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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 16, 2002  
**File No.:** 5340-07

**To:** City Manager

**From:** Wastewater Manager

**Subject:** **Byrns/Benvoulin Road Water Specified Area No. 16**

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**RECOMMENDATION:**

THAT the City of Kelowna initiate a Water Specified Area project pursuant to Section 646 of the Local Government Act, for the area shown on the attached map, which indicates the proposed service area of 17 properties on Byrns Road and Benvoulin Road.

AND THAT Council direct staff to take the necessary steps of advising and involving the affected property owners as required by the Local Government Act.

AND FURTHER THAT the 2002 Financial Plan be amended to provide for this additional project.

**BACKGROUND:**

After the preliminary construction plans had been developed for the Byrns/Baron trunk sewer main, City staff and our Engineering Consultant hosted a public meeting to gather any comments and concerns from the affected Property Owners. At this meeting, several Owners on Byrns Road explained that they have very shallow water wells and they were concerned that the wells may be affected during construction. We engaged a specialist Geotechnical Engineering firm that investigated the area and conducted tests, and their subsequent report confirmed that we are, in fact, very likely to dry up many of the local wells during construction. We had our Consultant research options to address this, such as providing temporary water service during construction or replacing the shallow wells with new deep wells. The best solution appeared to be the investment of the same funds as we would spend to replace the wells (which was the cheapest option) and use this amount to subsidize the installation of a watermain and services for all the affected neighbours.

The new water system would extend from Benvoulin Road (in front of the Arboretum) and travel west down Byrns Road to serve the cluster of housing at the east end of Byrns Road. The total cost of installing the watermain & services is estimated at \$220,000. The Wastewater Utility will share in \$80,000 of the costs, which is the estimated amount of installing the new wells. The Water Utility requires that the main be oversized to accommodate future growth, and will invest \$48,000 for this oversize. The Roads Division will purchase the Asphalt grindings from the watermain trench and pay \$8,500 for them. The estimated net cost to the Property Owners will then end up slightly more than \$80,000. The estimated Spec Area cost to the Property Owners, after all the other subsidies have been applied, results in an estimated one-time payment (cash commutation) of \$5,180 per parcel and if the owner chooses to pay over a 20-year period, the estimated annual payment would be approximately \$526.

To: City Manager  
Re: Byrns/Benvoulin Road Water Specified Area No. 16

- 2-

August 16, 2002

City staff and a neighbourhood representative took the information related to this proposal, and canvassed the neighbourhood to determine the level of interest in having a new water system installed through a Specified Area process. 17 property owners were invited to participate, and 15 of the owners signed petitions stating they wished to proceed with the water system installation. This represents over 88% of the properties in the affected area being in favour of the water project. On the basis of this majority of owners in the area that are in favour of proceeding with the water installation project, we recommended that Council adopt a bylaw to create a Water Specified Area project for the Byrns/Benvoulin Road area.

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 a water system in conjunction with the Byrns Road sewer construction, the City Clerk's office has deemed that the petitions received are sufficient to create Water Specified Area No. 16.

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

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John Vos  
Director of Works & Utilities

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