
**CITY OF KELOWNA
MEMORANDUM**

DATE: March 9, 2007
TO: City Manager
FROM: Planning & Development Services Department
APPLICATION NO. DVP07-0013 **APPLICANT:** City of Kelowna (Martin Johansen)
AT: 1495 Hardy St. **OWNER:** City of Kelowna

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A REDUCTION IN THE RIPARIAN MANAGEMENT AREA PERTAINING TO MILL CREEK FROM 17M TO 14.91M TO FACILITATE THE PROPOSED EXPANSION OF THE TRUCK STORAGE BUILDING AT THE CITY WORKS YARD.

EXISTING ZONE: P3 & P4 – PARKS & OPEN SPACE; UTILITIES
REPORT PREPARED BY: DANIELLE NOBLE

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0013 for Lot B, District Lot 140, ODYD, Plan KAP62742, located on Hardy Street, Kelowna, B.C.;

AND THAT a variance to the following section of Official Community Plan Bylaw No. 7600 be granted:

Table 7.1: Riparian Management Area Setbacks; Line 21 (Mill Creek)

A variance to the Riparian Management Area Setback requirement for Mill Creek (upstream of Hardy Road), proposing a setback of 14.91m where 30m is required.

2.0 SUMMARY

The Public Works Department of the City of Kelowna is acquiring a Rodder Truck and is proposing to construct a storage building adjoining an existing building to store the vehicle. The proposed building addition further encroaches into the riparian management area specified for Mill Creek. A *Riparian Area Regulation* evaluation has been conducted to establish that 17m Streamside Protection and Enhancement Area (SPEA) for this portion of Mill Creek is sufficient. The proposed building addition intends to encroach on the SPEA by 6 m², however one of the proposed mitigation measures will formalize protection of 119 m² of riparian habitat.

3.0 BACKGROUND

There are multiple utility buildings on the subject property to serve City utility purposes and equipment storage. Notably, there is an existing building situated within the 17m SPEA that currently stores various equipment trucks, and the proposed building addition extends the existing footprint and further encroaches into the SPEA area.

The Applicant intends to append an addition onto an existing storage building to store a Rodder Truck. The site layout of the Works Yard extends almost to the top of bank of Mill Creek at some locations on the north side of the stream, but there are other areas where a wide leave strip up to 20m wide exists. It has been noted that dense riparian vegetation provides good habitat for wildlife and stream habitat contributing to fish values.

An environmental assessment of the project was performed, evaluating the proposed building addition and the suggested SPEA in accordance to *Riparian Area Regulations*. The City of Kelowna's Riparian Management Area prescribes a 30m riparian area, however a *Riparian Areas Regulation* (RAR) assessment conducted by Naito Environmental yielded a SPEA width of 17m, of which that protected area applies as the appropriate leave strip width.

The proposed truck storage building will occupy approximately 6 m² of the SPEA. In lieu of the encroachment, a modification of the SPEA is proposed by adding a 119 m² area already separated from the Works Yard by a log and/or concrete barrier. Impact assessment and mitigation measures have been noted in the environmental report. The conclusion of the biologist authoring that report suggested that *"the proposed building is not expected to have any impact on Mill Creek or its riparian habitat because the building addition will be located in an area devoid of vegetation that has been used as a works yard for more than 25 years. As a result, there will be no loss of riparian function and the likelihood that this area would ever be recovered as functioning riparian habitat is very low."*

The proposed development meets the requirements of the P4 – Utilities zone, as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	P4 ZONE REQUIREMENTS
Development Regulations		
Building Height	6.8m	10m for principal buildings/structures & 23m for accessory buildings
Front Yard		6.0m
Side Yard (west)		4.5m
Side Yard (east)		4.5m
Rear Yard (accessory bldg.)		4.5m

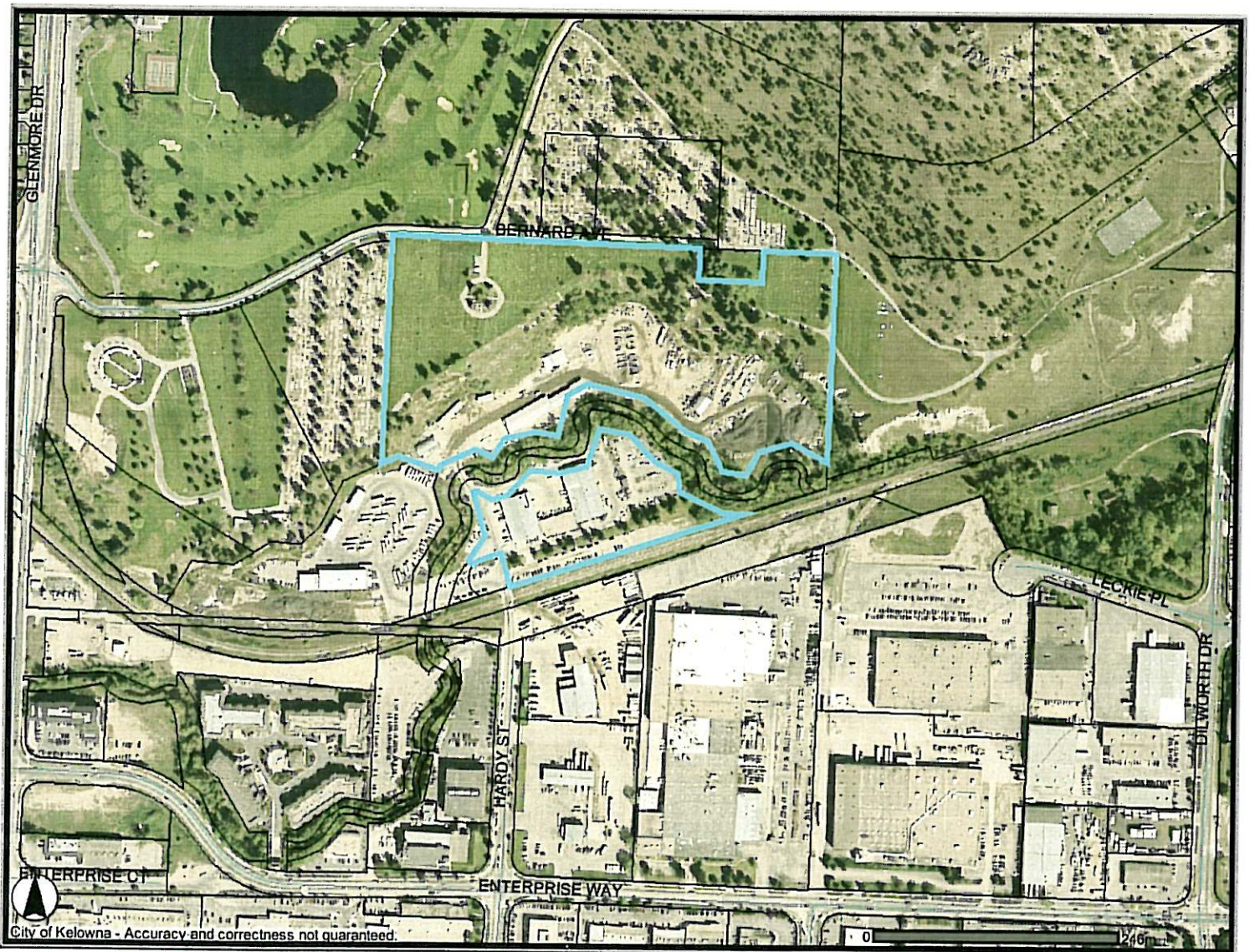
3.1 Site Context

The subject property is located on the north side of Enterprise way, mid block between Spall Road and Dilworth Drive.

North-	P3 – Parks and Open Space
East	P3 & P4 – Parks and Open Space & Utilities Zone
South	I2 & C4 – General Industrial & Town Centre Commercial Zones
West	I2, P3 & P4 – General Industrial, Parks and Open Space, and Utilities Zones

Site Location Map

Subject property: 1495 Hardy Street



3.2 Existing Development Potential

The purpose of the P4 – Utilities zone is to provide a zone for private and public utilities.

3.3 Current Development Policy

3.3.1 Kelowna 2020 – Official Community Plan (OCP)

Policies for Riparian Management Areas

- Prohibit obstructions and impediments to the flow of a stream, creek, watercourse, ditch drain, or sewer;
- Retain, in a largely undisturbed state throughout and after the development process, an area of land immediately adjacent to the streams;
- Within the Riparian Management Area, where relaxation is considered, environmental mitigation and restoration in accordance with Section 4,7 & 8 (3) or the RAR will be a requirement of the development process;
- Relaxation of the Riparian Management Area may require habitat mitigation measures acceptable to the appropriate provincial ministry or agency (e.g., planting, diversion of stormwater, fencing, or restoration works), or compensation authorized by the appropriate federal department;
- The City may consider zoning bylaw variances, where necessary, in order to prevent or minimize encroachment into the Riparian Management Area.

4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

4.1 Inspection Services Department

Possible environmental issue related high water offset from Mill Creek. No building code concerns.

4.2 Works & Utilities

The environmental ramifications of new additions to the existing structure, location of onsite storm drainage and disposal systems, protection of existing vegetation and building setbacks from Mill Creek must be considered. Development Engineering will defer comment on those and other issues, to the City Environment Manager and the Provincial Government who have the expertise in dealing with environmentally sensitive areas.

4.3 Parks Manager

No comment.

4.4 Environment Department

As per the attached letter.

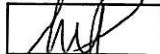
5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The subject property is designated as Public Services/Utilities as a future land use in the Official Community Plan. The proposed construction of an addition to the existing equipment storage building is consistent with the uses currently existing on-site. The applicant has undertaken an environmental assessment report and consequently submitted an application to the Ministry of Environment for RAR approval. Ministry approvals have been secured and acknowledge that the SPEA boundary does not result in any portion being less than 5 m from the highwater mark.

In conclusion, the Environment Department has stated that "the proposed addition to the building is also the best location that meets structural, utilization and economic criteria. Any other location that results in avoiding the need for a SPEA variance would unreasonably increase the costs and be less function." The City of Kelowna supports the proposed modified Streamside Protection and Enhancement Area determined in the environmental report, and the proposed mitigation measures.

for 
Shelley Gambacort
Acting Development Services Manager

Approved for inclusion

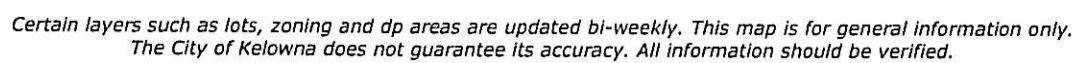


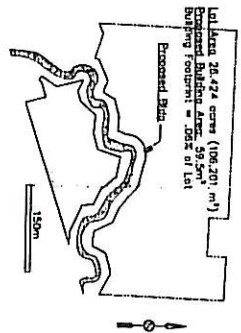
Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

DN/dn

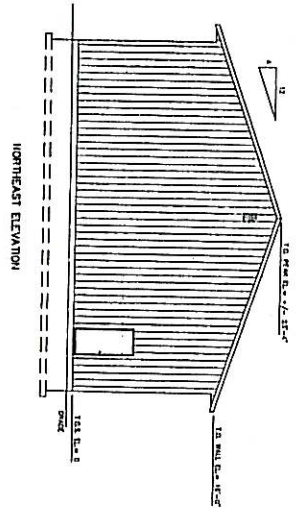
ATTACHMENTS

Location of subject property
Site Plan/Elevation
City of Kelowna Environment Department Letter
Site Photos of Existing structure and riparian habitat

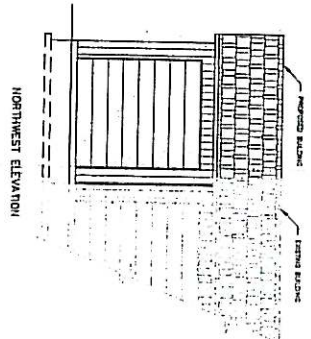




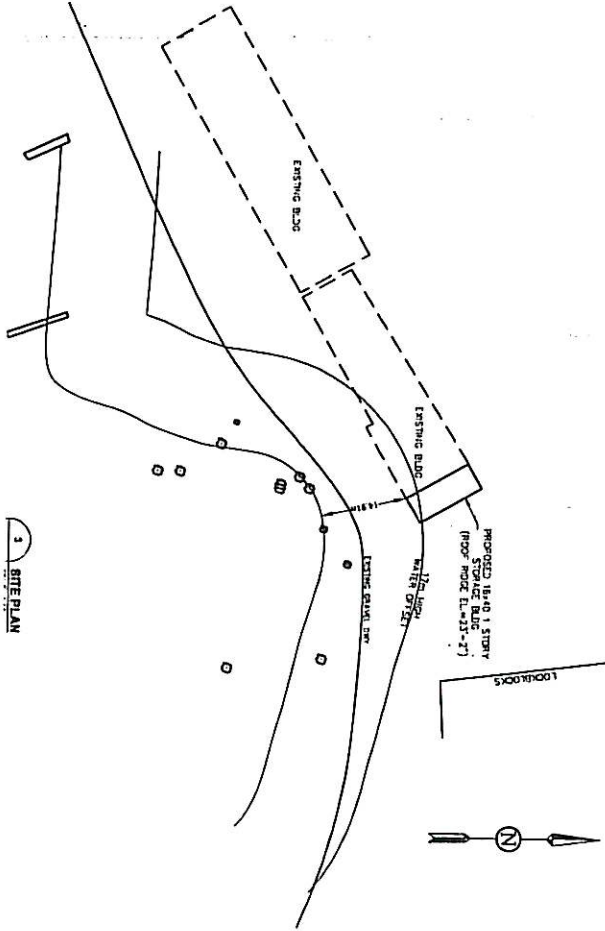
1 KEY PLAN
Scale: 1:100



2 ELEVATIONS
Scale: 1:20



3 NORTHWEST ELEVATION
Scale: 1:20



3 SITE PLAN
Scale: 1:100

PRELIMINARY
City of Kelowna

The City of Kelowna
City Properties Division
1495 HARDY STREET, KELOWNA, BC
V1Y 1C6
250-860-0000
www.kelowna.ca



**SITE PLANS
& ELEVATIONS**

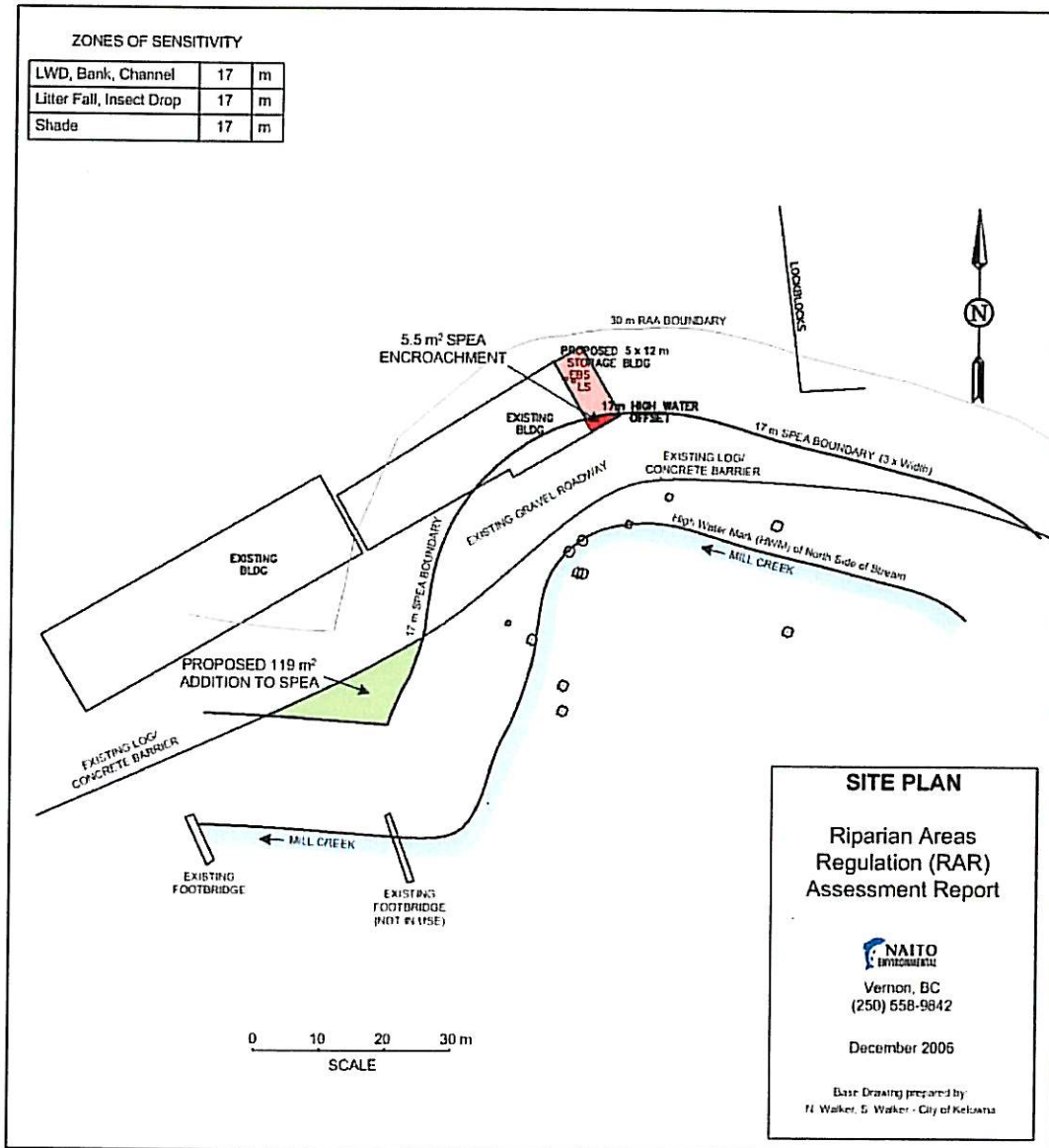
RODDER TRUCK SHED CITY YARDS 1495 HARDY STREET, KELOWNA, BC

NO.	REVISION	DATE
1	PRELIMINARY PLAN	2014-01-15
2		
3		
4		
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6		
7		
8		
9		
10		

NOT TO SCALE
NOT TO BE USED FOR CONSTRUCTION
NOT TO BE USED FOR PERMITTING
NOT TO BE USED FOR ZONING
NOT TO BE USED FOR ENVIRONMENTAL
NOT TO BE USED FOR HISTORICAL
NOT TO BE USED FOR ARCHITECTURAL
NOT TO BE USED FOR LANDSCAPE
NOT TO BE USED FOR SITEWORK
NOT TO BE USED FOR UTILITY
NOT TO BE USED FOR INFRASTRUCTURE
NOT TO BE USED FOR TRANSPORTATION
NOT TO BE USED FOR COMMUNITY
NOT TO BE USED FOR RECREATION
NOT TO BE USED FOR CULTURAL
NOT TO BE USED FOR HERITAGE
NOT TO BE USED FOR SCIENCE
NOT TO BE USED FOR TECHNOLOGY
NOT TO BE USED FOR INNOVATION
NOT TO BE USED FOR ARTS
NOT TO BE USED FOR EDUCATION
NOT TO BE USED FOR HEALTH
NOT TO BE USED FOR SOCIAL
NOT TO BE USED FOR ECONOMIC
NOT TO BE USED FOR ENVIRONMENTAL
NOT TO BE USED FOR CLIMATE
NOT TO BE USED FOR ENERGY
NOT TO BE USED FOR WATER
NOT TO BE USED FOR LAND
NOT TO BE USED FOR AIR
NOT TO BE USED FOR SOIL
NOT TO BE USED FOR PLANTS
NOT TO BE USED FOR ANIMALS
NOT TO BE USED FOR HUMANS
NOT TO BE USED FOR OTHER



Section 3. Site Plan



PROJECT:
RODDER TRUCK STORAGE CITY YARDS
KELOWNA, BC

DRAWING TITLE:
PROPOSED LOCATION OF TRUCK STORAGE BUILDING IN RELATION TO 17M SPEA WIDTH



DRAWN:	DRAWING NO.:
NW/SW	A-001
DATE:	
11/14/06	
PROJ. NO.:	SCALE:
113	AS SHOWN
FILE:	
113 A001 SITE	



**Works and Utilities
Department**

City Yards

1495 Hardy Street
Kelowna BC V1Y 7W9
Tel: (250) 862-5500 Fax: (250) 762-0165

December 28, 2006
File No.: 5280.01



City of Kelowna
1435 Water St.
Kelowna, B.C. V1Y 1J4

Dear Sir:

Re: DEVELOPMENT VARIANCE PERMIT

We are requesting a variance to the Natural Environment/Hazardous Condition Development Permit and Development Variance Permit for the construction of a heated truck shelter.

The City Works Yard is located at the north end of Hardy Road. The maintenance yard is segregated by Mill Creek. Due to recent expansions of our maintenance fleet it is necessary to add an additional bay to our heated truck shelter. This can not be accomplished without an encroachment upon the 17m Streamside Protection and Enhancement Area of 6m². Consideration was given to constructing this shelter in another area of the yard but could not be accomplished without substantial additional costs to relocate the utilities.

To offset our encroachment we are proposing to increase the Streamside Protection and Enhancement Area by adding a 119 m² area which will result in a net gain of 113m² of Riparian zone.

Yours truly,

Dale Beaudry
Roads & Equipment Superintendent





WORKS AND UTILITIES
DEPARTMENT

City Hall
1435 Water Street
Kelowna BC V1Y 1J4
Tel: (250) 469-8559
Fax: (250) 862-3349

January 22, 2007

File: DVP07-0013

Mr. Martin Johansen
City of Kelowna (Works Yard)
1495 Water Street
Kelowna, B C V1Y 7W9

Dear Mr. Johansen,

RE: QEP Assessment for Building Expansion – PID 024-247-031

The City of Kelowna has reviewed the environmental assessment report for the above-noted property, the development plan and the proposed modified SPEA boundary. The report proposes a modified SPEA such that, in the opinion of the QEP, the overall riparian area will increase and does not result in a reduction of the amount of area providing riparian function (see QEP statement & report). This letter forms the basis of requirements for BC Interim Protocol for Management of Riparian Area Regulation (MOE Region 8).

The SPEA boundary does not result in any portion being less than 5-m from the high water mark. The new area added to the riparian area to make up for that shifted out is contiguous with the original SPEA area, and is located as close to the watercourse as possible with no extended panhandles. The quality of the riparian vegetation to be retained is good with highly functional attributes, and only areas with historical impacts are proposed for width reduction. There are no compromises to geotechnical stability within the area proposed for variation.

We acknowledge the level of effort given in the development plan to avoid the SPEA boundary. The proposed truck storage building addition will encroach on approximately 6 m² of the SPEA. It is proposed to modify the SPEA by adding a 119 m² area that is already separated from the works yard by a log and/or concrete barrier. The proposed addition to the SPEA increases the SPEA area by 113 m².

The proposed addition to the building is also the best location that meets structural, utilization and economic criteria. Any other location that results in avoiding the need for a SPEA Variance would unreasonably increase the costs and be less functional.

The City of Kelowna supports the proposed modified Streamside Protection and Enhancement Area (SPEA) determined in the report, and the proposed measures necessary to protect the modified Streamside Protection and Enhancement Area.

This report will form the basis for support of a Development Variance Permit to Kelowna City Council with regard to the protection of the natural features, functions or conditions that support fish life processes.

Yours truly,

Mark Watt, B.Sc
Environment & Solid Waste Manager



Photo 3. Looking north at proposed storage building location at end of existing building.



Photo 4. Looking south at proposed storage building location at end of existing building (at green light standard), Mill Creek in background.

Section 6. Photos



Photo 1. View of typical Mill creek habitat looking upstream from midpoint of segment.



Photo 2. View west, showing riparian habitat along creek at left and proposed storage building location on extreme right at end of existing building.