

DATE: June 27, 2008

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION NO. OCP08-0006 **APPLICANT:** New Town Planning Services Inc.
Z08-0029 (Contact: Lisa Fraser)

AT: North of Joe Riche Road **OWNER:** Black Mountain Irrigation District

PURPOSE: TO AMEND OCP FUTURE LAND USE ON A PORTION OF THE SITE
FROM RURAL/AGRICULTURAL TO PUBLIC SERVICES/UTILITIES.
TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM THE
A1 - AGRICULTURE 1 ZONE TO P4 - UTILITIES IN ORDER TO
ALLOW FOR THE CONSTRUCTION OF AN ELECTRICAL
SUBSTATION.

EXISTING OCP DESIGNATION: RURAL/AGRICULTURE

PROPOSED OCP DESIGNATION: PUBLIC SERVICES/UTILITIES (southern ptn. of lot only)

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: P4 – UTILITIES (southern ptn. of lot only)

REPORT PREPARED BY: CARLIE FERGUSON

AND THAT Rezoning Application No. Z08-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 8, Secs. 18 & 19, Twp. 27, ODYD, Plan 1991 except Plan KAP80286 located (north of) Joe Riche Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the P4 – Utilities zone as shown on Map 'A' attached to the report of Planning & Development Services Department, dated June 27, 2008, be considered by Council:

AND THAT the OCP Bylaw Amendment No. OCP08-0006 and Zone Amendment No. Z08-0029 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subject to the following conditions:

1. Registration of a restrictive covenant be executed that limits 0.8ha for utility purposes only, while the remainder 2.0ha be non-buildable and to serve as site access and transition buffer only.
2. The applicant provide a Landscape Plan for the 2.8ha portion of the subject property.

2.0 SUMMARY

The applicant is seeking both an OCP amendment from Rural/Agriculture to Public Service/Utilities and rezoning application from A1 – Agriculture zone to P4 – Utilities zone to allow for the development of an electrical distribution sub-station on a portion of the subject property (see attached maps showing location of subject property that is impacted and proposed zoning).

3.0 ADVISORY PLANNING COMMISSION

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of June 17, 2008 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP08-0006, for (N of) Joe Rich Road, Lot 8, Plan 1991, Secs. 17, 18, 19 & 30, Twp. 27, ODYD by New Town Planning Services Inc. (Lisa Fraser), to change the future land use designation of a portion of the subject property from the "Rural/Agricultural" designation to the "Public Services/Utilities" designation.

THAT the Advisory Planning Commission support Zoning Amendment Application No. Z08-0029, for (N of) Joe Rich Road, Lot 8, Plan 1991, Secs. 17, 18, 19 & 30, Twp. 27, ODYD by New Town Planning Services Inc. (Black Mountain Irrigation District), to rezone a portion of the subject property from the A1 – Agriculture 1 zone to the P4 – Utilities zone in order to allow for the construction of an electrical substation.

4.0 BACKGROUND

The applicant is requesting a change in land use for the subject property to allow for construction of a FortisBC electrical substation on a 2.8ha portion of the 118ha property. Due to residential growth in the Black Mountain area, Joe Rich area and Big White Ski Resort FortisBC must expand their existing electrical network by constructing an additional substation within the Black Mountain area of the City. Refer to attachment 'A' which further explains the rationale for this application. An ALR non-farm application was approved in 2007.

5.0 ZONING AND USES OF ADJACENT PROPERTY

The subject property is 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 development on the subject property, however, FortisBC has their 230 kV transmission lines running northwest to southeast through the subject property, which is one reason why this property was selected. Lands surrounding the subject property are primarily both in the Agricultural Land Reserve (ALR) and designated for rural/agricultural uses on the Future Land Use Map of Kelowna 2020 – Official Community Plan. (see attached ALR and Future Land Use maps).

Adjacent land uses are as follows:

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

6.0 EXISTING DEVELOPMENT POTENTIAL

The subject property is currently zoned A1 – Agriculture 1. The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting.

7.0 CURRENT DEVELOPMENT POLICY

Kelowna 2020 – Official Community Plan

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

Staff recommends that APC public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application, and it may move forward without affecting either the city's financial plan or waste management plan.

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;

- 11.1.14 Transition Uses. Consider complementary agricultural uses as a transition between existing urban development and farm operations. Consideration of such uses should not be construed as support for subdivision to smaller parcels;
- 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;

8.0 TECHNICAL COMMENTS

8.1 Environment Division

Environment Division staff have no concerns with regard to the proposed rezoning application. Staff have inspected the site and find the intended zoning (P4) acceptable.

8.2 Parks

Because of the high public exposure of this site and the poor aesthetics of an electrical substation, we request that Planning require a Landscape Plan of the site with earth berms and landscape screening with the following standard information and requirements:

A. Planting plan will include a plant materials list:

- i) latin name
- ii) common name
- iii) size at planting
- iv) plant symbol key
- v) indicate existing trees
- vi) indicate existing trees to be removed

B. Scale of plan and north arrow clearly indicated on plan.

C. Planting plan to include all underground and overhead utilities.

9.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Agricultural Land Commission (ALC) has given approval for the non-farm use of a 0.8 ha (or 1.98 ac) portion of the subject property for construction of an electrical substation, access road and utility poles, under resolution #559/2007.

The Black Mountain residential community is almost completely surrounded by ALR lands and there is little other choice, thus the ALC approval of the non-farm use. In addition, a location along the existing transmission line makes the most sense from a cost and neighbourhood impact perspective.

The location of the proposed electrical substation is within a depression, which limits visibility of the facility. The applicant has also committed to providing a berm, fencing, and planting natural vegetation to help screen the proposed substation. It is the intent that the property be returned to as natural a state as possible and therefore additional landscaping other than native grasses is not planned.

The applicant has provided sufficient rationale as to why they wish to rezone more than the required 0.8ha of land. Despite the fact that approval by ALC is subject to the condition that the 2.0ha remainder of the parcel be available for agricultural use, staff is concerned that rezoning the entire 2.8ha of land leaves opportunity for other non-agricultural uses on that remaining land.

Therefore, in order to prevent other uses permitted within P4 – Utilities zones such as outdoor storage as well as confirm that the disturbed area is restored to its natural state staff provides the following recommendations with regards to this application:

1. Registration of a restrictive covenant be executed that limits 0.8ha for utility purposes only, while the remainder 2.0ha be non-buildable and to serve as site access and transition buffer only.
2. The applicant provide a Landscape Plan for the 2.8ha portion of the subject property.



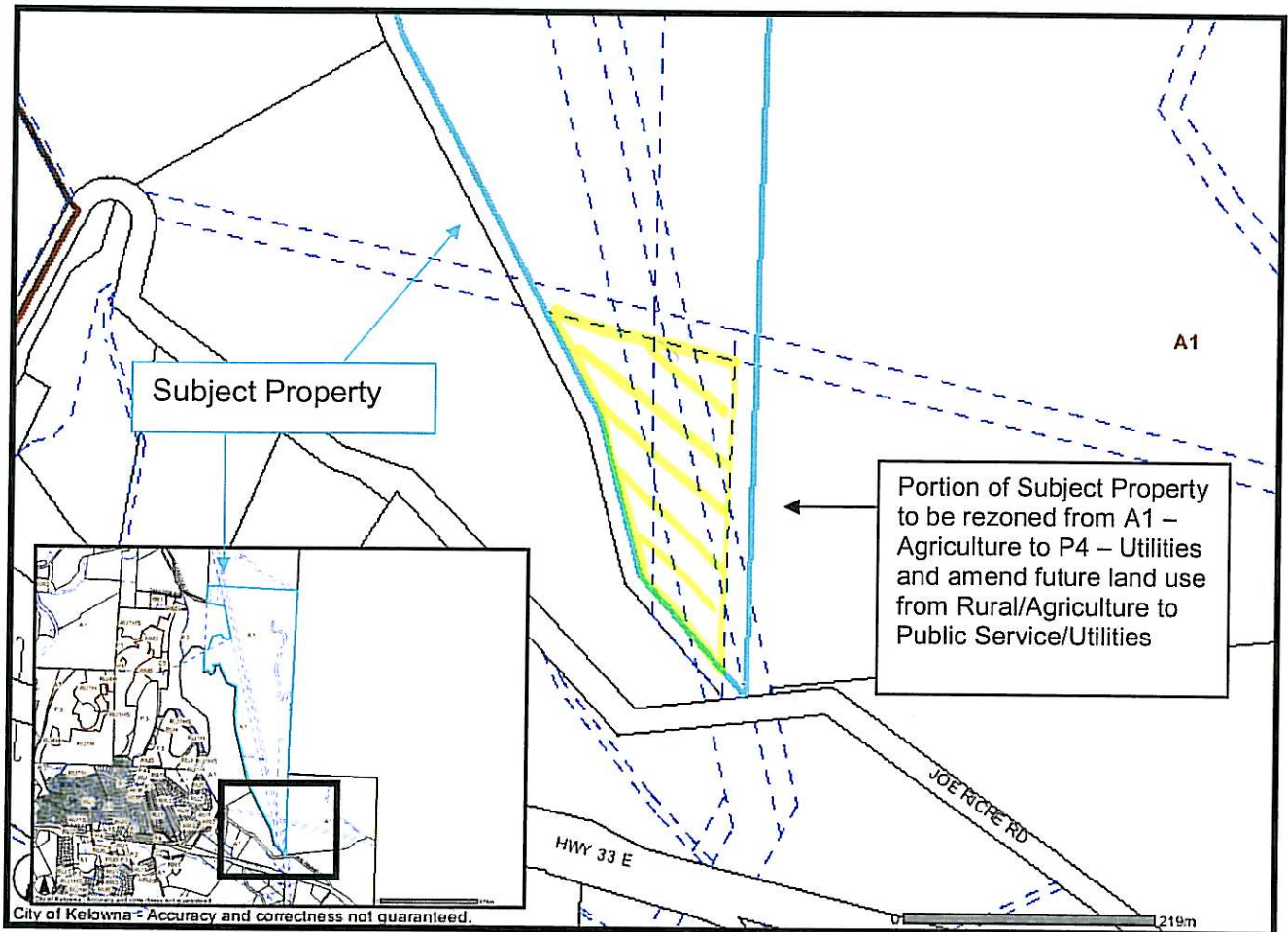
Danielle Noble
Current Planning Supervisor

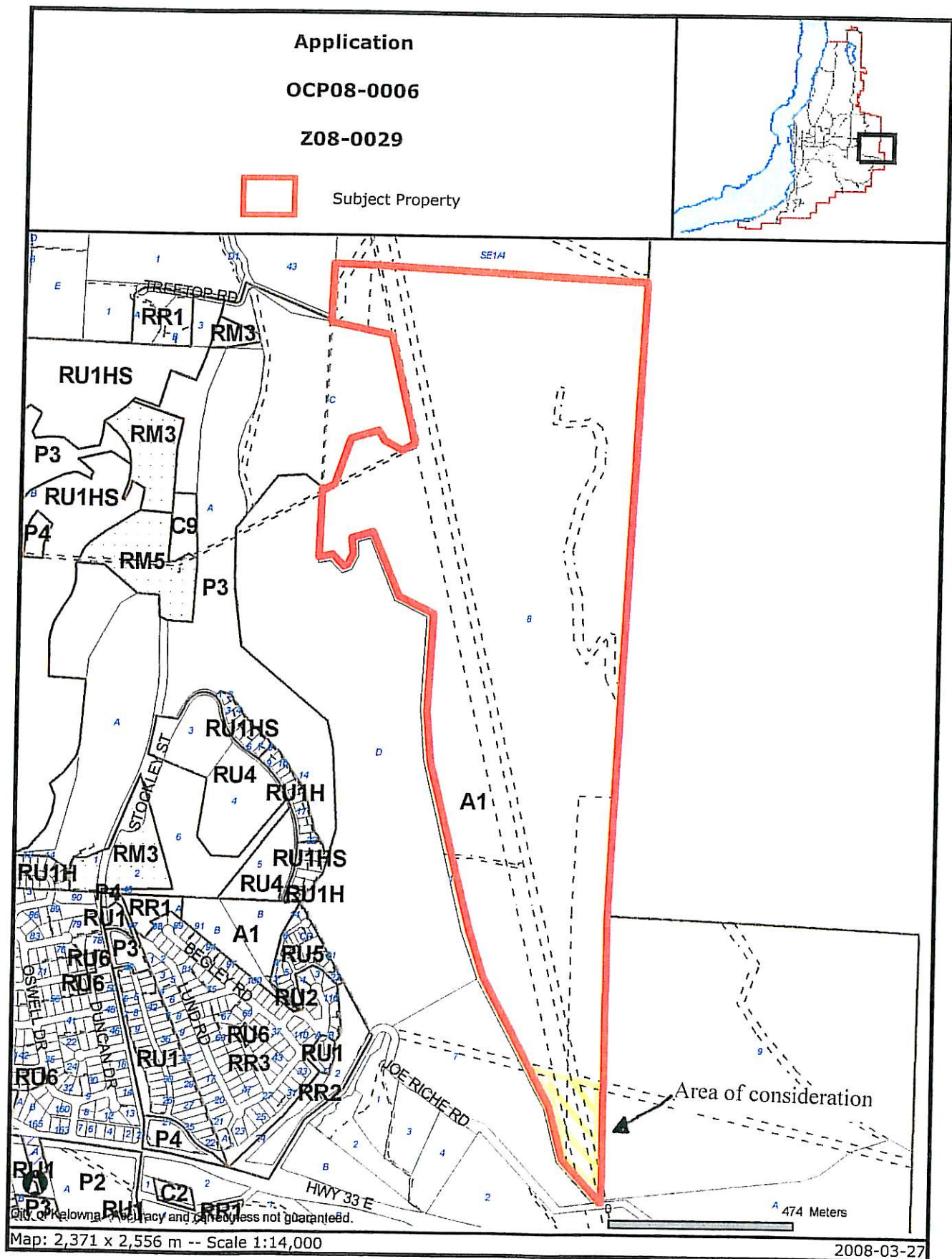
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ATTACHMENTS

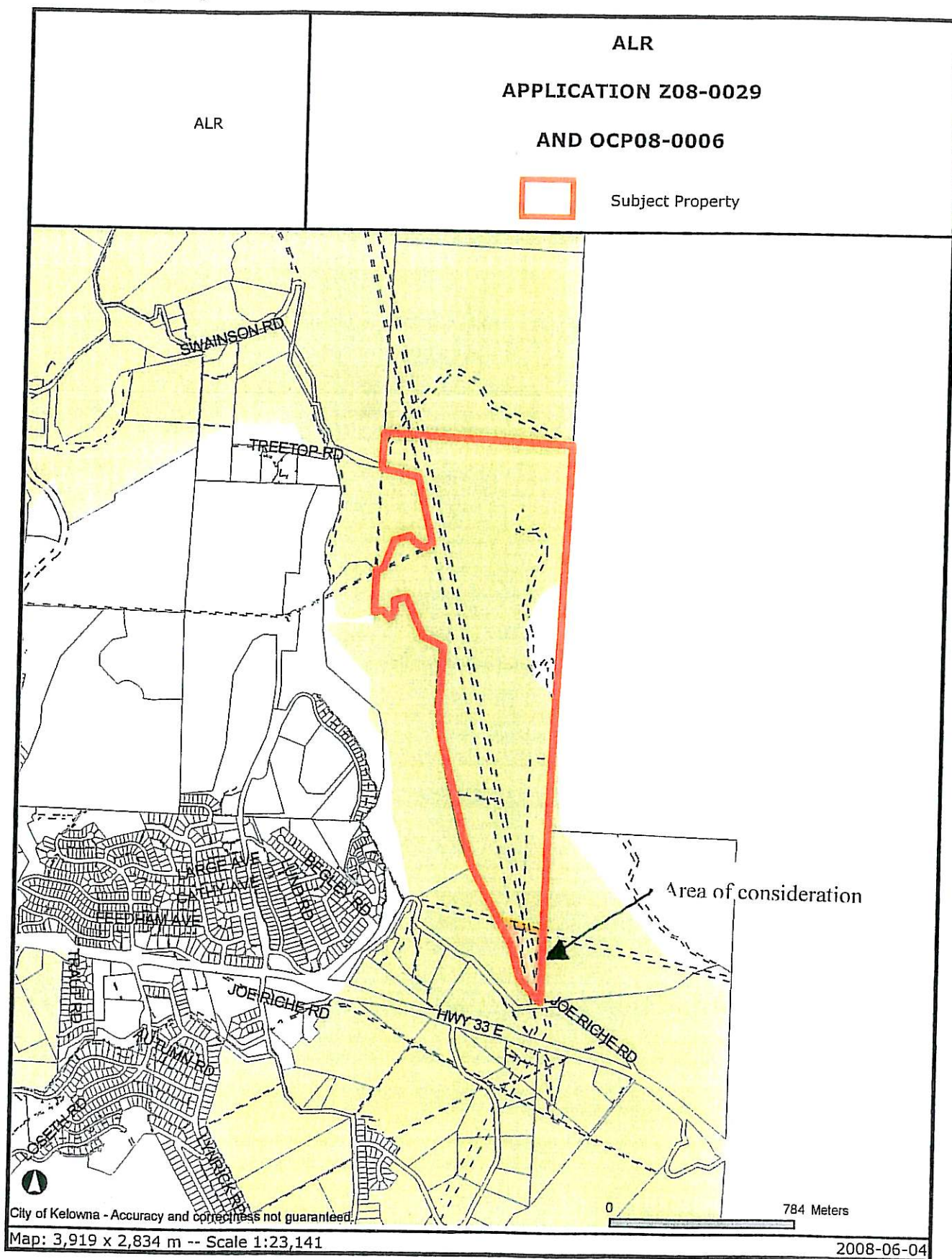
Map 'A'
Location of subject property
ALR Map
Proposed Location of Electrical Substation
Applicant's Report (6 pages) – Attachment 'A'

Map 'A'

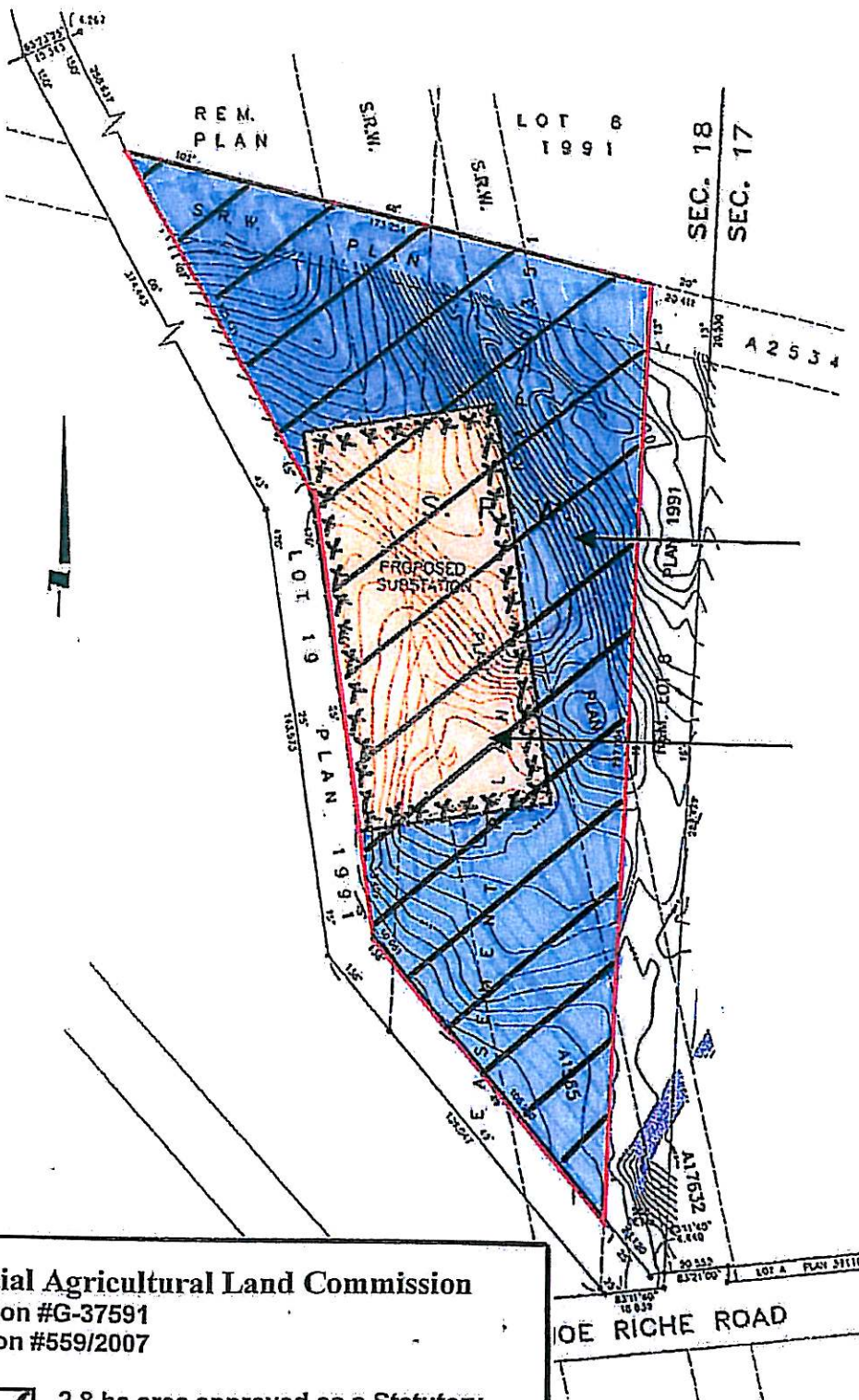




Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



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Subject Site
(2.79 Ha)

Proposed
Substation Area
(0.80 Ha)

*Note: placement of
substation to change
See ALC email dated
Dec 21 07 confirming
same.*

Provincial Agricultural Land Commission
Application #G-37591
Resolution #559/2007



2.8 ha area approved as a Statutory
Right of Way in the ALR



0.8 ha approved for construction
of an electrical substation in the ALR



Location of fencing



2 ha area to be available for agriculture
(access road and construction &
maintenance activity permitted)

Request for OCP Amendment and Rezoning
For Installation of Electrical Substation
portion of Lot 8, Sections 18 & 19, Township 27, ODYD, Plan 1991, Except Plan KAP80286

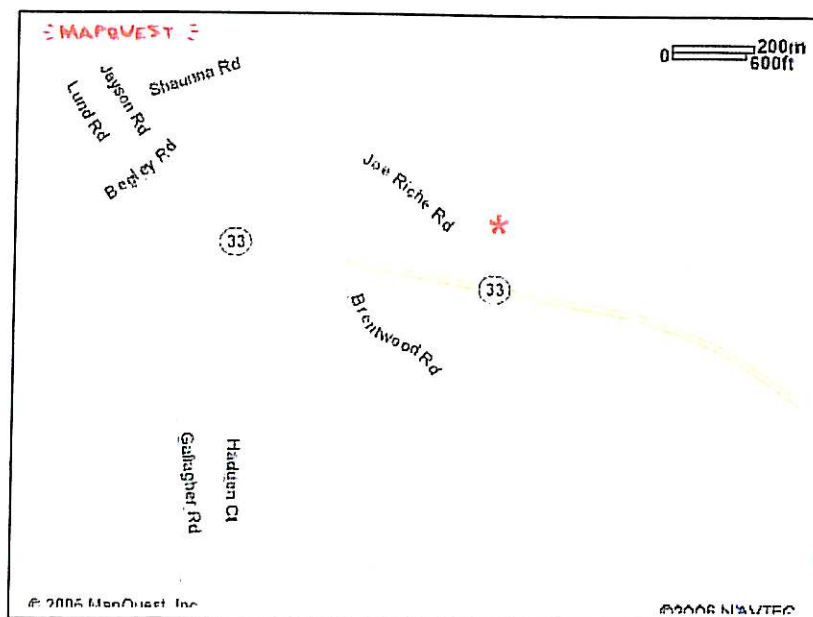
Hwy 33E at Joe Riche Road (adjacent to 2450 Joe Riche Road)
Applicant: FortisBC

Background

This proposal is for rezoning from Agricultural (A1) to Utility (P4) for a 2.79Ha portion of the lands legally described as Lot 8, Sections 18 & 19, Township 27, ODYD, Plan 1991, Except Plan KAP80286 to allow for the construction of 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, FortisBC must expand their existing electrical network and consequently construct an additional substation within the Black Mountain area.

Subject Site

The land under application lies within the jurisdiction of the City of Kelowna. FortisBC has an option to purchase a 2.79Ha portion of the property from the Black Mountain Irrigation District (BMID). The property lies within the Agricultural Land Reserve but is not presently farmed.



General Location of Proposed Sub-Station Site

Agricultural Land Reserve

The Agricultural Land Commission (ALC) has given approval for the non-farm use of a 0.8 Ha portion of the site for construction of an electrical substation, access road and utility poles, under Resolution #559/2007. A copy of the resolution and related correspondence is attached to this application.

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.

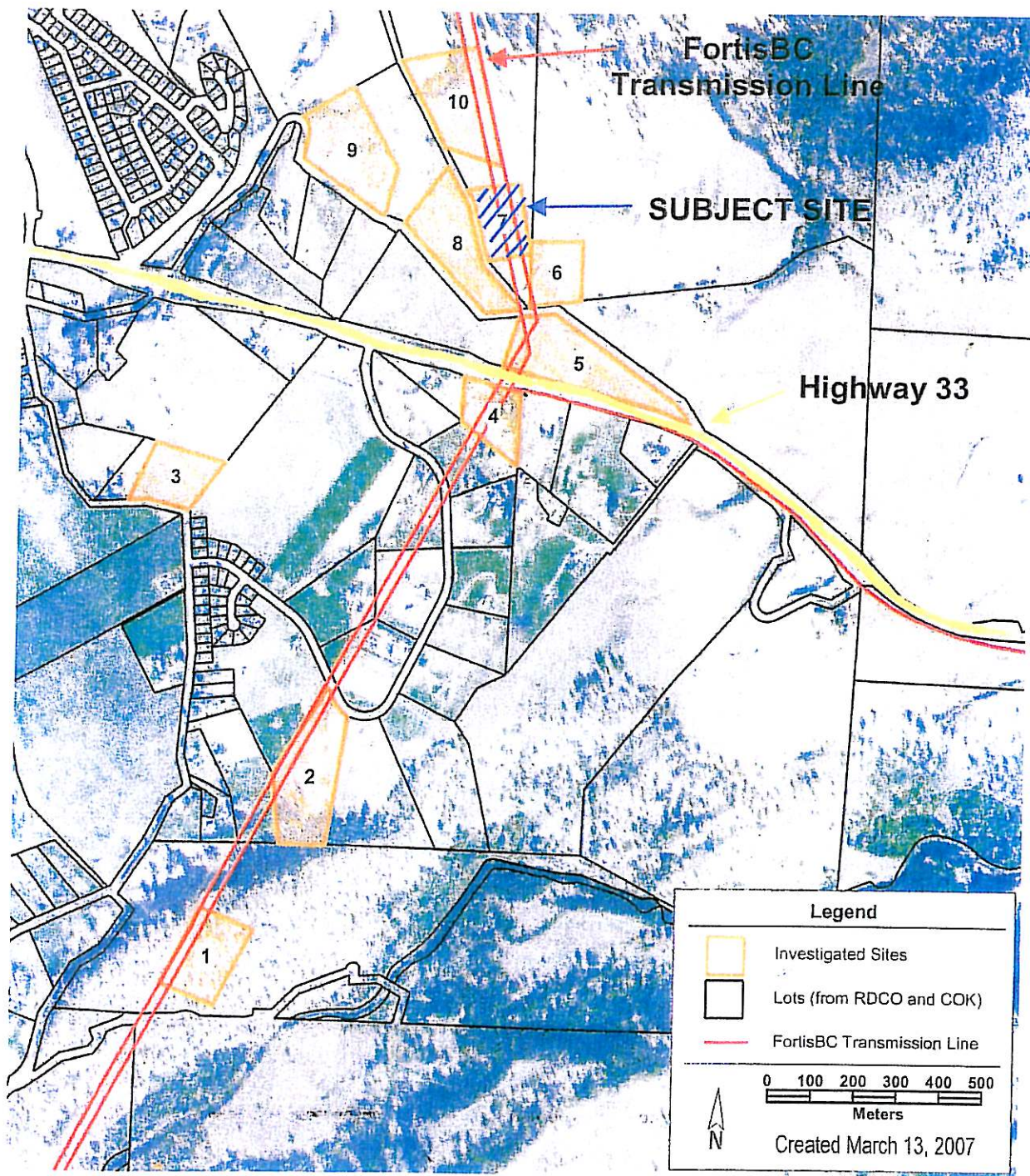
Over the last nine (9) months FortisBC investigated ten (10) potential sites for the location of the new electrical substation. All suitable lands meeting the site requirements are located within the ALR.

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.

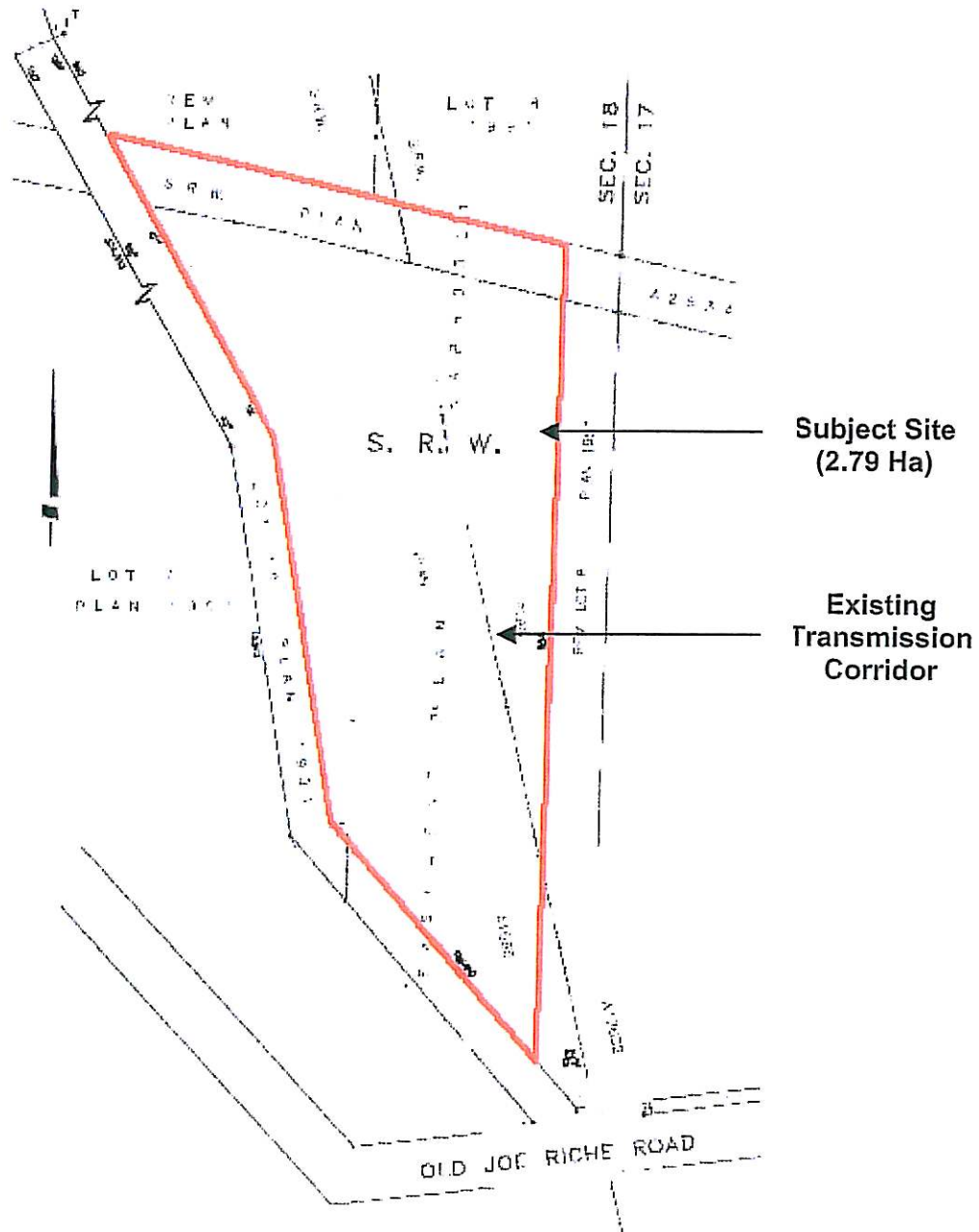
The subject site has been chosen as most appropriate as it is not being actively farmed and is already encumbered by numerous easements and right-of-ways, including several to FortisBC for overhead electrical transmission lines.



Investigated Sites – Black Mountain Substation

Site Particulars

The fenced substation area will occupy approximately 0.8 Ha, less than 30% of the subject site. The remainder of the site will remain unoccupied save for an access road to the station and some utility poles. 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.

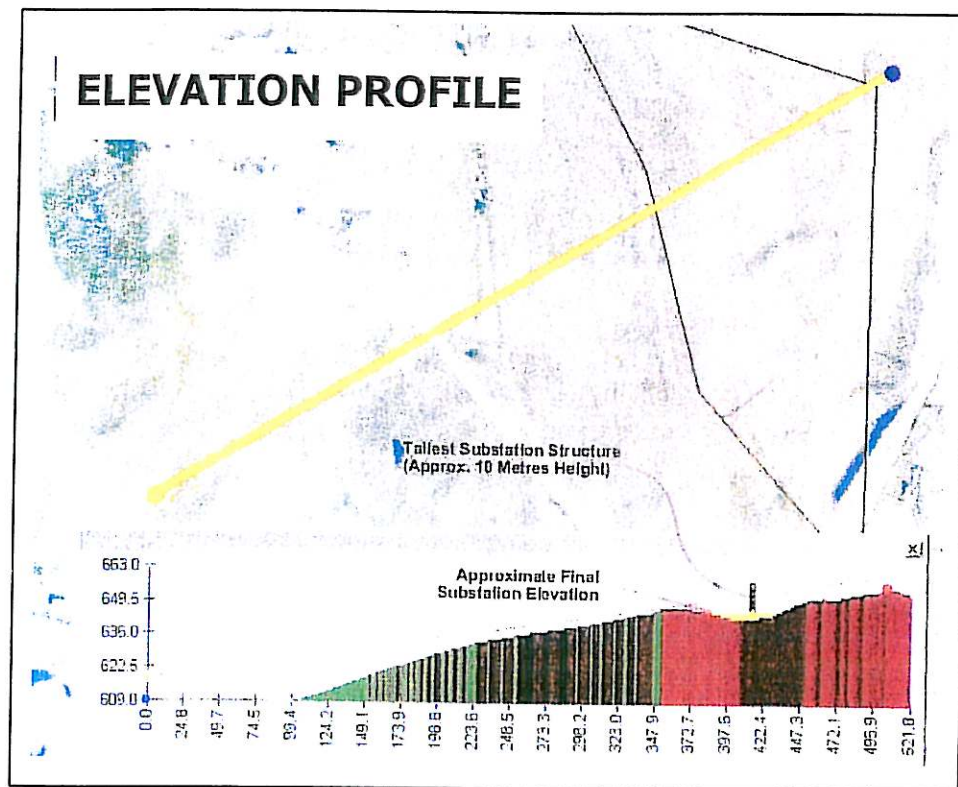


Conceptual Site Plan

Neighbourhood Impacts

The subject site is surrounded by open rangeland to the north, east and west. Joe Riche Road runs along the southern property border with more rangeland beyond. A single-family residence is located approximately 420m southwest of the proposed station site, across Highway 33.

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)

FortisBC does not anticipate any noise, congestion or dust related to the operation of the substation. Although there will be some site disturbance during construction of the site, once construction is complete the areas of the site not occupied by the station, poles and access road will be left in a natural state. FortisBC does not expect to fence any areas other than the approximately 0.8 Ha area required for safe operation of the substation.

Electromagnetic Fields (EMF) levels associated with this substation will be significantly lower than the public exposure guidelines supported by the World Health Organization.

British Columbia Utilities Commission (BCUC) Process

The "Black Mountain Substation Project" as presented within this application was approved by the BCUC in July 2007. As part of that approval process a Pre-Hearing Conference was held in February of 2007 and an Oral Public Hearing took place on May 16, 2007. Affected neighbours were given an opportunity to register as interveners and express their concerns during this process.

The Commission Panel accepted the "projection of a significant load growth for the area and FortisBC's conclusion that a new substation with the configuration of the proposed Black Mountain Substation needs to be built in the area in a timely fashion."

The BCUC went on to state that the subject site has proven to have the "greatest support from stakeholder and interveners, primarily due to the benefits accruing from the natural topography which will reduce the visibility of the Substation."

Summary

The property proposed is the most viable location for the new substation for both FortisBC and the community it serves and has received BCUC approval. 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.