
CITY OF KELOWNA

MEMORANDUM

Date: April 8, 2008
To: City Manager
From: Planning and Development Services Department

APPLICATION NO. Z08-0012

OWNER: 703941 BC Ltd.

AT: 3665 McCulloch Rd

APPLICANT: Hangingstone Properties
/ Robert Bennett

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM THE A1 – AGRICULTURE 1 ZONE TO THE RR3- RURAL RESIDENTIAL 3 ZONE TO FACILITATE A FOUR LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION.

EXISTING ZONES: A1 – AGRICULTURE 1 & RR3 - RURAL RESIDENTIAL 3

PROPOSED ZONE: RR3- RURAL RESIDENTIAL 3

OCP DESIGNATIONS: SINGLE/TWO FAMILY RESIDENTIAL (NORTH) &
RURAL/AGRICULTURAL (SOUTH)

REPORT PREPARED BY: Danielle Noble

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of Lot 85, Sec. 3, Twp 26, ODYD, Plan 1247, located on McCulloch Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR3 – Rural Residential 3 zone, as shown on Map “A” attached to the report of Planning & Development Services Department, dated April 8, 2008, be considered by Council;

AND THAT Rezoning Application No. Z08-0012 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and South East Kelowna Irrigation District being completed to their satisfaction;

2.0 SUMMARY

The applicant is seeking to rezone the southern portion of the subject property to RR3 – Rural Residential 3 zone to be consistent with the zoning of the northern portion of the property in anticipation of subdivision of the parcel into four (4) lots of approximately 1-1.25 hectare parcels. The Agricultural Land Commission has already considered their application and authorize the subdivision with conditions.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of March 11, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z08-0012, for 3665 McCulloch Road, Lot 85, Sec. 3, Twp 26, ODYD, Plan 1247 by B. Bennett, to rezone from the A1 – Agriculture 1 zone to the RR3 – Rural Residential 3 zone to facilitate a 4 lot single-family residential subdivision.

4.0 BACKGROUND

4.1 The Proposal

The 4.8 ha (11.88 ac) parent parcel is located on McCulloch Road, immediately east of the Lake City Mobile Home Park (although within the ALR boundaries). The north portion of the property is currently zoned RR3 – Rural Residential 3 and the southern portion is currently zoned A1 – Agriculture 1. The property is bound on the east, south, and west by all properties having ALR status. This parcel slopes moderately upwards from north to south. The existing parcel is entirely vacant, and vegetation consists of random tree siting.

The immediate neighbourhood context is rural residential in nature, with McCulloch Road as the tangible barrier between more intensive rural residential uses and the larger tracts of farmland to the south. The well established mobile home park to the west is on a similar size tract of land. The configuration of the property is very uniform with a conventional rectangular shape. The subject property has a dual zoning designation of A1 – Agriculture 1 and RR3 – Rural Residential 3. Accordingly, there are dual assignments of the OCP future land use designation, with the northern half designated as single/two family residential and the southern portion designated as rural/agricultural. This reflects the projected land uses that were assigned when the Southeast Kelowna Sector Plan approved the future rural/urban land uses. This Sector Plan guided the land use allocations for the current Official Community Plan.

The applicant has requested permission from the Agricultural Land Commission (ALC) to allow an exclusion of the 4.8 ha (11.88 acres) parcel. The ALC denied the exclusion of the two proposed southern lots from the ALR, however, allowed the subdivision of the property subject to 3 conditions. They are as follows:

1. subdivision be in compliance with the plan submitted
2. construction of a fence for the purpose of limiting the impact of the subdivision on the adjacent agricultural operations
3. the subdivision must be completed by of September 20, 2010

The application meets the requirements of the proposed RR3 – Rural Residential zone as follows:

CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1.0 – 1.25 Ha parcels	1.0 Ha (no connection to sewer)
Lot Width	> 74.7m m	18.0 m
Lot Depth	> 109.0 m	30.0 m

4.2 Site Context

The subject property is located within the rural area of South East Kelowna and situated on the south side of McCulloch Road.

Adjacent zones and uses are, to the:

- North - RR3 – Rural Residential
- East - A1 - Agriculture 1
- South - A1 - Agriculture 1
- West - RM7 – Mobile Home Park

4.3 Site Location Map

Subject Property: 3665 McCulloch Rd



5.0 POLICY & REGULATION

5.1 Development Potential

The purpose of the RR3 zone is to provide a zone for country residential development on smaller lots, and complementary uses, in areas of high natural amenity and limited urban services.

5.2 Current Development Policy

5.2.1 City of Kelowna Strategic Plan (2004)

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

5.2.2 Official Community Plan (OCP)

The current Official Community Plan has designated the subject property single/two family residential and as rural / agricultural.

Agricultural Policies:

- 11.1.12 Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;

5.2.3 City of Kelowna Agriculture Plan

Farmland Preservation – Direct urban uses to land within the urban portion of the defined urban – rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

6.0 TECHNICAL COMMENTS

6.1 South East Kelowna Irrigation District

No objections subject to the applicant satisfying the attached technical requirements and complying with all District bylaws, including metering and bonding commitments.

6.2 Interior Health

Further information is requested, and technical details will be evaluated at the time of subdivision.

6.3 Inspections Department

No concerns.

6.4 Works and Utilities Department

As attached.

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports the proposed land use, which has been confirmed by the Agricultural Land Commission's decision to allow the proposed subdivision.

The designation of this property and other properties on the south side of McCulloch Road was initially allocated at the time of the Southeast Kelowna Sector Plan (1994) which was approved by the ALC. Adoption of the 1995 OCP was heavily influenced by sector plans such as the Southeast Sector Plan with no objections from the ALC. Accordingly, the current OCP delineates the northern portion of the subject property as potential residential development, in addition to select other properties along McCulloch Road.

The Agricultural Plan also identifies a portion of the subject property adjacent to McCulloch Road as potential ALR lands for non-farm use. Accordingly, the Agriculture Plan and OCP would require buffers from any adjoining agricultural parcels, with the buffer created on the 'residential' side of the interface.

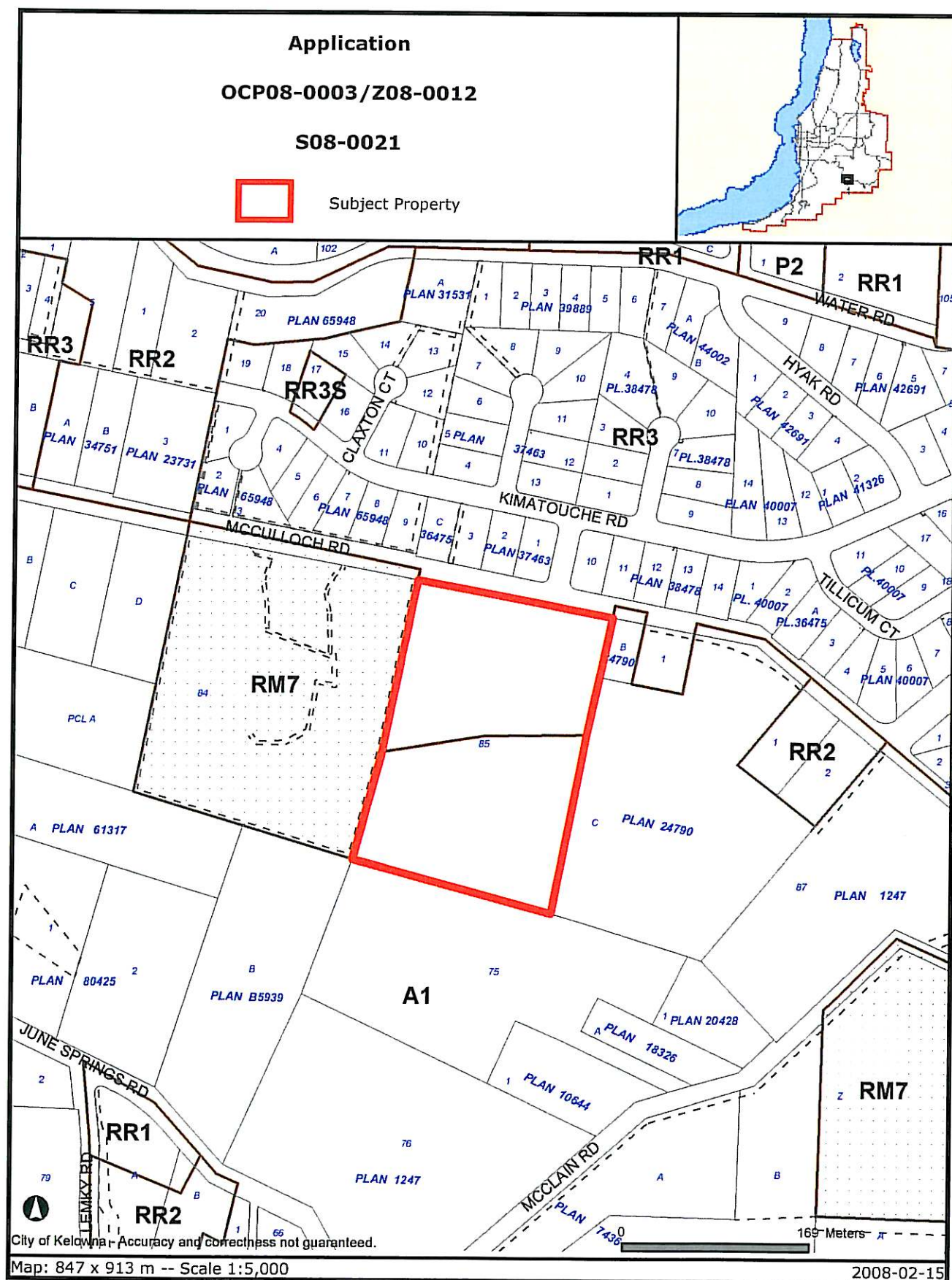


Shelley Gambacort
Current Planning Supervisor

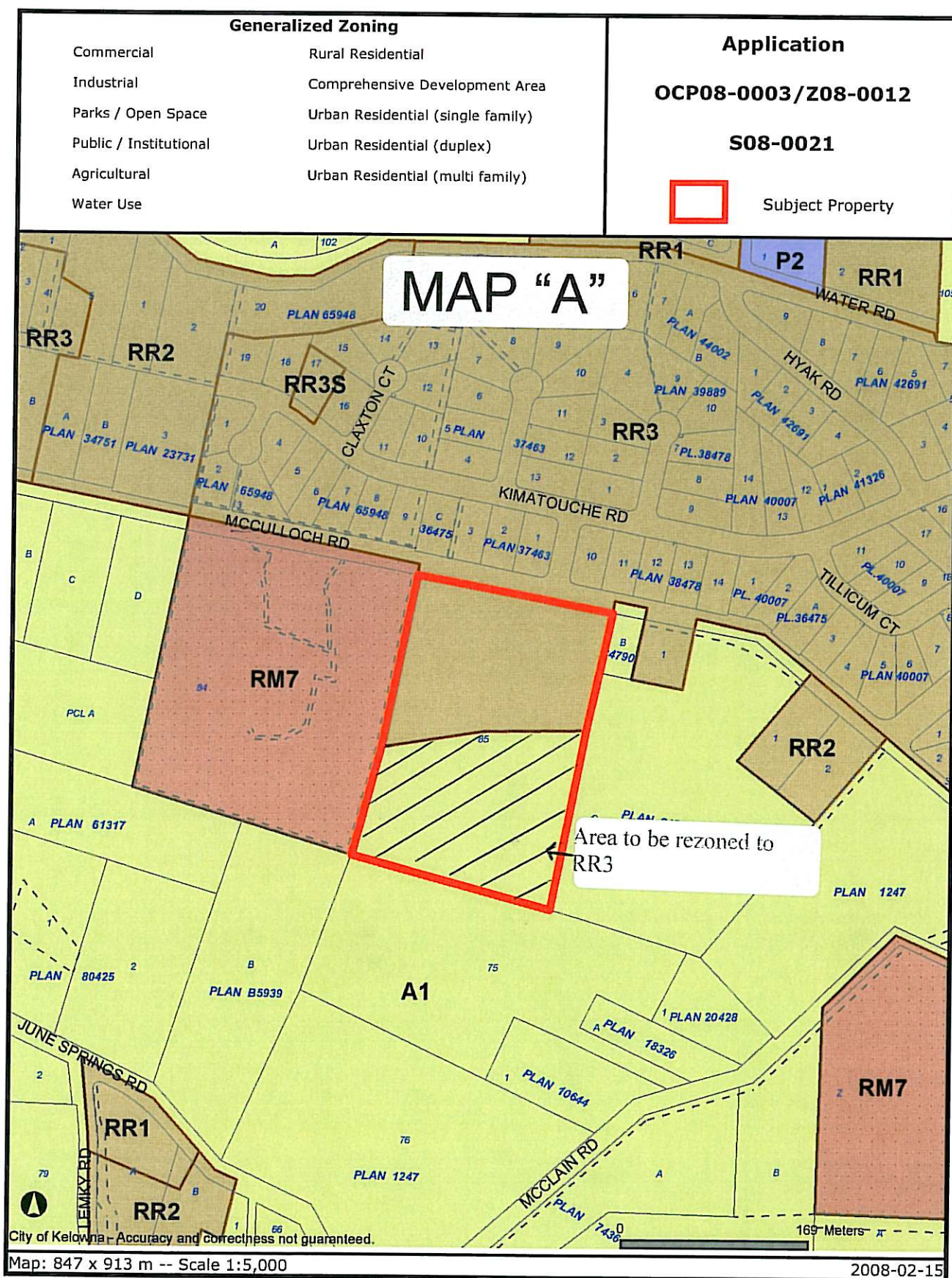
SG/dn

ATTACHMENTS

- Location of subject property
- Site plan / Preliminary Lot Layout
- Works & Utilities Department Memorandum



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.



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CITY OF KELOWNA
MEMORANDUM

Date: April 9,, 2008
File No.: S08-0021 Z08-0012 OCP08-0003
To: Planning and Development Officer (DN)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements

LOCATION: 3665 McCulloch Road	ZONE A1 to RR3
APPLICANT: Robert Bennett	
LEGAL: Lot 85 Plan 1247	

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 Approval of a subdivision plan. The Development Engineering Technician for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

.1) General

- a) Requirements of the rezoning application no. Z08-0012 must be satisfied before subdivision approval.
- b) On the McCulloch Road frontage, provide a 5.0m dedication for future roadway widening. The proposed east-west property line between Lot 1 & 2 and Lot 3 & 4 will need to be adjusted to achieve the minimum size lots of 1.000 hectare.
- c) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- d) 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 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) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.
- viii) Recommendations for construction of detention or infiltration ponds if applicable.

.3) Water

- a) The property is located within the SEKID service area.
- b) Design drawings must be reviewed by SEKID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

.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.
- b) A restrictive covenant in favour of the City of Kelowna may be required to the effect that septic tank effluent disposal fields must be located within envelopes satisfactory to the Public Health Officer. A paragraph setting down that the covenant is not to be discharged without the written approval of the Public Health Officer must be included in the wording of the covenant. The subdivision plan must be endorsed to the effect that a covenant is to be registered. This covenant must be registered as a priority charge. Ensure that the plan attached to the covenant has been endorsed by the Public Health Officer prior to submission of the subdivision plan for final approval.

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

.6) Roads

- a) McCulloch Road must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Provide an additional highway allowance widening of 5.0 m for the widening of McCulloch Road. This widening is to be accomplished by:
 - i) A dedication on the subdivision plan.
 - ii) Sale of the land to the City of Kelowna, provided sufficient funds are available in the City's current budget. Contact Mr. D.L. Shipclark, the City's Assistant Land Agent, if this option is selected.
 - iii) A Road Reservation Agreement with the City of Kelowna. Enclosed is a sample document that the City will prepare if the owner elects this option. Please contact Mr. D Gilchrist, the City's Manager, Community Development & Real Estate, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. The subdivision plan must be endorsed to the effect that there is an agreement to be registered under Section 526 of the Local Government Act. This agreement must be registered as a priority charge.
 - iv) A Road Exchange.
- c) Cul De Sac Road is designated an urban class 2 local road. Dedicate and construct the road in accordance with City standard SS-R4, (15.0 dedication, 9.1m road and sidewalk on one side).
- 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) 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. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- g) Re-locate existing poles and utilities, where necessary.
- h) Driveway access is not permitted onto McCulloch 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. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) 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.
- e) Remove aerial trespass(es)

.8) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) 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.

.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 Terasen, 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 City wishes to defer the construction of frontage improvements on McCulloch Road which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined as follows:

Item	Cost
Curb & Gutter	\$11,344
Separate Sidewalk	\$16,500
Storm	\$25,188
Fillet Pavement	\$22,275
Street Lighting	\$5,569
Landscape Boulevard	\$4,125
Total	\$85,000.00

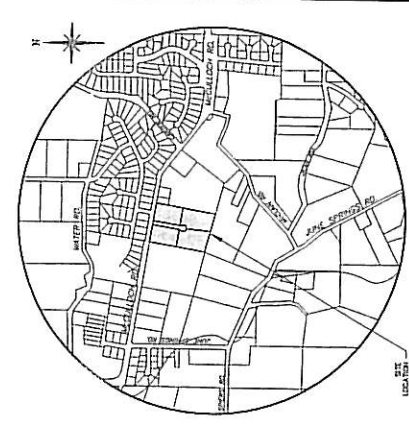
.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- 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).

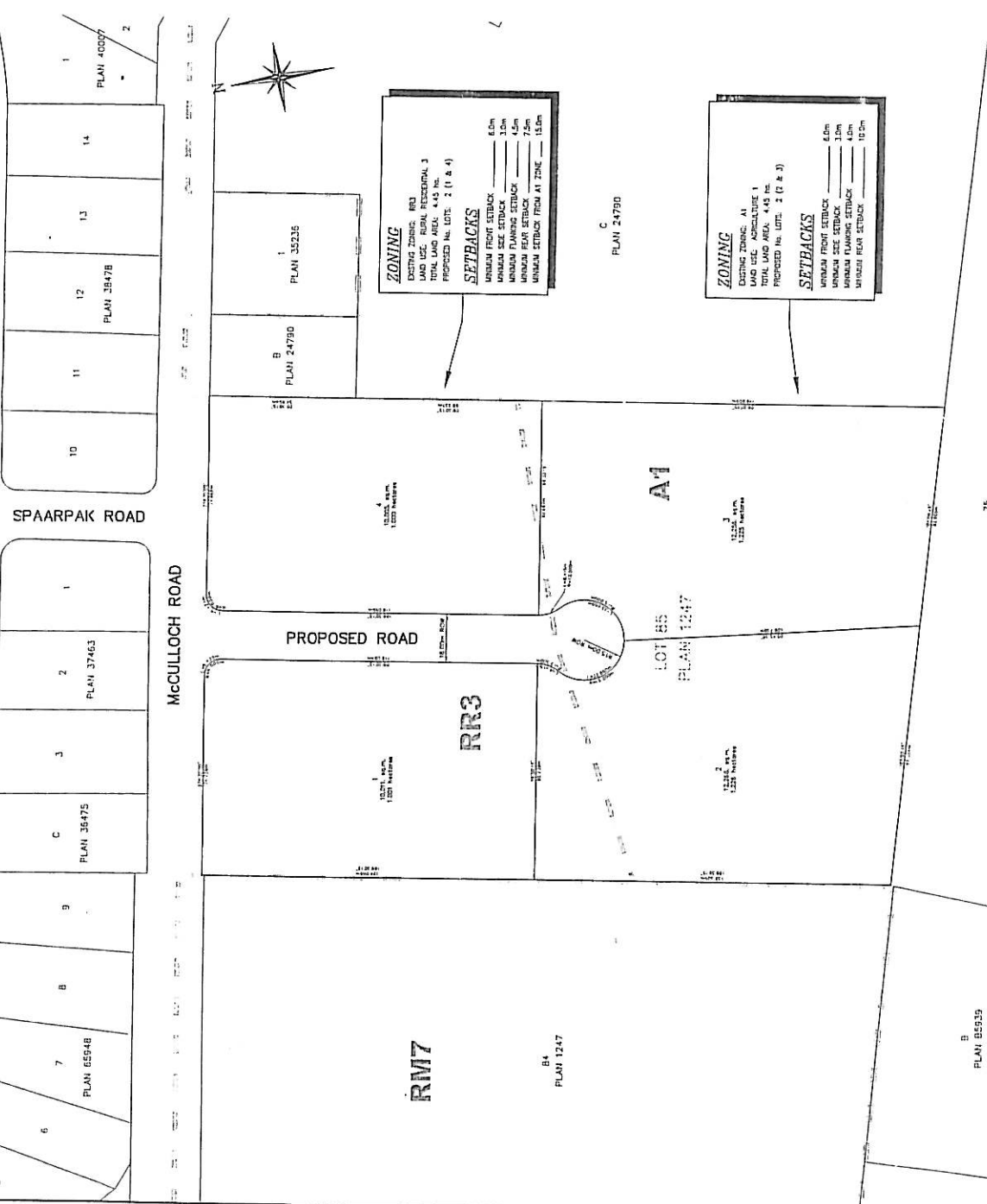
- d) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).

Steve Muenz, P.Eng.
Development Engineering Manager

SS



LOCATION PLAN



UTILITIES

- POTABLE WATER — SOUTH EAST KILGERRA WILSON DISTRICT
- NATURAL GAS — TULLIS
- TELEPHONE — TULLIS
- SEWERAGE — CITY OF KILGERRA
- FIRE PROTECTION — CITY OF KILGERRA FIRE DEPARTMENT
- GARBAGE COLLECTION — COMPANY (CITY OF KILGERRA)

LEGAL DESCRIPTION

LOT 85, SECTION 3, TOWNSHIP 2E, QG 12, PLAN 1247

		D.E. PILLING & ASSOC. LTD. CIVIL ENGINEERING 1000 MCNICOLL AVE. #100 KILGERRA, ONT. L3Y 5K1 TEL: (905) 709-1111 FAX: (905) 709-1112		DRAWING NO. 2012-P1 CITY FILE NO.	
THE CITY OF KILGERRA					
4 LOT SUBDIVISION - McCULLOCH ROAD HANGINGSTONE PROPERTIES PRELIMINARY LOT LAYOUT					
DATE: OCT. 2012 SCALE: 1:750		DRAWN: LVE CHECKED: PACE APPROVED: PACE DATE: OCT. 2012 SCALE: 1:750		SHEET NO. 0 OF 0	