
**CITY OF KELOWNA
MEMORANDUM**

DATE: November 14, 2008
TO: City Manager
FROM: Community Sustainability Division
SUBJECT:

APPLICATION NO. Z03-0034 **APPLICANT:** Guy Steward
AT: 2898 East Kelowna Rd **OWNER:** Nicole Bullock

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE A1 - AGRICULTURE 1 ZONE TO THE RR1 - RURAL RESIDENTIAL 1 ZONE.

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: RR1 – RURAL RESIDENTIAL 1

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0034 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 5, Section 16, Township 26, O.D.Y.D., Plan 665, located on East Kelowna Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone in accordance with Map "A" attached to the Planning and Development Services Department report dated November 14, 2008 be considered by Council;

AND 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 issuance of a Preliminary Layout Review letter by the Subdivision Approving Officer;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works and Utilities Department being completed to their satisfaction.

2.0 SUMMARY

This rezoning application seeks to rezone portions of the subject property from A1 to RR1 in order to allow for a two lot subdivision.

3.0 ADVISORY PLANNING COMMISSION

This application was reviewed by the Advisory Planning Commission at the meeting of July 15, 2003 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0034, 2898 East Kelowna Road, Lot 5, Plan 665, Sec. 16, Twp. 26, ODYD by Protech Consultants Ltd. (Grant Maddock), to rezone part of the subject property from the A1-Agriculture 1 zone to the RR1-Rural Residential 1 zone in order to facilitate a 2 lot subdivision.

4.0 HISTORY

- June 1994 – Agricultural Land Commission (ALC) conditionally approved an exclusion for the westerly portion of the subject property, which is to be created as a separate parcel.

- June 2003 – application was made to rezone and subdivide that portion of the subject property approved for exclusion by the ALC.
- July 2004 – Staff considered it premature to advance application to Council, due to following reasons:
 - concern of residents
 - road upgrade from lane standard to road standard
 - fire flow upgrades as per SEKID requirements
 - concern with private sewage disposal system vs waiting for sanitary services to be extended to Hall Road area
 - site suitability, related to slope stability and underground springs
- July 2008 – applicant requested that Staff reconsider proposal. Subdivision Approving Officer agreed to relax road standard, but suggested an alternate subdivision proposal, with panhandle access to East Kelowna Road, such that the legal road frontage requirements could be met.
- August 2008 – confirmation from ALC that they would consent to the alternate subdivision proposal as per above.

5.0 BACKGROUND

This 4.2 ha subject property is located in East Kelowna, and within the Agricultural Land Reserve. The easterly 2.5 ha accommodates an orchard, and there is a small yard site with one single-family house and accessory building. Close to half of the remaining 2.0 ha is a very steep slope running down to the Hall Road area. This sloped area is undevelopable and unusable for agriculture. The applicant is seeking to rezone the westerly 1.0 ha portion that is relatively flat. This proposed RR1 lot would have access from O'Reilly lane, and be serviced with water by SEKID. A private sewage disposal system would need to be installed, should a dwelling be constructed on this parcel, since sanitary services have not been extended to this area at this time.

The proposed application meets the requirements of the RR1 – Rural Residential 1 zone (conflicts with Zoning Bylaw No. 8000 are noted at the end of the table):

CRITERIA	PROPOSAL	RR1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1.0 ha	1.0 ha
Lot Width	151 m	40.0 m
Lot Depth	70 m	30.0 m

5.1 Site Context

The portion of the subject property to be rezoned is located in the Hall Road area at the base of the bench that separates this area from East Kelowna. The area has been developed predominantly for rural residential uses. More specifically, the adjacent land uses are as follows:

North- RR3 – Rural Residential 3
 A1 – Agriculture 1
East A1 – Agriculture 1
South A1 – Agriculture 1
West RR3 – Rural Residential 3

6.0 TECHNICAL COMMENTS

(See attached)

7.0 POLICY

7.1 Kelowna Official Community Plan (OCP)

Future Land Use – The subject properties are designated “Single/Two Unit Residential” in the OCP. Consequently, the proposal to rezone to the RR3 zone is consistent with that designation.

Section 8.1.34 - Land Utilization within Single Detached Areas. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The subject property is designated as Rural / Agricultural and Single / Two Unit Residential in the OCP. The westerly portion of the site, below the escarpment is the area designated as Single / Two Unit Residential. Consequently, the proposal to rezone and subdivide a rural residential lot at the west end of the subject property would be consistent with the OCP and could be supported.

The concerns previously identified (see History section on page 2), have been or may be addressed in the future, as follows:

1. Road Upgrades – the Subdivision Approving Officer has relaxed the road standard requirement to allow this subdivision to proceed, should the rezoning application be approved by Council;
2. Fire Flows – the applicant will need to satisfy whatever requirements SEKID has with respect to water services;
3. Slope Stability – the applicant will be required to conduct a geotechnical assessment of the proposed new lot, to verify that there are no concerns with respect to constructing a single-family home. This report would be required prior to final adoption of the zone amending bylaw.
4. Private Sewage Disposal – although it is preferable to connect to urban sanitary services, to extend from the Fisher Road area to this site for one lot is unduly onerous. Prior to final adoption the owner will be required to verify that the soil conditions are suitable for private wastewater disposal onsite.

In addition to those items above, the one other issue identified back in 2004 related to neighbourhood opposition. It remains to be seen if there continues to be some concern from the surrounding residents.

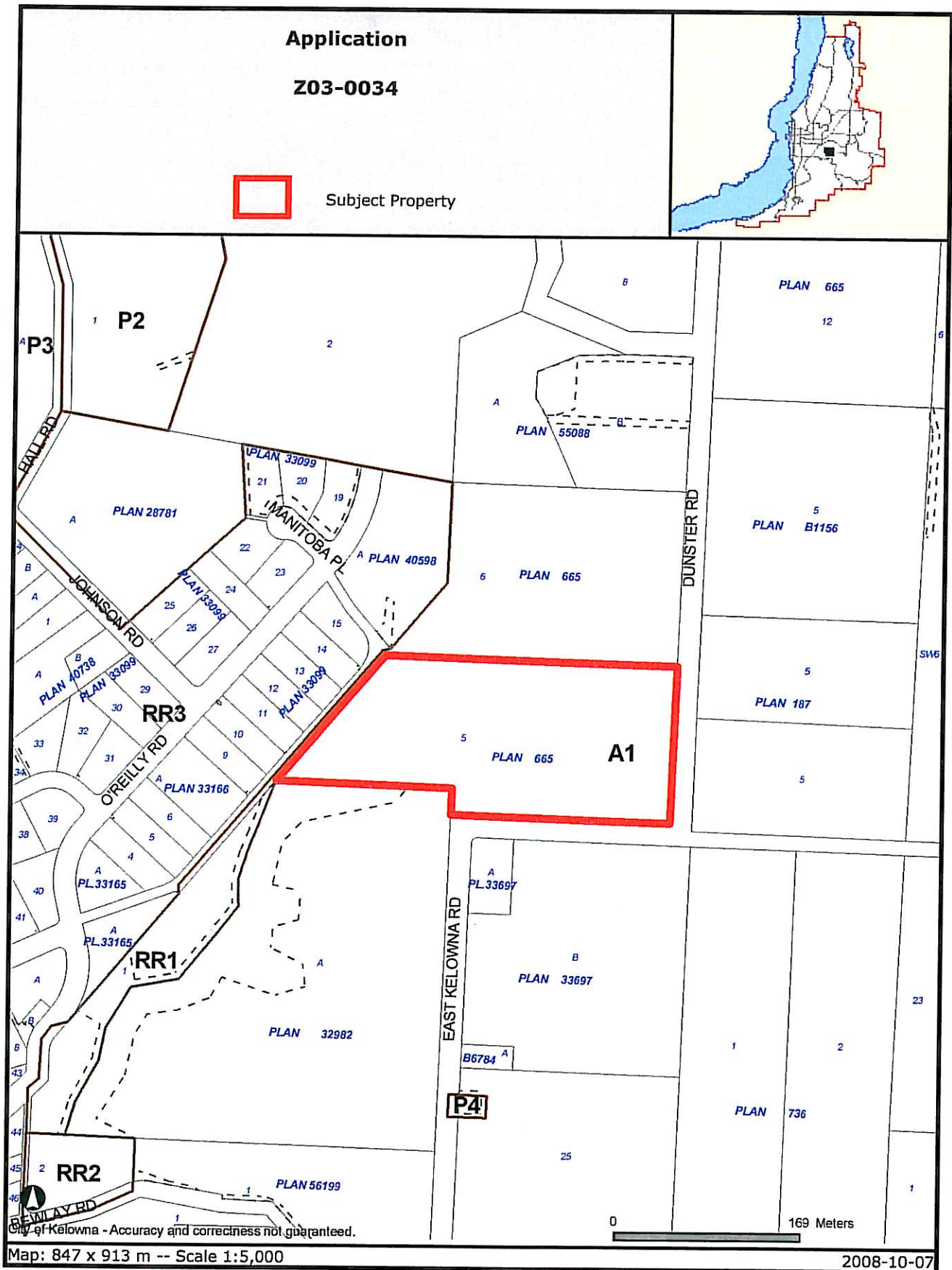
Given (a) the policy support within the OCP for this development, (b) the resolution of previous concerns as noted above, (c) the prior approval for this subdivision within the ALR from the ALC, and (d) that this area to be subdivided is topographically separated from the farmable portion, Land Use Management Staff recommend that this rezoning application be approved by Council.



Shelley Gambacort
Director of Land Use Management
NW/nw

ATTACHMENTS

Location of subject property
Site Plan
Technical Comments
Works and Utilities Report, dated June 27, 2008
Air Photo
Map "A"



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.

File: Z03-0034

Application

File: Z03-0034

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
	Agricultural Advisory Committee 2003-06-05	2003-06-25		No concerns
	B.C. Assessment Authority (info only) 2003-06-05	2003-06-05		
	Community Development & Real Estate Mgr 2003-06-05	2003-06-09	CLESLIE	No comment
	Community Planning Manager 2003-06-05	2003-07-09		The proposed lot fronting on O'Reilly Lane is characterized by slopes of 15-30%, according to Map Guide. A minimum requirement for a new residential building should be that a level passenger loading space be provided to allow passengers to safely transfer from vehicles to the building entrance. Slopes of more than 5% are not negotiable for people with mobility impairment.
	Fire Department 2003-06-05	2003-06-09	JSHARHO	No comment
	FortisBC 2003-06-05	2003-07-03		Proposed Lot 2 requires electrical service.
	Inspections Department 2003-06-05	2003-07-02		No comment.
2	Inspections Department 2003-06-05	2003-07-02	JWRIGHT	No concerns
	Irrigation District - SEKID 2003-06-05	2003-07-11		See file for comments.
	Mgr Policy, Research & Strategic Plannin 2003-06-05	2003-06-19		The subject property is designated as Rural / Agricultural and Single / Two Unit Residential in the OCP. The westerly portion of the site, below the escarpment is the area designated as Single / Two Unit Residential. The subject property is in the ALR and it is not clear from the referral if the ALC has approved an ALR application to subdivide. The proposal to rezone and subdivide a rural residential lot at the west end of the subject property would be consistent with the OCP and could be supported, subject to confirmation that the ALC has approved the proposed subdivision, the provision of access to the new lot acceptable to the Approving Officer and the registration of a no disturb covenant on the steeply sloped portion of the parent parcel to protect the trees and hillside environment.
	Park/Leisure Services Dir. (info only) 2003-06-05	2003-06-05		
	Parks Manager 2003-06-05	2003-07-08	TBARTON	No objections
	Public Health Inspector 2003-06-05	2003-06-16		Ensure septic field of existing house or of future houses to be built do not overlap onto both subdivided parcels.
	RCMP 2003-06-05	2003-06-17		No response.
	School District No. 23 2003-06-05	2003-07-17		No response.
	Shaw Cable 2003-06-05	2003-06-09		Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings & specifications.
	Telus 2003-06-05	2003-07-08		TELUS will provide aerial service.
	Terasen Utility Services 2003-06-05	2003-06-16		No comment.
	Works & Utilities 2003-06-05	2003-07-07		2003 07 07 See file for comments.

CITY OF KELOWNA
MEMORANDUM

Date: June 27, 2008
File No.: S03-0055 & Z03-0034
To: Planning and Development Officer (MK)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements

LOCATION: 2898 East Kelowna Road	ZONE A1 and RR1
APPLICANT: John Bullock	
LEGAL: Lot 5 Plan 665	

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

The application shows the existing lot split into two, with the lower 1.032 ha lot requiring an amendment to the zoning from A1 to RR1. The applicant shows the lower lot with legal and physical access from an unnamed lane.

.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 building construction.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Identify slopes greater than 30%.
- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) 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.
- xi) Any items required in other sections of this document.
- xii) Recommendations for roof drains and perimeter drains.

.3 Water

- a) The property is located within the South East Kelowna Improvement District (SEKID) service area.
- b) Refer to SEKID comments. However, it is evident that there is no watermain in the lane from which a service could be provided for the new lot. Provide an adequately sized domestic water and fire protection system complete with 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.
- c) Confirm with Fire Department (John Sharhon) regarding hydrant locations. An additional hydrant may be required at the bend in East Kelowna Road.

.4 Sanitary Sewer

- a) The lots meet the minimum size requirement of 1 ha for onsite sewage disposal. Each lot is 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

- 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 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);
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

.6 Roads

- a) Dunster Road is a rural local road. There are no improvements required.
- b) East Kelowna Road is classified as a rural collector road. Upgrade the rural collector road to standard SS-R5 (RURAL) (requires a 1.5m paved shoulder)
- c) The proposed lower lot 2 has access only on the unnamed lane. Primary fronting roads to proposed lots should be dedicated and constructed to a full road standard such as a local class 2 road standard SS-R4 (15m dedication, 7m asphalt). **The Approving Officer should review this issue.** Addressing will also be an issue.
- 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.
- i) Verify that physical driveway access will satisfy City requirements for the proposed lot 2. 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.
- j) Re-locate existing poles and utilities, where necessary.

.7 Power and Telecommunication Services and Street Lights

- a) Overhead wiring is permitted for this subdivision although underground installation is recommended.
- b) Before making application for approval of your subdivision plan, please make arrangements with Aquila Networks Canada for the pre-payment of

applicable charges and tender a copy of their receipt with the subdivision application.

- 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 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.

.11 Charges and Fees

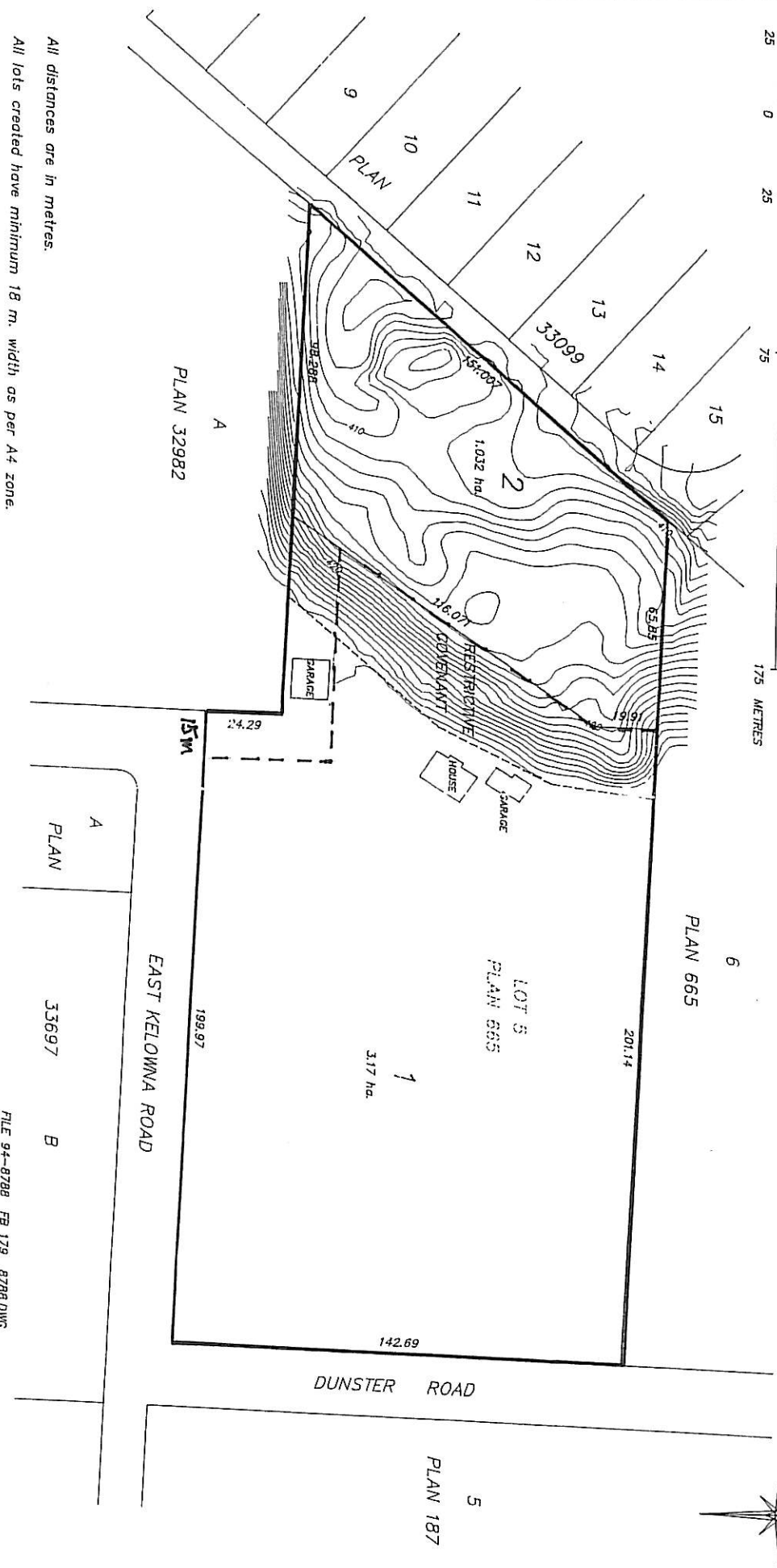
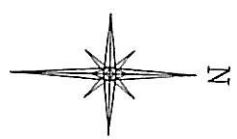
- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
 - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).
- c) 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 Manager

ss

PROPOSED SUBDIVISION OF LOT 5 PLAN 665
SECTION 16 TOWNSHIP 26 O.D.Y.D.

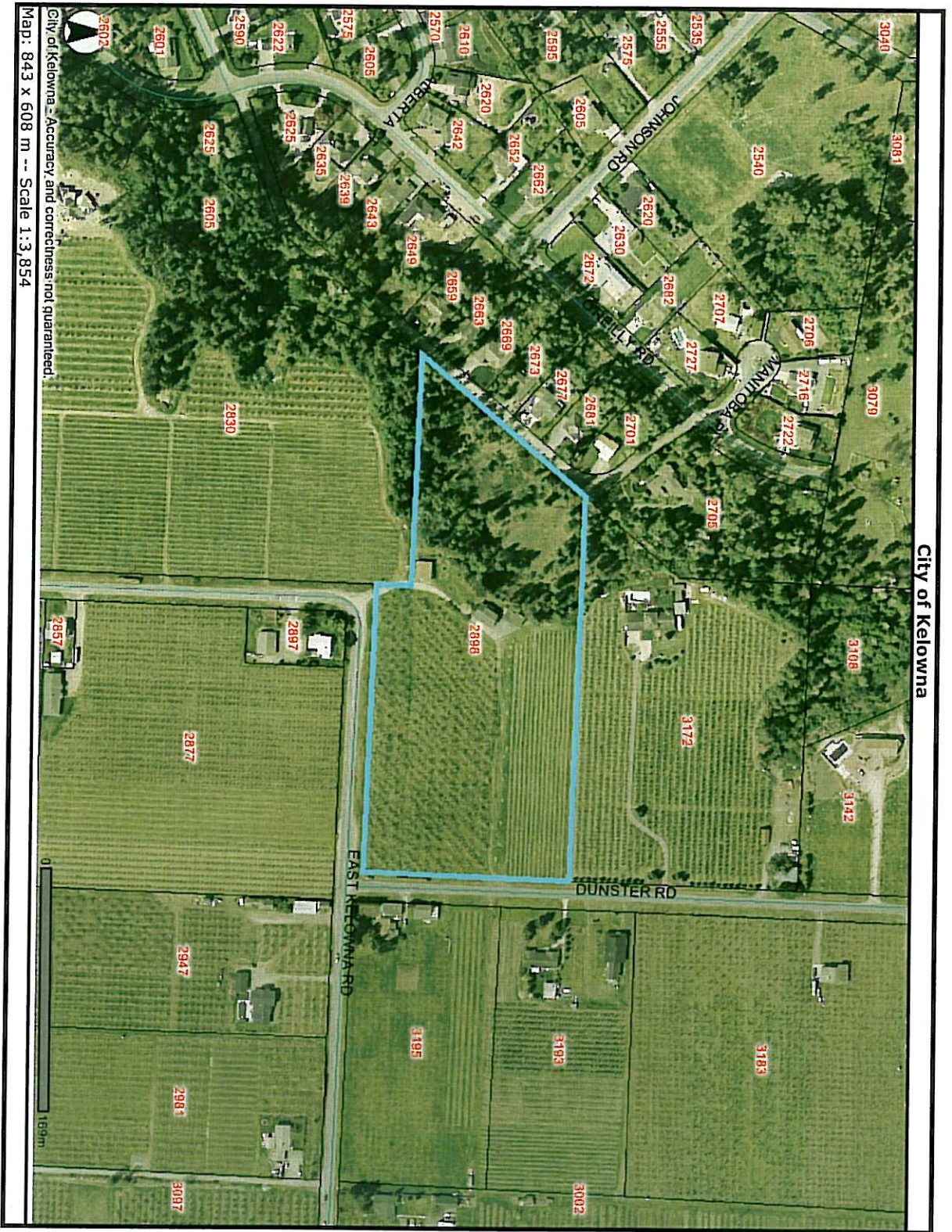
SCALE 1:1250



All distances are in metres.
All lots created have minimum 18 m. width as per A4 zone.

GODDARD and ASSOCIATES B.C. LAND SURVEYORS
200-1449 ST. PAUL STREET KELOWNA PHONE 765-3733

FILE 94-8788 FB 179 8788.DWG



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.