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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** October 18, 2007  
**FILE NO.:** Z07-0034  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**SUBJECT:**

**APPLICATION NO.** Z07-0034                      **APPLICANT:** Charlene Wheatley

**AT:** 2031 Fisher Road                      **OWNER:** Charlene Wheatley

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE A1 – AGRICULTURE 1 ZONE TO THE RU1 - LARGE LOT HOUSING ZONE IN ORDER TO FACILITATE A TWO-LOT SUBDIVISION.

**EXISTING ZONE:** A1 – AGRICULTURE 1 ZONE

**PROPOSED ZONE:** RU1 – LARGE LOT HOUSING ZONE

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z07-0034 to amend City of Kelowna Zoning Bylaw NO. 8000 by changing the zoning classification of Lot 22, District Lot 130, ODYD, Plan 17924 on Fisher Rd, Kelowna, B.C. from 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.

**2.0 SUMMARY**

The Applicant has applied to subdivide the subject property to create two new lots. Accompanying that application is this rezoning application, which would rezone the land from its current non-conforming zoning of A1 – Agriculture 1 to RU1 – Large Lot Housing.

**3.0 ADVISORY PLANNING COMMISSION**

This application was reviewed by the Advisory Planning Commission at the meeting of June 5, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z07-0034, for 2031 Fisher Road, Lot 22 Plan 17924, Sec. 17, Twp. 26, ODYD, by C. Wheatley, to rezone from the A1-Agriculture 1 zone to the RU1-Large Lot Housing zone to allow for a two lot single family subdivision.

**4.0 BACKGROUND**

This project contemplates the redevelopment of an existing lot, both through this rezoning application and an accompanying subdivision application. The one existing house is to remain in its present location on the proposed northerly lot. Through subdivision, the existing eastern side yard to the dwelling becomes a back yard, which creates a non-conformity relative to building siting (setback of 2.39 m where 7.5 m is required).

The Applicant has not supplied conceptual drawings to show a possible design for single family housing on the newly created lots, but has supplied a site plan showing a possible building footprint for the proposed dwelling on the southerly lot.

The proposed application meets the requirements of the RU1 – Large Lot Housing zone as follows:

Proposed Lot A		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	840 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	25 m	16.5 m / 17.0 m for corner lot
Lot Depth	32 m	30.0 m

Proposed Lot B		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	576 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	18 m	16.5 m / 17.0 m for corner lot
Lot Depth	32 m	30.0 m

#### 4.1 Site Context

The subject property is in the Fisher Road area, at the southeast corner of the intersection of Fisher Road and Como Road. In general, the surrounding properties are developed as larger lot single-family housing, on septic. This area is undergoing a transition to slightly higher densities, primarily through similar infill projects to that proposed for the subject property. This transition comes as a result of urban services being provided to the area. More specifically, the adjacent land uses are as follows:

- North- A1 – Agriculture 1, (single-family dwelling)
- East A1 – Agriculture 1 (single-family dwelling)
- South A1 – Agriculture 1 (single-family dwelling)
- West A1 – Agriculture 1 (single-family dwelling)

#### 5.0 **TECHNICAL COMMENTS**

##### 5.1 Inspections Services

Water table problems in this area, most homes have crawl spaces. Recommend no full basement on this lot..

The Environment Division is not opposed to the rezoning application if the intention is to maintain the required no-disturb setbacks from the pond and the pond itself is not disturbed


5.2 Works and Utilities Department

(See attached Works and Utilities Department Report, dated May 9, 2007

**6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

Policies with the Kelowna 2020 Official Community Plan provide support for the proposed project. That is, rezoning the subject property to the RU1 zone would be consistent with the Future Land Use designation of the area.

Staff has no concerns with the proposed rezoning. The requirements detailed in the Works and Utilities Department Memo are to be completed prior to final approval of the subdivision.

  
Shelley Gambacort  
Current Planning Supervisor  
NW/nw

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**ATTACHMENTS**

Location of subject property  
Sketch Plan of Proposed Subdivision  
Air Photo  
Works and Utilities Department Memo, dated May 9, 2007



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**CITY OF KELOWNA**  
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**Date:** May 9, 2007  
**File No.:** S07-0037 Z07-0034  
**To:** Planning and Development Officer (NW)  
**From:** Development Engineering Manager (SM)  
**Subject:** Subdivision Application – PLR Requirements

<b>LOCATION:</b> 2031 Fisher Road at Como Rd	<b>ZONE</b> A -1
<b>APPLICANT:</b> Charlene Wheatley	
<b>LEGAL:</b> Lot 22 D.L. 130 O.D.Y.D. Plan 17924	

**WORKS AND SERVICES REQUIREMENTS**

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 Final Approval of a subdivision plan.

The Development Engineering Technologist for this project is John Filipenko, AScT.

The following Works & Services are required for this subdivision:

**.1) General**

- a) The application to rezone from A1 to RU-1 does not compromise Works and Utilities servicing requirements
- 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 modified geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: 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.

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Any special requirements for construction of driveways, utilities and building structures.
- (iv) Recommendations for roof drains and perimeter drains.
- (v) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.

### **.3 Water**

- a) The property is located within a new City of Kelowna service area.
- b) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).

### **.4 Sanitary Sewer**

- a) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).
- b) 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) 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.

**.6) Roads**

- a) Fisher Road does not meet the current urban development standard along the frontage of the property. The applicant is responsible to upgrade the Fisher Road frontage. The works consist of construction of: curb and gutter, sidewalk, including catchbasin and drywell, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

The construction of the full urban upgrade of Fisher Road fronting this property will be deferred. A one-time cash payment shall be collected from the developer to pay for the future urban upgrade.

- b) Como Road not meet the current urban development standard along the frontage of the property. The applicant is responsible to upgrade the Fisher Road frontage. The works consist of construction of: curb and gutter, sidewalk, including catchbasin and drywell, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

The construction of the full urban upgrade of Como Road fronting this property will be deferred. A one-time cash payment shall be collected from the developer to pay for the future urban upgrade.

**.7) Power and Telecommunication Services and Street Lights**

- a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- b) Streetlights 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.
- d) Before making application for approval of your subdivision plan, please make arrangements with fortisBC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- e) Re-locate existing poles and utilities, where necessary.
- f) Remove aerial trespass(es),



**.8) Other Engineering Comments**

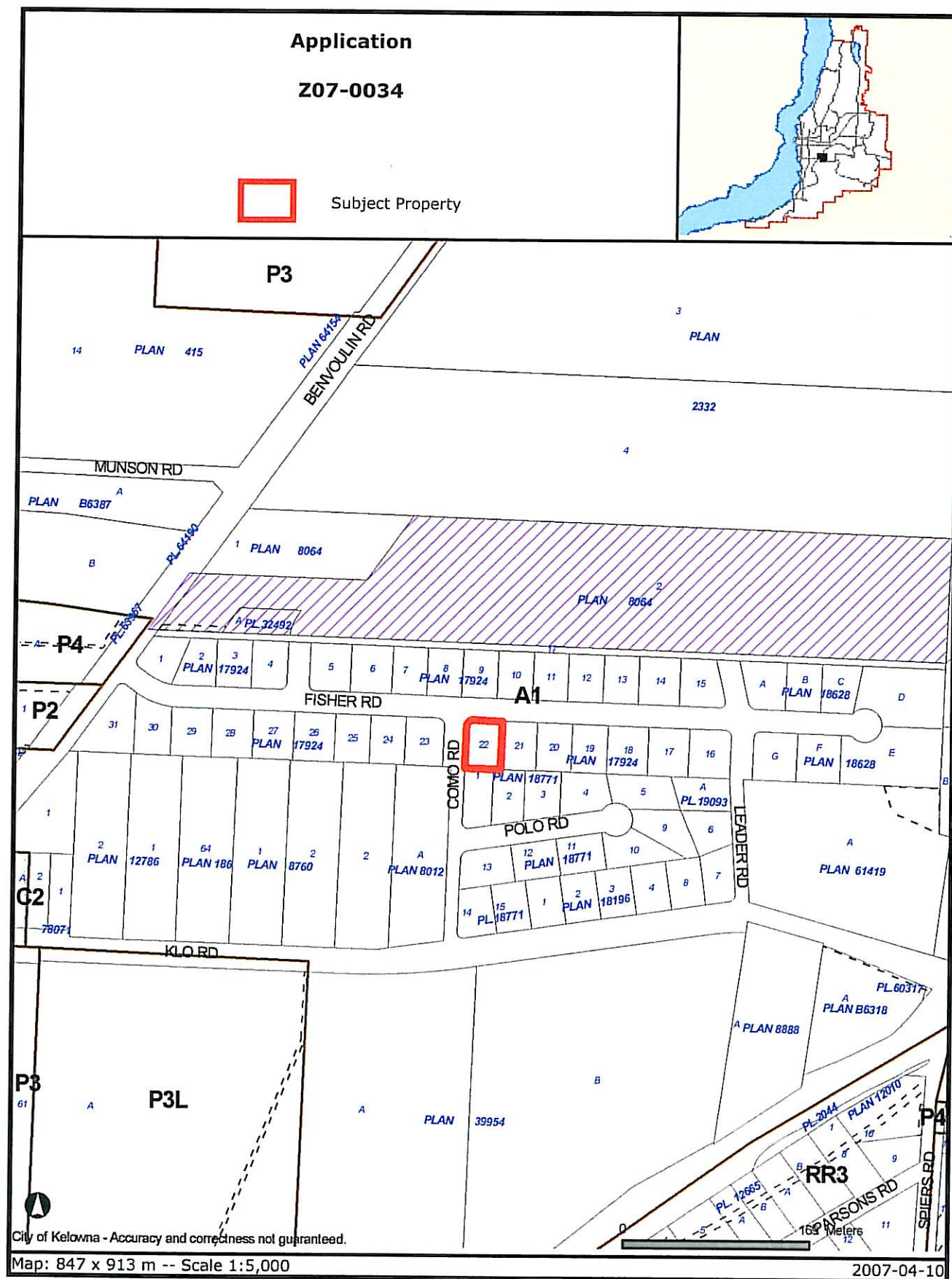
- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) please obtain the approval of the utility prior to application 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.
- c) The property is located in new Sewer Specified Area No 26, (Water Specified Area 26) and therefore, the parent parcel and the created lot will be subject to sewer Specified Area charges. The Sewer Spec. area charge for the parent lot and the created lot must be paid in full at the time of Subdivision Approval. The cash commute amount is \$13,400.00 per lot. The total cash commute amount is **\$26,800.00**

**.9) Charges and Fees**

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
- c) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- d) As per Item 8 (c) Specified Area Fees **\$26,800.00**
- e) Levies
  - Fisher Road Frontage improvements  
One-time cash payment for future urban upgrading. **\$13,799.00**
  - Como Road Frontage improvements  
One-time cash payment for future urban upgrading. **\$18,292.00**

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Steve Muenz, P.Eng.  
Development Engineering Manager  
JF



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



British Columbia Land Surveyors  
**BUILDING LOCATION CERTIFICATE**

This is to state that on the 13th day of October, 2006 a survey was performed under my superintendence, on the property described as follows:

#2031 Fisher Road Lot 22, D.L. 130, ODYD, Plan 17924.

The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining properties. The accompanying sketch shows within acceptable tolerances the size of the building and property, and their relative positions. This sketch is not to be used for the establishment of property boundaries. Distances shown are in metres and decimals thereof.

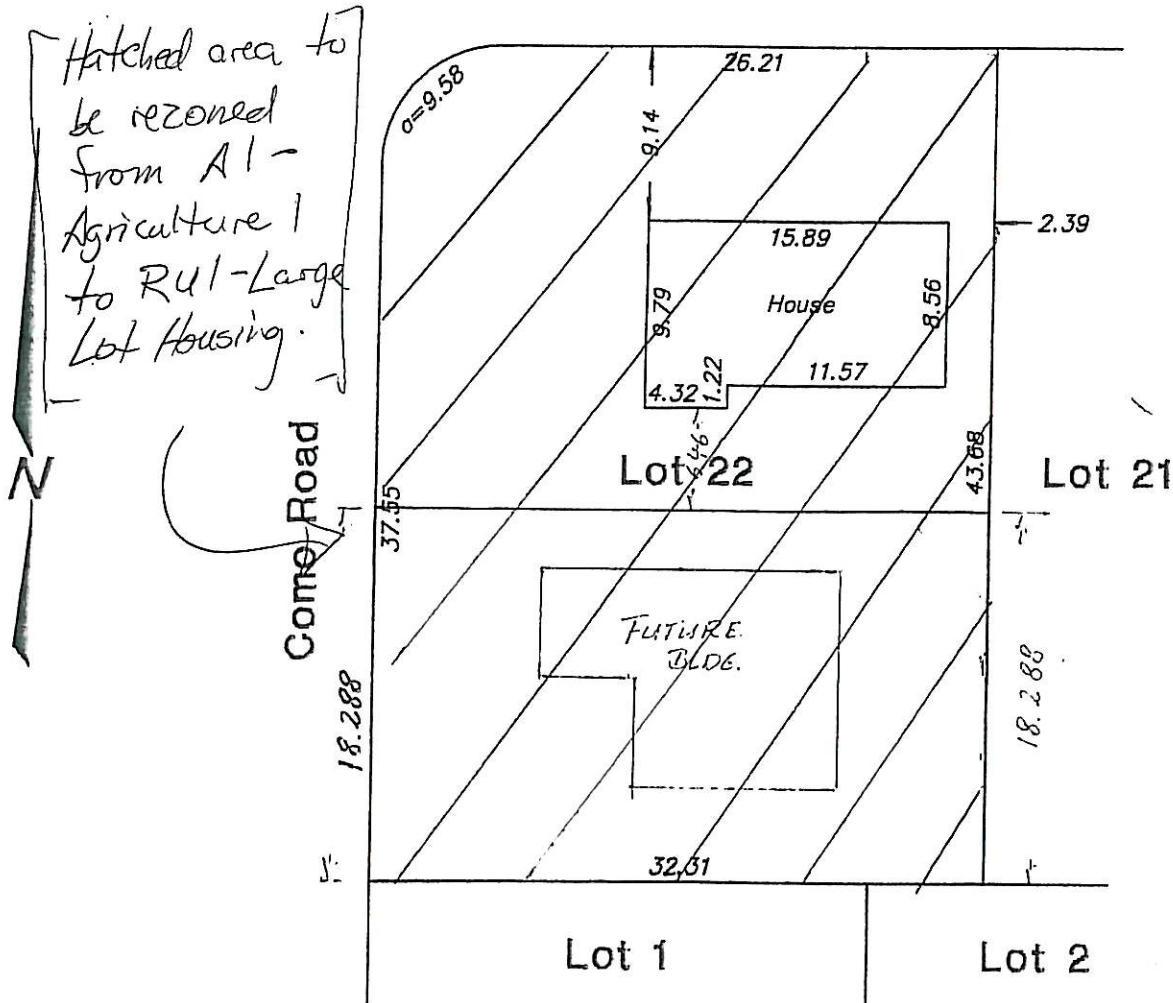
Property boundary dimensions shown are derived from registered records.  
This certificate is intended for mortgage purposes only.

Scale 1:400 Metric.

Charges on Title:

-Restrictive Covenant C19869

Fisher Road



**FRITSCH LAND SURVEYING INC.**  
Legal & Engineering Survey Consultants

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"Fritsch Land Surveying Inc."

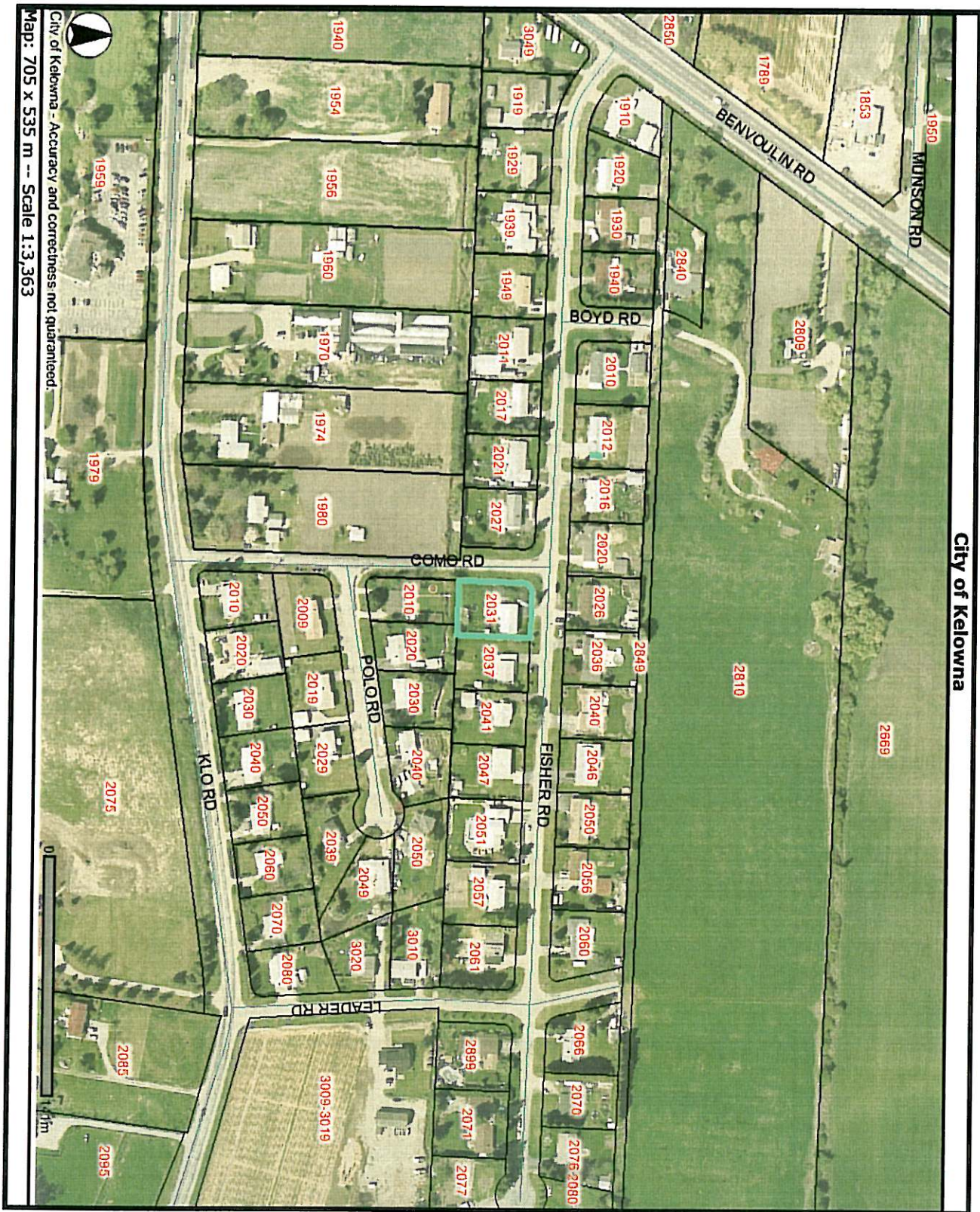
"This document is not valid unless originally signed and sealed."

This certificate of location has been prepared in accordance with the Manual of Standard Practice and is certified correct this 13th day of October, 2006.

  
British Columbia Land Surveyor

06-343(225,57)





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