

Memo



Date: February 08, 2010

To: City Manager

From: Community Sustainability Division

File No: Z09-0073 **Applicant:** Colbee Holdings Ltd.

At: 3700 Jean Rd & **Owners:** Beate Bauer & Franz Bauer
4185 McClain Rd Alice Merz & Friedrich Merz

Purpose: To rezone the subject properties from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone in order to facilitate a 4-lot residential subdivision.

Existing Zone: A1 - Agriculture 1

Proposed Zone: RR1 - Rural Residential 1 **Proposed Number of Lots:** 4

Report Prepared by: Andrew Browne

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots A & B Sections 2 & 3 Township 26 ODYD Plan 7436, located at 3700 Jean Rd and 4185 McClain Rd, Kelowna, B.C. from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone 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 requirements of the Development Engineering Branch, Interior Health Authority, and South East Kelowna Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to:

- i. submission of a subdivision application/plan that incorporates driveway access as described in the Community Sustainability Division report dated February 08, 2010, to include easements securing access via neighbouring parcels and covenants restricting access onto public roads;
- ii. a restrictive covenant being placed on title that the subject properties are adjacent to ALR property and that they are subject to the impacts of normal farm practices.

2.0 SUMMARY

The applicant proposes to rezone the subject properties to RR1 - Rural Residential 1 from A1 - Agriculture 1 in order to facilitate a four lot residential subdivision. The McClain Road lot is involved in the application only to the extent that the owner is severing and selling a portion of their lot to the Jean Rd landowner in order for them to meet the minimum lot size for four new proposed parcels. As the McClain Road lot is nonconforming in size for the A1 - Agriculture 1 zone, it must be rezoned to the RR1 - Rural Residential 1 zone as well.

3.0 ADVISORY PLANNING COMMISSION

At the January 19, 2010 meeting of the Advisory Planning Commission, it was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z09 0073, for 3700 Jean Road and 4185 McClain Road; to rezone the subject properties from the A1 - Agriculture 1 zone to the RR1 - Rural Residential 1 zone in order to facilitate a 4-lot residential subdivision.

APC comments included a concern for clear addressing for emergency vehicles (given the shared driveways). This would be ensured at the subdivision phase.

4.0 SITE CONTEXT

The subject properties are located in Southeast Kelowna in a predominantly rural and agricultural area (with larger residential subdivisions north of McCullough Rd, and Gallagher's Canyon to the east).

Specifically, the adjacent zones and land uses are:

| | | |
|-------|--|------------------------------------|
| North | A1 - Agriculture 1 | Residence / minor agriculture |
| | A1s - Agriculture 1 with Secondary Suite | Residence |
| South | A1 - Agriculture 1 | Estate residence |
| | RR1 - Rural Residential 1 | Estate residence |
| East | A1 - Agriculture 1 | Estate residence |
| | RM7 - Mobile Home Park | McCulloch Heights Mobile Home Park |
| West | A1 - Agriculture 1 | Residence / minor agriculture |
| | A1s - Agriculture 1 with Secondary Suite | Residence |
| | RR1 - Rural Residential 1 | Estate residence |



5.0 THE PROPOSAL

The application seeks to rezone 3700 Jean Road in order to create a four lot subdivision. To achieve the minimum lot size for four lots in the RR1 - Rural Residential 1 zone, the applicant has arranged to purchase an area of 4185 McClain Road. As 4185 McClain Road is nonconforming in size for the A1 - Agriculture 1 zone, it must also be rezoned.

The proposed lots compare with the Zoning Bylaw No. 8000 requirements for the RR1 - Rural Residential 1 zone as follows:

| | Lot Area | Lot Width | Lot Depth |
|-------------------------------|-----------------|---------------|-------------------|
| RR1 zone minimum | 1.0 ha | 40 m | 30 m |
| Remainder (4185 McClain Rd) | 1.55 ha approx. | 260 m approx. | 42-120 m approx. |
| Proposed Lot 1 (3700 Jean Rd) | 1.0 ha | 100 m approx. | 106-175 m approx. |
| Proposed Lot 2 (3700 Jean Rd) | 1.0 ha | 85 m approx. | 116-140 m approx. |
| Proposed Lot 3 (3700 Jean Rd) | 1.0 ha | 75 m approx. | 110-116 m approx. |
| Proposed Lot 4 (3700 Jean Rd) | 1.0 ha | 42 m approx. | 120-160 m approx. |

6.0 TECHNICAL COMMENTS

Building & Permitting Branch. No concerns.

Development Engineering Branch. See attached.

Fire Department. There are no objections to the change in zoning. The fire department access, fire flows, and hydrants are required as per the BC Building Code and City of Kelowna Subdivision Bylaw 7900. Additional fire hydrant is required on Jean Rd.

FortisBC. No concerns for rezoning.

Infrastructure Planning. No comment.

South East Kelowna Irrigation District. See attached.

Interior Health Authority. See attached.

Real Estate & Building Services. Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Real Estate & Building Services Department requires a full-sized copy, together with an 8 ½ x 11 copy, of any survey plans.

Shaw Cable. Owner/Developer to install an underground conduit system as per Shaw Cable drawings and specifications.

Telus. Telus will provide aerial service.

Terasen. The existing gas service for 3700 (proposed lot 3) comes from the main in the trailer park. This service will be in trespass once the subdivision occurs. I have proposed a simple servicing plan with the consultation of the developer. We will have to run a new main in the access R/W for lots 1-2 off of McClain Rd. This will service lots 1, 2 and 3. We will alter the existing gas service to lot 3 to tie into this new main and cut off the portion of trespass service at the trailer park. Lots 1-3 will now be serviced thru this r/w. The service alteration will have to be at the developers expense. Budget \$1800.00. The main will be put thru on the mx test and may or may not require a contribution. Lot 4 will get a standard service from Jean Rd. So generally as long as the developer gives us new r/w and we alter the one service at his expense, we have no issues.

7.0 POLICY AND REGULATION

Kelowna 2020 - Official Community Plan

The subject property is designated as Single /Two Unit Residential for future land use. Relevant policies are included below.

Growth Management Policies:

Develop a Compact Urban Form. Develop a more compact urban form that maximizes the use of existing infrastructure, by increasing densities through development, conversion, and re-development within existing areas, particularly in designated Urban Centres, and by providing for higher densities within future urban areas. Encourage development to proceed in a logical, sequential order, concurrently with availability of required urban services.

Housing Policies:

Infrastructure Availability. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently.

Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

Transportation Policies:

Traffic Reduction Target. Aim to reduce the percentage of trips undertaken by single occupant vehicles.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

While the proposed rezoning is consistent with the future land use designation expressed in the current Official Community Plan (Single/Two Unit Residential), it is not consistent with a number of Official Community Plan policies. These policies, included above, express the need to direct new housing to areas with existing infrastructure and to discourage residential development in rural and agricultural areas. While the applicant of the day is responsible for the considerable cost of servicing at the time of subdivision, the cost of future maintenance, depreciation, and replacement must be borne collectively by the taxpayers of Kelowna.


Service availability in this area of the City is extremely limited, including a lack of: commercial services, employment, recreational facilities, and educational/institutional services. Continued development and parcelization in the area could spur further development speculation and compound the already considerable service deficit in this sector of the City.

Continued development at the rural fringe of the City is not a sustainable direction and does not support the goals of the City toward achieving the efficient location of land uses, reduction of greenhouse gas emissions, and reduction of trips undertaken by single occupant vehicles. Though the subject properties are not within the Agricultural Land Reserve, larger parcels are typical of the established pattern of land use.

Land Use Management staff acknowledge that the applicant intends proposed Lots 3 and 4 to share the existing driveway onto Jean Road, while proposed Lots 1 and 2 are to share a new driveway onto McClain Road. Should Council advance this application forward, a condition of final adoption will include securing this access arrangement via covenant and easement on land title as well as securing, on title, notice that the subject properties are adjacent to the ALR and are subject to the impacts of normal farm practice.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion: 
Shelley Gambacort
Director, Land Use Management

SG/DN/ab

Attachments

- Subject property map
- Development Engineering technical comments (2 pages)
- Interior Health Authority technical comments (4 pages)
- South East Kelowna Irrigation District technical comments (2 pages)
- Proposed plan of subdivision

CITY OF KELOWNA
MEMORANDUM

Date: January 13, 2010
File No.: Z09-0073
To: Land Use Management Department (AB)
From: Development Engineering Manager
Subject: 3700 Jean Road – Lot BL, Plan 7436

The Development Engineering requirements and comments pertaining to this application, to rezone the subject property from A1 to RR1 are as follows:

1. General.

- a) Requirements of the subdivision application no. S09-0064 must be satisfied before subdivision approval.
- b) Provide easements and right of ways as required.

2. Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

3. Domestic water and fire protection.

- a) This development is within the service area of the Southeast Kelowna Irrigation District (SEKID). The developer is required to make satisfactory arrangements with the SEKID for these items. All charges for service connection and upgrading costs are to be paid directly to the SEKID.

4. Sanitary Sewer.

- a) The minimum lot size for on site sewage disposal is 1 hectare.
- b) Sanitary sewage is to be handled by an on-site sewage disposal system 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. Storm drainage.

A comprehensive drainage site management plan and design to comply with the City's Drainage Design and Policy Manual will be a requirement at the time of subdivision.

6 Power and Telecommunication Services.

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.

7. Engineering.

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 which will be a requirement at the time of subdivision.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

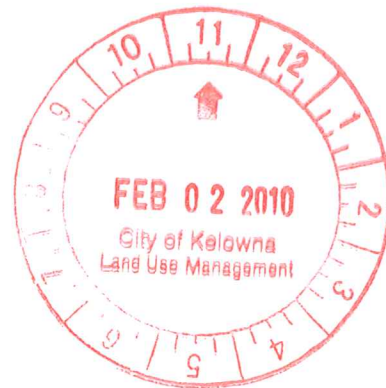


Interior Health

January 25, 2010

City of Kelowna
1435 Water Street
Kelowna BC
V1Y 1J4

Attention: Andrew Browne
Land Use Planner



Re: Rezoning application Z09-0073, 4 lot subdivision at Lot A & B, Plan 7436, Section 2 & 3,
Township 26, ODYD, 3700 Jean Road and 4185 McClain Road.

Dear Andrew,

Interior Health files contain the 1992 as built plan for the existing on site sewage disposal system (attached). The minimum setback of this sewage disposal system should be 3 meters from property lines. The attached checklist outlines Interior Health requirements in relation to the 4 lot subdivision proposal and information necessary before making comments.

I can be contacted weekdays, at 250-868-7867, should you have any questions.

Yours truly,



Stephen Pope
C.P.H.I. (c)
Environmental Health Officer

cc/ Colbee Holdings Ltd.
Att: Darrell Moore
1 – 551 Sherrydale Cres.
Kelowna BC V1V 2E6

SP/bmm

Bus: (250) 979-7665
Fax: (250) 868-7760
Web: interiorhealth.ca

Public Health Inspections
"Less Risk, Better Health"
1st Floor, 1340 Ellis Street Kelowna, BC V1Y 9N1



Interior Health

City of Kelowna
1435 Water St
Kelowna BC

Dear: Andrew Browne

**Re: Proposed Subdivision – Z09-0075, Lot A & B, Plan 7436,
3700 Jean Road, Kelowna**

Before comments can be made regarding this proposed subdivision with on-site sewage disposal, the following information is required:

- Show location on a plan of all existing structures and sewage disposal system(s), in relation to existing and proposed parcel boundaries.
- Several five-foot-deep observation holes are required within each designated sewage disposal area. Please contact the undersigned Public Health Inspector at the Kelowna Health Centre when the test holes are ready for inspection.
- Results of percolation tests are required. At minimum, two percolation tests, performed by a recognized authority, are required for each sewage disposal area. Each lot is required to have an initial sewage disposal area plus a reserve sewage disposal area for Type 1 Sewerage Disposal Systems. It may be necessary to have these areas protected by restrictive covenant.

Normally percolation tests are done in holes 12 inches square and 24 to 32 inches deep. If dense clay-type material were encountered at the lower three feet of the five-foot-deep observation holes, the procedure would be to extend the percolation test holes to a depth of 48 inches and obtain readings for the zone 42 inches to 43 inches from the surface.

- A topographical map (showing all areas of slope exceeding 30% and areas of open bedrock) is required.
- Show location of all streams, creeks, springs, or other natural water bodies.

.../2



Interior Health

- A professional ground water hydrologist's report of the long-term effects of hydraulic loading by septic systems and the long-term suitability of the soils for sewage disposal.
- Are any wells located on the property or within 100 feet of the parcel boundary? If so, show location.
Source of domestic water: a) community supply
b) other supply - deep well
- shallow well
- surface source
- Where a) is proposed, an approval for construction in the form of a Final Certificate from the Regional Public Health Engineer or a letter or confirmation from the water system, indicating they will allow hook-up, is required.
- Where no community system is proposed, information concerning the water source, potability and its' location, may be required by the approving officer. The Schedule-A chemical water analysis list of parameters is attached as reference.

Upon receipt of this information in writing, we will forward our recommendations. Please feel free to contact the undersigned with any enquires.

Yours truly,

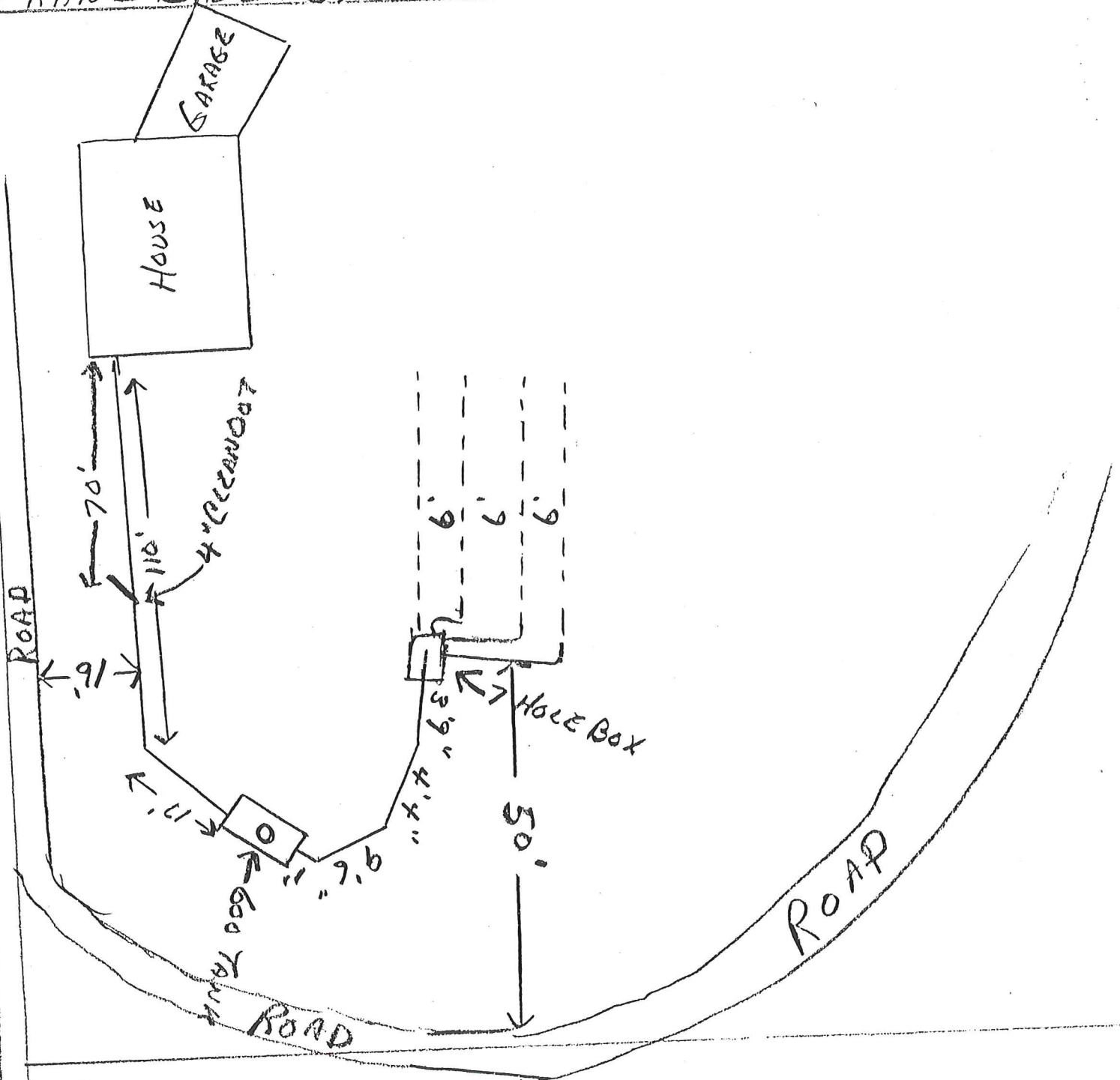
Stephen Pope, C.P.H.I. (C)
Environmental Health Officer
(250) 868-7867

BIG H DITCHING SERVICE LTD.



1865-MCKENZIE ROAD RR#2
KELOWNA, B.C. V1Y 7R1 765-3550
HAVE A NICE DAY

FRANZ BAUER 3700 JEAN RD. LOT B - PLAN 74-36.



SERVING THE PUBLIC SINCE 1965





South East Kelowna Irrigation District

P.O. Box 28064 RPO East Kelowna
Kelowna, B.C.
V1W 4A6

Office: 3235 Gully Road
Telephone: (250) 861-4200
Fax: (250) 861-4213
Email: info@sekid.ca
Website: www.sekid.ca

February 2, 2010

Colbee Holdings Ltd..
#1 – 551 Sherrydale Crescent
Kelowna, B.C. V1V 2E6

Attention: Darrell Moore

Dear Mr. Moore:

Re: City of Kelowna file Z09-0073, Lot B Plan 7436 - 3700 Jean Road

As per our meeting last week and a request by the City of Kelowna Land Use Management Department's Andrew Browne to provide formal technical comments for water servicing on the above referenced application, this letter will provide you with the District's requirements for water servicing. The proposal calls for the subdivision of the existing lot into four one hectare lots.

The estimated installation cost of the works required to service this development is \$200,000. All fees calculated as a percentage of the installation cost are calculated using this amount.

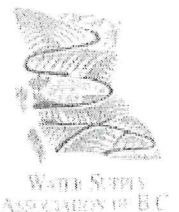
The District requirements are as follows:

1. The District's consulting engineer, Mould Engineering, has reviewed the general servicing requirements for the development. The applicant must submit engineered design drawings for approval before proceeding. The estimated total cost of installation of those works required to service this development is \$200,000. As per clause 3.b) of bylaw 537, you are required to deposit a sum of money or provide an irrevocable letter of credit equal to this amount. The applicant will be able to draw down this performance bond as work progresses at the District's discretion.
2. The Trustees require the inspection and testing of works during and upon completion of construction. It is the developer's responsibility to inform the District of construction schedules to insure inspection requirements are met. The inspection fee, calculated at 7.5% of the cost of installation, is \$15,000.00.
3. Upon installation and acceptance of the works by the District, a maintenance deposit equal to 5.0% of the estimated installation cost of the water system is required. Any costs directly associated with the maintenance of the waterworks will be drawn from this deposit for a period of one year and the term may be extended to two years at the District's option. A sum of money or irrevocable letter of credit in the amount of \$10,000.00 is required after the works have been installed and accepted by the district.



Member of
BCWWA

WATER – NEVER ENOUGH TO WASTE



4. A Capital Expenditure Charge in the amount of \$12,000.00 (3 units @ \$4,000.00 per unit) must be paid.
5. An Application Fee Charge in the amount of \$1,800.00 (4 units @ \$450.00 per unit) must be paid. The Application Fee applies to the existing home as it is currently out of compliance with the District requirement that all houses must be metered. The Application Fee, in part, provides for a water meter for each lot. It is the applicant's responsibility or future homebuilder's responsibility to install the water meter.
6. The developer, prior to approval and acceptance by the Trustees, must pay all engineering costs incurred by the district. The developer will be invoiced for these charges by the District.
7. Prior to final approval and acceptance of works the developer must supply as-constructed drawings of all water works that will become the property of the District.

A summary of fees:

| | | |
|----|----------------------------|------------------|
| 1. | Capital Expenditure Charge | \$12,000.00 |
| 2. | Application Fee Charge | 1,800.00 |
| 3. | Inspection Fee | <u>15,000.00</u> |
| 6. | Total: | \$28,800.00 |

A summary of deposits required:

| | | |
|----|--|------------------|
| 1. | Waterworks Deposit (<u>prior</u> to approval for installation of works) | \$200,000.00 |
| 2. | Maintenance Deposit (due upon <u>completion</u> of works) | <u>10,000.00</u> |
| | Total: | \$210,000.00 |

All fees must be paid prior to approval to proceed with the installation of works. The Waterworks Deposit must be paid prior to construction and the Maintenance Deposit is due upon completion of works.

Upon payment of the above fees and deposits, and the delivery and approval of the construction drawings of the water system, the District will inform the City of Kelowna that the requirements of the Board of Trustees have been met.

Please contact me if you have any questions regarding the above requirements.

Sincerely,



Toby Pike
General Manager

CC: City of Kelowna, Graeme James, Andrew Browne

3700 Jean Rd

Proposed Subdivision

Lot B, Secs 2 & 3 . Tp.26, ODYD, Plan 7436

Scale - 1/1500

