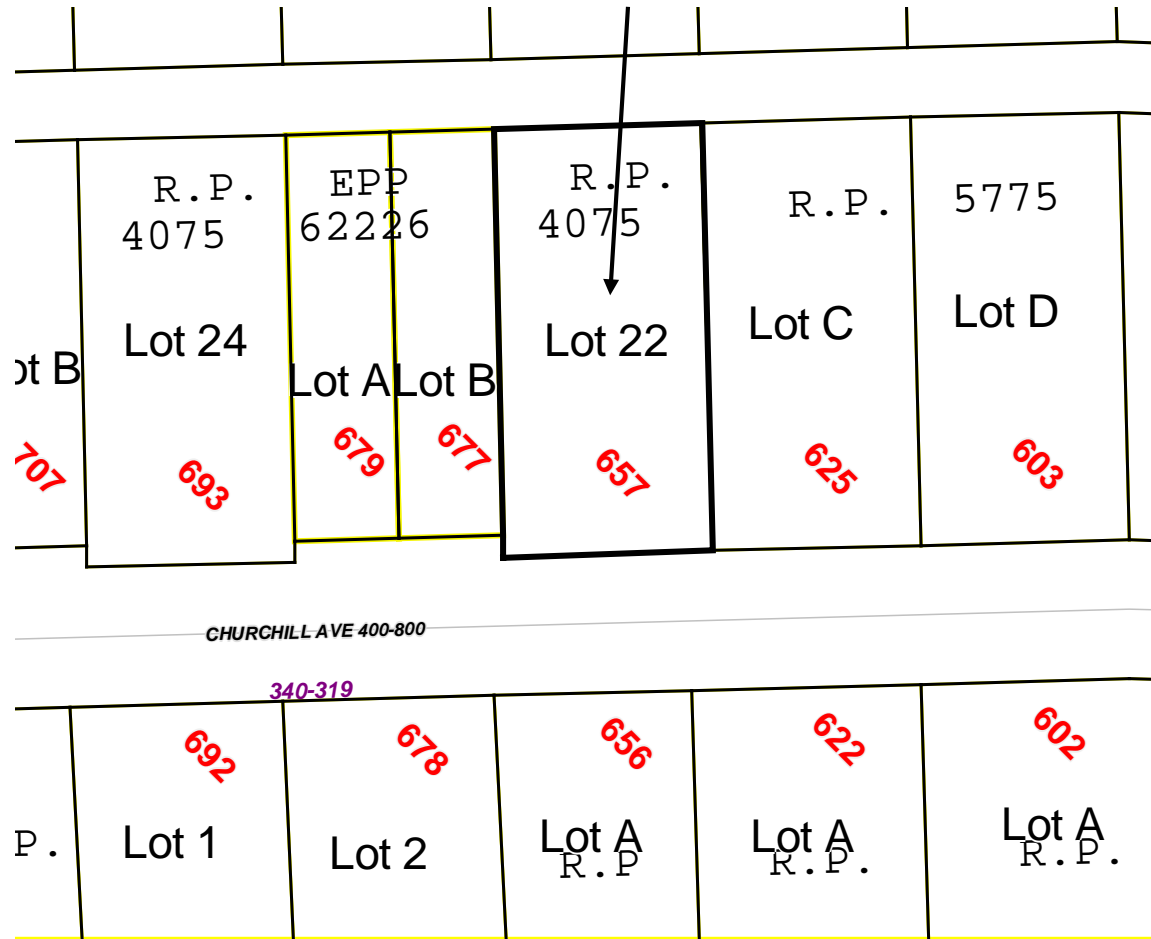
<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2018</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>
--

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 657 Churchill Ave.

From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-18

Date: _____

Corporate Officer: _____

Date: April 3, 2018
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Property: 2883 and 2895 Partridge Drive
Subject: "Development Variance Permit 2018-8139"

File No: DVP PL2018-008

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8139", a permit to increase the permitted height of a retaining wall in a required yard from a maximum height of 1.2m to a maximum height of 4.5m for Lots 4 and 5 of District Lot 2710, Similkameen Division Yale District, Plan EPP28587, located at 2883 and 2895 Partridge Drive;

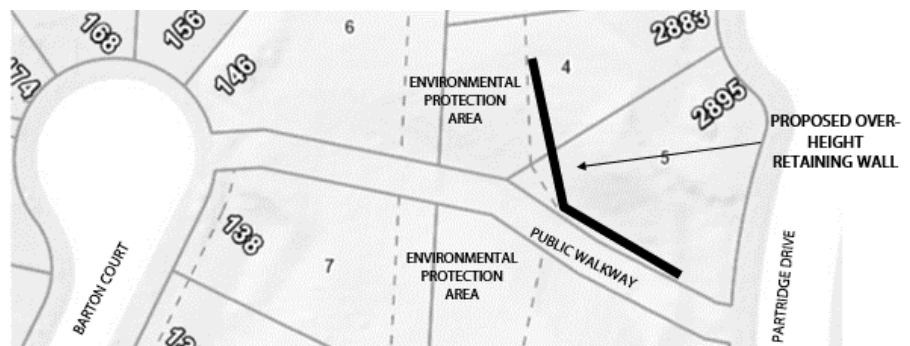
AND THAT staff are directed to issue "Development Variance Permit PL2018-8139".

Background

The subject properties are two large single family lots located in the upper Pineview area of the City. The property slopes steeply from Partridge Drive into a natural area at the back of the lot. The natural area is part of the Environmental Protection Development Permit Area and no building is permitted or proposed to take place on this portion of the lot. There is a public walk way that runs through the natural area connecting Partridge Drive to the Barton Court cul-de-sac below. One of the two subject lots (2895 Partridge) is located adjacent to the walkway, with the other lot (2883 Partridge) located adjacent to the north.

The developer who owns the lands is requesting to construct a 'locked block' retaining wall to create a "level building site". The wall is intended to run along the public walkway from Partridge Drive and gain in height to the protected natural area where the wall will run along the natural area through both subject properties (see figure below).

Given the steep slope of the lot, the wall is required to be 4.5m (15 feet) at its highest. The City's zoning bylaw does not permit an accessory structure to be over 4.5m in height, nor does the bylaw allow for a retaining wall higher than 1.2m in a required yard. The proposed wall does not meet the bylaw



regulation as there is a section of the wall over 1.2m in the required side yard. As such a variance to the bylaw is being requested.

In 2014, City Council approved a similar variance request for the lot immediately across the public walkway from the subject lots. Images of the constructed wall are included as part of Attachment B of this report. Approval of the subject variance will result in a similar situation on both sides of the walkway.

Proposal

The applicants are requesting a development variance permit to vary Section 5.6.2.1 of Zoning Bylaw 2017-08 to increase the maximum height of a retaining wall in a required yard from 1.2m to 4.5m.

Financial implication

N/A

Technical Review

The subject application has been forwarded to the City's Technical Planning Committee. No major issues were identified from that Committee. Prior to construction of the wall, if approved by Council, a building permit will be required. As part of the variance permit application a report prepared by a Geotechnical Engineer has been submitted, ensuring the technical feasibility of the wall.

Analysis

Approve

When considering a variance to a City bylaw, staff encourages Council to consider whether there is a significant site constraint that exists on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties, or if the variance request is reasonable.

In this case, the applicant has stated that to create a usable building footprint the retaining structure is required. The severe topography of the property combined with the reduced usable area of the property due to the Environmental Protection Area, significantly restricts the usable area of the lot and constructing the retaining wall in accordance with the zoning bylaw would further decrease the usable area. The zoning bylaw does allow for retaining walls to be built up to 4.5m, just not at the property line. To comply with the bylaw a retaining wall would have to be built at a maximum height of 1.2m at the property line and then a second wall making up the difference in height constructed parallel to the first wall. This creates logistical challenges.

The intent of the bylaw is so that lower properties are not negatively affected by having to view large retaining walls. The bylaw requires stepping of the wall to reduce the effect of one large wall face. In this case, there will not be any negatively affected persons as the neighbour across the walkway has a similar wall and the properties to the west are buffered by the natural area.

Furthermore, the construction of the wall effectively creates a buffer between the residential development and the natural area. The natural area is intended as a wildlife corridor and has seen encroachment in the past. The erection of the wall will ensure a clear delineation between the residential building site and the protected natural area.

Considering the points above, staff consider that the requested variance is reasonable and recommend that Council support the application and direct staff to issue the permit.

Deny or Refer

Council may feel that the variance is not justified and that the wall should be terraced as required by the Zoning Bylaw. If that is the case, Council should deny the variance. Alternatively, Council may support the variance to the height, but place some restrictions / qualifications on the design of the wall such as a specified material (textured stone or other).

Alternate recommendations

Alternative 1: THAT Council support "DVP PL2018-8139" with the condition that the wall be constructed from a textured material.

Alternative 2: THAT "DVP PL 2018-8139" be denied.

Attachments

- Attachment A – Subject property location map
- Attachment B – Images of subject property
- Attachment C – Draft DVP

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

<p>Acting Director</p> <p><i>BJ</i></p>	<p>Chief Administrative Officer</p> <p>PW</p>
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Attachment 'A'
Subject Property Location Map



Attachment B
Images of Subject Property





Figure 1: Image of public walkway looking west with existing over-height retaining wall on left. Similar wall is proposed on right.

Attachment 'C'
Draft "Development Variance Permit PL2018-8139



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

Development Variance Permit

Permit Number: DVP PL2018-8139

Name
Address
Contact

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lots 4 and 5, District Lot 2710, Similkameen Division Yale District, Plan EPP28587
Civic: 2883 and 2895 Partridge Drive
PID: 029-669-359 and 029-669-367
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08:
 - i. Section 5.6.2.1 to increase the maximum height of a retaining wall in a yard from 1.2m to 4.5m

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

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

Development Variance Permit PL2018-8139
Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Page 2 of 2

Council Report

penticton.ca

Date: April 3, 2018
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Property: 120 & 130 Wyles Crescent
Subject: **Development Variance Permit 2018-8162**

File No: PRJ2018-022

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8162", a permit to increase the permitted height of a fence from a maximum height of 1.2m in a front yard and 1.8m elsewhere to a maximum height of 1.8m in a front yard and 2.4m elsewhere for Lot 3, District Lot 115, Similkameen Division Yale District, Plan 4461, Except Plans 34401, 34743, KAP44192 and KAP46609 (130 Wyles Crescent) and Lot C, District Lot 115, Similkameen Division Yale District, Plan KAP46609 (120 Wyles Crescent);

AND THAT staff are directed to issue "Development Variance Permit PL2018-8162".

Background

The subject properties are two large single family lots located on Wyles Crescent, a short road connecting Atkinson Street with Okanagan Avenue. The two lots are located right at the *elbow* of the street, where the street bends towards Okanagan Avenue. Both of the houses on the lots are set far back on their respective properties, with 120 Wyles being a larger lot in comparison to others in the area and 130 Wyles being a panhandle lot.

The owner of the two lots has experienced occasions of theft from the properties and wishes to increase the height of the fencing along the perimeter of the property. The maximum height a fence is allowed in the R1 zone is 1.2m (4 feet) in a front yard and 1.8m (6 feet) elsewhere on the lot. The owner is requesting a variance to the bylaw to increase the permitted maximum height.

Proposal

The applicant is proposing the following variances to Zoning Bylaw 2017-08:

Section 5.6.1.2 to increase the maximum height of a fence in the front yard from 1.2m to 1.8m
Section 5.6.1.1 to increase the maximum height of a fence from 1.8 to 2.4m

Financial implication

N/A

Technical Review

The application was referred to the City's Technical Planning Committee. No issues were identified. Permits are not required for fences.

Analysis

Approve

When considering a variance to a City bylaw, staff encourages Council to consider whether there is a significant site constraint that exists on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties, or if the variance request is reasonable.

As stated above, the maximum height for a fence in a front yard is 1.2m and 1.8m for everywhere else on a lot. The reasons for these maximum heights are so that residential properties are not *cut-off* from each other. In the front yard, a lower fence is favoured, as a front yard is intended to contribute to the public realm. The lower fence allows for clear lines of sight to a front door and creates a welcoming neighbourhood. Higher fences and hedges close properties off from each other and the public realm and communicates a less welcoming and safe neighbourhood.

With a typical lot, the front yard is generally not very deep and taller fencing for the rest of the yard can be installed for security of the backyard area. A maximum height of 1.8m for all other areas on a lot in a residential area is established as the fence is then tall enough to provide privacy and security, but low enough as to not create concerns over safety and too much shading. In the agricultural and industrial zones, taller fences are allowed for deer control and increased security as the neighbourhood *feel* is not as important.

With the case of these two lots, the position of the house being set all the way back on the lot does not give the opportunity for a secure back yard, like on a typical lot. Also with the relatively short frontage, with the lots being located on the *elbow* of the street and with 120 Wyles being a panhandle, the impact of a taller fence, is not as noticeable. Staff do wish to ensure that if a larger fence is to be installed, that the fence is of a high quality and permeable so as natural surveillance into the lot is achievable meeting the objective of a lower fence, but providing the increased security desired by the property owner.

Given the above, staff recommend that the variance be supported with the condition that any fencing higher than 1.2m along the driveway be of a visually transparent material.

Deny or Refer

Council may feel that the variance is not justified and that the fence should be built in accordance with the zoning bylaw requirement. Alternatively, Council may wish to approve the heights but have more conditions around the fencing material.

Alternate recommendations

THAT Council deny “DVP PL2018-8162”.

THAT “DVP PL 2018-8162” be referred back to staff.

Attachments

Attachment A – Subject property location map

Attachment B – Images of subject property

Attachment C – Letter of intent from applicant

Attachment D – Draft DVP

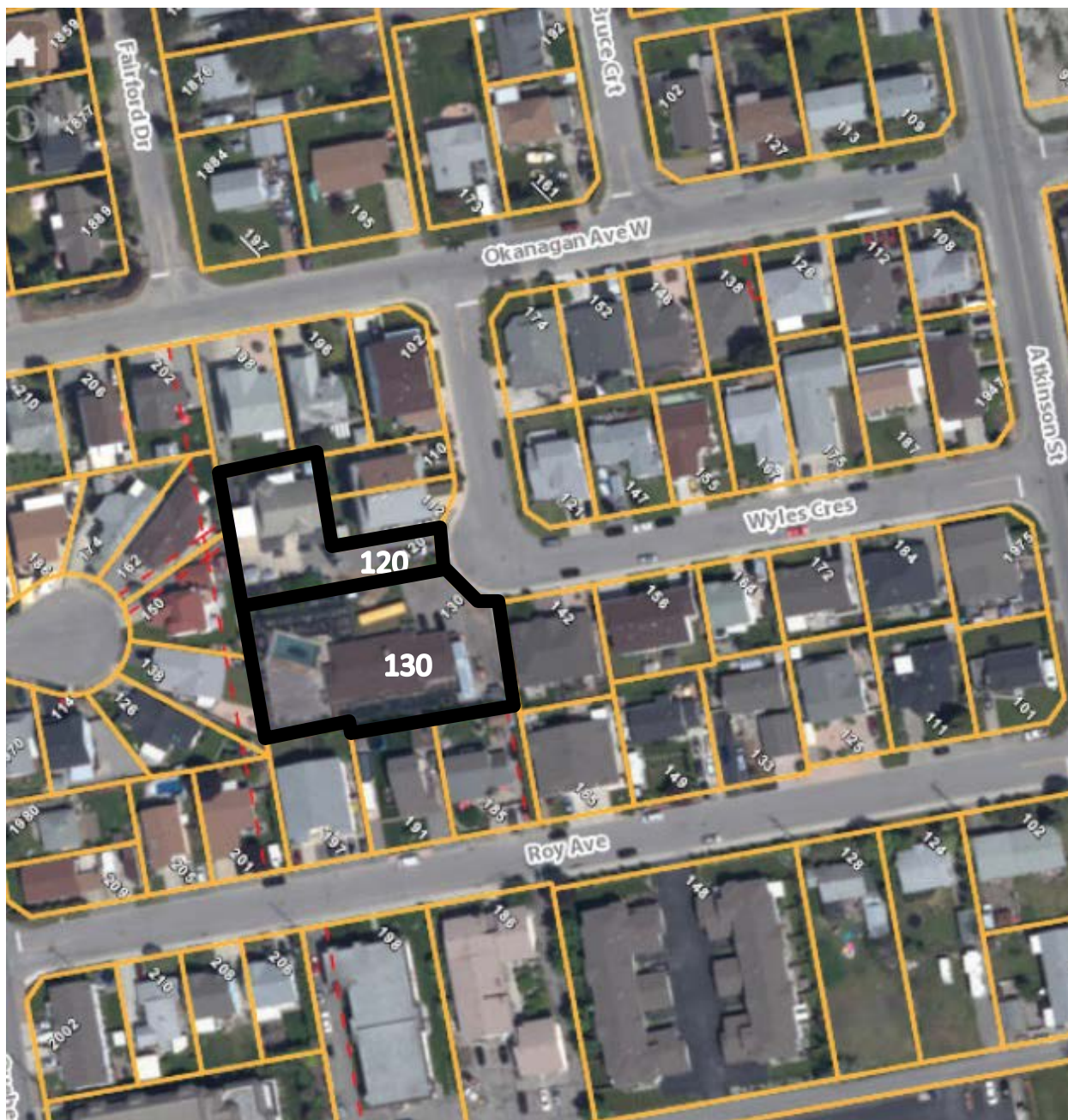
Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

Acting Director <i>BJ</i>	Chief Administrative Officer PW
----------------------------------	--

Attachment 'A'
Subject Property Location Map



Attachment B
Images of Subject Property



Figure 1: Image of subject properties from Wyles Crescent looking south



Figure 2: Image from Wyles Crescent looking south west, chain link to be replaced with higher decorative fencing

Attachment 'C'
Letter of intent from applicant

Letter of Intent

Dear Mayor, Council, and Staff.

I like this city very much and love this land. The people here are kind and passionate. This serene city brings me joy and delight. This is a retirement city filled with good mountain good water and good people.

I lived here for 5 years, always feeling great. This year nightmare came. My home was continuously broken in by theft. They all jumped in from the neighbor's home because my land level is more than 4 feet lower than the neighbors. That is why the thief can easily break into my property. This situation makes me panic on a daily basis. They can intrude into my property at any time. One of these days, after shutting the front gate, the sky is already dark outside. A person still jumped from the neighbor's home to my yard and rang the doorbell. I feel terrified and unsafe. My neighbors are all elderly people around 70-90 years old.

I feel that the only way to protect myself is to raise the fence to not let the thief jump through too easily. I would like to raise the front fence to 6 feet (marked as orange on the map) and to build an 8-10 feet fence. (Marked as green on the map.) Not the whole yard just the part that can prevent the thief. Then it will be level with the neighbors. Thus the theft will not be able to jump in so easily and will act as a safety function.

I humbly beg the leaders of the city to help me and respond to my request. If you see anything you don't like in this plan we are willing to make adjustments. Thank you very much for your time.

Sincerely yours,
Yu Hong
130 Wyles Cres, Penticton, BC



Sample fence and Gate



Attachment D
Draft DVP



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

Development Variance Permit

Permit Number: DVP PL2018-8162

Name
Address
Contact

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

Legal: Lot C, District Lot 115, Similkameen Division Yale District, Plan KAP46609
Civic: 120 Wyles Crescent
PID: 017-658-934

Legal: Lot3, District Lot 115, Similkameen Division Yale District, Plan 4461, Except Plans 34401, 34743, KAP44192 and KAP46609
Civic: 130 Wyles Crescent
PID: 010-545-085

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08:

- i. Section 5.6.1.1 to increase the maximum height of a fence in a front yard from 1.2m to 1.8m
- ii. Section 5.6.2.2 to increase the maximum height of a fence from 1.8m to 2.4m

as shown in the plans attached in Schedule A.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. Any fencing over 1.2m in the front yard must be of a transparent material.
6. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
7. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
8. This permit does not constitute any other municipal, provincial or federal approval. The holder of

this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

9. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

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

Development Variance Permit PL2018-8162
Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Council Report

penticton.ca

Date: April 3, 2018
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 175 Cossar Avenue
Subject: **OCP Amendment Bylaw No. 2018- 21**
Zoning Amendment Bylaw No. 2018-22
DVP PL2018-8184
DP PL2018-8185

File No: PRJ2018-039

Staff Recommendation

Official Community Plan Bylaw

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-21" and in accordance with Section 475 of the *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "OCP Amendment Bylaw No. 2018-21", being a bylaw to amend "OCP Bylaw No. 2002-20" on Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Avenue as follows:

- 'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment 'B' of this report) from HR (High Density Residential) to MR (Medium Density Residential); and
- 'Schedule H: Development Permit Area' to change the Development Permit Area of the site (as identified on Attachment 'D' of this report) from High Density Development Permit Area to General Multiple Family Development Permit Area,

be given first reading and be forwarded to the April 17, 2018 Public Hearing.

Zoning Amendment Bylaw

THAT "Zoning Amendment Bylaw No. 2018-22", a bylaw to amend Zoning Bylaw 2017-08 for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the April 17, 2018 Public Hearing.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8184" for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave, a permit to reduce the side yard setback from 3m to 1.5m, be heard at the April 17th Public Hearing;

AND THAT Council consider "DVP PL2018-8184", following the adoption of "Zoning Amendment Bylaw No. 2018-22".

Development Permit

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-22", approve Development Permit PL2018-8185, for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Ave, a permit that allows for the construction of two side-by-side duplexes.

Strategic Objective

The subject application demonstrates that it is aligned with the Council Priorities of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

Background

The subject property (Attachment 'A') is zoned RD2 (Duplex Housing: Lane) and is designated in the City's Official Community Plan as HR (High Density Residential). Previously, there was a house on the property which was constructed in approximately 1947. A demolition permit was issued in January 2018 to remove the house. The site is currently empty without any structures on site, as shown in the images of the subject property (Attachment 'F').

The property is located within the Plaza Urban Village (Attachment 'E'), which encourages a mixture of housing types and tenures. The Urban Village surrounds the commercial area known as Penticton Plaza, which contains stores including Safeway, Shoppers Drug Mart, Dollar Superstore, etc. The subject property is within appropriate walking distance to this commercial node, encouraging a higher density than the previous single family dwelling.

The existing neighbourhood contains a mixture of single family homes, duplexes, and small apartment buildings. There has been a similar application in this neighbourhood, at 102 Cossar Avenue, to allow for the construction of a 4 unit townhouse.

Proposal

The applicant is proposing to construct two side-by-side duplex buildings on the subject property. To accommodate this development, the applicant is proposing that the subject property be rezoned from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

Secondly, the applicant is proposing an amendment to the Official Community Plan Bylaw No. 2002-20 as follows:

- 'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment 'C' of this report) from HR (High Density Residential) to MR (Medium Density Residential).

- ‘Schedule H: Development Permit Area’ to change the Development Permit Area of the site (as identified on Attachment ‘D’ of this report) from the High Density Development Permit Area to the General Multiple Family Development Permit Area.

Thirdly, the applicant is seeking a Development Variance Permit to vary the following section(s) of the Zoning Bylaw No. 2017-08:

- Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0 m to 1.5 m.

Further, the applicant requires Development Permit approval for the form and character of the buildings, as they will be located within the General Multiple Family Development Permit Area.

Financial Implication

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

Technical Review

This application was reviewed by the City’s Technical Planning Committee. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Subdivision and Building Permit stage of the project, if the rezoning and variance permit applications are supported by Council. These items have been communicated to the applicant.

Zoning Bylaw No. 2017-08 provides a provision that allows for developers to pay cash-in-lieu when reducing side yard setbacks, as permitted through Section 5.3.4 and Section 5.3.5 of the Zoning Bylaw No. 2017-08. This section allows for buffer widths for residential – multiple family developments to be reduced to the actual setback of the building. The applicant is required to pay \$2,700.00 in lieu of 6 trees not being planted. These funds are deposited into the Urban Forest Reserve Fund to be used for tree infilling in the City. This has been communicated to the applicant.

Development Statistics

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

	Requirement RM2 Zone	Provided on Plans
Minimum Lot Width:	18 m	*14.3 m
Minimum Lot Area:	540 m ²	688.2 m ²
Maximum Lot Coverage:	40%	38.5 %
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.75 FAR
Vehicle Parking:	5	5
Required Setbacks		
Front Yard (Cossar Avenue):	3.0 m	3.0 m
Side Yard (east):	3.0 m	1.5 m – Variance Requested
Side Yard (west):	3.0 m	1.5 m – Variance Requested
Rear Yard (lane):	6.0 m	6.8 m
Maximum Building Height	12 m	7.4 m
Other Information:	<ul style="list-style-type: none"> • Property is located within the Plaza Urban Village • Property is located within the General Multiple Family Development Permit Area 	

	<p>* The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through the rezoning of an existing parcel.</p>
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Analysis

Official Community Plan and Zoning Amendment

Support OCP and Zoning Amendment

The subject property is designated High Density Residential (HR) under OCP Bylaw No. 2002-20. Schedule K: Urban Village of the OCP also places the subject property within the “Plaza Urban Village”. The Plaza Urban Village is centered behind the Safeway plaza and is well connected to the downtown via the KVR trail, which currently ends near the subject property. The OCP supports a range of development in these nodes, including low, medium and high density residential, institutional and commercial uses.

The OCP envisions ongoing small scale densifications on the lands north of the Plaza Urban Village; but also contains an area of high density residential development between the Plaza and Fairview Road, on Cossar Avenue. Although the City’s OCP projected higher density in this area, staff considers that the Medium Density Residential (MR) designation will achieve the intent of small scale densification of this area and is more compatible with adjoining land uses. The character of the neighbourhood will slowly change as this is an area that is seeing redevelopment through replacement of older residential building stock over time. This proposal adds to the already diverse range of housing types, tenures and densities of this area.

In summary, the development meets the following objectives of the OCP:

- Encourage residential intensification near commercial actives and in the urban villages;
- Provide for the integration of new medium density development adjacent to lower density development;
- Encourage densification in areas where existing services can accommodate high densities;
- Make efficient use of existing land resources by encouraging use of vacant lands or lands that are transitory in nature;
- Manage growth along transportation corridors and ensure the livability of existing commercial and residential areas;
- The City will encourage growth and residential densification to occur in the vicinity of existing and proposed major transportation corridors, and will promote and encourage more efficient use of public transportation; and
- Encourage a wide range of Medium Density Residential housing, including cluster housing and compact house.

Staff considers that the design is appropriate and consistent with the redevelopment trend in the area. The location of the site and characteristics of the surrounding neighbourhood make it ideally suited for residential densification. There have been similar proposals in the neighbourhood at 102 and 134 Cossar Avenue, which allowed for OCP amendments from HR (High Density Residential) to MR (Medium Density Residential), and Zoning amendments from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

For the reasons mentioned above, staff are recommending that Council support the land use designation change, as provided in this report and refer the application to the April 17th Public Hearing.

Given the above, there is adequate policy to support the proposal to amend the OCP designation of the subject property from HR (High Density Residential) to MR (Medium Density Residential) and to rezone from

RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing) and support is recommended for first reading of "OCP Amendment Bylaw No. 2018-21" and "Zoning Amendment Bylaw No. 2018-22".

Deny Zoning Amendment Bylaw

Council may consider that the proposed amendments are not suitable for this site. If this is the case, Council should deny the bylaw amendments. If the OCP and zoning amendments do not go forward, the property will be restricted to one duplex, with suites if so desired. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Development Variance Permit

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variances are as follows:

Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0m to 1.5m.

- The applicant is requesting a 1.5m interior setback reduction along both interior property lines. The height of the proposed building (7.4m) is much less than the 12.0 m permitted, thus reducing the impact on neighbours. Under the current RD2 (Duplex Housing: Lane) zoning, a developer could construct a duplex with suites with a 1.5m setback. Council recently approved a variance for an interior yard reduction from 3.0m to 1.5m at 102 Cossar Ave. In 2016, Council approved a variance to both interiors yards from 3.0m to 1.5m for the duplexes constructed at 134 Cossar Avenue.
- The applicant has provided a design that improves the pedestrian experience along this property by adding landscaping and sidewalks to connect the duplex to the public realm. This design helps to integrate a medium density development within an existing single family area.

Given the above, staff find the variance request reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed variance will negatively affect the neighbourhood, in particular, the adjacent neighbours. Council may decide that the developer should reduce the size and/or number of units to meet the setbacks. If this is the case, Council should deny the variance.

Development Permit

Approve Development Permit

If Council supports the amendment to the Development Permit Area, as part of this report, from High Density Development Permit Area to the General Multiple Family Development Permit Area, the following policies from the OCP shall be applied to this development. The intention of amending the Development Permit Area is to better reflect the type of development being proposed, which is medium density residential.

If Council supports amending the Development Permit Area, the property will be located within the 'General Multiple Family Development Permit Area (DPA). As such, a Development Permit (DP) is required prior to being able to apply for a building permit. Although the Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings.

The objective of the General Multiple Family DPA is to ensure that the siting, form, character and landscaping of new development is compatible with the context of the existing neighbourhood. New housing should foster a sense of community, enhance the existing streetscape and should maintain or enhance the area's character and livability. In this DPA, there is an emphasis on the following design considerations:

Larger buildings should be designed in a way that creates the impression of smaller units and less bulk; by using buildings jogs and irregular faces.

- The applicant is proposing two duplexes on the subject property, which helps to create the impression of smaller units, as opposed to one large building with the same number of units. The height of the buildings is significantly less than the maximum permitted, reducing the impact on the neighbouring single family homes.

Building shape, roof lines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.

- The applicant is proposing an interesting design to be able to accommodate an increase of density on the smaller lot. The proposed duplexes are designed with interesting front facades, which have variations in building materials. The applicant has displayed that there will be a mixture of acrylic stucco (variety of accent colours), and cultured stone. The front façade of both duplexes also displays variety in depth through the utilization of an offset wall.

Townhouse and multi-family developments should front or appear to front onto adjacent roadways. This may be achieved through appropriate treatment of the building exteriors and through the provision of pedestrian entrance-ways and walkways to the street.

- The proposed duplexes have been designed to enhance the pedestrian connection to Cossar Avenue. The design includes a sidewalk connecting the entranceway from the duplex fronting Cossar Avenue to a newly constructed sidewalk along the subject property. The boulevard will also see landscaping improvements in the form of trees and shrubs.

Parking areas between the front of buildings and the street is discouraged.

- The applicant is proposing parking stalls to be located in the rear of the property adjacent to the lane. The design includes a 0.5m buffer between the parking spaces and the fencing along the property line.

The design presented by the applicant has been created with street presentation and architectural interest in mind. The siting, form and character are appropriate, particularly when considering the integration into the current lower density neighbourhood that is projected for higher density. As such, Staff recommend that Council approve the Development Permit.

Deny Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood or that the development should soften the impact on neighbouring properties. If this is the case, Council should refer the permits back to staff to work with the developer as directed by Council.

Alternate Recommendations

1. THAT Council deny first reading of "OCP Amendment Bylaw No. 2018-21" and "Zoning Amendment Bylaw No. 2018-22" and deny support for DVP PL2018-8184 and DP PL2018-8185.

- 2. THAT Council give first reading to "OCP Amendment Bylaw No. 2018-21" and "Zoning Amendment Bylaw No. 2018-22", but deny support for DVP PL2018-8184 and DP PL2018-8185.
- 3. THAT Council give first reading to "OCP Amendment Bylaw No. 2018-21" and "Zoning Amendment Bylaw No. 2018-22", and support DVP PL2018-8184 and DP PL2018-8185 with conditions that Council feels are appropriate.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map of Subject Property
- Attachment C: Official Community Plan Map of Subject Property
- Attachment D: Development Permit Area Map
- Attachment E: Plaza Urban Village Map
- Attachment F: Images of Subject Property
- Attachment G: Letter of Intent
- Attachment H: Renderings
- Attachment I: Draft Development Variance Permit (DVP)
- Attachment J: Draft Development Permit (DP)
- Attachment K: OCP Amendment Bylaw No. 2018-21
- Attachment L: Zoning Amendment Bylaw No. 2018-22

Respectfully submitted



Nicole Capewell
Planner 1

Approvals

Acting Director Development Services <i>BJ</i>	Chief Administrative Officer PW
---	---

Attachment A – Subject Property Location Map

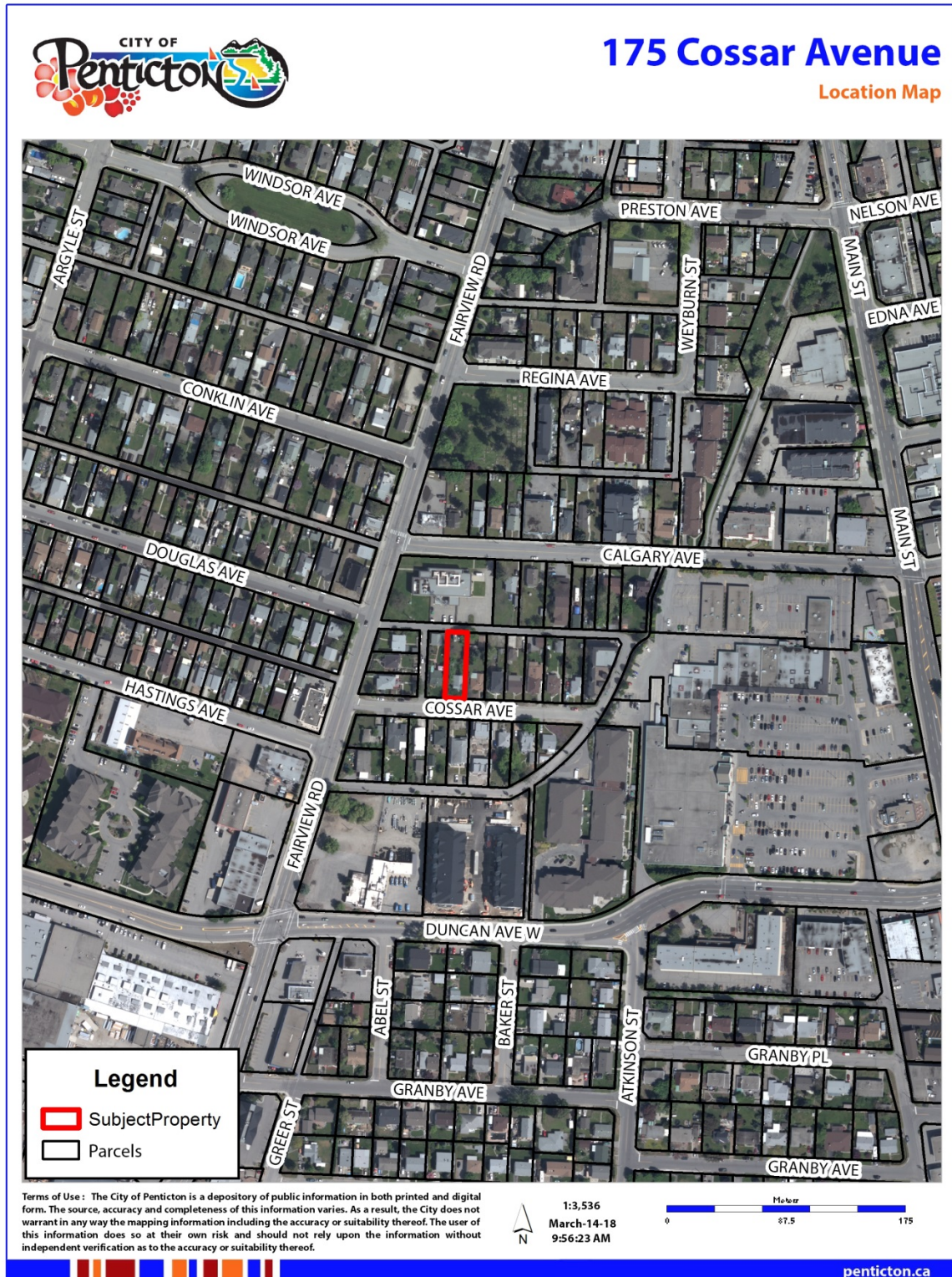


Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

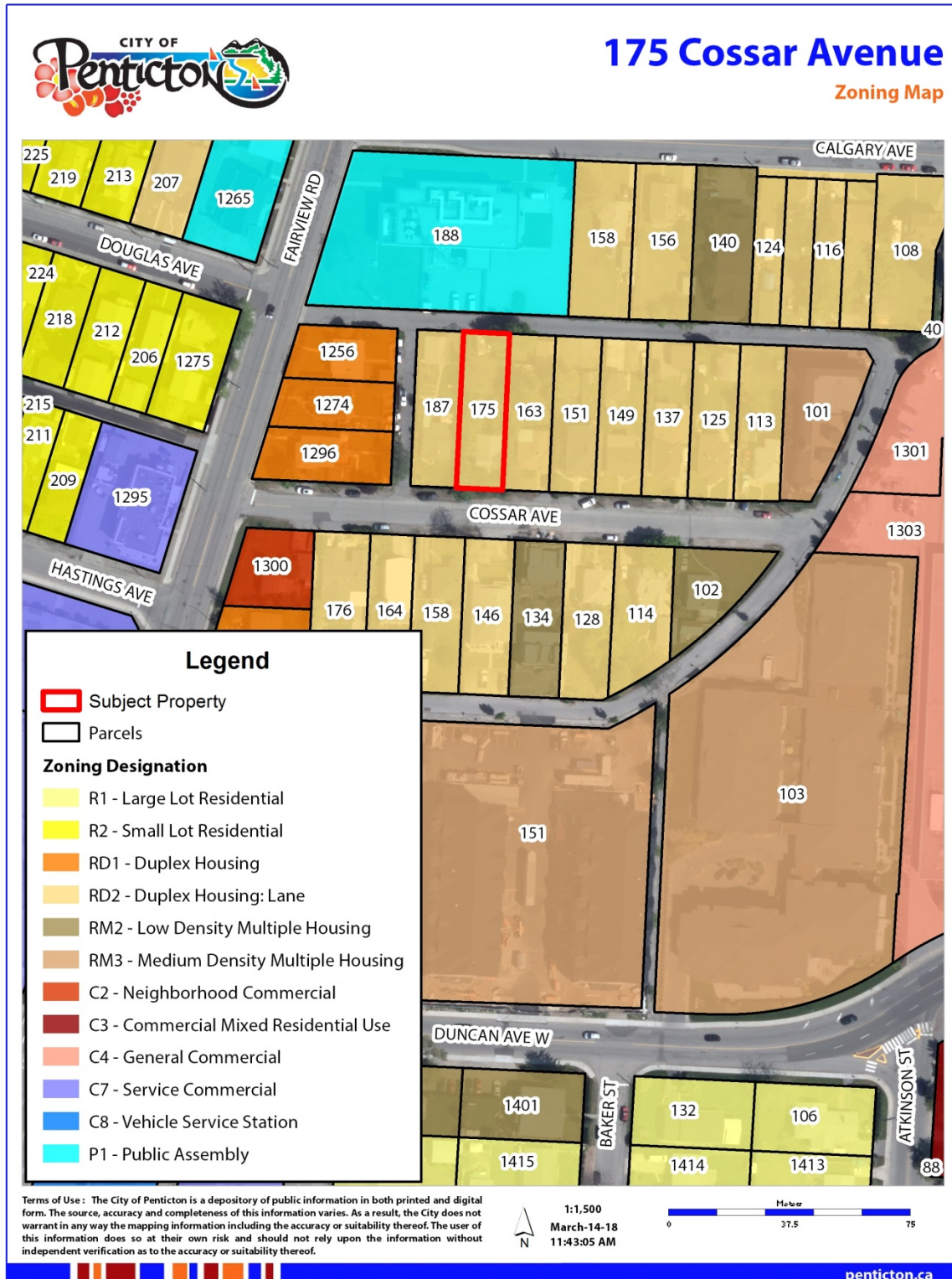


Figure 2 – Subject Property Currently Zoned RD2 (Duplex Housing: Lane)

Attachment C – Official Community Plan Map of Subject Property

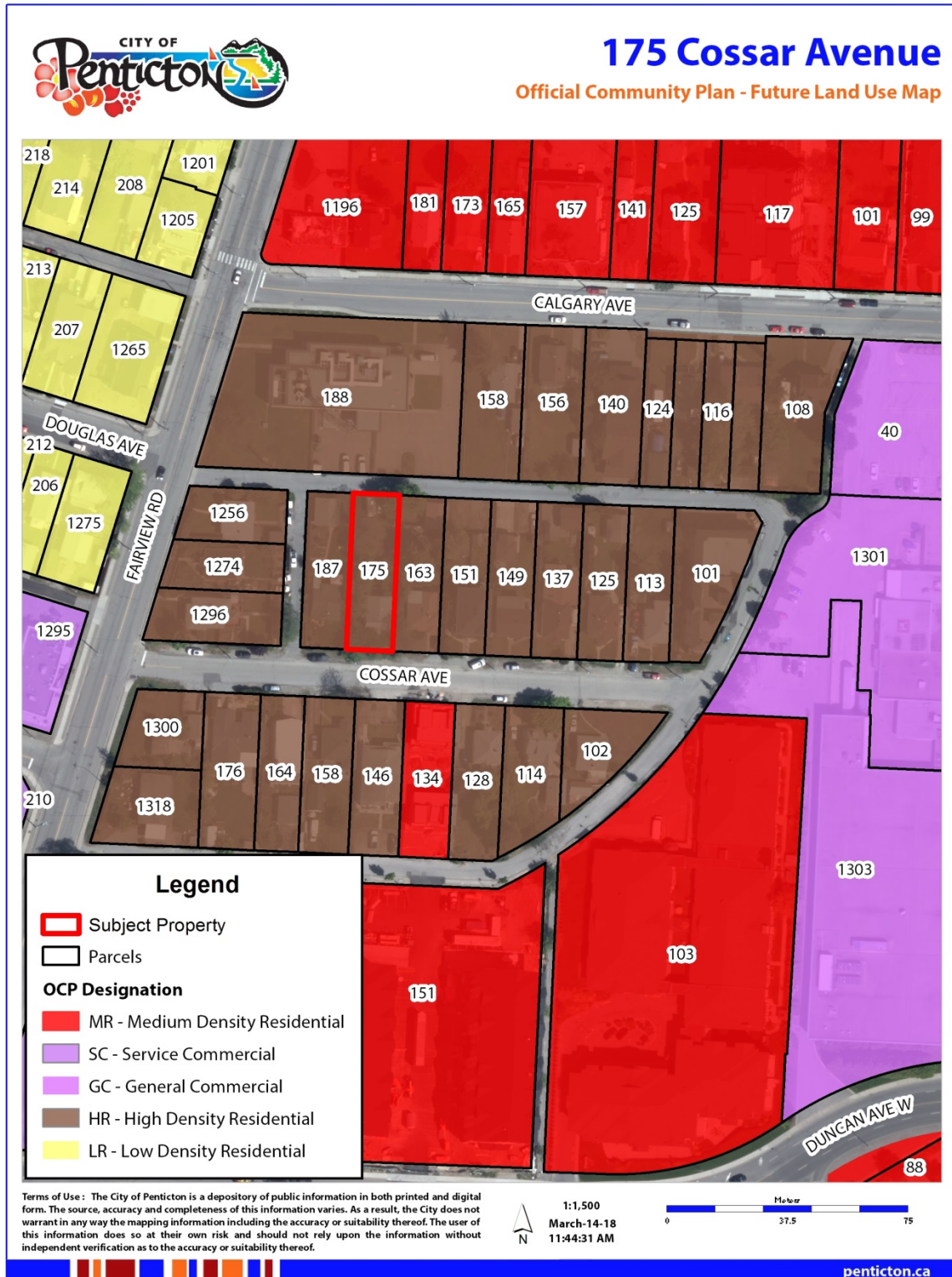


Figure 3 – Subject Property Currently Designated as HR (High Density Residential) within Official Community Plan

Attachment D – Development Permit Area Map

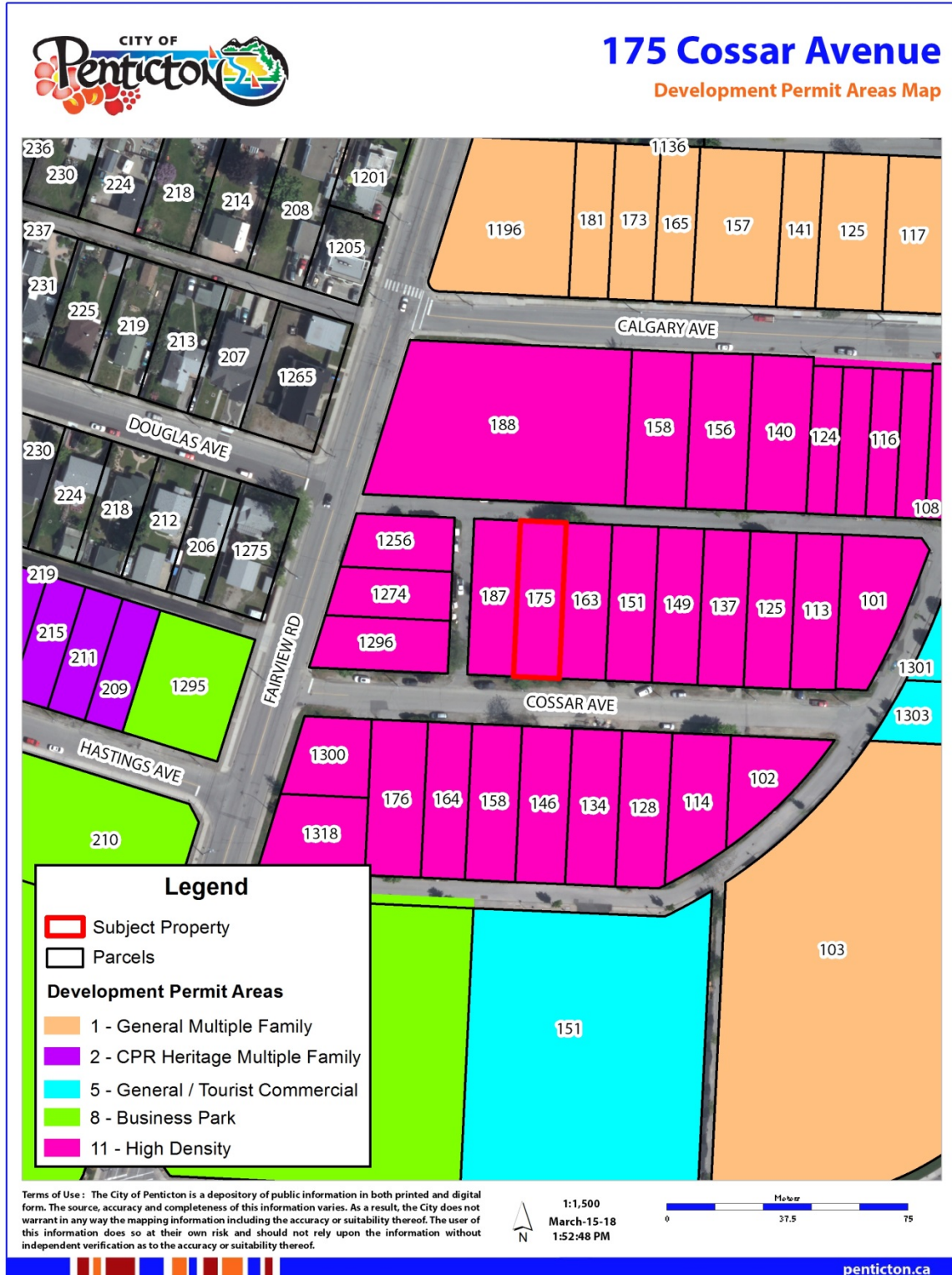


Figure 4 – Subject Property Currently Designated as High Density Development Permit Area

Attachment E – Plaza Urban Village Map

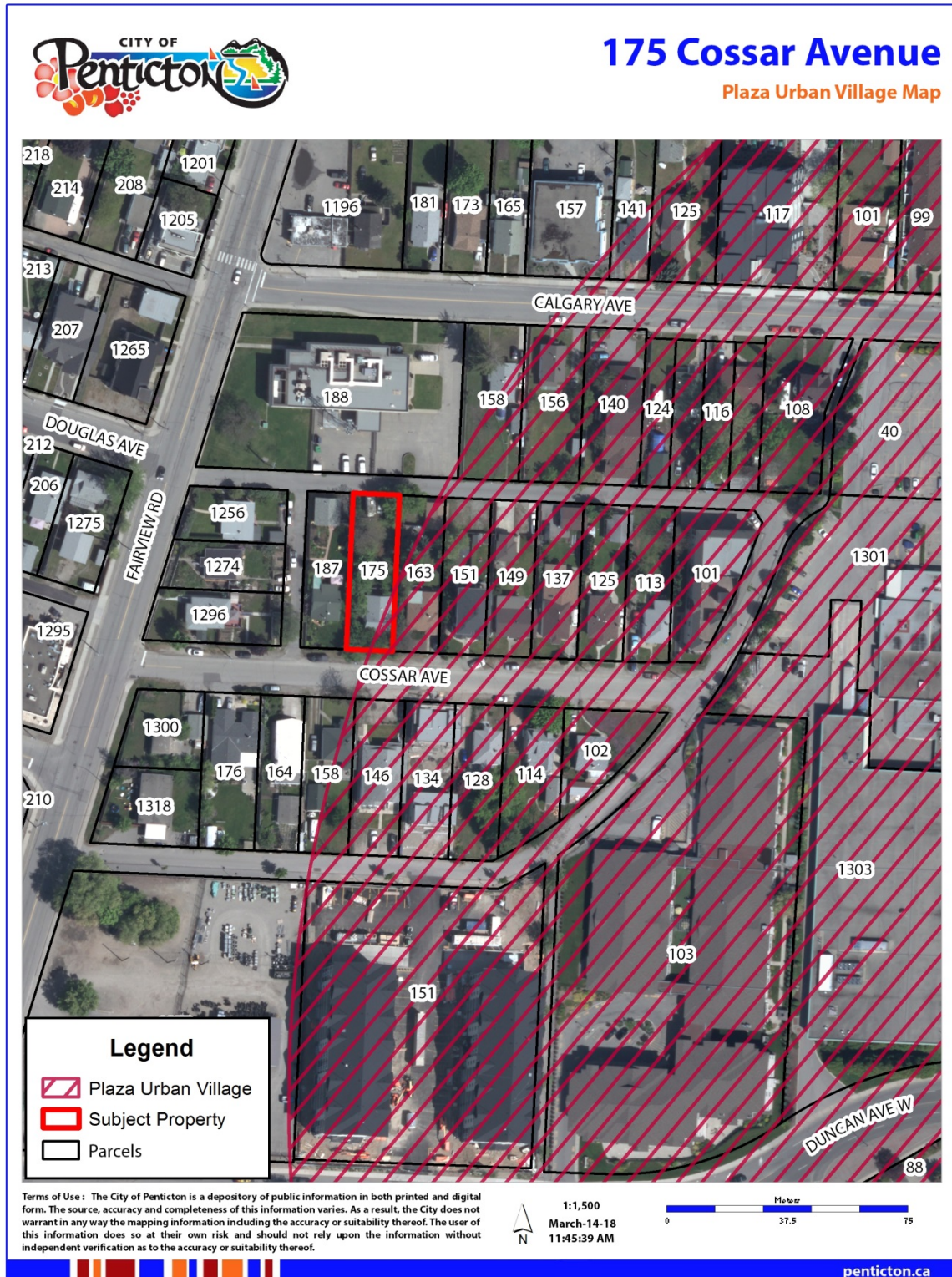


Figure 5 – Subject Property Located within the Plaza Urban Village

Attachment F – Images of Subject Property



Figure 6 – Looking toward front of 175 Cossar Avenue from Cossar Avenue

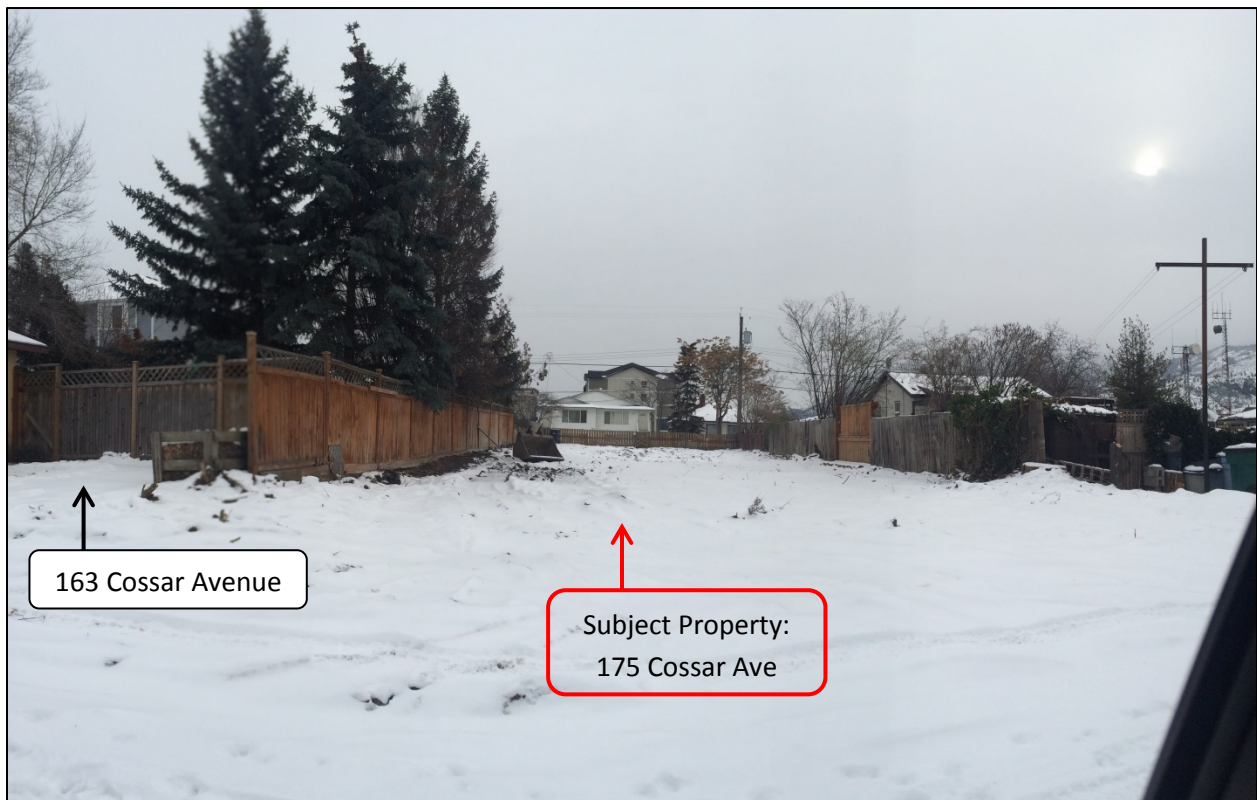


Figure 7 – Looking toward rear of 175 Cossar Avenue from the lane

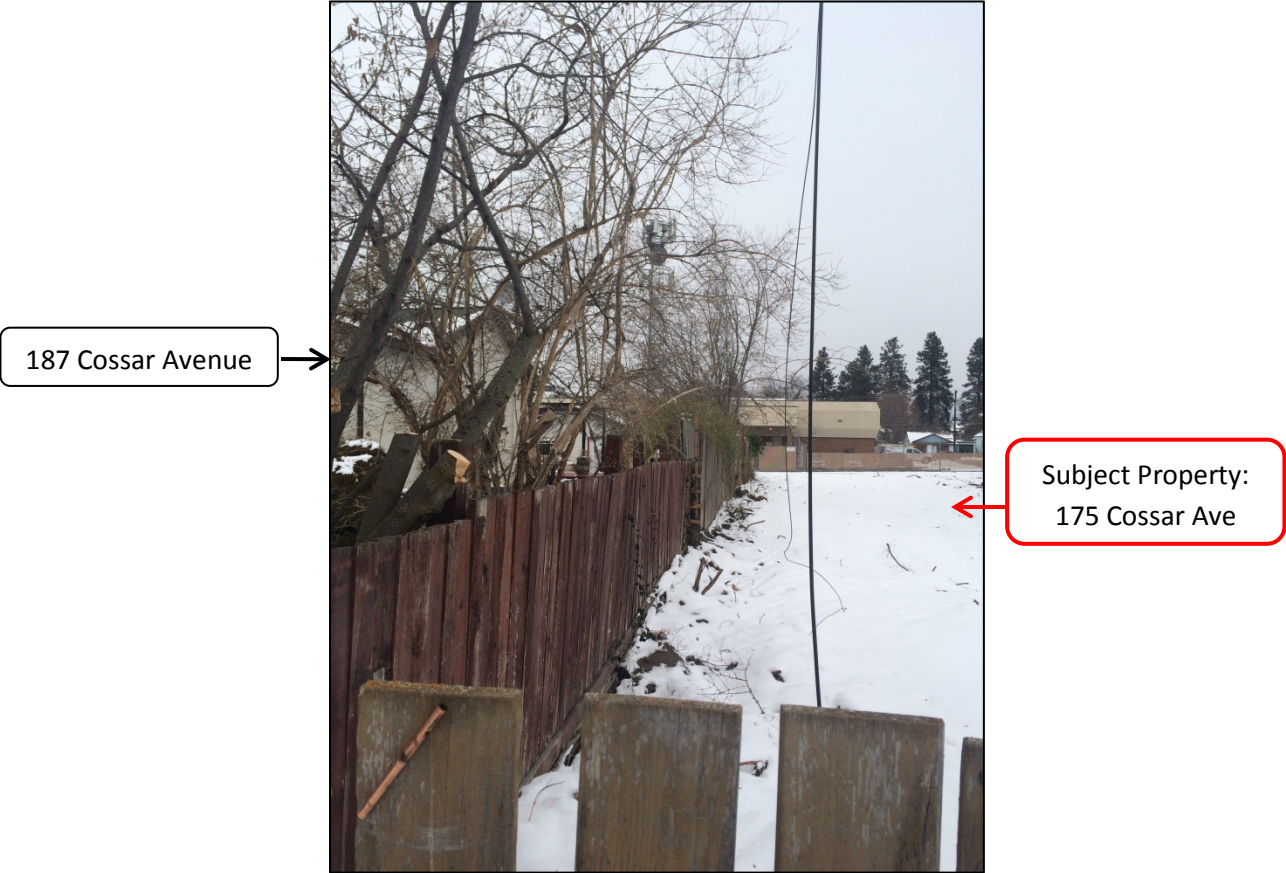


Figure 8 – Looking down the western property line of 175 Cossar Avenue from Cossar Avenue

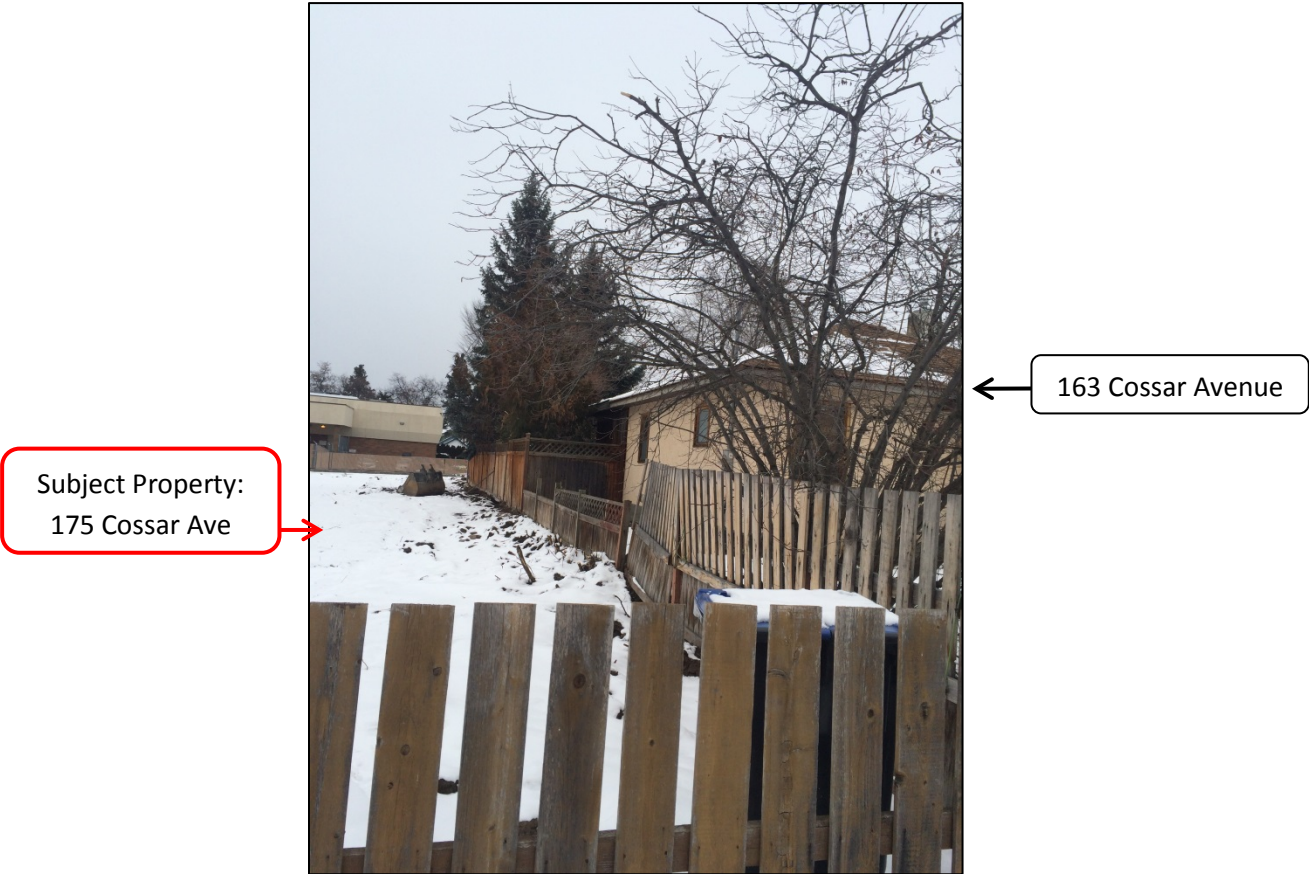


Figure 9 – Looking down the eastern property line of 175 Cossar Avenue from Cossar Avenue



Figure 10 – Looking west along front property line (along Cossar Avenue)



Figure 11 – Looking east along front property line (along Cossar Avenue)

Attachment G – Letter of Intent



March 12, 2018

Giroux Design Group Inc.
1405-160 Lakeshore Drive W.
Penticton, BC V2A 9C2

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

Re: 175 Cossar Avenue Development Permit Application

To City of Penticton Mayor, Council, and Planning Department,

This letter is regarding the proposed OCP amendment, rezoning, and development of the property located at 175 Cossar Avenue. The proposal is to take a large single-family lot with a single residence and rezone the lot to develop two duplex buildings. While the project requires an OCP amendment the City planning department suggested it was not necessary to consult the neighbors as the OCP change is to a lower density (HR to MR). The project also fits in with other similar developments and OCP amendments approved on the same street.

The project requires one variances to reduce the side interior setbacks from 3.0 m to 1.5 m. This variance brings the side setbacks in harmony with the normal requirement for duplex zoned lots, as well it is consistent with other properties on the street.

In summary, we feel confident that the proposed development is tasteful and respectful of the existing character of the neighborhood. This development will help provide quality housing for families in our community along with student housing. Thank you for considering our proposal.

Best regards,

A handwritten signature in black ink, appearing to read 'Tony', is written over a light blue horizontal line.

Tony Giroux **BD.ASTTBC**
Owner/Registered Building Designer
Giroux Design Group Inc.

Figure 12 – Letter of Intent

Attachment H –Renderings



Figure 13 – Rendering of front view from Cossar Avenue



Figure 14 – Rendering of rear view from the lane



Figure 15 – Rendering of overhead view of proposed development

Attachment I – Draft Development Variance Permit (DVP)



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

Development Variance Permit

Permit Number: DVP PL2018-8184

Name
Address I
Address II

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223
Civic: 175 Cossar Ave
PID: 010-875-433
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Section 10.8.2.7.i of Zoning Bylaw 2017-08 to allow for a reduction to the minimum interior side yard from 3.0m to 1.5m, as shown in the plans attached in Schedule 'A'.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

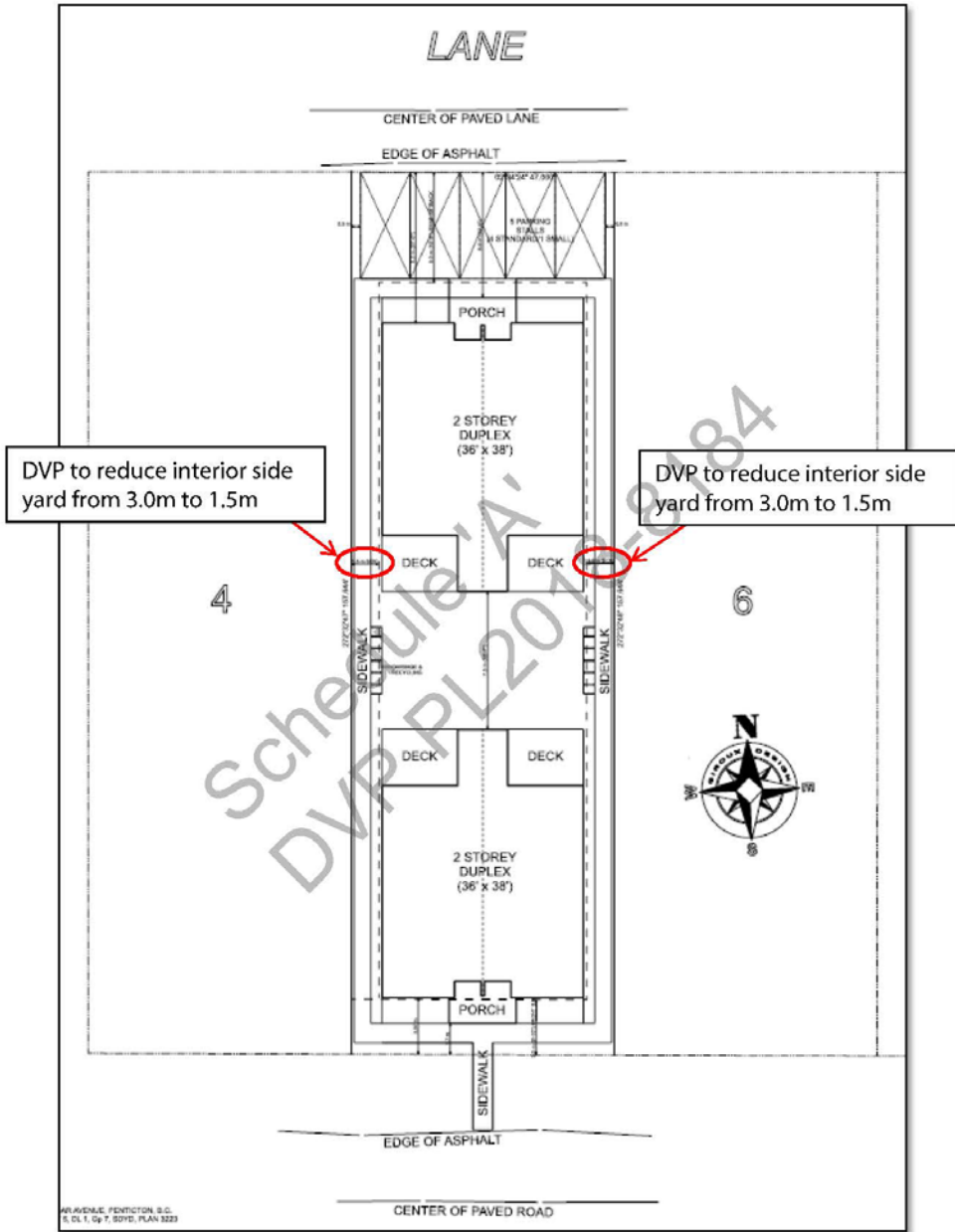
Authorized by City Council, the _____ day of _____, 2018

Development Variance Permit PL
Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

DRAFT

Schedule A: Plans



DVP to reduce interior side yard from 3.0m to 1.5m

DVP to reduce interior side yard from 3.0m to 1.5m

Attachment J – Draft Development Permit (DP)



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

Development Permit

Permit Number: DP PL2018-8185

Owner Name
Owner Address
Owner Email Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223
Civic: 175 Cossar Avenue
PID: 010-875-433
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two duplexes as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

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

Issued this _____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Schedule A: Plans

GIROUX DESIGN GROUP
 175 COSSAR AVENUE, PENTICTON, BC, V2A 6K6
 Phone: 250.775.1888 Fax: 250.775.4119

houseplan@numbys.com
 175 COSSAR AVENUE, PENTICTON, BC, V2A 6K6

GIROUX DESIGN GROUP
 175 COSSAR AVENUE, PENTICTON, BC, V2A 6K6



Quality Home and Building Design Since 1950.

HARRY HOWARD
175 COSSAR AVENUE, PENTICTON, BC



WP-5534

www.girouxdesigngroup.com





EXISTING COMPLIANCE TABLE	APPLICABLE REGULATIONS	PROPOSED USE IN LANE	IMPROVEMENT REQUIRED
MIN. LOT AREA	1000	1000	NO
MIN. LOT WIDTH	30	30	NO
MIN. LOT DEPTH	10	10	NO
MIN. FRONT SETBACK	5	5	NO
MIN. SIDE SETBACK	5	5	NO
MIN. REAR SETBACK	5	5	NO
MIN. FRONT YARD GREEN SPACE	10%	10%	NO
MIN. SIDE YARD GREEN SPACE	5%	5%	NO
MIN. REAR YARD GREEN SPACE	5%	5%	NO
MIN. FRONT YARD TREE	1	1	NO
MIN. SIDE YARD TREE	1	1	NO
MIN. REAR YARD TREE	1	1	NO
MIN. FRONT YARD SHRUBS	1	1	NO
MIN. SIDE YARD SHRUBS	1	1	NO
MIN. REAR YARD SHRUBS	1	1	NO
MIN. FRONT YARD PERMEABLE PAVEMENT	10%	10%	NO
MIN. SIDE YARD PERMEABLE PAVEMENT	5%	5%	NO
MIN. REAR YARD PERMEABLE PAVEMENT	5%	5%	NO
MIN. FRONT YARD WATER RUNOFF	10%	10%	NO
MIN. SIDE YARD WATER RUNOFF	5%	5%	NO
MIN. REAR YARD WATER RUNOFF	5%	5%	NO

SITE PLAN
 THIS PLAN IS THE PROPERTY OF GIROUX DESIGN GROUP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF GIROUX DESIGN GROUP IS STRICTLY PROHIBITED. THE USER OF THIS PLAN AGREES TO HOLD GIROUX DESIGN GROUP HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY GIROUX DESIGN GROUP AS A RESULT OF THE USER'S USE OF THIS PLAN.

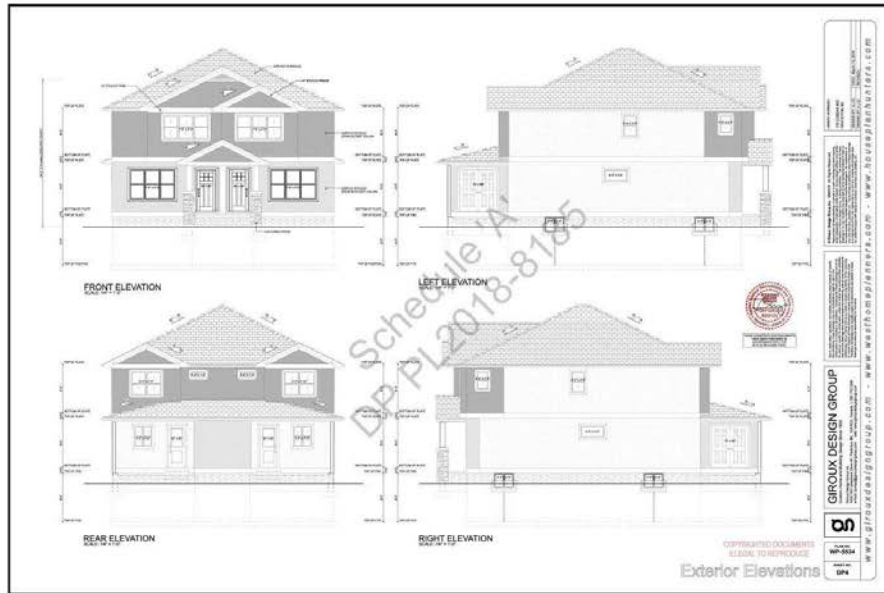
COSSAR AVENUE

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Bylaw No. 2018-21

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

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

1. Title:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2018-21."

2. Amendment:

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

- 2.1 Amend Schedule 'B' Future Land Use designation for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Avenue, identified in Schedule A of this bylaw, from HR (High Density Residential) to MR (Medium Density Residential).
2.2 Amend Schedule 'H' Development Permit Area Map for Lot 5, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Avenue, identified in Schedule A of this bylaw, from High Density Development Permit Area to General Multiple Family Development Permit Area.
2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2018
A PUBLIC HEARING was held this day of , 2018
READ A SECOND time this day of , 2018
READ A THIRD time this day of , 2018
ADOPTED this day of , 2018

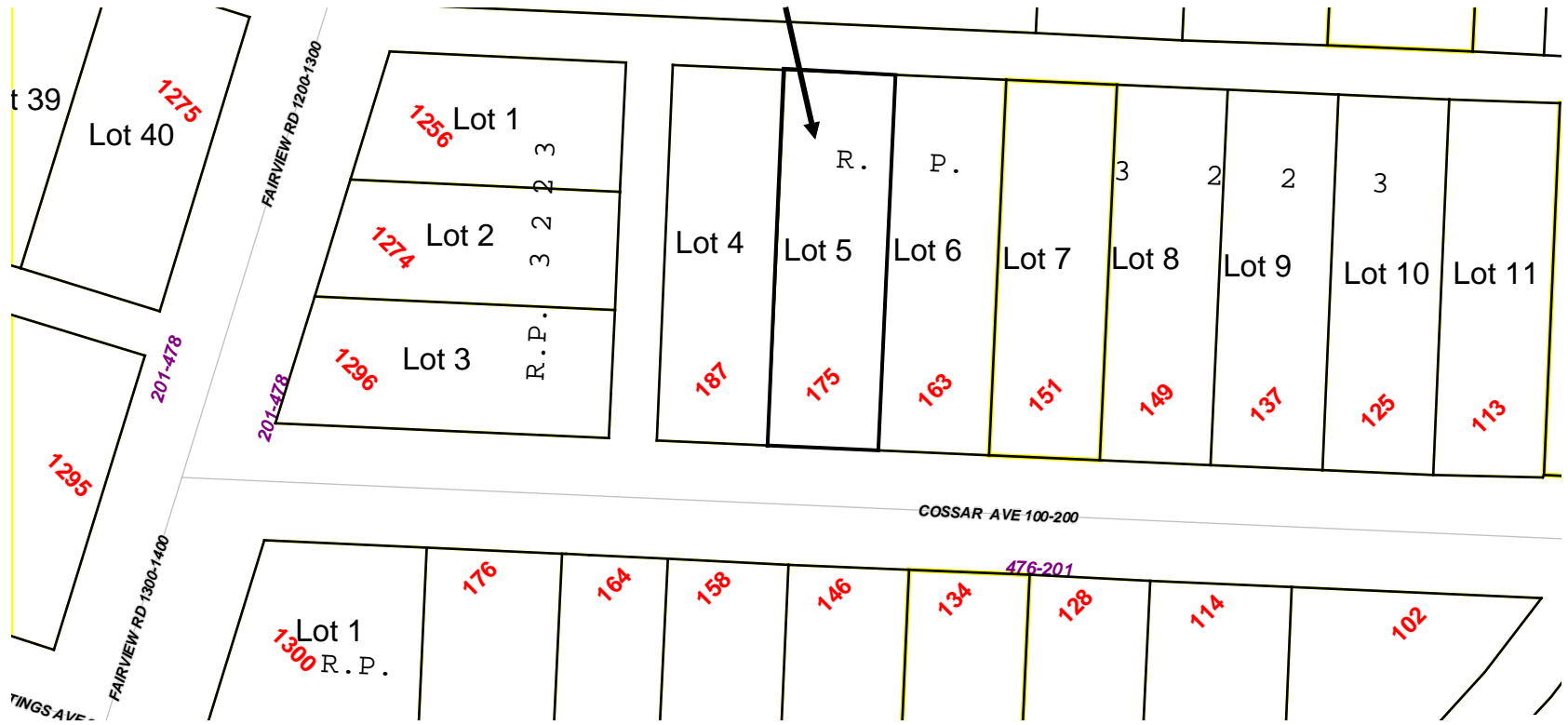
Notice of intention to proceed with this bylaw was published on the __ of ____, 2018 and the __ of ____, 2018 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend Schedule B: Future Land Use Designation
From HR (High Density Residential) to MR (Medium Density Residential)

Amend Schedule H: Development Permit Area
From High Density Development Permit Area to General Multiple Family Development Permit Area



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-21

Date: _____

Corporate Officer: _____

Bylaw No. 2018-22

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

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

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-22".

2. Amendment:

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

Rezone Lot 5 District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3223, located at 175 Cossar Avenue from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this day of , 2018
A PUBLIC HEARING was held this day of , 2018
READ A SECOND time this day of , 2018
READ A THIRD time this day of , 2018
RECEIVED the approval of the day of , 2018
Ministry of Transportation on the
ADOPTED this day of , 2018

Notice of intention to proceed with this bylaw was published on the day of , 2018 and the day of , 2018 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

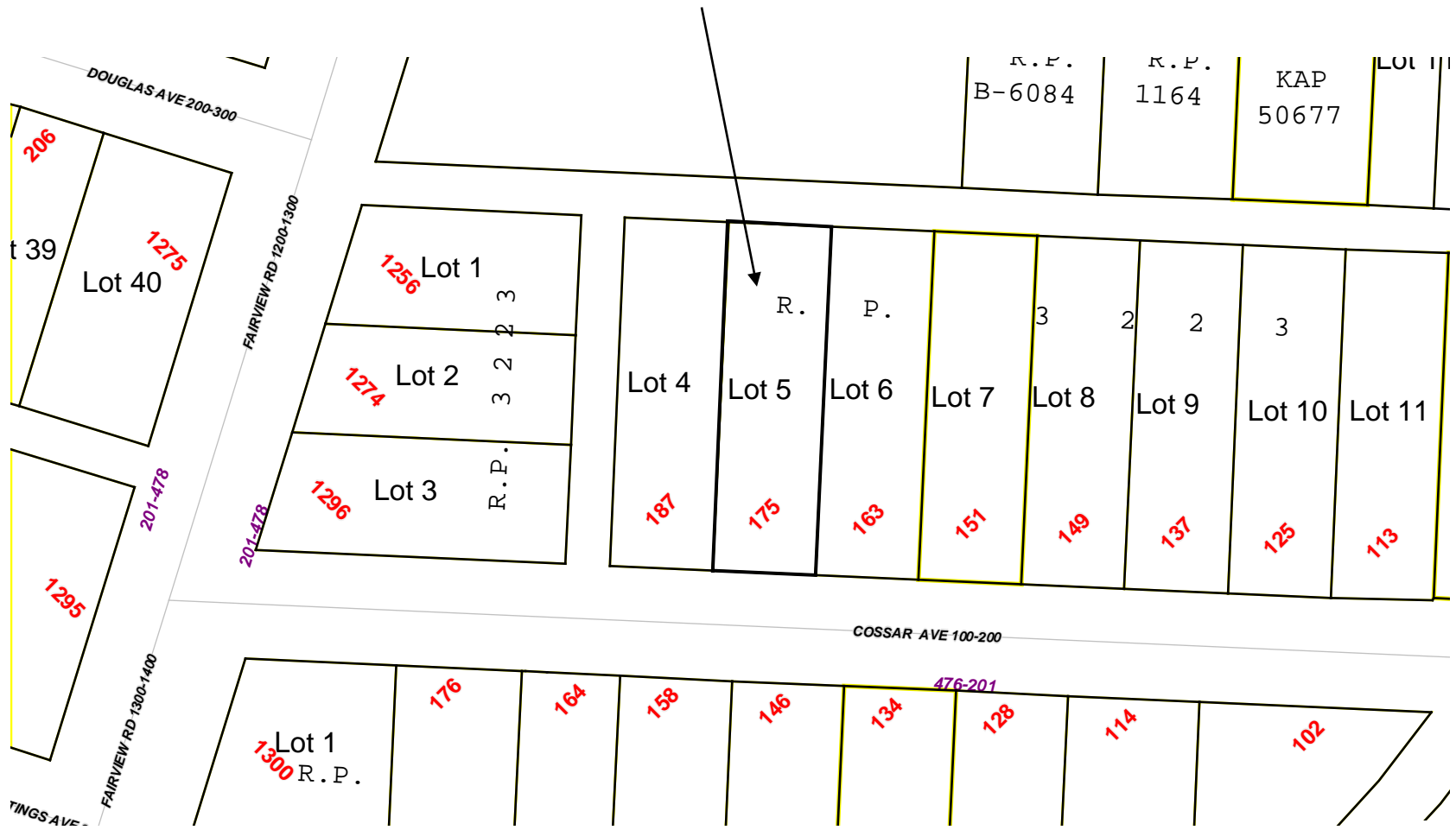
Approved pursuant to section 52(3)(a) of the Transportation Act
this day of , 2018
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 175 Cossar Avenue

From RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-22

Date: _____

Corporate Officer: _____