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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** October 21, 2003

**File No.:** File No. LUC03-0001/Z03-0045  
(3360-20)

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To discharge the Land Use Contract and rezone to the RR1-Rural Residential 1 zone in order to facilitate an 8 lot rural residential subdivision.

**Owner:** J. W. Bedford Ltd.                      **Applicant/Contact Person:** Doug Sperling

**At:** 4223 & 4313 Bedford Road

**Existing Zone:** A1 - Agriculture                      **Proposed Zone:** RR1 – Rural Residential

**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 Application No. LUC03-0001 to discharge the Land Use Contract 76-1110 from Lot 231, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499, 31918 and H9875, and Lot 234, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499 and H9875, located on Bedford Road, Kelowna, BC be considered by Council;

AND THAT Rezoning Application No. Z03-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 231, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499, 31918 and H9875, and Lot 234, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499 and H9875, located on Bedford Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone be considered by Council;

AND THAT Application No. LUC03-0001 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

### 2.0 SUMMARY

The applicant is proposing to discharge the Land Use Contract, which allows for the creation of 12 rural residential lots and rezone the subject properties to RR1 – Rural Residential 1, in order to facilitate an 8-lot rural residential subdivision.

## 2.1 Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at their meeting of October 7, 2003 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Land Use Contract Application No. LUC03-0001, and Rezoning Application No. Z03-0045, 4223/4313 Bedford Road, Lots 234 & 231, Plan 1247, Sec. 32, Twp. 29, ODYD by Doug Sperling to discharge the Land Use Contract and rezone to the RR1-Rural Residential 1 zone in order to facilitate an 8 lot rural residential subdivision, subject to the provision of a 1.8 m high chain link fence adjacent to the ALR lands.

## 2.2 Agricultural Advisory Committee

This application was referred to the Agricultural Advisory Committee for their review and their concerns with the proposed development were:

- the additional traffic on Casorso and Dehart Roads;
- the impact of increased traffic on agricultural activity; and
- possible agricultural/residential conflicts.

## 3.0 BACKGROUND

### 3.1 The Proposal

There is an existing Land Use Contract on the two subject properties that allows for the development of a 12 rural residential lot subdivision with the dedication and construction of a new cul de sac road to service 4 of the potential lots. Of these twelve lots, 9 would be required to meet a minimum parcel size of 1600 m<sup>2</sup> while the remaining 3 lots would be left as large parcels as shown on the attached Schedule "B".

However, rather than pursue the development under the conditions of the Land Use Contract, which requires an urbanized road cross section (ie: curb, gutter, underground wiring), the applicant is requesting the discharge of the Land Use Contract and subsequent rezoning in order to facilitate an 8 lot subdivision with a rural road cross-section (ie: no curb and gutter and underground wiring).

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Site Area	1.0 ha min	1.0 ha min
Site Width (m)	68.32 min.	40
Site Depth (m)	55.31 min.	30

### 3.2 Site Context

The subject properties are located adjacent to Bedford and Takla Roads and the adjacent zones and uses are, to the:

- North - A1 – Agriculture 1; gravel pit, rural residential lot
- East - A1 – Agriculture 1; agricultural
- South - A1 – Agriculture 1 & RR3 – Rural Residential 3; agriculture and rural residential subdivision
- West - A1 – Agriculture; agricultural



### 3.4 Current Development Policy

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

One of the objectives of the Strategic Plan is to protect productive agricultural land and provide buffers between urban and agricultural land.

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

The current OCP designation of the subject properties is Rural/Agriculture. The OCP does not support the creation of subdivisions or extension of existing subdivisions in rural areas, based on Agriculture Plan policies incorporated into the OCP.

#### 3.4.3 Southeast Kelowna Sector Plan (1994)

A policy of the Plan is to provide for the creation of an urban-rural balance that allows for larger rural lots (1 – 2 acre), roads or topographic features as a transition; to minimize disruption to farmers.

### 4.0 TECHNICAL COMMENTS

#### 4.1 Works & Utilities

Based on the applications the following Works & Services are required for this subdivision:

.1) General

- a) The LUC must be discharged and the requirements of the rezoning application must be satisfied before subdivision approval. Bonding will not be required at the rezoning stage for offsite works but will be required at the time of subdivision.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

.2) Geotechnical Report

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

.4) Sanitary Sewer

- a) Sanitary sewage is to be handled by an on-site sewage disposal system for each lot subject to approval of the Provincial Public Health Officer. Preliminary approval by the Public Health Officer is required for each individual lot, prior to subdivision approval. Please contact the Public Health Officer.

.5) Drainage

Where ditches are provided they must be adequately lined and protected for the design flows.

.6) Roads

- a) Provide an 18.0m Road Reserve for the future extension of Takla Road (future local road) on proposed lot 1.
- b) On Takla Road, realign, dedicate and construct the intersection of Bedford Road. Upgrade the existing portion of Takla Road fronting the development to City standards for a rural local class 1 road.

Construct to standard drawing SS-R3 (minimum 18m dedication; 7m asphalt road with 2.0m gravel shoulders complete with ditches)

- c) Upgrade Bedford Road to a collector rural standard road in accordance with standard SS-R7 to include a 1.5m paved shoulder (bike lane). Adjustment and/or re-location of existing utility appurtenances may be required to accommodate this construction.
  - d) Dedicate curve rounding on proposed lot 4 fronting the unnamed road.
  - e) For the unnamed Road along the east property line of Lot 231 and 234, construct a new rural class 2 local road from the intersection of Bedford Road to the end of the development (complete with temporary turnaround). Construct the road in accordance with City requirements and standard SS-R3 (7.0m asphalt road complete with shoulders and ditches).
  - f) The unnamed road exceeds the maximum bylaw length requirement. Maximum length of a cul-de-sac road is to be 200 m unless approved otherwise by the Approving Officer. Provide a temporary cul-de-sac to City standard SS-R17 (12.5m asphalt radius). A temporary Statutory Right-of-way will be needed to accommodate this construction.
  - 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 (can be shown on a composite plan).
  - 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. Provide cross sections along each road to confirm cuts and fills.
  - j) Re-locate existing poles and utilities, where necessary.
  - k) Provide corner rounding or truncation dedication of 6 m radius at intersections.
- .7) Power and Telecommunication Services and Street Lights
- a) Overhead wiring is permitted for this subdivision; however, all new service wires crossing the roadway must be buried.
  - b) Street lights must be installed at all road intersections.
- .8) Charges and Fees
- a) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.

4.2 Fire Department

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

4.3 Environment Manager

This property is not within a designated natural environment or hazardous condition development permit area and is outside the forest interface zone.

4.4 South East Kelowna Irrigation District

The subject properties are within the SEKID boundary and water service is available subject to compliance with applicable district bylaws. Once SEKID approval is given for the design drawings, the installation cost can be estimated and the district will prepare a detailed letter of district requirements including a schedule of all fixed and variable charges.

4.5 Inspection Services

No concerns.

4.6 Public Health Inspector

Proposed property lines must not encroach on existing sewage disposal systems and future on-site sewage disposal systems must not cross property lines.

4.7 Aquila Networks, SD #23, Canada Post

No response.

5.0 PLANNING COMMENTS

With the creation of additional rural residential parcels in a predominantly agricultural area, there is the risk of conflict between the two land uses. Under the existing Land Use Contract there is the potential to create twelve additional lots, nine of which would be 1600 m<sup>2</sup> in area while the current application proposes eight 1 ha sized parcels.

The main issue of concern is how to adequately buffer the existing agricultural operations from the proposed rural residential lots. The applicant has met with the adjacent property owner to the west who has agreed to the proposal to construct a 1.8 m high chain link fence along the west and south boundaries of proposed Lot 8. This fencing requirement would be in addition to the 3 m buffer requirement of the Zoning Bylaw (Sec. 7.6.1 {e}).

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/sg

## **FACT SHEET**

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|--|---|
| 1. <b>APPLICATION NO.:</b>   | LUC03-0001/Z03-0045   |
| 2. <b>APPLICATION TYPE:</b>  | Land Use Contract Discharge and Rezoning  |
| 3. <b>OWNER:</b><br>· <b>ADDRESS</b><br>· <b>CITY/ POSTAL CODE</b>   | J. W. Bedford Ltd.<br>163 – 1-45 Sutherland Avenue<br>Kelowna, BC V1Y 5Y1   |
| 4. <b>APPLICANT/CONTACT PERSON:</b><br>· <b>ADDRESS</b><br>· <b>CITY/ POSTAL CODE:</b><br>· <b>TELEPHONE/FAX NO.:</b>  | Doug Sperling<br>1280 Dehart Road<br>Kelowna, BC V1W 4N3<br>764-7260/764-7260   |
| 5. <b>APPLICATION PROGRESS:</b><br><b>Date of Application:</b><br><b>Servicing Agreement Forwarded to Applicant:</b><br><b>Servicing Agreement Concluded:</b><br><b>Staff Report to Council:</b> | August 15, 2003   |
| 6. <b>LEGAL DESCRIPTION:</b>   | Lot 231, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499, 31918 and H9875; and Lot 234, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499 and H9875 |
| 7. <b>SITE LOCATION:</b>   | Adjacent to Bedford and Takla Roads   |
| 8. <b>CIVIC ADDRESS:</b>   | 4223 & 4313 Bedford Road  |
| 9. <b>AREA OF SUBJECT PROPERTY:</b>  | 8.4 ha  |
| 10. <b>AREA OF PROPOSED REZONING:</b>  | 8.4 ha  |
| 11. <b>EXISTING ZONE CATEGORY:</b>   | Land Use Contract Area  |
| 12. <b>PROPOSED ZONE:</b>  | RR1 – Rural Residential 1   |
| 13. <b>PURPOSE OF THE APPLICATION:</b>   | To discharge the Land Use Contract and rezone to the RR1-Rural Residential 1 zone in order to facilitate an 8 lot rural residential subdivision.            |
| 14. <b>MINISTRY OF TRANSPORTATION FILE NO.</b><br>(Note: `If lands are within 800 m of a controlled access highway)  | n/a   |
| 15. <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>  | n/a   |

### **Attachments**

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

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- Location Map
- Schedule A - Plan of Proposed Subdivision
- Schedule B - Land Use Contract Plan of Subdivision