
CITY OF KELOWNA

MEMORANDUM

Date: July 10, 2001
File No.: A01-105

To: City Manager

From: Planning & Development Services Department

Subject: APPLICATION NO. A01-105

OWNER: West Kootenay Power Ltd.

APPLICANT: 584121 BC Ltd., Kim Rosner

AT: 2850 Benvoulin Road

PURPOSE: To obtain permission from the Land Reserve Commission for a Non-Farm Use within the Agricultural Land Reserve.

EXISTING ZONES: A1 – Agriculture 1

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A01-105; Lot A, Sec. 17, Twp. 26, ODYD Plan 18843, located on Benvoulin Road, Kelowna, B.C., for a Non-Farm Use within the Agricultural Land Reserve pursuant to Section 22(1) of the Agricultural Land Reserve Act not be supported by the Municipal Council;

AND THAT Municipal Council forward the subject application to the Land Reserve Commission.

2.0 SUMMARY

The Application is for a Non-Farm Use within the Agricultural Land Reserve. The site has existed and operated as a private utility since 1969. The existing office building was constructed in 1972/73. The applicant is applying to bring the use into conformity with the bylaw (now considered to be a legally non – conforming use for the present facilities) and to construct a new office building, maintenance services warehouse and vehicle repair building. The existing vehicle storage garage will remain on the site.

3.0 AGRICULTURAL ADVISORY COMMITTEE

The Agricultural Advisory Committee, at their meeting of June 21, 2001, reviewed the above noted application, and the following recommendation was passed:

THAT the Agricultural Advisory Committee supports application No. A01-105 by 584121 BC Ltd. to obtain approval from the Land Reserve Commission for a Non-Farm Use on the subject property within the Agricultural Land Reserve.

4.0 SITE CONTEXT

The subject property is located on the west side of Benvoulin Road between Munson Road and KLO Road and within the South Pandosy / KLO Sector area of the City. The property is predominantly flat at an elevation of approximately 352 m.

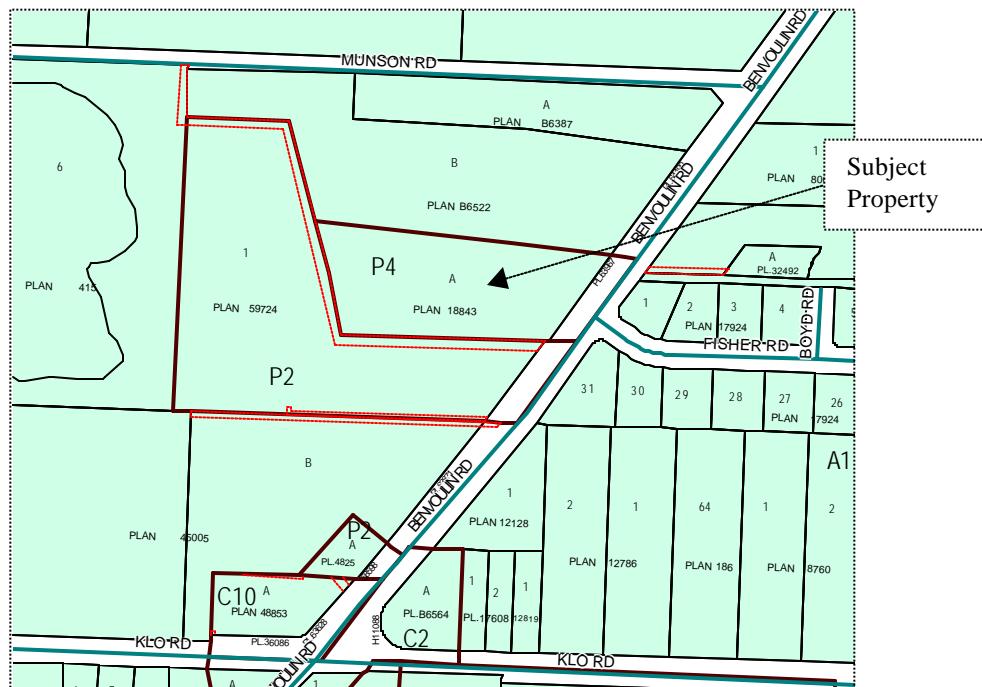
CLI Land Capability: 7:4W 3:5W (7:2W 3:3WF)

The improved Land Capability rating is primarily Class 2 with a capability subclass of excess water.

Soil Classification: 7GN:2 3TA:2

The soil classification is primarily Guisachan Soil which is orthic humic gleysol with a poor, fluctuating groundwater table and 10 to 100 of silt loam, loam or sandy loam over loamy sand or very gravelly loamy sand texture. The land characteristics associated with Guisachan Soil is nearly and very gently sloping fluvial fan deposits.

The property is located on the map below.



ZONING AND USES OF ADJACENT PROPERTY:

North - A1 – Agriculture 1; Agricultural use (strawberry field)
 East - A1 – Agriculture 1; residential and rural residential uses
 South - P2 – Education and Minor Institutional; Kelowna Christian School
 West - P2 – Education and Minor Institutional; Kelowna Christian School

5.0 CURRENT DEVELOPMENT POLICY

5.1 City of Kelowna Strategic Plan (1992)

A strategy of the Kelowna Strategic Plan is to provide for the establishment of buffer areas between agricultural and urban uses.

5.2 Kelowna Official Community Plan (1994 – 2014)

An Agricultural Policy in the Official Community Plan is to require that new development adjacent to agricultural uses provide sufficient buffering in the form of setbacks, fencing, and landscaping consistent with the Provincial Agricultural Land Commission specifications. Also, the subject property has a future land use designation of Public Services / Utilities.

5.3 South Pandosy / KLO Sector Plan

The South Pandosy / KLO Sector Plan designates the future land use of the subject property as Public Services / Utilities. An agricultural policy of the Plan is to require buffering between agricultural and urban uses on the urban side of the interface. The buffer is to include a landscaped area and an increased building setback from the agricultural areas including the possibility of stepping the second storey back.

5.4 City of Kelowna Agriculture Plan (1998)

The Agriculture Plan supports the retention of the subject property within the Agricultural Land Reserve.

6.0 PLANNING COMMENTS

The Official Community Plan and the South Pandosy / KLO Sector Plan designate the future land use of the subject property as Public Service / Utilities to acknowledge the long standing use of this site as an office and works yard for West Kootenay Power. The current use of the site is considered legally non-conforming, however the new construction and additional floor area requires approval of the Land Reserve Commission.

However, the Planning and Development Services Department does not support the application for the continuation and expansion of a Non-Farm Use within the Agricultural Land Reserve. The site is so heavily impacted by the existing operation and expanding this industrial use in a rural / rural residential area would be inappropriate. There are traffic safety issues along this stretch of Benvoulin Road which has recently been four – laned. In conclusion, the Planning and Development Services Department believes there is a more appropriate location for this type of industrial use.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/JD/jd
Attachments

FACT SHEET

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|-----|---|--|
| 1. | APPLICATION NO.: | A01-105 |
| 2. | APPLICATION TYPE: | Non-Farm Use |
| 3. | OWNER: | West Kootenay Power |
| | . ADDRESS | Box 130 |
| | . CITY | Trail, BC |
| | . POSTAL CODE | V1R 4L4 |
| 4. | APPLICANT/CONTACT PERSON: | 584121 BC Ltd. / Kim Rosner |
| | . ADDRESS | 2307 Campbell Road |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1Z 1S9 |
| | . TELEPHONE/FAX NO.: | 769-0611 / 769-0689 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | June 7, 2001 |
| | Date Application Complete: | June 7, 2001 |
| | Staff Report to AAC: | June 21, 2001 |
| | Staff Report to Council: | |
| 6. | LEGAL DESCRIPTION: | Lot A, DL 130, ODYD, Plan 18843 except Plan KAP63967 |
| 7. | SITE LOCATION: | West side of Benvoulin Road |
| 8. | CIVIC ADDRESS: | 2850 Benvoulin Road |
| 9. | AREA OF SUBJECT PROPERTY: | 1.3 ha (3.37 ac) |
| 10. | EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 11. | PURPOSE OF THE APPLICATION: | To obtain approval from the Land Reserve Commission for a Non-Farm Use within the Agricultural Land Reserve. |
| 12. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Not Applicable |

Attachments that are missing from the Electronic Version

Subject Property Map
ALR Map
Preliminary Site Plan