

---

# CITY OF KELOWNA

## MEMORANDUM

---

**Date:** March 5, 2004

**File No.:** Z03-0075

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To rezone from the A1-Agriculture 1 zone to the RU1-Large Lot Housing zone in order to facilitate a 25 lot single detached housing subdivision within Neighbourhood Two in the Southwest Mission.

**Owner:** Frost Park Holdings Ltd.

**Applicant/Contact Person:** Protech Consultants Ltd./Grant Maddock

**At:** 5010 Frost Road

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

**Report Prepared By:** Shelley Gambacort

---

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

---

### 1.0 RECOMMENDATIONS

THAT Rezoning Application No. Z03-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 24, Twp. 28, SDYD, Plan 30827, 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 bylaw 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 the development of 25 single family residential lots. The application is in accordance with the Area Structure Plan for Neighbourhood Two in the Southwest Okanagan Mission Sector area of the City.

#### 2.1 Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at their meeting of February 3, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0075, 5010 Frost Road, Lot B, Plan 3027, Secs. 24 & 25, Twp. 28, ODYD by Protech Consultants Ltd. (Grant Maddock) to rezone from the A1-Agriculture 1 zone to the RU1-Large Lot Housing zone in order to facilitate a 25 lot single detached housing subdivision.

## 2.2 Agricultural Advisory Committee

The Agricultural Advisory Committee reviewed this application at their meeting of February 12, 2004 and the following recommendation was passed:

THAT the Agricultural Advisory Committee recommends a covenant be added to the property title declaring agricultural activity occurring in the surrounding area. Failing that a disclosure statement declaring agricultural activity exists, highlighting the risks and disturbances that the homeowners will experience.

## 3.0 BACKGROUND

### 3.1 The Proposal

The proposed subdivision comprises 25 single family lots ranging in size from 596 m<sup>2</sup> to 8,777 m<sup>2</sup>. Access to the proposed subdivision will be from a new road that will extend off the proposed re-alignment and extension of Frost Road. There is an existing single family residence located on the subject property that will be incorporated into the proposed subdivision. A concurrent application for a Preliminary Layout Review letter for the proposed subdivision will address the servicing requirements necessary for the proposed development.

The proposal, as compared to the requirements of the RU1 zone requirements are as follows:

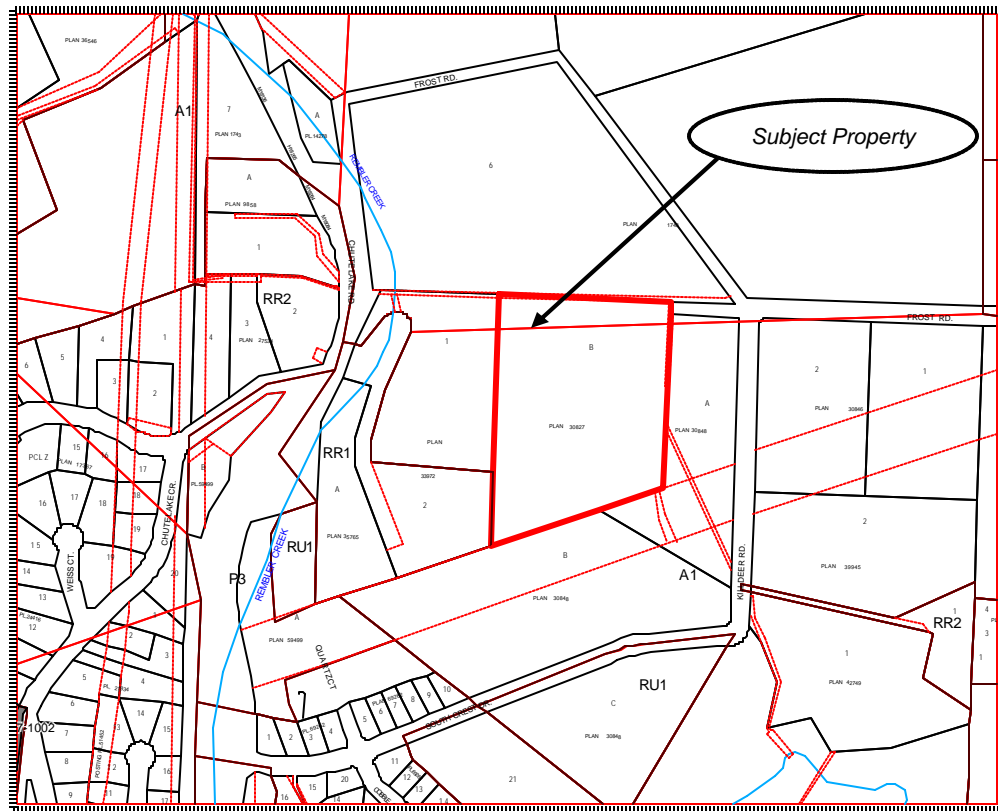
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	596 – 8,777	550 m <sup>2</sup>
Minimum Lot Width (m)	16.5 min	16.5 m*
Minimum Lot Depth (m)	34 min.	30.0 m

### 3.2 Site Context

The property is located at the west end of Frost Road, west of Killdeer Road.

The surrounding land uses are:

North - A1 – Agriculture 1; agricultural with single unit dwelling  
East - A1 – Agriculture 1; rural with single unit dwelling  
South - A1 – Agriculture 1; vacant rural  
West - A1 – Agriculture 1 and RR1 – Rural Residential 1; rural residential



### 3.3 Current Development Policy

#### 3.3.1 City of Kelowna Strategic Plan

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. The proposal outlined in the Area Structure Plan for Neighbourhood Two is in accordance with several objectives stated in the City's Strategic Plan.

#### 3.3.2 Official Community Plan

The Official Community Plan Future Land Use Map identifies the site as single/two unit residential.

#### 3.3.3 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.

### 4.9 Proposed Development Potential

The purpose of the RU1 zone is to provide a zone for single detached housing, and compatible secondary uses (i.e. bed & breakfast, care centres minor, group

homes minor, home based businesses major & minor, second kitchen) on larger serviced urban lots.

#### 4.0 TECHNICAL COMMENTS

##### 4.1 Works & Utilities

The following Works & Services are required for this subdivision:

##### .1 General

- a) Requirements of the rezoning application no. Z03-0075 must be satisfied before subdivision approval.
- b) This proposed subdivision will require the installation of centralized mail delivery equipment.
- b) Prior to final adoption of the zone amending bylaw:
  - A Predesign report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Zone Amending Bylaw.
- c) South Mission Road Triggers: Offsite roadworks identified in the Southwest Mission Sector Plan are triggered at various stages of development based on subdivided lots or units. These works are identified in the Sector Plan and numerous components are triggered by developments occurring in the area at this time. However, other major developers in the area have committed to constructing these works as they are needed. Therefore this development is not required to build any of these road segments as long as the other developers in the area remain committed to building these roads.
- d) Provide a pre-plan for the surrounding area to confirm road alignments and classifications.

##### .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 Water Utility 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.
- b) There will be a future 400mm watermain required on Frost Road. A corridor must be allowed for within the road cross section.

.4 Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).
- 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) Detention may be required to limit run-off to predevelopment rates.
- c) 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.

- d) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- 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.
- f) There is a drainage course along the east side of the property which must be protected by a statutory right-of-way for the City.
- g) Confirm how drainage on Frost Road will be disposed of in the interim until the road is extended to Chute Lake Road.

.6 Roads

- a) Frost Road fronting the site must be constructed in accordance with the pre-design (Stantec) with full 20m dedication and constructed to an urbanized Collector class1 standard (SS-R5). This includes drainage works, sidewalk both sides, street lighting, utility services etc. Frost Road will need to be extended offsite from Killdeer Road intersection to the property. Road dedication may be required from adjacent land owners. There are no credits for land acquisition but construction of this road is entitled to DCC credits. If there is no cooperation with adjacent land owners then a rural road section maybe considered fronting those lands.
- b) Internal Road A is designated as urban class 2 local road (except for the entrance – see next item). Dedicate and construct the road in accordance with City standard SS-R4, (15m dedication, 9.1m road).
- c) Internal Road B and the road entrance to the development are designated as urban class 1 local road. Dedicate and construct the road in accordance with City standard SS-R3, (18m dedication, 10.3m road).
- d) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- e) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- e) 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.
- f) 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.

- g) Re-locate existing poles and utilities, where necessary.
- h) Driveway access is not permitted onto Frost 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.
- i) Cul-de-sac approach roads must not exceed bylaw grade requirements.
- j) Temporary asphalt cul-de-sacs are 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. Curbing is to stop before the neck of the cul-de-sac (allows suitable turning movements for sensitive emergency and snow clearing equipment). The applicant is required to pay for the future removal and extension of curb.
- k) Presently, there exists a barricade at the intersection of Frost Road/Killdeer Road/north arm of Frost Road. In the future, the barricades will be relocated to the intersection of Chute Lake Road and the north arm of Frost Road.
- l) Frost Road which fronts this development will ultimately extend to the west and intersect with Chute Lake Road. The barricades will be relocated at that time and will provide the main access to Chute Lake Road for developments currently using Killdeer Road and South Crest Drive for access.
- m) In the interim, this development will be accessed from Chute Lake Road via the existing north arm of Frost Road (South Crest to Killdeer to Frost).

.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) Under the provisions of the Local Government Act, Latecomer provisions are available for the Water main, Storm sewer and Sanitary sewer installations on Frost Road. (Road works are not applicable as it is a DCC road.) 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. There is a \$1,000.00 City fee associated with the preparation and administration of the Latecomer.

.12 Charges and Fees

- a) Water Extended Service Area Latecomers:

ESA#	FRONTENDER	COMPONENT	ANNIVERSARY	RATE/UNIT \$
1	Kettle Valley	Intake/pipe/PS etc	April 15/04	939
3	South Ridge	600 pipe Hedeman	October 10/04	111
4	South Ridge	600/400 pipe Killdeer	October 10/04	368
7	Progressive	Reservoir South Crest	January 20/04	845

- b) Sewer Specified Area Administration Fee of \$250.00 to extend the service boundary.
- c) Water Specified Area Administration Fee of \$250.00 to extend the service boundary.

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 Inspection Services

No concerns with rezoning. Provide a geotechnical report. Ensure that developer is aware that the double fronting lots will be restricted to a 2 storey building facing the street.

4.4 Parks Division

Boulevard maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.

Boulevard tree maintenance is the responsibility of Parks Division. However, the adjacent owner is responsible for watering and replacement



of trees during the establishment period, for at least two years after planting.

4.5 Kelowna Regional Transit/Operations Manager & RCMP

No Comment

4.6 Terasen

Gas main extension required to subject property. Existing gas service to 5010 to be relocated at owner expense off new main.

4.6 Aquila/Shaw & Telus

Underground services required at owners expense.

5.0 PLANNING COMMENTS

The proposed use of the site is generally in conformity with the Neighbourhood Two Area Structure Plan (ASP). The subject property is adjacent to a major utility corridor, which is identified in the ASP as a formal trail corridor linking Neighbourhoods One, Two and Three. Pathways within the utility corridor will have a continuous 3.0 m wide surface to accommodate both pedestrians and cyclists. To facilitate future access to this designated trail corridor from the subject property, a walkway will be secured as part of the application for subdivision approval, the exact location of which will be determined through the PLR process. Subdivision of the property is contingent on the provision of community water and sewer to the proposed development.

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion



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

RGS/SG/sg

Attachment

**FACT SHEET**

- |     |   |  |
|-----|---|--|
| 1.  | <b>APPLICATION NO.:</b>   | Z03-0075   |
| 2.  | <b>APPLICATION TYPE:</b>  | Rezoning   |
| 3.  | <b>OWNERS:</b>  | Frost Park Holdings Ltd.   |
|     | • ADDRESS   | 5010 Frost 1322 Green Bay Road   |
|     | • CITY  | Westbank, BC   |
|     | • POSTAL CODE   | V4T 2B6  |
|     | • PHONE/FAX   | 768-8896/768-8320  |
| 4.  | <b>APPLICANT:</b>   | Protech Consultants (1989) Ltd.  |
|     | • CONTACT PERSON  | Grant Maddock  |
|     | • ADDRESS   | 200 – 1449 St. Paul Street   |
|     | • CITY  | Kelowna, BC  |
|     | • POSTAL CODE   | V1Y 2E3  |
|     | • PHONE/FAX   | 860-1771/860-1994  |
| 5.  | <b>APPLICATION PROGRESS:</b>                                      |  |
|     | Date of Application:  | December 24, 2003  |
|     | Staff Report to APC:  | February 3, 2004   |
|     | Staff Report to Council:  | March 5, 2004  |
| 6.  | <b>PURPOSE OF THE APPLICATION:</b>                                | To rezone the subject property to permit the development of a single-family residential subdivision. |
| 7.  | <b>LEGAL DESCRIPTION OF LANDS UNDER APPLICATION FOR REZONING:</b> | Lot B, Plan 30827, Sec. 24, Twp. 28, SDYD  |
| 8.  | <b>AREA OF SUBJECT PROPERTY:</b>                                  | 3.95 ha  |
| 9.  | <b>EXISTING ZONE CATEGORY:</b>                                    | A1   |
| 10. | <b>PROPOSED ZONE CATEGORY:</b>                                    | RU1  |

---

---

**ATTACHMENTS**

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

- Location Map
- Plan of proposed subdivision