
CITY OF KELOWNA

MEMORANDUM

Date: February 18, 2002

File No.: Z00-1033 / DP01-10,079

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z00-1033 /
DP01-10,079

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 THE ADJACENT PROPERTY

TO GRANT A NATURAL ENVIRONMENT/HAZARDOUS
CONDITION DEVELOPMENT PERMIT TO ADDRESS
ENVIRONMENTAL MITIGATION MEASURES

EXISTING ZONE: A1- AGRICULTURE 1

PROPOSED ZONE: I5 - EXTRACTION

REPORT PREPARED BY: KIRSTEN BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT Council consider final adoption of Zone Amending Bylaw No. 8701;

AND THAT Council authorize the issuance of Development Permit No. 01-10,079 for Part of the East ½ of Sec. 2, Twp. 20, ODYD, except Plans 19099, 19644 and A15293, located on Beaver Lake Road, Kelowna, B.C., subject to the following:

1. Landscaping and environmental mitigation measures to be provided on the land be in general accordance with Schedule "A";
2. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant has requested the rezoning of a portion of the subject property in order to facilitate the relocation of an existing gravel 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 rezoning bylaw received 2nd and 3rd reading by Council on July 17, 2001. Final adoption of the rezoning bylaw was made subject to the applicant dedicating Beaver Lake Road and the registration of a Section 219 covenant addressing environmental mitigation measures. The applicant has made application for subdivision to address the road dedication and the 20 year lease for the gravel pit operations. In addition, he has submitted the required covenant. Furthermore, the applicant made application for the required Natural Environment/Hazardous Condition Development Permit, to be considered concurrently with final rezoning.

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. The following mitigation measures have been addressed through a no-disturb covenant:

- Add 5 m to the Mines Act setback along the south side to make a 10 m setback from the property boundary and 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.

All remaining measures, as listed below, are addressed in the Development Permit. The applicant will be required to provide bonding for the replacement of trees and the relocation of the wildlife tree:

- Compensate for loss of mature trees by planting two (2) trees for every removed tree;
- Move the wildlife tree 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.

The applicant submitted an application for subdivision for the dedication of Beaver Lake Road, as well as for the 20 year lease for the area covered by the gravel pit operations.

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

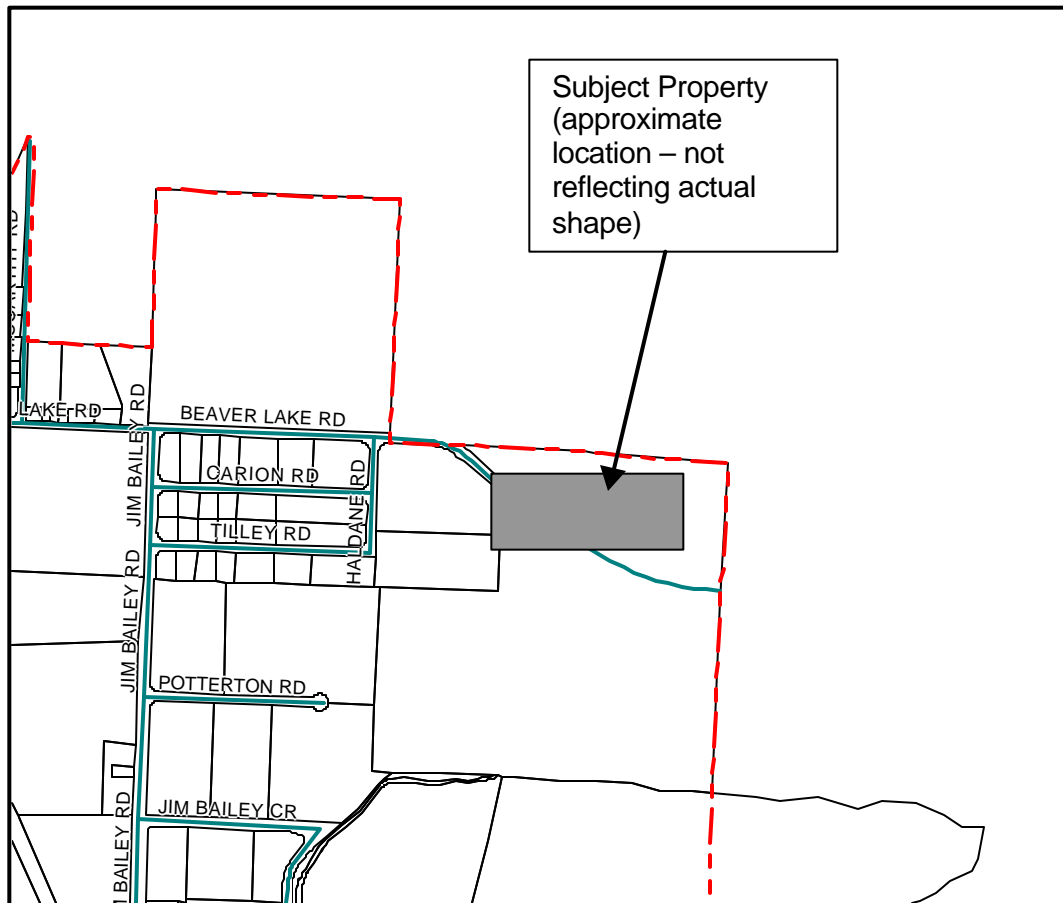
CRITERIA	PROPOSAL	I5 ZONE REQUIREMENTS
Site Area (ha)	8.42	2.0
Site Width (m)	394.5	100
Site Depth (m)	~170.0	100

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

The rezoning application was circulated to various agencies and departments, and the following comments have been received:

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.

The applicant is required to adhere to the environmental mitigation measures as outlined in EBA's report.

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, watersource, 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 10m 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.
 - ii) DECIDUOUS SHRUB by spread (SP) @ 450mm min.
 - iii) CONIFEROUS TREE by height (HT) @ 2.5m min.
 - iv) CONIFEROUS SHRUB by spread (SP) @ 450mm min.
 - v) 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 DIVISON.
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 & 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 has made application for registration of the no-disturb covenant. All other environmental mitigation items are addressed in this DP. Furthermore, the applicant has made application for a technical subdivision to address the 20-year lease and to dedication Beaver Lake Road, as well as provided a letter of undertaking to register the plans. The Land Reserve Commission has also approved the proposed road dedication and lease area as they are contiguous with the ALR boundary. Therefore, all requirements for final rezoning have been met.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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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: | Eldorado Ranch Ltd. |
| . ADDRESS | 102 – 266 Lawrence Avenue |
| . CITY/POSTAL CODE | Kelowna, BC V1Y 6L3 |
| 4. APPLICANT/CONTACT PERSON: | Eldorado Ranch Ltd. / Brad Bennett |
| . ADDRESS | 102 – 266 Lawrence Avenue |
| . CITY/POSTAL CODE | Kelowna, BC V1Y 6L3 |
| . TELEPHONE/FAX NO.: | 763-7787 / 862-9322 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | April 28, 2000 |
| Servicing Agreement Forwarded to Applicant: | |
| Servicing Agreement Concluded: | |
| Staff Report to Council: | June 20, 2001 |
| 6. LEGAL DESCRIPTION: | Part of the 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
- Map “A”: Subject property and area proposed for relocated gravel pit operations
- Schedule “A”: Plan showing environmental mitigation measures outside of the covenant area