

MEMORANDUM

File No.: Z00-1033

From: Planning and Development Services Department

APPLICATION NO. Z00-1033 OWNER: ELDORADO RANCH LTD.

AT: JIM BAILEY ROAD (E/OF) APPLICANT: ELDORADO RANCH LTD. /
BRAD BENNETT

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY TO ALLOW FOR THE RELOCATION OF AN EXTRACTION OPERATION FROM ADJACENT PROPERTY

EXISTING ZONE: A1- AGRICULTURE 1

PROPOSED ZONE: 15 - EXTRACTION

REPORT PREPARED BY: SHELLEY GAMBACORT / KIRSTEN BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of the East ½ of Sec. 2, Twp. 20, ODYD except Plans 19099, 19644 and A15293, located east of Jim Bailey Road, Kelowna, B.C., from the A1 – Agriculture 1 to the I5 – Extraction zone;

AND THAT Council waive the requirement for the amending bylaw to be forwarded to a public hearing pursuant to Section 890(4) of the Local Government Act;

AND THAT final adoption of the zone amending bylaws be considered subsequent to the registration of a right-of-way for the length of Beaver Lake Road by way of subdivision;

AND THAT the applicant register a Section 219 Restrictive Covenant listing all environmental mitigation measures that the applicant will have to adhere to;

AND FURTHER THAT final adoption of the zoning amending bylaw be considered subsequent to the applicant having applied for a Natural Environment / Hazardous Condition Development Permit.

2.0 SUMMARY

The applicant is requesting this rezoning for a portion of the subject property in order to facilitate the relocation of an existing extraction operation. The extraction operation was previously sited south of the subject property on an adjacent parcel, which has since become part of the proposed Western Star Industrial Park site. The area proposed for

the relocation of the extraction operation includes land within both the City of Kelowna jurisdiction and Lake Country jurisdiction, as shown on the attached Map “A”.

The applicant will have to meet a number of environmental mitigation measures, as required by the former Ministry of Environment, Lands and Parks.

Given that the future land use designation of the subject property is industrial and that there is no abutting or adjacent residential property, and that the abutting property to the east is owned by the applicant, it is recommended that Council waive the requirement for a public hearing, as per Section 2.4.2 of the City of Kelowna Development Application Procedures Bylaw No. 8140.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission reviewed this application at the meeting of June 6, 2000, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z00-1033 - Kent MacPherson, (Rod Cook), 475 Beaver Lake Road.

Please note that the applicant has changed to be Brad Bennett of Eldorado Ranch and that the address provided initially (475 Beaver Road) is not the current address of the subject property.

4.0 BACKGROUND

4.1 The Proposal

The existing operation was sited on the lands recently acquired for the relocation and development of the Western Star Industrial Park. As a result, it is necessary to relocate the extraction operation to another site on the Eldorado Ranch property. The proposed site under application for rezoning extends from the City of Kelowna into the District of Lake Country for a total parcel size of 8.42 ha. The area within the District of Lake Country jurisdiction is also undergoing a rezoning to allow for the extraction operation.

Due to the subject property's proximity to Vernon Creek, the applicant is required to adhere to a number of mitigation measures, which were recommended in an Environmental Impact Assessment. Among other things, the applicant is required to dedicate a 10 m wide no disturb leave strip. The mitigation measures are outlined in detail in Section 5.3 – Ministry of Environment, Lands and Parks below.

As the area proposed for the extraction operation will be leased for longer than 3 years, it will be necessary to process a subdivision application in accordance with the Land Title Act.

The proposal meets the requirements of the City of Kelowna Bylaw No. 8000 as follows:

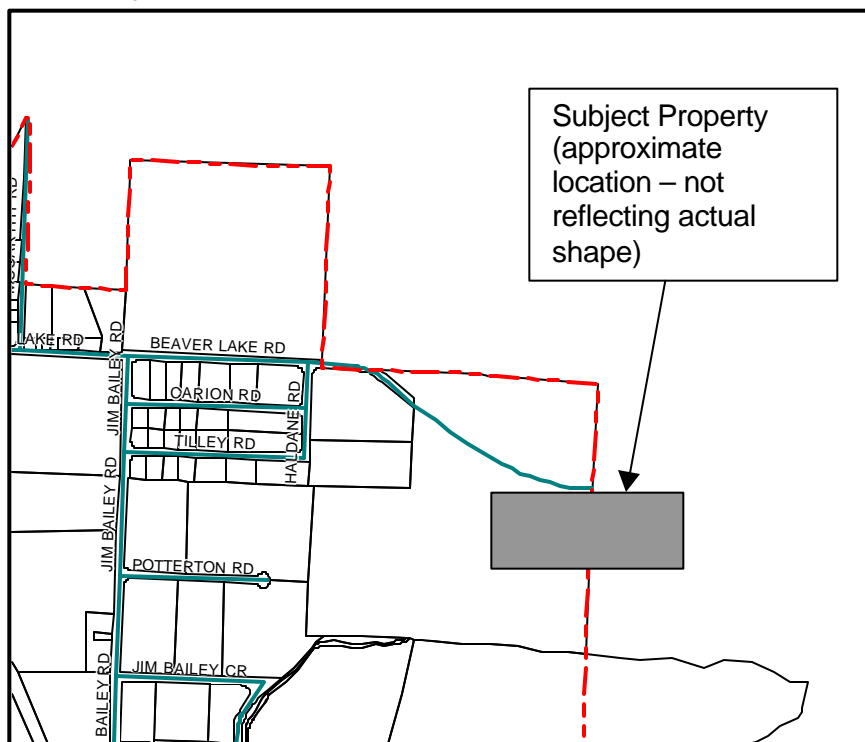
CRITERIA	PROPOSAL	I5 ZONE REQUIREMENTS
Site Area (ha)	8.42	2.0
Site Width (m)	394.5	100
Site Depth (m)	~170.0	100

4.2 Site Context

The subject property is located south of Beaver Lake Road and north of Vernon Creek. Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1; grazing land
- East - District of Lake Country (RU-ALR zoned lands)
- South - A1 – Agriculture 1; Western Star Industrial Park lands (in process of being rezoned)
- West - A1 – Agriculture 1; vacant

Location Map



4.3 Current Development Policy

4.3.1 City of Kelowna Strategic Plan (1992)

Goals and objectives of the Strategic Plan are to ensure that there is a good supply of industrial land available.

4.3.2 Kelowna Official Community Plan (1994-2013)

The Official Community Plan designation of the subject property is Industrial. The proposed extraction use is in keeping with the Sand & Gravel Policies of the OCP, specifically to utilize gravel resources outside the ALR, whenever possible, prior to seeking sources within the ALR.

5.0 TECHNICAL COMMENTS

5.1 Telus

Telus will provide aerial service.

5.2 Environmental Manager

The Environmental Manager noticed some erosion from the existing site and requires information on what restoration and deactivation is to occur at the present location. This information is not a condition for this rezoning application.

5.3 Ministry of Environment, Lands and Parks

The initial application contained insufficient information to determine the impact of this development on Vernon Creek and the adjacent riparian habitat. Vernon Creek contains important fish habitat, and the maintenance of spring and groundwater flows to the channel at the base of the escarpment, protection of riparian habitats, protection of water quality and maintenance of existing runoff patterns and flow rates are important factors to maintain the productivity of this habitat. The Ministry requested more detailed plans outlining areas of screening, stockpiling, extraction and washing, water source, proposed sediment control. In addition, the plans should include information on proposed buffers and the impact of extraction on the stability of these buffers and water drainage patterns.

In response to the Ministry's request, the applicant provided an Environmental Impact Assessment, outlining the following proposed mitigation recommendations:

- Add another 5 m to the Mines Act setback along the south side of the subject property to make a 10 m setback from the property boundary;
- Increase the setback area at the southeast corner of the subject property to 40 m;
- Fence the setback area to ensure that it remains as a "No Disturb" zone;
- Retain large trees and other vegetation along the steep ravine slope wherever possible to avoid erosion towards Vernon Creek;
- Compensate for loss of mature trees by planting two (2) trees for every removed tree. There are approximately 100 Ponderosa Pine trees on the subject property, which means that about 200 additional Ponderosa Pine trees should eventually be planted. These could be planted beside the road outside the property boundary on the north side of the property and could act as a visual screen for Beaver Lake Road traffic;
- Move the wildlife tree (as shown in Photo 3 of the EIA document) to the south property boundary and leave to lie on the ground to supply wildlife habitat;
- Isolate the test gravel extraction area from the ephemeral streams by placing a berm between the working platform and the ravine bank.

In response to the EIA submitted, the Ministry commented that the minimum 10 m no disturb leave strip is required. The 10 m leave strip, measured horizontally from the base of the slope, must remain in its natural state. Mining must occur in

such that no surface water drainage is discharged to Vernon Creek. Furthermore, all mitigation recommendations must be adhered to.

5.4 Parks Manager

Future redevelopment of lands fronting Beaver Lake Rd. will respect the following landscape requirements.

1. All planting plans to include a proper plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - vi) show u/g utilities in blvd ROW
2. The following standards apply for road boulevard (BLVD) landscape:
 - A. All plant material (trees, shrubs, ground covers, seed/sod, etc.) proposed for a BLVD will be reviewed by Parks Division. All materials specified to meet city standard for size and method of installation.
 - B. Plant material specifications are as follows:
 - i) DECIDUOUS TREE by call
 - ii) iper (CAL) @ 300mm
measured 60mm above the root ball.
 - iii) DECIDUOUS SHRUB by spread (SP) @ 450mm min.
 - iv) CONIFEROUS TREE by height (HT) @ 2.5m min.
 - v) CONIFEROUS SHRUB by spread (SP) @ 450mm min.
 - vi) SEED/SOD MIX to proposed activity use and location.
 - C. BLVD maintenance is responsibility of the owner/occupant.
 - D. BLVD tree maintenance is responsibility of PARKS DIVISION.
3. Landscape plan to include all u/g utility locations that affect landscape materials used in the BLVD.
4. BLVD landscape to be approved by Parks Division.

5.5 Public Health Inspector

The public health inspector has no objection to the proposed rezoning application with respect to on-site sewage disposal. It should be noted that the property is located within an Environmental Control Zone. Any on-site sewage disposal system intended for this property must meet schedule 2 or 3 of the Sewage Disposal Regulation 411/85. This means that only conventional trench systems are permitted (no alternative absorption field designs).

5.6 Shaw Cable

Owner/contractor to supply/install conduit system as per Shaw drawings and specifications.

5.7 Works and Utilities

1. Subdivision - Dedicate a 20 m. right of way along the approximate 500 m length of Beaver Lake Road that is currently a "section 4" road.
2. Road Improvements - Beaver Lake Road structure and surface does not meet current standards. This was addressed in our report under file Z91-1068. Current standards have evolved since the previous application.

We recommend that approximately 400 m of Beaver Lake Road be upgraded to an SS-R5 rural standard complete with a 7.0 m carriageway, 1.5 m wide paved shoulders, and 1.5 m gravel shoulders. The estimated cost of this upgrading for bonding purposes is \$80,000.00, inclusive of a bonding contingency.

3. Bonding and Levies Summary - Beaver Lake Road upgrading - In place under Z91-1068.

6.0 PLANNING COMMENTS

The Planning and Development Services Department notes that this application is in keeping with the OCP designation of the subject property. The need to relocate the existing extraction operation is a result of the development of the Western Star Industrial Park and the owner, Eldorado Ranch Ltd., has a lease agreement with the extraction operation, which they will honour through this proposed relocation. The Planning & Development Services Department also acknowledges the need to maximize the limited natural resource of sand and gravel deposits, prior to development of lands outside the Agricultural Land Reserve.

The applicant will adhere to all mitigation requirements, as requested by the former Ministry of Environment, Lands and Parks. Servicing issues will be dealt with through the required subdivision application.

Andrew Bruce
Current Planning Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attachment

FACT SHEET

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|--|---|
| 1. APPLICATION NO.: | Z00-1033 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER:
· ADDRESS
· CITY/POSTAL CODE | Eldorado Ranch Ltd.
102 – 266 Lawrence Avenue
Kelowna, BC V1Y 6L3 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/POSTAL CODE
· TELEPHONE/FAX NO.: | Eldorado Ranch Ltd. / Brad Bennett
102 – 266 Lawrence Avenue
Kelowna, BC V1Y 6L3
763-7787 / 862-9322 |
| 5. APPLICATION PROGRESS:
Date of Application:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | April 28, 2000

June 20, 2001 |
| 6. LEGAL DESCRIPTION: | East ½ of Sec. 2, Twp. 20, ODYD
except Plans 19099, 19644 and
A15293 |
| 7. SITE LOCATION: | South side of Beaver Lake Road,
north of Vernon Creek |
| 8. CIVIC ADDRESS: | Jim Bailey Road (E/of) |
| 9. AREA OF SUBJECT PROPERTY: | 105.49 ha |
| 10. AREA OF PROPOSED REZONING: | ~4.9 ha (within City of Kelowna (8.42
ha total) |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PROPOSED ZONE: | I5 – Extraction |
| 13. PURPOSE OF THE APPLICATION: | To facilitate the relocation of an
extraction operation |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | Natural Environment / Hazardous
Condition DP required |

ATTACHMENTS
(NOT INCLUDED IN ELECTRONIC VERSION)

- Site location map
- Site Plan
- Plan showing property layout
and environmental recommendations