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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** October 18, 2001  
**File No.:** 5340-09-21A  
**To:** City Manager  
**From:** Wastewater Manager  
**Subject:** Addition No. 1 to Sewer Spec Area No. 21A (McKenzie bench)

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### **RECOMMENDATION :**

THAT Bylaw 8658 be amended to add 27 properties, as shown on the attached plan (Schedule A) to Sewer Specified Area No. 21A. The properties to be added are:

LOTS 11-15 PLAN 17525  
LOTS 1, 2 PLAN 13147  
LOTS 13-15 PLAN 23278  
LOT E PLAN 35641  
LOTS 1, 2 PLAN 22050  
LOT A PLAN 51833  
LOTS 1-3 PLAN 22370  
LOTS 1-9 PLAN 15429  
LOT B PLAN 14835

AND THAT Bylaw 8739, being Amendment No. 1 to Sewer Specified Area No. 21A (McKenzie bench), be forwarded to Council for reading consideration.

AND THAT once included in Sewer Specified Area No. 21A, these parcels be subject to all the fees and charges specified by the original Bylaw No. 8658.

AND THAT Bylaw No. 8469, the Sewer Connection Charge bylaw, be amended to remove these parcels and all the other parcels within Spec Areas No. 21A and 22A boundaries from Sewer Service Area No. 21, and 22 respectively.

### **BACKGROUND :**

The City Wastewater Division pursued and obtained a Provincial Local Government Grant for 50% of the estimated costs of installing sewers in an area of Rutland referred to the McKenzie bench. Public meetings were conducted and petitions requested from the affected Property Owners to determine if they wanted to pay their share of the costs of the project. The majority of the Owners were in favour of the project, and Council adopted the bylaw to create Sewer Specified Area No. 21A.

The Detailed Design work was awarded to an Engineering Consultant in May of 2001, and tenders for the Construction of the sewers were received in July of this year. The Contract was awarded to the low bidder, and the prices received were lower than the estimated costs used in the application to the Province for the Provincial Grant. To attempt to fully utilize the Provincial Grant and install as much sewer as possible with the 50% subsidy, staff calculated the amount

of money that was estimated to be available for an addition to the established Spec Area boundary. One neighbourhood that was immediately adjacent to the mains being installed in the Spec Area, and deemed as having a higher-than-average incidence of reported septic failures and requests for sewer, was the Mugford, Mara Ct., Macaden Ct. area. One of the residents in the affected area took petition forms around the neighbourhood and gathered the support of over 80% of the affected property owners.

Most of the Spec Area projects that have been carried out previously, have been done so in accordance with Section 629 of the Local Government Act which is by Council's initiative. This type of local improvement requires advertising and the invitation of petitions against the proposed work, essentially allowing the residents to "vote" on the project. Section 631 of the Local Government Act allows the owners to present a petition to Council, and if it is signed by at least 2/3 of the owners liable to be charged, then the advertising and "voting" process is not required. With the percentage of owners that have indicated their desire to install sewers in the Mugford/Mara/Macaden area, the City Clerk's office has deemed that the petitions received are sufficient to add this area to Sewer Specified Area No. 21A.

In anticipation of receiving an adequate number of petitions to pursue the proposed additional area, the Ministry of Municipal Affairs was contacted to determine if they would support an addition to the Spec Area, and allow the City to use the awarded Grant for the new area. An informal response from the Ministry indicates that they will allow the additional properties to be included in the area applicable for the Grant monies.

It may be possible to add this additional construction work to the Contract that is presently underway, but depending on the Contractors progress, the availability of asphalt and the weather, this may not be practical. The other alternatives to sewer these additional properties would be to add the work to Contract 2 of the Spec Area (the upper bench area) or to create a Contract 3 component to the Spec Area.

The recommendation to remove all the parcels in Spec Areas 21A and 22A, from their parent Sewer Service areas is to address a technical limitation of our computerized Utility Charge system. If the properties within actual Specified Areas remain in the Service Area, when our customers come in to connect, our Utility charge program identifies them in the Service Area and assesses the Service Area charge. In fact, in a Spec Area, the Owners are sent a separate letter and offered the ability to "cash commute" or defer to an annual charge on their tax notice for 20 years. The removal of the properties from the Service Area, once a Spec Area bylaw has been adopted to assess the Spec Area charges, will avoid any duplication in charges.

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W.J. Berry, P.Eng.  
Wastewater Manager

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John Vos  
Director of Works & Utilities

Attachment (Schedule A)

cc     City Clerk  
       Revenue Manager  
       CAD Technician

# SCHEDULE A - BYLAW 8739



AREA TO BE ADDED  
TO SSA 21A



H:/WU/DRAFTING/MISCDWGS/MUGFORD

DRAWN GT	DATE SEPT19/01	THE CITY OF KELOWNA ENGINEERING DEPARTMENT		DIVISION WORKS & UTILITIES	
DESIGN	SCALE NTS	ADDITION # 1 TO BYLAW 8658 (SPECIFIED AREA 21A)		DWG. NO.	REV. NO.
APPROVED					