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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** February 12, 2003

**File No.:** Z02-1056 (3360-20)

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To rezone the subject property to permit the development of a single family subdivision within Neighbourhood Two in the Southwest Okanagan Mission Sector Area

**Owner:** 417860 Alberta Ltd.      **Applicant/Contact Person:** Robert Bennett

**At:** 5065 Frost Road

**Existing Zone:** A1 – Agriculture 1      **Proposed Zone:** RU1 – Large Lot Housing

**Report Prepared by:** Shelley Gambacort

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATIONS

THAT Rezoning Application No. Z02-1056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL357, SDYD, Plan KAP47764, located on Frost Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaws be withheld pending the execution and registration, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

### 2.0 SUMMARY

The applicant proposes to rezone the subject property from the current A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone to facilitate a proposed subdivision comprising 15 single family residential lots. The application is in accordance with the future single/two family residential land use designation of the Neighbourhood Two Area Structure Plan in the Southwest Okanagan Mission Sector Area.

#### 2.1 Advisory Planning Commission

The Advisory Planning Commission at their meeting of December 10, 2002 reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z02-1056, 5065 Frost Road, Lot 2, DL357, SDYD, Plan KAP47764, by Bob Bennett, to rezone from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone in order to facilitate a 15 lot single family residential subdivision.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The proposed subdivision comprises 15 single family lots ranging in size from 550 m<sup>2</sup> to 3,059.8 m<sup>2</sup>. Access to the proposed subdivision will be through the adjacent single family subdivision currently under development to the south west of the subject property by Progressive Construction Ltd.

The proposal, as compared to the requirements of the RU1 zone requirements are as follows: (*\*Note: The subdivision plan will require some adjustments in order to achieve the minimum site width requirements for all lots.*)

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	550 – 3,059	550
Site Width (m)	~10 – 29.6	16.5 (17 for corner lot)
Site Depth (m)	30 - 88	30

#### 3.2 Site Context

The subject property fronts on the south side of Paret Road. Due to topographic constraints, access to the property is by way of a legal access easement, off of the newly dedicated and constructed Arbor View Drive. Arbor View Drive is located off of the extension of South Ridge Drive, north of Frost Road.



In order to proceed with the actual subdivision of the subject property it will be necessary to ensure that all services will be made available to the proposed development via the adjacent Progressive Construction subdivision. This will include legal road frontage for all proposed Lots. These requirements will be addressed through the Preliminary Layout Review process and the subsequent Subdivision approval process.

Adjacent zones and uses are, to the:

- North - P4 – Utilities & RR2 – Rural Residential 2; Water reservoir & single family residential lots
- East - A1 – Agriculture; single family dwelling
- South - RU1 – Large Lot Housing; future single family residential development
- West - A1 – Agriculture 1; vacant

### 3.4 Current Development Policy

#### 3.4.1 City of Kelowna Strategic Plan (1992)

The Kelowna Strategic Plan supports the orderly progression of urban development, in particular, infill development, where the extension of required municipal servicing can easily be accommodated within an existing urban area.

#### 3.4.2 Kelowna Official Community Plan (1994-2013)

The Official Community Plan designates the subject property for single/two unit residential development.

#### 3.4.3 Southwest Okanagan Mission Sector Plan

The Southwest Okanagan Mission Sector Plan identifies generalized road locations, density, and form of housing. The current proposal is in accordance with the general parameters set out in the Plan.

### 4.0 TECHNICAL COMMENTS

#### 4.1 Works & Utilities

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Kelly Hanson.

The following Works & Services are required for this subdivision:

##### .1) General

- a) Prior to accepting the applicant's layout, an overall preplan for the neighbourhood, including mapping with slope identification, top of bank location, and intersection alignments is required. Double fronting lots are discouraged; driveway access will be limited to one street.
- b) The development is premature unless connecting roads are constructed in conjunction with the adjacent application (S01-010) by Progressive Construction.

- c) A preliminary servicing plan for water, sanitary sewer and drainage is required to confirm how the development will be serviced and that all lots can be serviced by gravity sewer.
- d) Offsite works are necessary to support this development and therefore a Servicing Agreement is required in conjunction with a subdivision. In order for the zoning to proceed, a subdivision is required complete with the servicing agreement and performance security.

.2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering.

NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

.3) Water

- a) The property is located within the City service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).
- d) Remove or relocate any existing service connections encroaching on the proposed lots.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) If serviced from Paret Road the subdivision will need to join Sewer Spec Area 17 and payoff the remaining balance for each unit.
- c) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections.

The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

- b) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on the site. Measures may be required to prevent erosion and sediment transport in accordance with the Geotechnical recommendations.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections.

.6) Roads

- a) Staging of off-site improvements to major roads will be phased, as development progresses, in accordance with the parameters set out in the Southwest Okanagan Mission Sector Plan. Refer to the attached "Summary of off-site Works and Services, NH 2 – South Mission (Consolidated)".
- b) Future road works will be required when triggered by subdivision as shown on the attached table "Summary of Offsite Works and Services." A Servicing Agreement outlining the future requirements must be registered on the property.
- c) Bonding for road works will be required when triggered as shown on the attached Summary of Offsite Works and Services. The amount of security is to be based on full construction value of the projects. Items bonded for that are in the DCC program are eligible for road DCC credits (net for Sector B), when the applicant subdivides. The portion of DCC levy for Inner City roads (Sector I) is not available for credits.
- d) Offsite works are now triggered with this application. In the South Mission Sector the number of current SF units including those with issued or pending PLR's is:
  - i) NH 1: 364
  - ii) NH 2: 679

- iii) NH 1 and 2: 1043
- iv) NH 1,2 and 3: 1159

The following list of roads are now triggered and must be constructed by the applicant.

4.00 ROADWORKS (Projects from SMSP)			Trigger	
	Road	Description	Units	NH
4.01	Barnaby: Frontage	2L urban	0	2B
4.02	Barnaby: Lkshr - Hilltop	2L rural +s/w; or urban	0	2B
4.03	Frost: Frontage	urban 2L- c&g + s/w	0	2F
4.06	Killdeer: Chute - Frost	Extend - 2L rural +s/w	0	2F
4.08	Second Access	2L Rural (Hilltop/Gordon)	300	2
4.09	DeHart: Lakeshore - Gordon	S/W one side	500	1,2
4.10	Lakeshore: DeHart to Old Meadows	S/W one side	500	1,2
4.11	Lakeshore @ Collett	Left & right turn lanes	600	1,2
4.12	Lakeshore @ Eldorado	Left & right turn lanes	600	1,2
4.13	Lakeshore @ McClure	Left & right turn lanes	600	1,2
4.14	Lakeshore @ Vintage	Left & right turn lanes	600	1,2
4.15	Lakeshore: Barnaby - Vintage	S/W one side	600	1,2
4.16	Chute: Barnaby - Frost	S/W one side	800	1,2
4.17	Frost: Connect to Gordon	2L rural or urban	950	1,2,3
4.18	Gordon: OM - Dehart (Ph1)	2L Rural+s/w+LTL	950	1,2,3
4.19	Gordon: Paret - Frost (Ph1)	2L Rural+s/w+LTL	950	1,2,3
4.20	Lakeshore @ Barnaby	Traffic lights with TL	1000	1,2,3
4.21	Lakeshore @ Old Meadows	Traffic lights with TL	1000	1,2,3
4.22	Gordon: Dehart - Paret (Ph1)	2L Rural+s/w+LTL	1100	1,2,3

- e) At the time of construction or subdivision, provide a geotechnical report for all road improvements to determine the road structure necessary to achieve City standards.
- f) At the time of subdivision, internal roads must be dedicated and constructed or bonded for, to the following standards per Schedule 1 of the Subdivision, Development and Servicing Bylaw:
  - For residential collectors, class 2 standard SS-R7 (11.3 m road – 18m dedication).
  - For residential locals, except limited locals (cul-de-sac), standard SS-R3 (10.3 m road – 18 m dedication).
  - For residential cul-de-sacs or short crescents, standard SS-R4 (9.1 m road – 15 m dedication).

The internal roads adjacent to this development may be class 2 locals per standard SS-R4 with 15m dedication. Additional dedication is required for the adjacent proposed road to meet this requirement.

- g) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- h) Provide a Street Sign, Markings and Traffic Control Devices Drawing.

- i) Dedicate and Construct all walkways in accordance to City standard drawing SS-R28. Note: the dedication width for walkways is 2.4 m. Fence heights are to be as follows:

Rear yard - 1.8 m above average grade level.

Side Yard - 1.2 m above average grade level to rear of existing home or 15 m from front property line on new lots, thereafter 1.8 m to rear property line.

(All grade changes to occur at posts with top of fabric remaining parallel to previous section).

- i) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- j) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- k) Re-locate existing poles and utilities, where necessary.
- l) Provide smooth radius dedications of 6 m radius at intersections.
- m) Temporary asphalt cul-de-sacs will be required at each terminal end of roads that will be extended in the future. Additional dedication or a Statutory Right-of-Way may be needed.
- n) The City is intending to close Paret Road fronting this development in the future. Driveway access is not permitted onto Paret Road. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground.
- b) Street lights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.8) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, “Security for Works and Services”, of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.9) Latecomer Provisions

- a) If works are installed that benefit adjacent lands Latecomer provisions are available under the Local Government Act. The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the Notice to Proceed with the works and/or subdivision approval.

.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as BC Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) DCC credits will be available, for DCC Works installed by the applicant, based on the lowest of the following:
  - i) DCC's payable for that class of item (i.e. roads),
  - ii) The value of the DCC item as estimated for the DCC Bylaw, or
  - iii) The actual cost of construction of the item as verified by contract costs.
- c) Fees per the “Development Application Fees Bylaw” include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
  - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
  - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).
- d) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- e) The following Latecomer charges (current rates) are applicable to this property:



1) Kettle Valley (April 16, 1998):

- Water ESA 1 CWS 1 (intake/pipe etc) \$ 265 /unit
- Water ESA 1 CWS 2 (temporary pump house) \$ 524 /unit
- Water ESA 1 CWS 3 (Stellar booster station) \$ 636 /unit

2) Summit South Joint Venture (October 11, 2001):

- Water ESA 3 CWS 5 (600mm Hedeman) \$ 106 /unit
- Water ESA 3 CWS 6 (600mm Chute & Frost) \$ 150 /unit
- Water ESA 3 CWS 7 (400mm Killdeer) \$ 202 /unit

- 3) A latecomer for the Progressive Construction Reservoir on South Crest Drive is applicable but the construction is not complete at this time. The applicable charge will be determine when the latecomer agreement is finalized.
- 4) A latecomer for the #21 Great Projects water main installed on South Ridge Drive and Arbor View Drive. The applicable charge will be determine when the latecomer agreement is finalized.
- 5) A latecomer for the #21 Great Projects water main installed on Frost Road from South Ridge Drive to the Reservoir. The applicable charge will be determine when the latecomer agreement is finalized.
- 6) For information, this property is outside a sanitary sewer latecomer for Summit South Joint Ventures constructed on the South Ridge Road alignment. There is no charge.

4.2 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision, Development and Servicing Bylaw.

4.3 Inspections Department

No concerns.

4.4 BC Gas

A main extension is required to serve this proposed development. Work is to be initiated by developers representative at least 8 weeks prior to installation.

4.5 Telus

Developer will be required to provide an easement at no cost to Telus to allow existing pole line or facilities feed to remain, this will service this property and could also service other properties in the area.

Developer will also be required to provide underground conduit to Telus Specifications as designed by Telus.

4.6 Shaw Cable, & Aquila

No concerns.

5.0 PLANNING COMMENTS

The proposed rezoning of the site is consistent with the Neighbourhood Two Area Structure Plan future land use designation of single/two family residential. Actual subdivision of the subject property will require coordination between the landowner to the west (Progressive Construction Ltd.) and the applicant. Issues relating to the subdivision layout will be addressed through the required preliminary subdivision layout review process.

The Planning Department has no objections to this rezoning application.

R. G. Shaughnessy  
Subdivision Approving

Approved for inclusion



R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

RGS/SG/sg

**FACT SHEET**

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|---|---|
| <b>1. APPLICATION NO.:</b>                          | Z02-1056  |
| <b>2. APPLICATION TYPE:</b>                         | Rezoning  |
| <b>3. OWNER:</b>                                    | 417860 Alberta Ltd.   |
| . ADDRESS   | 17515 106A Avenue   |
| . CITY/ POSTAL CODE                                 | Edmonton, Alberta T5S 1M7   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                 | Robert Bennett  |
| . ADDRESS   | 592 KLO Road  |
| . CITY/ POSTAL CODE:                                | Kelowna, BC V1Y 7S2   |
| . TELEPHONE/FAX NO.:                                | 860-4300/860-1600   |
| <b>5. APPLICATION PROGRESS:</b>                     |   |
| Date of Application:                                | November 27, 2002   |
| Staff Report to Council:                            | February 12, 2003   |
| Servicing Agreement Forwarded to Applicant:         |   |
| Servicing Agreement Concluded:                      |   |
| <b>6. LEGAL DESCRIPTION:</b>                        | Lot 2, DL 357, SDYD, Plan KAP47764  |
| <b>7. SITE LOCATION:</b>                            | South side of Paret Road with physical access from Arbor View Drive   |
| <b>8. CIVIC ADDRESS:</b>                            | 5065 Frost Road   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                 | 2.02 ha   |
| <b>10. AREA OF PROPOSED REZONING:</b>               | 2.02 ha   |
| <b>11. EXISTING ZONE CATEGORY:</b>                  | A1 – Agriculture 1  |
| <b>12. PROPOSED ZONE:</b>                           | RU1 – Large Lot Housing   |
| <b>13. PURPOSE OF THE APPLICATION:</b>              | To rezone the subject property to permit the development of a single family subdivision within Neighbourhood Two in the Southwest Mission |
| <b>14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b> | Not applicable  |

**Attachments**

*(Not attached to the electronic copy of the report)*

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Location Map  
Plan of Proposed Subdivision