
CITY OF KELOWNA

MEMORANDUM

Date: July 5, 2005

File No.: Z05-0007

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z05-0007

OWNER: Kevin & Pamela Purnell

AT: 4110 Tatlow Road

APPLICANT: as above

PURPOSE: TO RESCIND 2ND & 3RD READINGS OF ZONE AMENDING BYLAW NO. 9404 (Z04-0007 – KEVIN PURNELL – TATLOW ROAD) IN ACCORDANCE WITH THE DEVELOPMENT APPLICATION PROCEDURES BYLAW.

EXISTING ZONE: A1- AGRICULTURAL 1

PROPOSED ZONE: A1s- AGRICULTURAL 1 WITH SECONDARY SUITE

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT first, second and third readings given Bylaw No. 9404 (Z05-0007 – Kevin Purnell – Tatlow Road) be rescinded.

THAT Rezoning Application No. Z05-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 3, Township 26, ODYD, Plan 5504, located on Tatlow Road, Kelowna, B.C. from the A1- Agricultural 1 zone to the A1s- Agricultural with Secondary Suite zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a restrictive covenant on title, requiring that the property owner to connect to the available water purveyor should the well fail to provide potable water and/or adequate flow rate.

2.0 SUMMARY

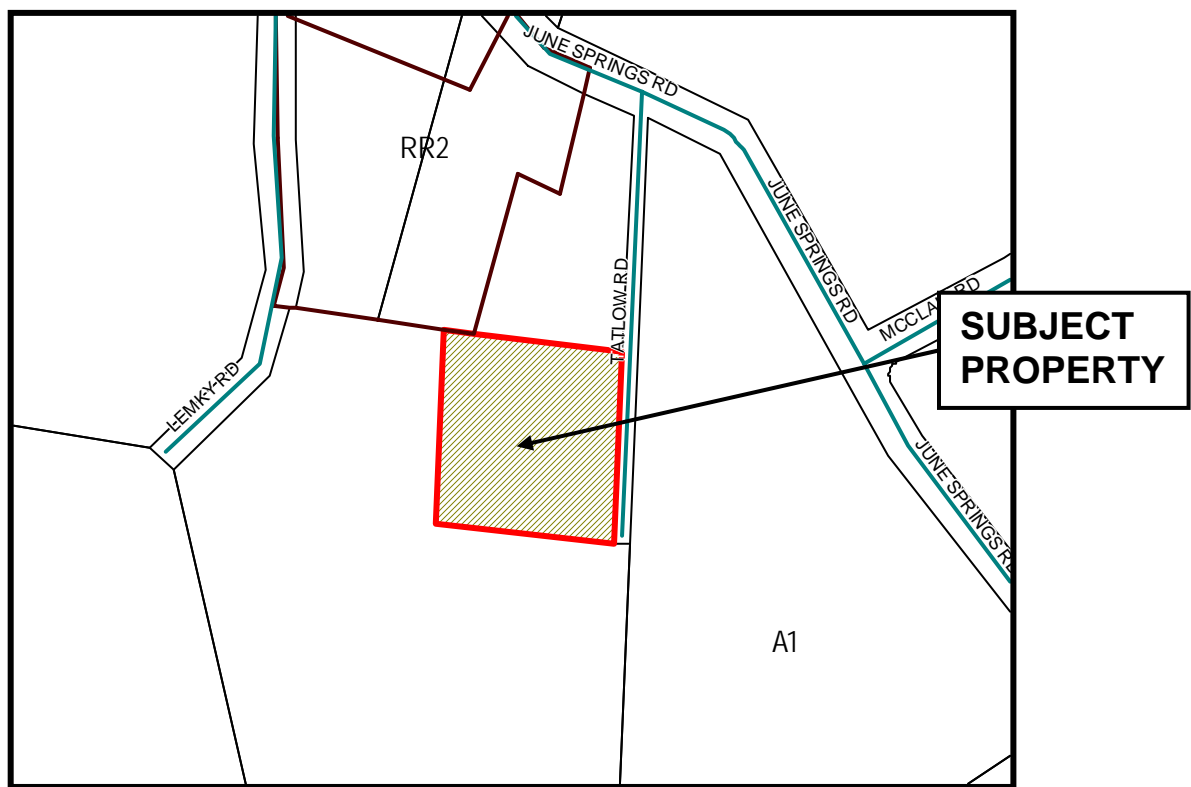
The zone amending bylaw is currently sitting at third reading pending completion of the requirements of the South East Kelowna Irrigation District. The applicant would now like Council to consider new information. Second and third readings must therefore be rescinded and the application forwarded to a new Public Hearing.

3.0 BACKGROUND

3.1 The Proposal

Zone Amending Bylaw No. 9404 (Z08-0007 – Kevin Purnell – Tatlow Road) received second and third readings at a Regular meeting of Council held on Tuesday, May 3, 2005, with final adoption of the zone amending bylaw being withheld pending the requirements of the South East Kelowna Irrigation District (SEKID) being completed to their satisfaction. In order to fulfill their requirements, the applicant must pay the SEKID fees associated with the hook up of the secondary suite to their water supply. The applicant, however, decided that he did not want to hook up to SEKID and subsequently proceeded with the construction of a well on site to provide an alternative source of water.

Site Location Map



4.0 TECHNICAL COMMENTS

4.1 Inspection Services

There is no use as identified in lower floor however, future bathroom, separate entrance door, and full open above windows are designed. This issue and the size of allowable floor area are to be addressed prior to any approval of a building permit. Whenever there is a second water source on a property the property will have to be "Premise Isolated". Meaning the water service must have an approved "Backflow Prevention Device" installed to protect the "Water Purveyor" from the second water source. The second water source in this case is a well, and the purveyor is SEKID. These conditions should be applied to the building permit.

- 4.2 Works & Utilities
No comment.
- 4.3 Interior Health
No objection subject to connection to SEKID water. Septic permit required. No septic within 100' of well.
- 4.4 Fire Department
No comment.
- 4.5 South East Kelowna Irrigation District
See attached.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Following the public hearing, the applicant approached Staff with the request to build a well to service the proposed secondary suite rather than connect to SEKID services. The applicant was advised that in order to allow Council to consider the new proposal, the application would be required to proceed back before a new Public Hearing particularly given Council's past concern with proposals to construct a secondary suite on a property on both septic and well.

It is noted that the existing house on the subject property is served by a septic disposal system. A second septic system is proposed to service the proposed secondary suite within an accessory building. Given the proposal calls for two septic systems on a non-conforming A1 lot, Staff strongly encouraged the applicant to connect to SEKID. The applicant, however, has proceeded with the construction of the well and has indicated that the water is potable and adequate flow to service the secondary suite is available. Should the application be supported by Council, the applicant will be required to provide verification that a septic permit has been approved from Interior Health confirming that the septic systems are not within 100 feet of a water source.

Staff are also recommending that the applicant be required to register a restrictive covenant on title stating that should the well fail to provide potable water and/or adequate flow rate, the property owner will be required to hook up to the available water purveyor and be responsible for any cost involved with the hook up. In addition, Staff notes that whenever there is a second water source on a property, the property will have to be "Premise Isolated", meaning the water service must have an approved "Backflow Prevention Device" installed to protect the "Water Purveyor" from the second water source. The second water source in this case is the well, and the purveyor is SEKID. Prior to issuance of the building permit, the applicant will be required to provide confirmation that "premise isolation" will be achieved.

Andrew Bruce
Development Services Manager

Approved for inclusion ☐
R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services

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Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Aerial Photo of Site
- Floor plans
- Elevations