

Date: July 17, 2007

File No.: A07-0015

To: City Manager

From: Planning & Development Services Department

Purpose: To obtain approval from the Agricultural Land Commission for a non-farm use within the Agricultural Land Reserve to allow for construction of an electrical substation.

OWNER: Black Mountain Irrigation District

APPLICANT: New Town Planning Services Ltd.
(Contact: Lisa Fraser)

AT: (N OF) Joe Riche Road
(OFF OF) Joe Riche Road

EXISTING ZONE: A1 Agriculture 1

REPORT PREPARED BY: Nelson Wight

At a meeting held on June 14, 2007, the Agricultural Advisory Committee made the following recommendation:

THAT the Agricultural Advisory Committee support Application No. A07-0015 for North of Joe Riche Road by New Town Planning to obtain approval from the Agricultural Land Commission to allow for a non-farm use within the Agricultural Land Reserve to allow for construction of an electrical substation.

4.0 SITE CONTEXT

This application affects two properties, which are both owned by the Black Mountain Irrigation District (BMID). The smaller of the two properties is where the old irrigation flume used to run. The portion of the subject properties intended for this substation are located north of Joe Riche Road, and south of Gopher Creek, at the western base of Black Mountain. The surrounding property is primarily range land, which is used for grazing.

There is no existing development on the affected area of these properties. However, FortisBC has their transmission lines running northwest to southeast through the subject property, which is one reason why this property was selected.

Area to be used for substation: 2.8 ha

Elevation: 645 m – 650 m

BCLI Land Capability

The unimproved land classification for that portion of the subject property affected by this application is mostly Class 5 (70 %), with some Class 4 (30%). The predominant limiting factor for unimproved land is "soil moisture deficiency". With improvements, primarily through irrigation, the land capability rating increases mostly to Class 3, (70%), with the remainder at Class 2 (30%) although "adverse topography" is identified as a limiting factor (see attached Land Capability Map copied from map 82E.084).

Soil Classification

The soil classification for the subject property includes the following (information summarized from Soils Map 82E.084):

%	Soil Type	Description
70%	R - Rutland	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : rapid.
30%	OY - Oyama	<u>Land</u> : very gently to extremely sloping fluvioglacial deposits. <u>Texture</u> : 100 cm or more of sandy loam or loamy sand grading to sand. <u>Drainage</u> : rapid.

Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1

5.0 POLICY AND REGULATION

5.1 Kelowna 2020 – Official Community Plan

The current Official Community Plan has designated the subject property as Rural / Agricultural.

Agricultural Policies:

- 11.1.12 Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;
- 11.1.18 Service Corridors. Minimize the impact of penetration of road and utility corridors through agricultural lands, utilizing only those lands necessary and to the maximum capacity prior to seeking new corridors. Provision for farm traffic to cross major roads should be made
- 11.1.20 Buffering. Require that new developments adjacent to or abutting agricultural areas provide sufficient setbacks, on-site fencing and vegetative buffering to mitigate potential conflicts. (please refer to Zoning Bylaw and appropriate provincial ministry or agency specifications for information on minimum landscape buffers);

Services and Utilities Policies:

- 12.1.13 Utility Corridors. Seek co-operation for the joint utility and pedestrian/bicyclist use of utility right-of-ways. Should the right-of-way no longer be needed for utility purposes, the City would seek to preserve these corridors for future linear paths as part of the pedestrian and bicycle networks.
- 13.5.1 Co-operative Efforts. Encourage co-operative planning efforts between the City and respective utility agencies;

COMMENTS

It is recognized that the area affected by this proposal is in a depression, which limits the visibility of this proposed substation facility. Fortis BC has also committed to providing an additional berm, and planting native vegetation to help screen the proposed substation. Staff further recommends that Fortis BC use materials and colours for both their fencing and structures that blend into the landscape.

Construction of this proposed facility and the access road would result in a loss of native grassland, and remove the area from agricultural production. However the broader public interest is served in that this necessary piece of infrastructure can be constructed in a location removed from residential areas, and in a manner that minimizes the visual intrusion on the natural landscape.

Staff also provides the following recommendations with regard to this project:

1. If there is to be a titled parcel created through subdivision for this use (as opposed to a right-of-way), then that titled parcel should have appropriate legal road frontage on Joe Riche Road.
2. If the ALC approves the use on this land, then Fortis BC will be required to follow up with securing the appropriate zoning through the City of Kelowna.
3. Fortis BC provide a rationale as to why 2.79 ha of land is necessary, for a substation site needing only 0.8 ha of land.



R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

David Shipclark

Acting Director of Planning & Development Services

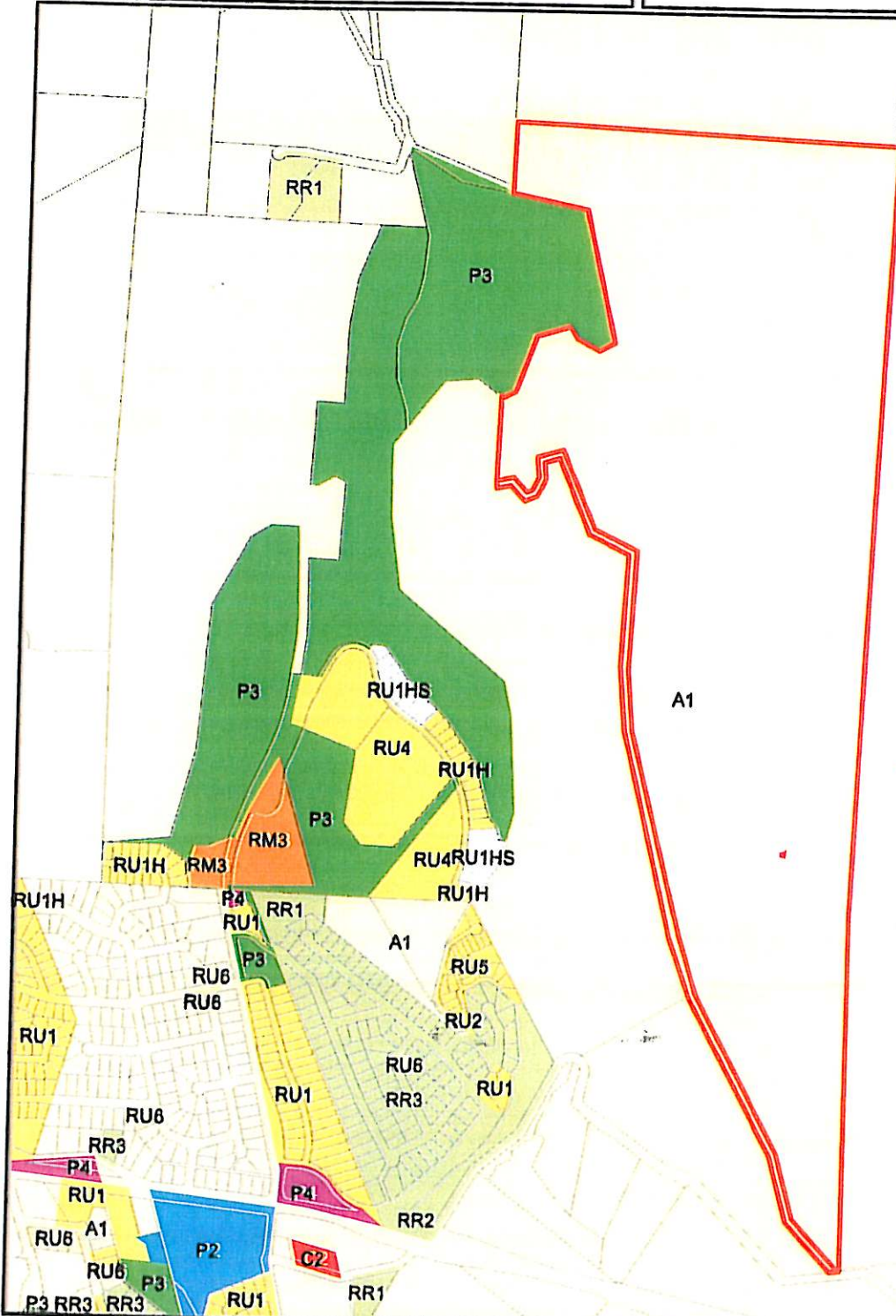
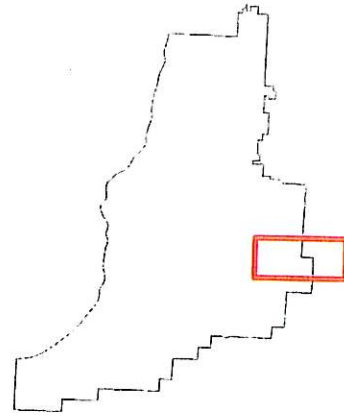
RGS/NW/nw



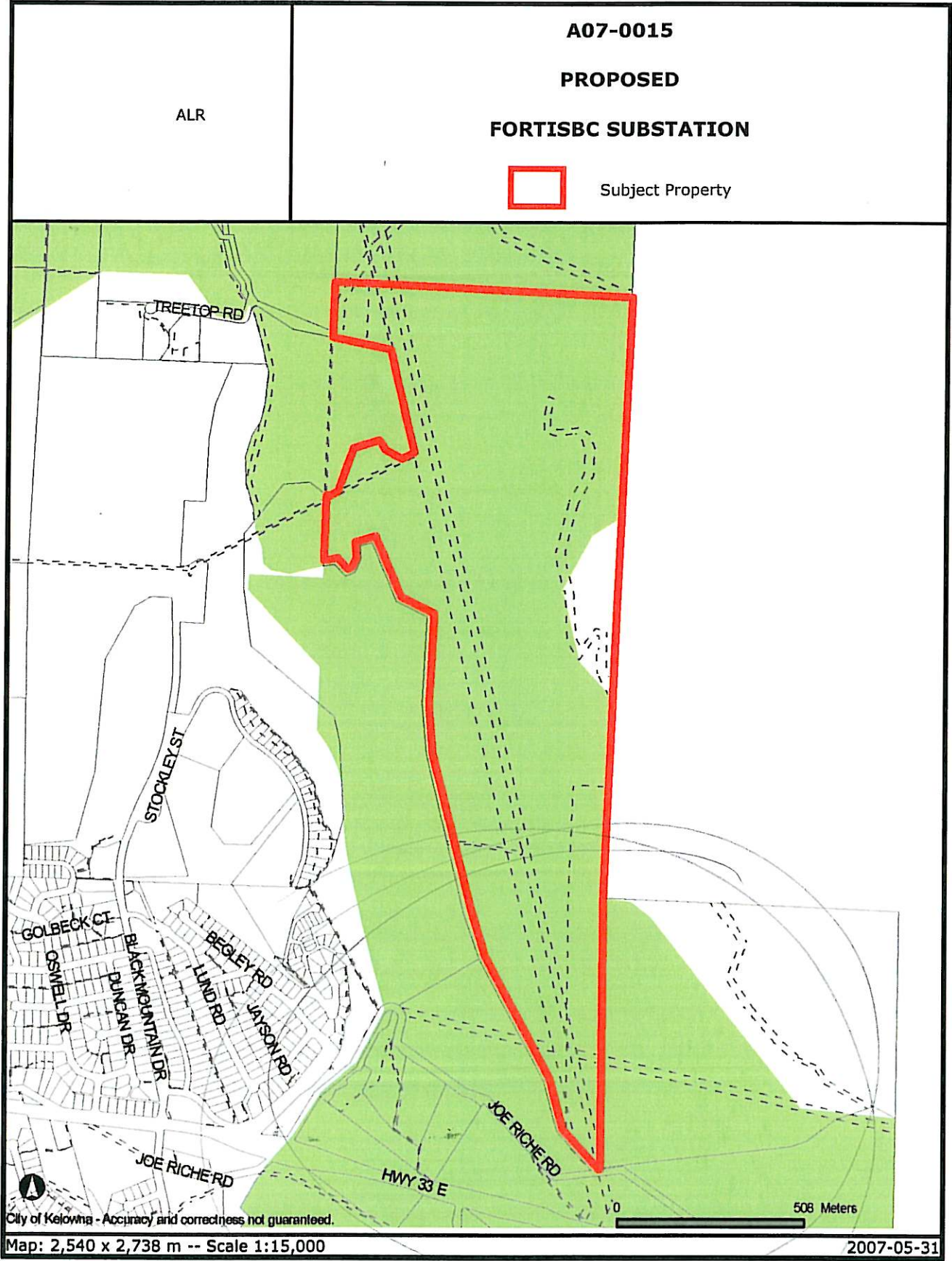
A07-0015



Subject Property



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



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Proposal for Non-Farm Use
For Installation of Electrical Substation
Lot 8, Sections 18 & 19, Township 27, ODYD, Plan 1991, Except Plan KAP80286

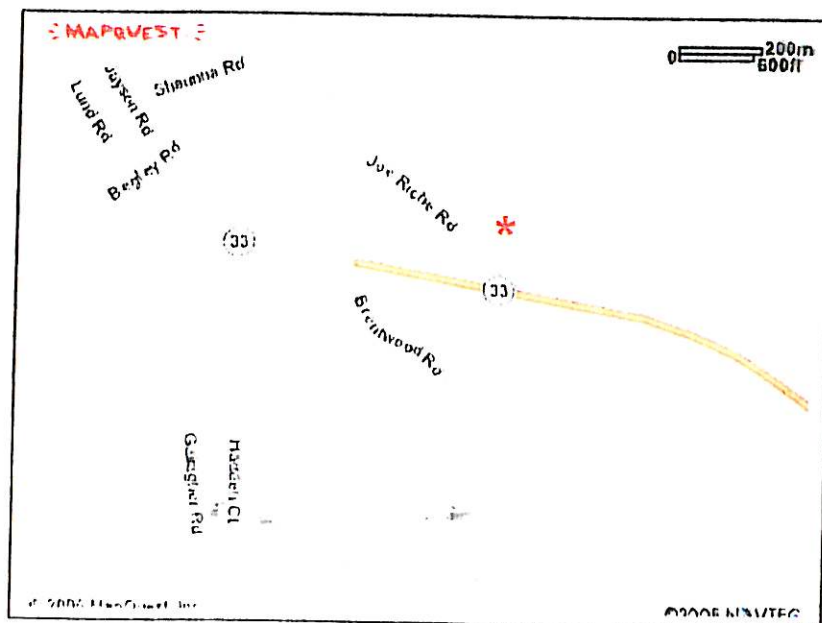
Hwy 33E at Joe Riche Road (adjacent to 2450 Joe Riche Road)
Applicant: FortisBC

Background

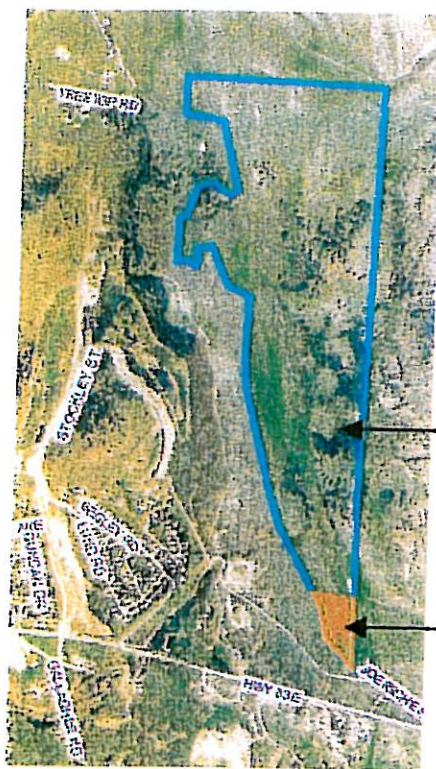
This proposal is to construct a new electrical distribution sub-station for Fortis BC, the power utility for the area. Due to residential growth at both Big White Ski Resort and the Black Mountain area of Kelowna, Fortis must expand their existing electrical network and consequently construct an additional substation within the Black Mountain area.

Subject Site

The land under this application for Non-Farm Use lies within the jurisdiction of the City of Kelowna and is owned by the Black Mountain Irrigation District (BMID). The 118.37 Ha property is currently undeveloped and Fortis BC has entered into an agreement to obtain a Statutory Right of Way for a 2.792 Ha portion (Subject Site) of the southern end of the parcel.



General Location of Proposed Sub-Station Site



BMID Property
118.37 Ha

Proposed FortisBC SRW (approximate)
2.792 Ha

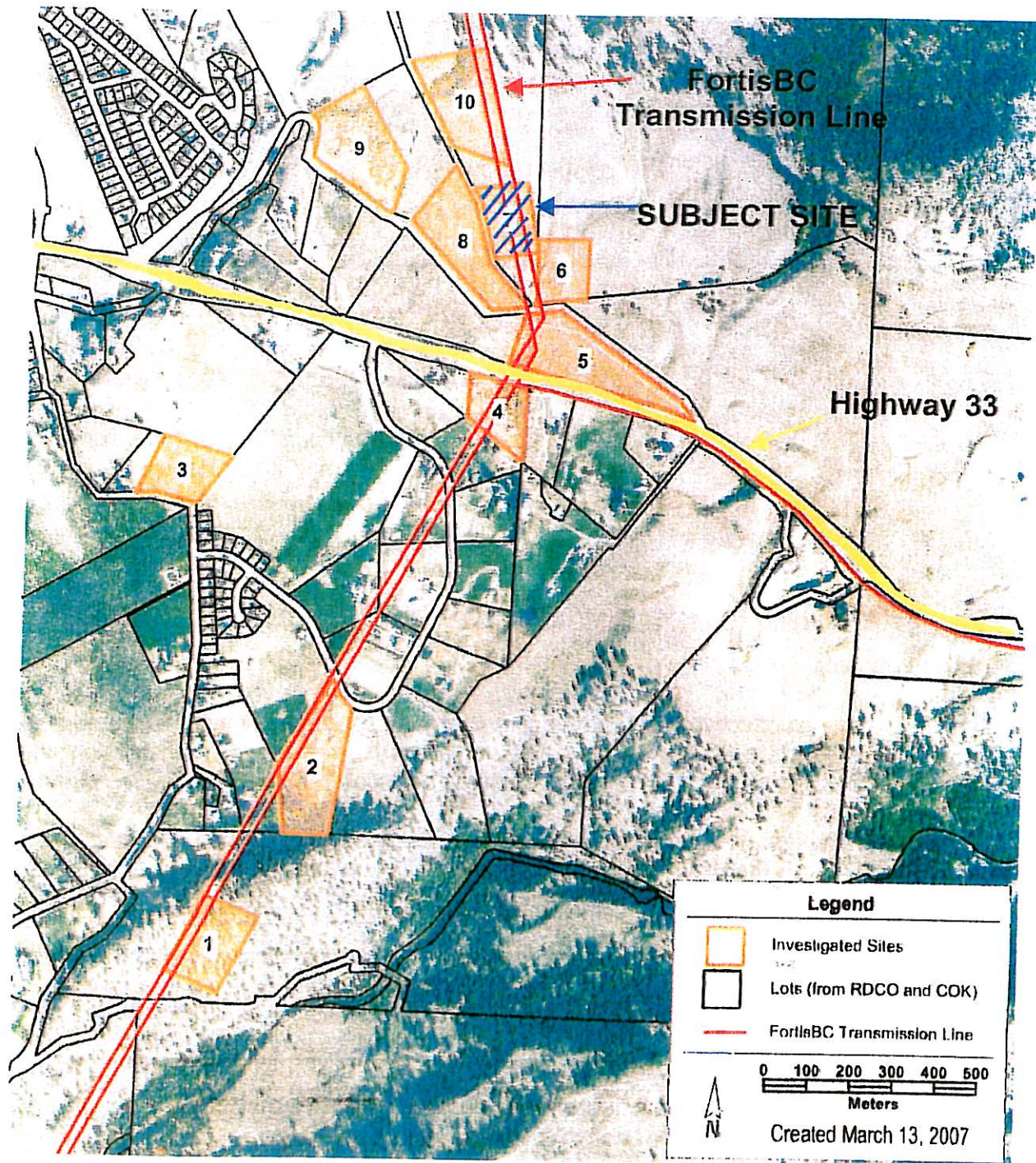
Site Selection Rationale

In order to effectively service the community, the substation must be located within the immediate Black Mountain area, adjacent to the existing transmission lines. Proximity to Highway 33 is critical as this is a proposed future distribution corridor.

Over the last nine (9) months FortisBC Investigated ten (10) potential sites for the location of the new electrical substation. All suitable lands meeting the site requirements are located within the ALR.

The map on the following page identifies the various sites considered while the table below provides a brief outline of the considerations.

Site	Considerations
1,2,3	Location requires major additional transmission lines
4	Not large enough to accommodate substation
5,6	Not willing vendor
7	Subject Site
8	Not willing vendor
9	Location requires major additional transmission lines
10	Environmentally Sensitive Area (Gopher Creek)

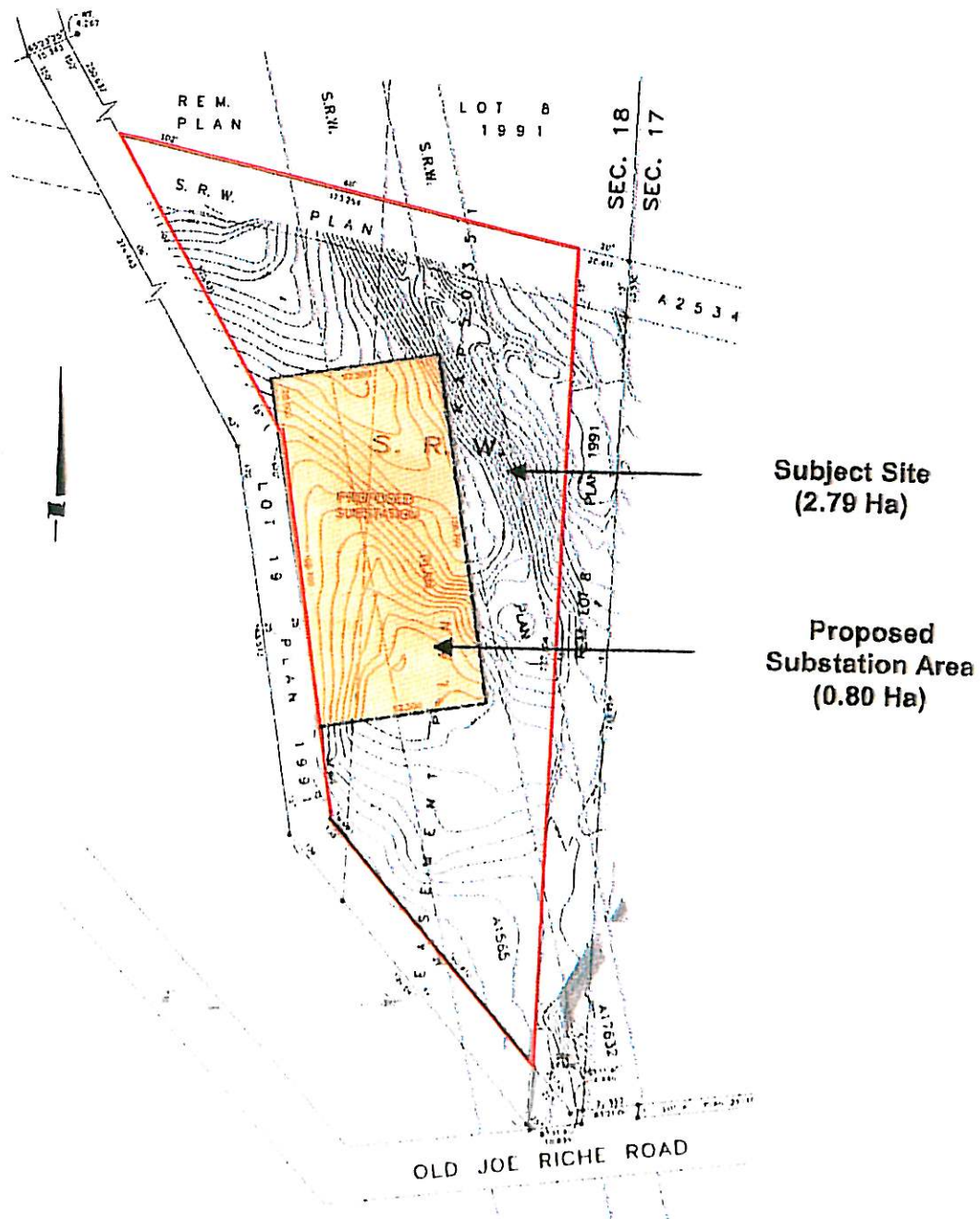


FortisBC consulted with area property owners throughout the selection process. A community advertised Public Meeting was held at Black Mountain Elementary School in October 2006, and a field trip to view all ten of the properties under consideration took place in March 2007. Directly affected residents and attendees of the Public Meeting as well as any other parties that had expressed an interest were invited to attend the field trip.

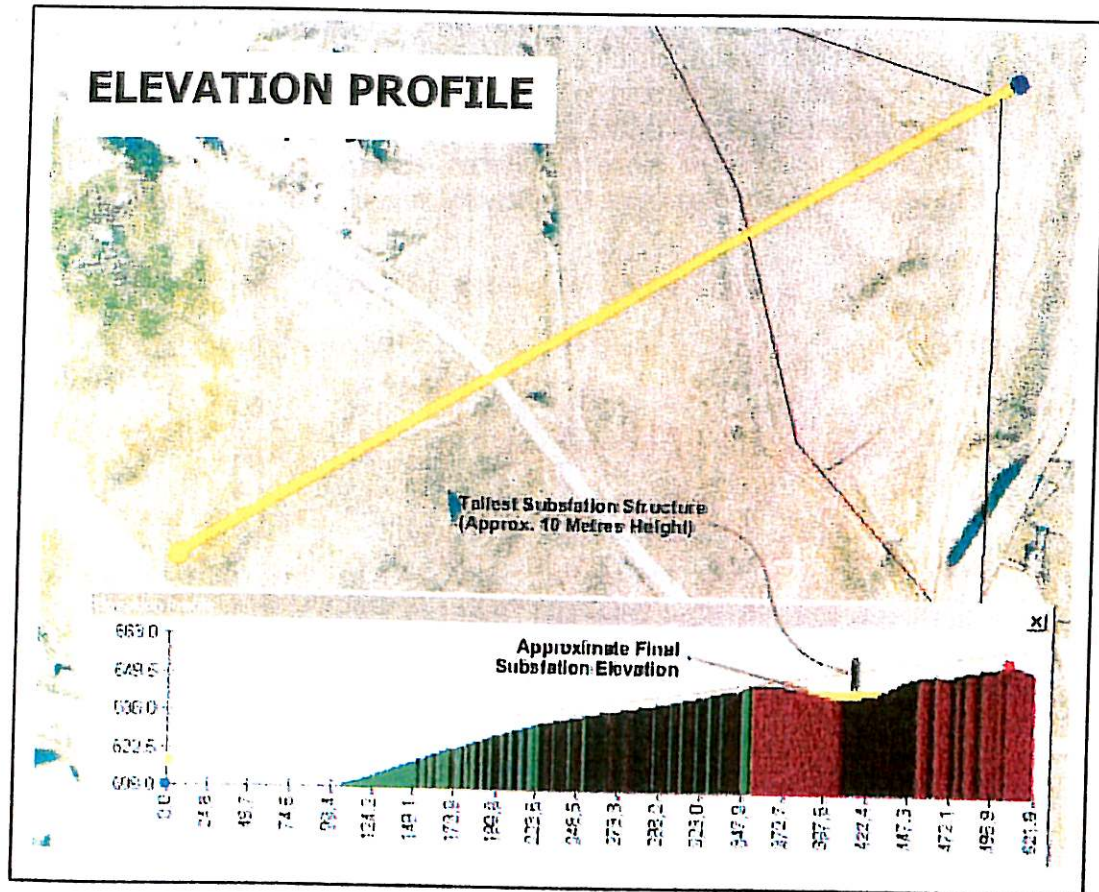
The subject site has been chosen as most appropriate as it is not being actively farmed and is already encumbered by numerous easements and right-of-ways, including several to FortisBC for overhead electrical transmission lines.

Site Particulars

The fenced substation area will occupy less than 30% of the 2.8 hectares while the remainder of the site, which is required by FortisBC in order to accommodate access to the station, will remain in a natural state. Natural landscape features will be placed along a section of the northwest boundary of the site in an effort to minimize station visibility from those residences located across Old Joe Riche Road, which have been deemed as most significantly impacted by this proposal



The substation will be located in a natural depression of 15-20 feet and the tallest structure will be approximately 10m high. Sightlines will therefore be largely shielded from view by the natural contours of the surrounding terrain.

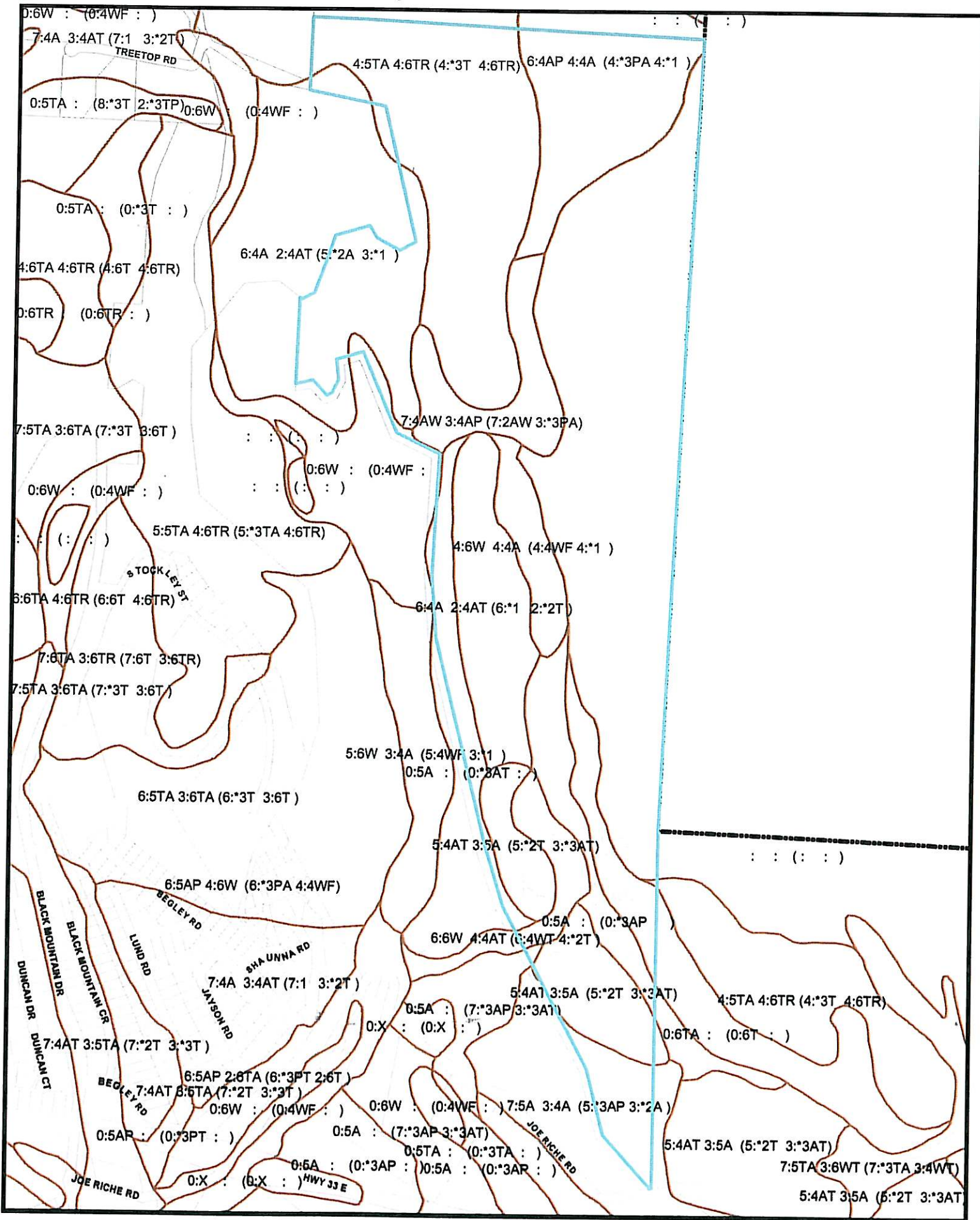


Elevation Profile from nearest residence across Hwy 33 (approx. 420m)

Summary

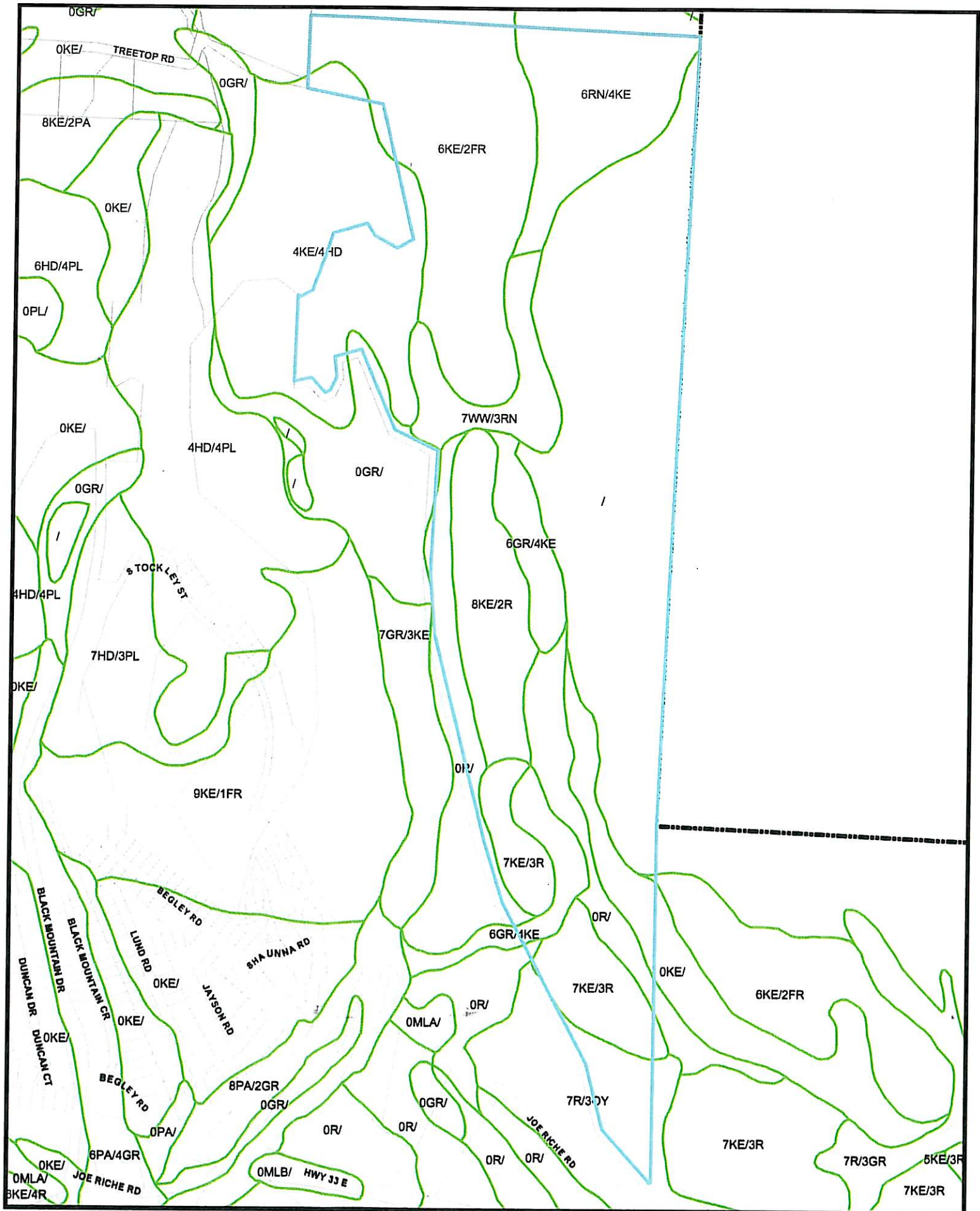
The property proposed is the most viable location for the new substation for both FortisBC and the community it serves. This location allows for the provision of electrical services with the lowest impact of infrastructure and related costs while having a minimal effect on area farming and residential concerns. The efficiency of this location will allow FortisBC to improve the quality of service while maintaining their utility rates;

Land Capability = Brown/ Soil Class = Green



1:10,000

Land Capability = Brown/ Soil Class = Green



1:10,000



Recreation, Parks and Cultural Services

Parks Division
1359 K.L.O. ROAD
Kelowna, B.C. V1W 3N8
Tel: (250) 71-PARKS
Fax: (250) 862-3335

April 30, 2007

File No.:

FORTISBC - BLACK MOUNTAIN PROJECT - EXHIBIT

C8-3

Ameera Shivji
Fortis BC
5th Floor, 1638 Dickson Avenue
Kelowna, BC, V1Y – 9X1

Dear Ms. Shivji,

RE: Black Mountain Substation Parks Division Comments
Reference: Parks Division, City of Kelowna letter dated March 26, 2006 (Exhibit C8-2)
Exhibit B-6, BCUC IR 1.1, 1.3, pp. 2, 6

Further to our comments from Andrew Gibbs in a letter to you dated March 26, 2007, I wish to change our position on site #7. On April 27th, 2007 I attended a site meeting with Troy Martin of Fortis to discuss proposed site #7 for the Black Mountain Substation. The area is in a depression which will limit visibility. Fortis will also berm the area to our satisfaction plus plant native vegetation to screen the substation. Therefore the Parks Division no longer objects to this location for the development of a substation.

During our site meeting and a closer analysis of Site #8, it became apparent that it would not be a good location for a substation.

This letter supports the location of a substation but does not relieve Fortis of any other City requirements that may be necessary for Fortis to obtain prior to development.

Yours truly,

J. Creron
Parks Manager

cc Mary Pynenburg, Director of Planning Services

JC/iw