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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** October 31, 2016  
**File No.:** S16-0104

**To:** Community Planning (MS)

**From:** Development Engineering Manager (SM)

**Subject:** Subdivision Application – PLR Requirements

LOCATION: 4646 McClure Road	ZONE RU1
APPLICANT: Integrity Services	
LEGAL: Lot 2 Plan 29484	

**WORKS AND SERVICES REQUIREMENTS**

The City's Development Services 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 Technologist for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

**.1) General**

- a) 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.

**.2 Geotechnical Report**

- (a) Provide a geotechnical report, 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 Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch 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 roads, 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 the City of Kelowna service area. The existing PVC water service will need to be upgraded to current standard. Arrange for the upgrade and additional lot connections for the new lots before submission of the subdivision plan.

### **.4 Sanitary Sewer**

- a) Arrange for additional lot connections for the new lots and existing upgrades before submission of the subdivision plan.

### **.5 Drainage**

- (a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires 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 hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit).

### **.6) Roads**

- a) McClure Road frontage must be upgraded to a full urban standard including curb, gutter, sidewalk, fillet pavement, street lights, storm drainage, landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Needham Court frontage must be upgraded to a full urban standard including sidewalk and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- c) Re-locate existing poles and utilities, where necessary.

**.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 Fortis 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. 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 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.

**.11) Charges and Fees**

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Survey Monument Fee: **\$100.00** (\$50.00 per newly created lot (GST exempt).
  - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) A hydrant levy charge of **\$500.00** (250.00 per new lot).

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Steve Muenz, P.Eng.  
Development Engineering Manager

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# Schedule 'A'

## DEVELOPMENT VARIANCE PERMIT



### APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0241

**Issued To:** Pillar West Developments Inc.  
**Site Address:** 4646 McClure Rd  
**Legal Description:** Lot 2 Section 25 TWP 28 SDYD Plan 29484  
**Zoning Classification:** RU1 – Large Lot Housing

#### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

#### 1. TERMS AND CONDITIONS

THAT Development Permit No. DVP16-0241 for Lot 2 Section 25 TWP 28 SDYD Plan 29484, located at 4646 McClure Road, Kelowna, BC to allow the subdivision of three RU1 – Large Lot Housing be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Attachment "A";

AND THAT variance to the following section[s] of Zoning Bylaw No. 8000 be granted:

#### **13.1.5 (a) Urban Residential Zones - Subdivision Regulations**

- (a) The minimum **lot width** is 16.5 m permitted to:

Lot B – 15.72 m proposed on the subject property.

AND THAT the registration of a 3.5 m wide Statutory Right of Way in favour of the City for flood protection and maintenance along the north property line, and a 3.0 m wide Statutory Right of Way in favour of the City for flood protection and maintenance along the west property line;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2. PERFORMANCE SECURITY**

None required.

**3. DEVELOPMENT**

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not register the subdivision permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

**4. Indemnification**

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**5. APPROVALS**

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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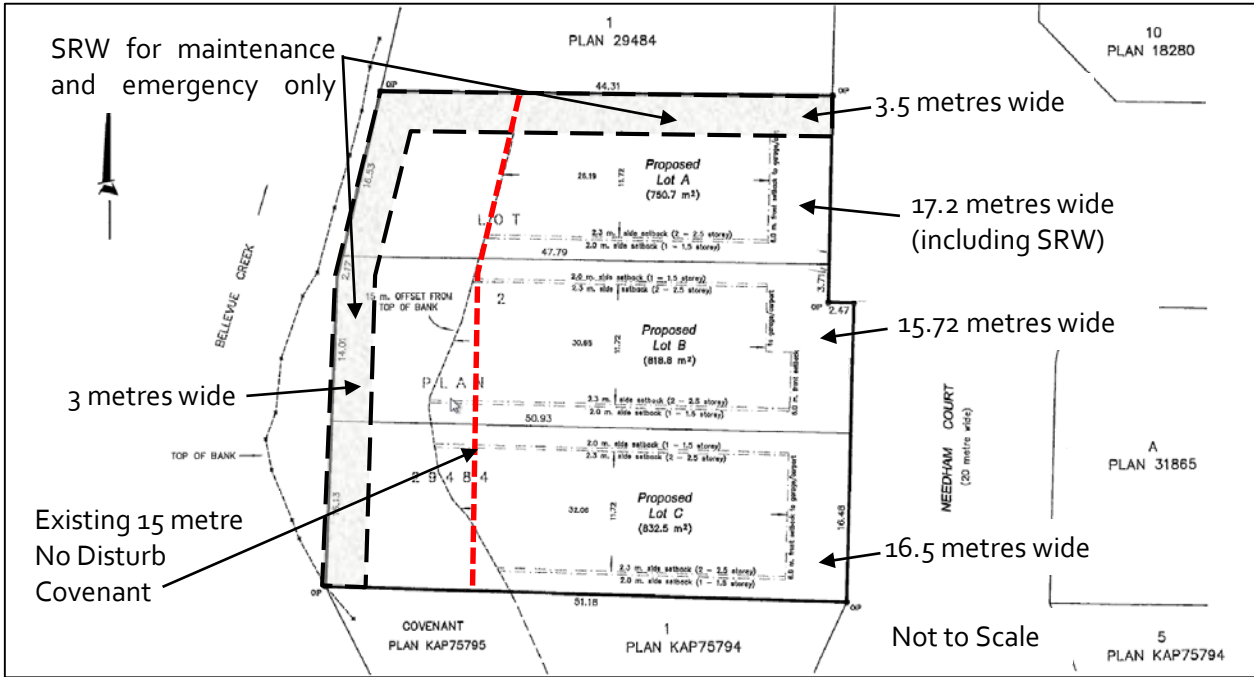
Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

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Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or his or her designates**

Proposed Subdivision Plan: 4,646 McClure



# Schedule 'B'

## DEVELOPMENT VARIANCE PERMIT



### APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP16-0241

**Issued To:** Pillar West Developments Inc.  
**Site Address:** 4646 McClure Rd  
**Legal Description:** Lot 2 Section 25 TWP 28 SDYD Plan 29484  
**Zoning Classification:** RU1 – Large Lot Housing

#### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

#### 1. TERMS AND CONDITIONS

THAT Development Variance Permit No. DVP16-0241 for Lot 2 Section 25 TWP 28 SDYD Plan 29484, located on McClure Road, Kelowna, BC to allow the subdivision of three RU1 – Large Lot Housing be approved subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Attachment "AA";

AND THAT variance to the following section of the Zoning Bylaw No. 8000 be granted:

#### **13.1.5 (a) Urban Residential Zones - Subdivision Regulations**

To vary the minimum lot width for the proposed Lot B from 16.5 m permitted to 15.72m requested.

AND THAT the conditions of the Development Variance Permit be issued whereby:



- A 15 metre width from the west property line is dedicated to the City of Kelowna as a lot as a condition of and concurrent with subdivision; and
- A 3.5 m wide Statutory Right of Way, in favour of the City of Kelowna, for maintenance, flood protection and public access from McClure Road to the riparian area to the City of Kelowna, as outlined in Attachment "AA", is legally registered on title as a condition of and concurrent with subdivision;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2. PERFORMANCE SECURITY

None required.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not register the subdivision permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

## 5. APPROVALS

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Ryan Smith, Community Planning Department Manager  
Community Planning & Real Estate

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Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or his or her designates**

Proposed Alternate Recommendation - Subdivision Plan: 4646 McClure

