
CITY OF KELOWNA
MEMORANDUM

Date: July 14, 2009
File No.: OCP09-0003 & Z09-0012
To: City Manager
From: Community Sustainability Division
Purpose: To amend the OCP future land use designation for a portion of the subject property from Rural/Agricultural to Public Services/Utilities and Major Park/Open Space for an electrical substation.
To rezone a portion of the subject property from A1 - Agriculture 1 to P4 - Utilities and P3 - Parks and Open Space to facilitate an electrical substation.
OWNERS: Kenneth Casorso & Belva Casorso **APPLICANT:** New Town Planning Services
AT: 3985 Casorso Road
EXISTING OCP FUTURE LAND USE: Rural/Agricultural
PROPOSED OCP FUTURE LAND USE: Public Services/Utilities & Major Park/Open Space
EXISTING ZONE: A1 - Agriculture 1
PROPOSED ZONES: P4 - Utilities & P3 - Parks and Open Space
REPORT PREPARED BY: Andrew Browne

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP09-0003 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot C Section 5 Township 26 ODYD Plan KAP58972 ("Lot C Plan KAP58972"), located on 3985 Casorso Road, Kelowna, B.C., from the Rural/Agricultural designation to the Public Services/Utilities designation and a portion of Lot C Plan KAP58972 from the Rural/Agricultural designation to the Major Park/Open Space designation, all as shown on Map "A" attached to the report of the Community Sustainability Division, dated July 14, 2009, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the report of the Community Sustainability Division dated July 14, 2009;

AND THAT Rezoning Application No. Z09-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot C Section 5 Township 26 ODYD Plan KAP58972 ("Lot C Plan KAP58972"), located on 3985 Casorso Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the P4 - Utilities zone and a portion of Lot C Plan KAP58972 from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone, all as shown on Map "B" attached to the report of Community Sustainability Division, dated July 14, 2009, be considered by Council;



AND THAT the OCP Bylaw Amendment No. OCP09-0003 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the City receiving an executed, registerable plan of subdivision, for the portion of land to be zoned P3 and dedicated to the City;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the City receiving a complete non-farm use application for the concrete/asphalt recycling activities on the remainder of the site, as per the Agricultural Land Commission's resolution, included below, under application #G-38900;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Environment & Land Use Branch being completed to their satisfaction.

2.0 SUMMARY

The applicant is seeking an OCP amendment and rezoning to permit a FortisBC electrical substation necessary to service residential and commercial growth in the surrounding area. A portion of the land in application will be zoned and dedicated for the future trail connection along Priest Creek.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on April 28, 2009, the Advisory Planning Commission passed the following resolutions:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP09-0003, for 3985 Casorso Road, Lot C, Plan 58972, Sec 5, Twp 26, ODYD, to amend the OCP future land use designation of a portion of the subject property from Rural/Agricultural to Public Services/Utilities for an electrical substation.

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0012, for 3985 Casorso Road, Lot C, Plan 58972, Sec 5, Twp 26, ODYD, to rezone from the A1 - Agriculture 1 zone to the P4 - Utilities zone to allow an electrical substation on a portion of the land.

4.0 AGRICULTURAL LAND COMMISSION

An application for non-farm use (A09-0002) was supported by the Agricultural Advisory Committee and by City Council.

In resolution #281/2009 under application #G-38900, the Agricultural Land Commission resolved the following:

THAT the application to secure a Statutory Right of Way (SROW) for a 2 ha portion of the 8.9 ha subject property to accommodate a new electrical substation for the area be approved.

AND THAT the approval is subject to:

- The SROW being in substantial compliance with the plan submitted with the application.
- The submission of a non-farm use application for the non-farm activities (i.e. concrete/asphalt recycling taking place on the remainder). This application must address the issue of site rehabilitation to an agricultural standard.

AND THAT approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

5.0 BACKGROUND

The applicant's Letter of Rationale, as attached, notes that the new substation will act to lessen the load on existing substations (OK Mission, Glenmore, and Hollywood) which are all nearing full capacity during summer.

FortisBC investigated 17 potential sites in the area and ranked them by various criteria in order to determine the most suitable site. Criteria for site evaluation included proximity to existing transmission lines and electrical load centers, access to the distribution network, costs, impacts to area residents, and impacts on the Agricultural Land Reserve and the environment.

6.0 SITE CONTEXT

The subject property is located on the east side of Casorso Road, approximately one kilometre southeast from the Mission Creek Greenway. The parcel extends across Priest Creek and is configured as a hooked lot where the creek crosses the parcel.

A gravel pit/quarry operation previously utilized the subject property. The subject property today is utilized for asphalt and concrete recycling, for which the ALC has required a non-farm use application to be submitted prior to final adoption.

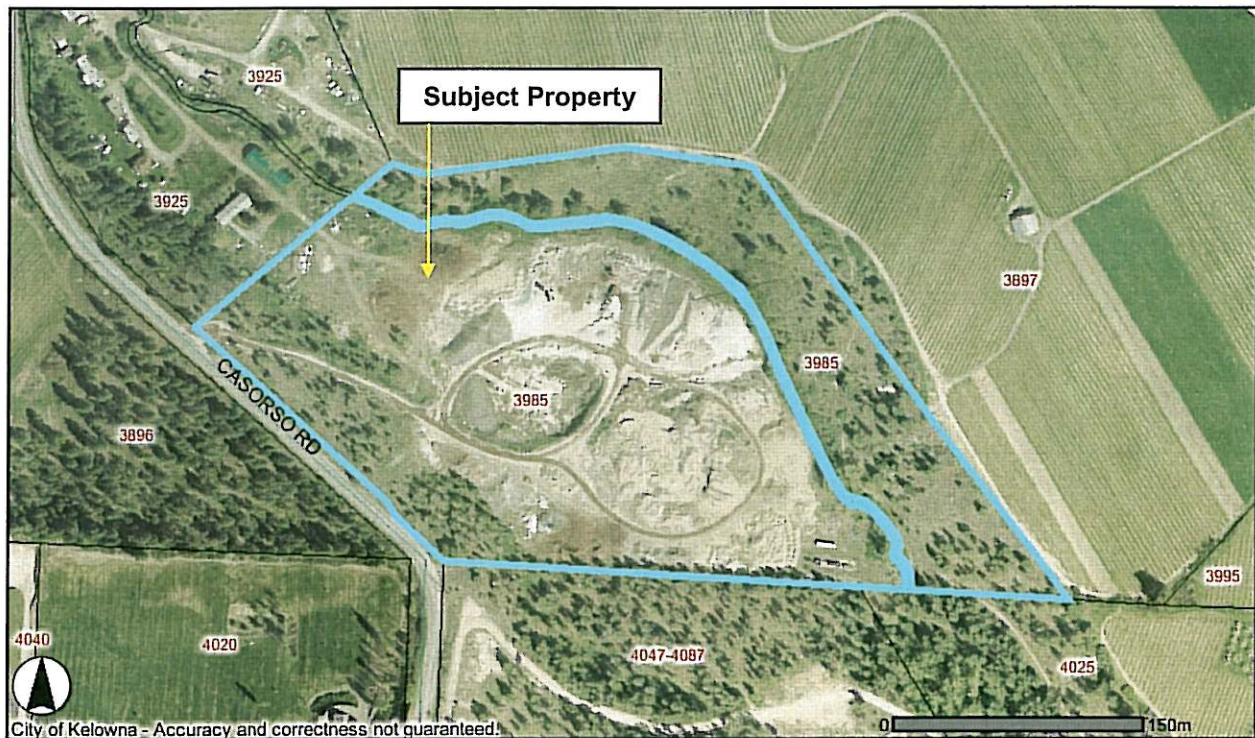
Portions of the property are subject to Natural Environment, Hazardous Condition, and Wildland Fire Hazard Development Permit Areas. The subject property area is 8.88 hectares (21.9 acres) and the site elevation varies between 370-425 m. Significant slopes are encountered on the east side of the property, along and above Priest Creek, and on the west side of the property, along Casorso Road. Varying slopes are present throughout the site due to its former use as a gravel pit, and the substation is proposed to be located in an existing depression.

The subject property is within the Agricultural Land Reserve.

Zoning of Adjacent Property

North A1 – Agriculture 1
East A1 – Agriculture 1

South P3 – Parks and Open Space
West A1 – Agriculture 1



7.0 PROPOSAL

The applicant proposes a FortisBC electrical substation to service residential and commercial growth in the surrounding area. It is anticipated that the Hollywood Road and Okanagan Mission substations will reach capacity by summer 2010 and a new substation is urgently required in order to ensure adequate supply and reliable delivery of electricity to customers in the south of the City.

FortisBC proposes to secure a 2.02 hectare portion of the 8.88 hectare parcel as a statutory right-of-way. Of the 2.02 hectare portion, only 0.75 hectares are proposed for use as an electrical substation. An Official Community Plan amendment application and Zoning Bylaw amendment application are required to facilitate the 'utility' land use.

8.0 CURRENT DEVELOPMENT POLICY

Staff recommends that the 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 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.

8.1 Kelowna 2020 – Official Community Plan

The subject property is designated Rural / Agricultural for future land use.

Environment Policies:

Establish Riparian Management Areas. Require riparian management areas to be provided to limit environmental and hydrological impacts on local watercourses.

Agriculture Policies:

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.

Buffers. Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas.

Services and Utilities Policies:

Co-operative Efforts. Encourage co-operative planning efforts between the City and respective utility agencies.

Co-ordination of Facilities. Co-ordinate the delivery of electrical power, telephone, natural gas and cable television facilities to accommodate the needs of future growth.

Parks and Leisure Policies:

Dedication of Natural Areas. At time of subdivision or rezoning, encourage landowners, where appropriate, to dedicate any significant natural areas/features for preservation or for public use.

Linear Park Dedications. At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are included in Table 14.1 and/or are shown on Map 14.2.

8.2 City of Kelowna Agriculture Plan (1998)

Environmental Policies:

Public Access Corridors. Continue to seek habitat protection and public access along stream corridors, as identified in the OCP, in a manner sensitive to the riparian zone and the needs of the agricultural community.

Wetland Buffers. Support the retention and use of wetlands near urban areas as natural buffers between urban and rural uses.

Drainage Policies:

Natural Wetlands. Support the retention or enhancement of existing natural wetlands within agricultural areas to provide storm water protection and water quality improvements.

Urban – Rural/Agricultural Boundary Policies:

Bonding. Require the provision of bonding for landscape buffer and fencing requirements adjacent to agricultural lands at the time of rezoning, subdivision, and/or building permit, in accordance with the Municipal Act.

Site Planning Measures. Consider the use of site planning measures such as locating internal access roads, storage areas, or other appropriate spaces between agricultural lands and proposed buildings or public use areas, for developments requiring a Development Permit.

9.0 TECHNICAL COMMENTS

9.1 Building & Permitting Branch (Development Services Department)

No concerns.

9.2 Development Engineering Branch (Development Services Department)

A road reserve exists on the subject property currently for the future upgrading of Casorso Road. This zone allows for a rural standard cross section on the fronting roads, therefore this application does not trigger any frontage upgrades.

9.3 Environment & Land Use Branch (Land Use Management Department)

Natural Environment Development Permit to be completed and accepted by City of Kelowna prior to final adoption of the Zone Amending Bylaw. Full requirements are on file.

9.4 Fire Department

No concerns.

9.5 South East Kelowna Irrigation District

No water required; our requirements have been met.

9.6 Parks Planning Branch (Infrastructure Planning Department)

The revised rezoning plan is acceptable to Infrastructure Planning and all concerns have been addressed.

10.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Seventeen potential substation sites were analyzed by FortisBC and ultimately the subject property was selected on the basis of detailed criteria outlined in the applicant's Letter of Rationale (attached). The Land Use Management Department is not in a position to analyze the process or criteria that FortisBC utilized to select this site. However, the site selected appears reasonable in that it does not impact or detract from agriculture on site and that the portion of land under application has challenges to its suitability for agricultural use.

The impact of the proposed electrical substation is mitigated by the careful site planning undertaken by the applicant in positioning the facility at the low point of the gravel pit. This location will help shield neighbours from the facility and should minimize any impact on the agricultural character of the area. While the electrical substation will be fenced, no additional

fencing or landscape screening is proposed apart from a Riparian Enhancement Area along Priest Creek with an accompanying berm proposed primarily for flood protection.

A portion of FortisBC's site is to be zoned P3 – Parks and Open Space in accordance with policy indicating that Priest Creek has been identified for eventual use as a linear public recreation corridor. The creek is identified on Table 14.1 "Creek Corridor Public Access Routes of Access" of the OCP. Portions of the Priest Creek trail already exist and the trail has been identified in the Linear Parks Master Plan as a high priority (to be completed within 10 years). However, this portion of the trail alignment traverses agriculturally zoned land subject to little development activity and therefore full connectivity is not expected to be achieved within the next two decades. The plan of subdivision for the P3 zoned portion, prepared and authorized for registration, is to be received prior to final adoption and registered with the Land Title Office following adoption.

As noted previously in this report under Technical Comments, a Natural Environment Development Permit (NEDP) is to be completed and accepted by the City of Kelowna prior to final adoption of the Zone Amending Bylaw. Full requirements for the NEDP are on file with the Land Use Management Department.

Land Use Management Department staff recommend support for the application.

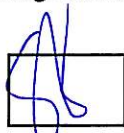


Shelley Gambacort
Director of Land Use Management

Approved for inclusion:

Jim Paterson

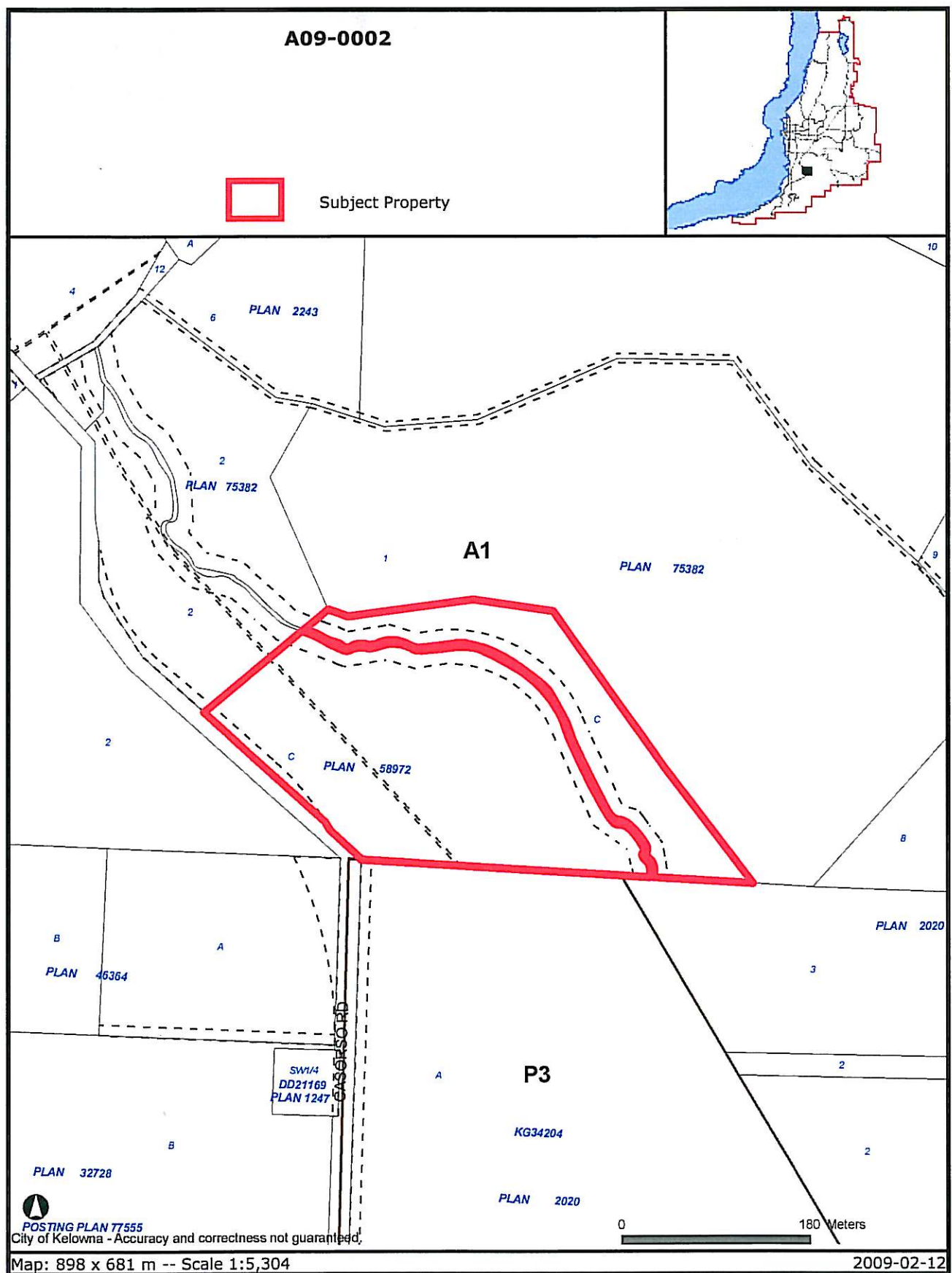
General Manager of Community Sustainability



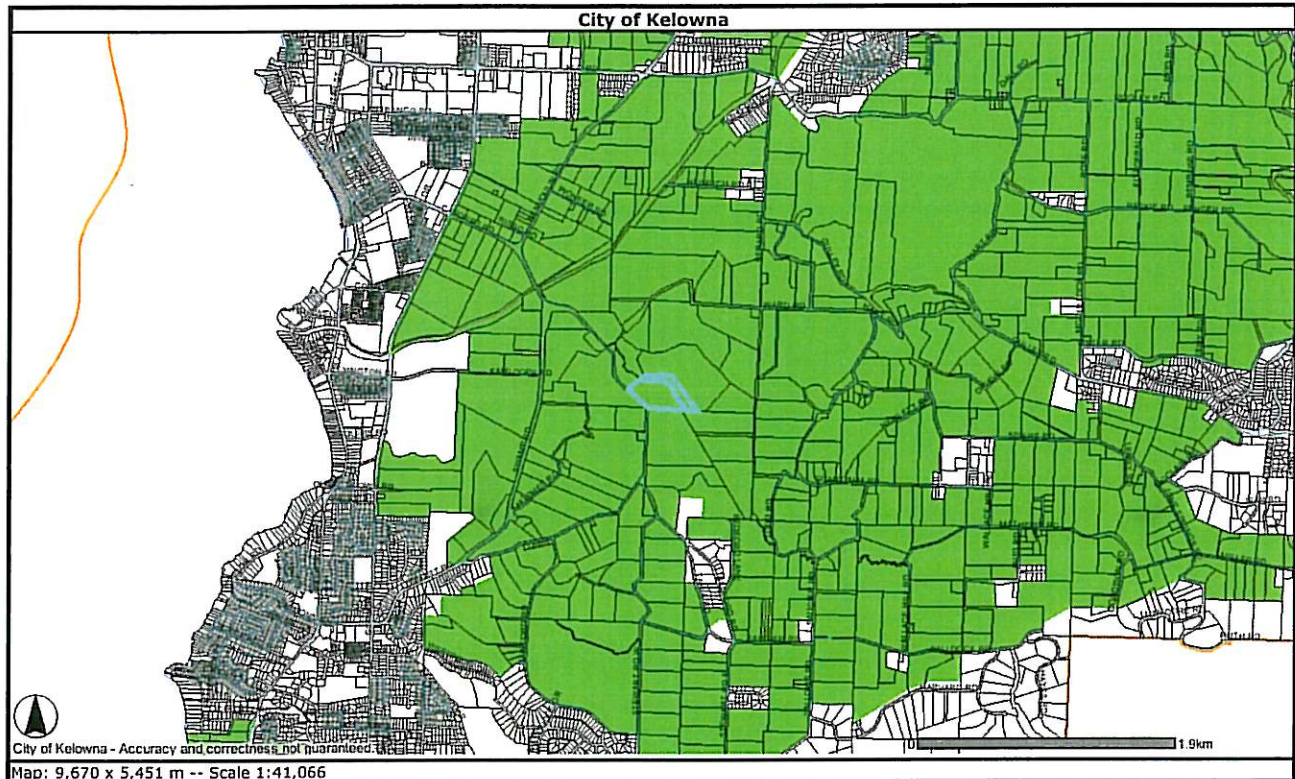
ATTACHMENTS

Location and zoning map of subject property
ALR map of subject property and surrounding area
Letter of rationale (7 pages)
Proposed OCP amendment plan (Map "A")
Proposed rezoning plan (Map "B")
Proposed landscape plan





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.



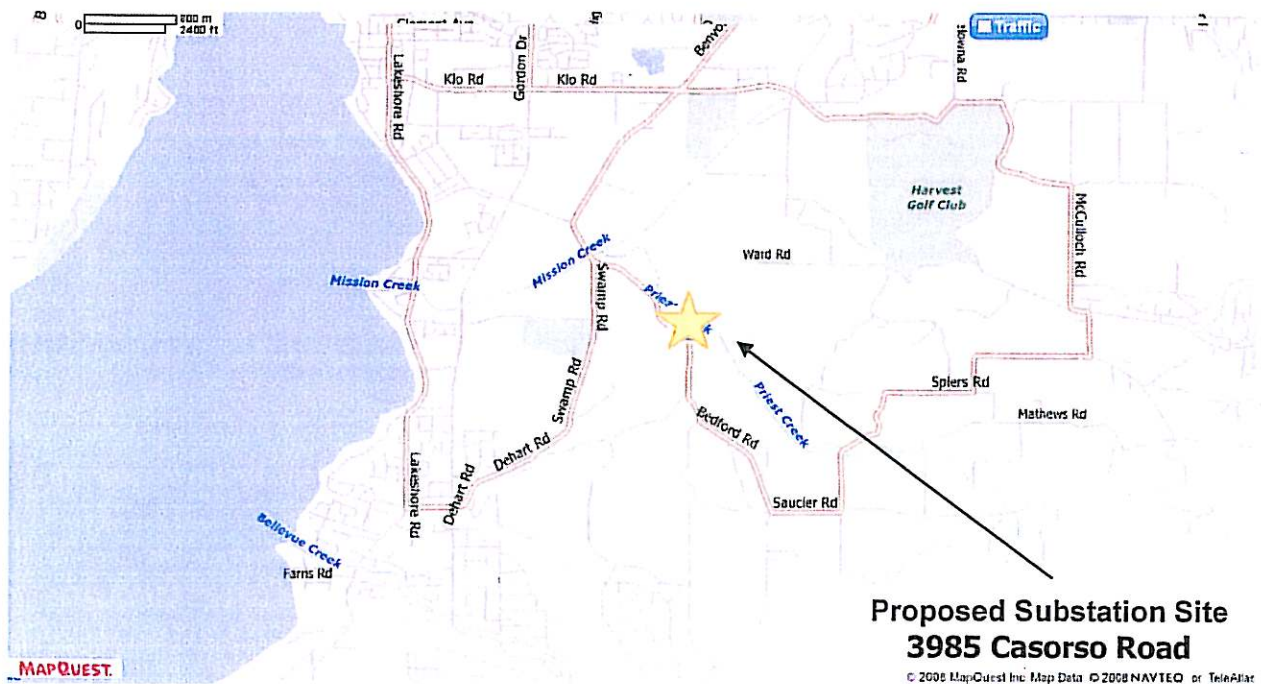
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

Request for Rezoning and OCP Amendment
To Allow for the Installation of an Electrical Substation
Part of Lot C, Section 5, Plan KAP58972, Tp 26, ODYD
3985 Casorso Road, Kelowna, BC

Applicant: FortisBC

Introduction

This proposal is for rezoning from Rural Agricultural (A1) to Utility (P4) in order to accommodate a new electrical distribution sub-station for FortisBC, the power utility for the south/central Kelowna area. As the area is projected as Agricultural in the Official Community Plan (OCP), an OCP amendment is requested. The property is in the ALR; an application for Non-Farm Use is underway.



Background

The new substation is required to accommodate residential and commercial growth in the south/central end of the city. The new substation will alleviate some of the load on the OK Mission, Glenmore, and Hollywood substations, which serve the area and are all nearing full capacity during the summer months.

In an application to the British Columbia Utilities Commission (BCUC), FortisBC representatives advised that the growing demand for electricity will overload capacity by 2010. The proposed Benvoulin Substation will support the south/central Kelowna area growth and alleviate the need for the individual substation capacity upgrades.



In order to resolve the capacity and back-up issues in the south/central area of Kelowna, two options were initially seen as viable. It was anticipated that growing demand could be accommodated through building additions to the transformers at the Hollywood and OK Mission Substation substations, along with building a new distribution source in the southwest of Kelowna. Upon further study, it was concluded that, due to physical, environmental and economic conditions, the Hollywood and Ok Mission substations have limited capacities for additions.

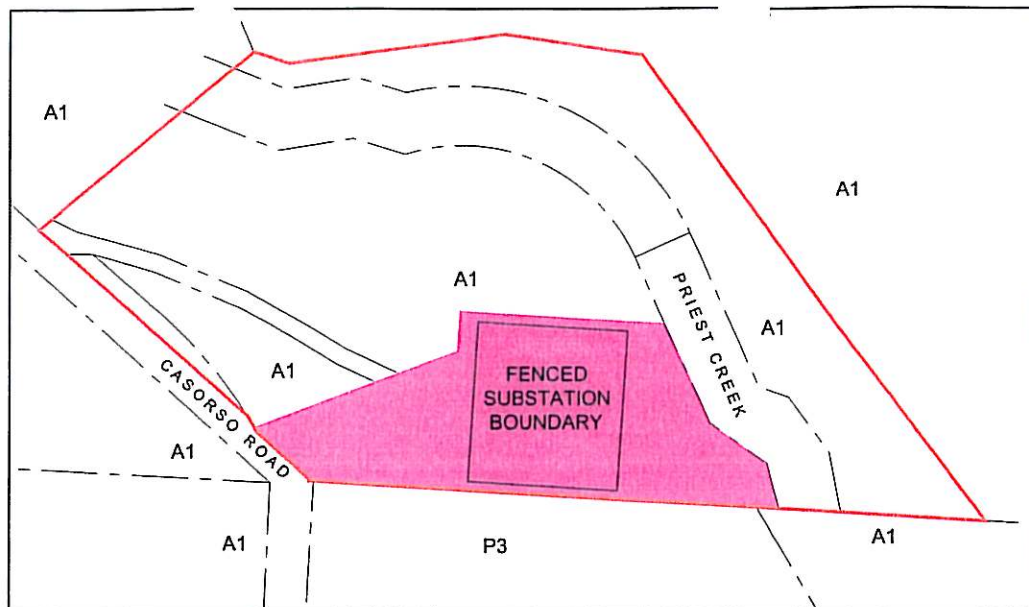
FortisBC determined that the second option, building a new substation, is the most cost effective means of supplying the growing need for electricity in this area.

Subject Site

The portion of the property under application is a 2.02 hectare (4.9 acres) parcel within an 8.88 hectare lot. The entire lot is a former gravel pit that is now being used for recycling asphalt and concrete. FortisBC has completed a high level environmental assessment for the site. Previous industrial activities on the property have impacted the land; no evidence remains of the original vegetation and supporting soil composition. Priest Creek runs through the property and is protected by way of a no-disturb covenant within 15m of the high water mark of the creek.

The remaining land not being rezoned will continue to be used as it is currently. The substation will only cover 0.75 hectares of the entire 2.02 portion under application; FortisBC proposes that in the future the section of the site bordering Priest Creek become part of a linear park. Discussions with City staff to facilitate the land donation will take place subsequent to the adoption of the rezoning proposed herein.

The property is within the Agricultural Land Reserve (ALR) but has not been used for agricultural uses within recent history.



Proposed substation site

Zoning Proposal

In order to accommodate the substation, FortisBC is requesting that the site be rezoned from Rural Agricultural (A1) to Utility (P4). An OCP Amendment is also required as the Official Community Plan (OCP) designates the future land use for this site as Rural Agricultural.

Siting Rationale

FortisBC formally investigated 17 sites within the area in order to determine the most suitable site. On the following page, the map identifies potential sites that were considered. The initial site selection process took into account the proximity to existing transmission lines and the load center, access to the distribution network, costs, and impacts to area residents, the ALR and the environment. Identified sites were then evaluated further based on land adjacent land use and price. Ultimately, the subject site proves to be the best option for both FortisBC and the community it serves. All of the sites investigated are in the ALR.

Agricultural Land Reserve (ALR)

An application to the Agricultural Land Commission (ALC) for non-farm use is being made concurrently with this request for rezoning and OCP amendment. Due to the current condition of the site, which was used as a gravel pit, the site has very limited potential of being useful for farming purposes. As this site is unsuitable for agriculture due to extreme environmental degradation, it has less value to the ALR than the other sites considered.



British Columbia Utilities Commission (BCUC) Process

Upon completion of the site selection process, FortisBC held public consultations and stakeholder meetings. Following the public consultation process, an application was submitted to the BCUC on September 24, 2008, in accordance with regulatory requirements.

At the conclusion of the process, the BCUC issued a Certificate of Public Convenience and Necessity for the construction and operation of the Benvoulin Substation on January 20, 2009.

Public Consultation

Extensive public consultation was undertaken prior to submitting the application to BCUC. As with other recent FortisBC projects, a two-tier, multi-step approach to public consultation was adopted for the Benvoulin Substation project. Public consultation was carried out in an effort to capture as much input as practical to help with decision making and to keep the stakeholder groups as informed as possible as the project progresses.

A key role of the public consultation process was to seek aid in finding the best balance between a solution that meets the technical requirements of the project, while adhering to the principle of cost effectiveness and the interests of the community and other stakeholders.

FortisBC met with the local governmental and key stakeholders, including:

- City of Kelowna Administration
- City of Kelowna Planning Department
- Regional District of Central Okanagan
- Astral Media
- Eagle Quest Golf Range
- Society for the Prevention of Cruelty to Animals (SPCA)
- Westbank First Nation
- Friends of Mission Creek

The second part of the public consultation process involved communication with the general public at three public open house sessions. The purpose of the communication was to present the plans for the Benvoulin Substation, to obtain feedback on project plans and to provide a feedback mechanism for residents with concerns or suggestions. Public meetings were advertised in local newspapers The Daily Courier and the Capital News, and over 1300 letters were personally mailed to local residents for each open house. Open houses were held on the following days:

November 27, 2007

January 14, 2008

April 9, 2008

Based on feedback from the local governmental and key stakeholders, and from the first open house, FortisBC investigated the viability of building a substation on the subject site. Upon evaluation, a number of factors led to the selection of the site at 3985 Casorso Road as the most realistic option.

Neighbourhood Impacts

The subject site is bordered by the Kelowna and District Fish and Game Club to the southeast, and working farms on all other sides. All of the neighbouring properties are in the ALR.

Representatives from FortisBC have met with property owners in the vicinity and are committed to continued cooperation with the adjacent property owners throughout the process of planning and building the substation

Visual Impact

While the site selected for the substation is 2 hectares, only half of the site will be used. The actual substation footprint will measure about 50m x 65m surrounded by a fenced portion of approximately 65m x 75m (1.2 acres). Motion-activated security lighting will be installed around the station.

The substation will be sited within a natural depression approximately 23 metres below the road; the topography of the land will allow the substation to be well screened from the surrounding area. The structures will be less than 10m (30ft) in height and, due to the location and slope of the site; the visual impact is expected to be minimal.

Surrounding trees will be left untouched wherever possible and will contribute to the visual screening of the site for traffic on Casorso and nearby residents.

Public Safety - Electromagnetic Fields (EMF) Levels

Public safety is a priority to FortisBC and FortisBC recognizes the public concerns over the possible health effects from electromagnetic fields (EMF). Scientific knowledge about the health effects of EMF is substantial and is based on a large number of epidemiological, animal and invitro studies.

National EMF standards are based on the guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). This non-governmental organization evaluates scientific results from all over the world and is formally recognized by the World Health Organization (WHO).

The magnetic fields for both the proposed substation and the associated power lines for the project are well within the guidelines suggested by ICNIRP. The levels projected for the property line of the subject site are expected to be more than 1,000 times lower than the current guidelines. As field strength is dependent on the distance from the EMF source and normally decreases rapidly away from it, the levels at the closest house would be so low that they would not be distinguishable from the ambient household and community levels.

Noise and Pollution Levels

Once built, FortisBC does not anticipate any noise, congestion or dust related to the operation of the substation.

Noise from a substation can be characterized as a low hum as a result of the transformer operation. No sounds are likely to be detected from the residence closest to the site.

Access to the substation will be to Casorso Road via an easement through the parent parcel. Once the station is in operation, FortisBC expects minimal traffic to and from the site. Maintenance visits are expected to occur approximately once a month.



Summary

The growing south/central area of Kelowna requires the addition of a substation in this area. FortisBC representatives have invested considerable time and expertise in determining the best possible location for the utility. Due to the location of the site with respect to surrounding residential neighbourhoods and existing infrastructure, the natural topography of the site, as well as the limited impact to agriculture, the impact of the substation to the greater community will be minimal.

Notes:
 1. All property boundaries are shown as per the latest available information.
 2. All areas shown are for information only and are not to be used for any other purpose.
 3. All areas shown are for information only and are not to be used for any other purpose.
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MAP "A"

NEW TOWN
ARCHITECTURE
URBAN PLANNING

Project Name: Fortis Substation Rezoning

Project No: 1524

Phase: 1524-0104-01

Drawing Title: Fortis Substation OCP Amendment

Scale: 1:1000

Sheet: P-2

Project:
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No. Date
 1504-0100-01



NEW TOWN
 ARCHITECTS
 URBAN PLANNING

1400 SANDHILL STREET
 VICTORIA, BC V8W 2E1
 TEL: 250-680-0000
 FAX: 250-680-0001
 WWW: WWW.NTARCHITECTS.COM

Project: Fortis Substation
 Rectifier

Project no: 1504

File no: 1504-0100-01

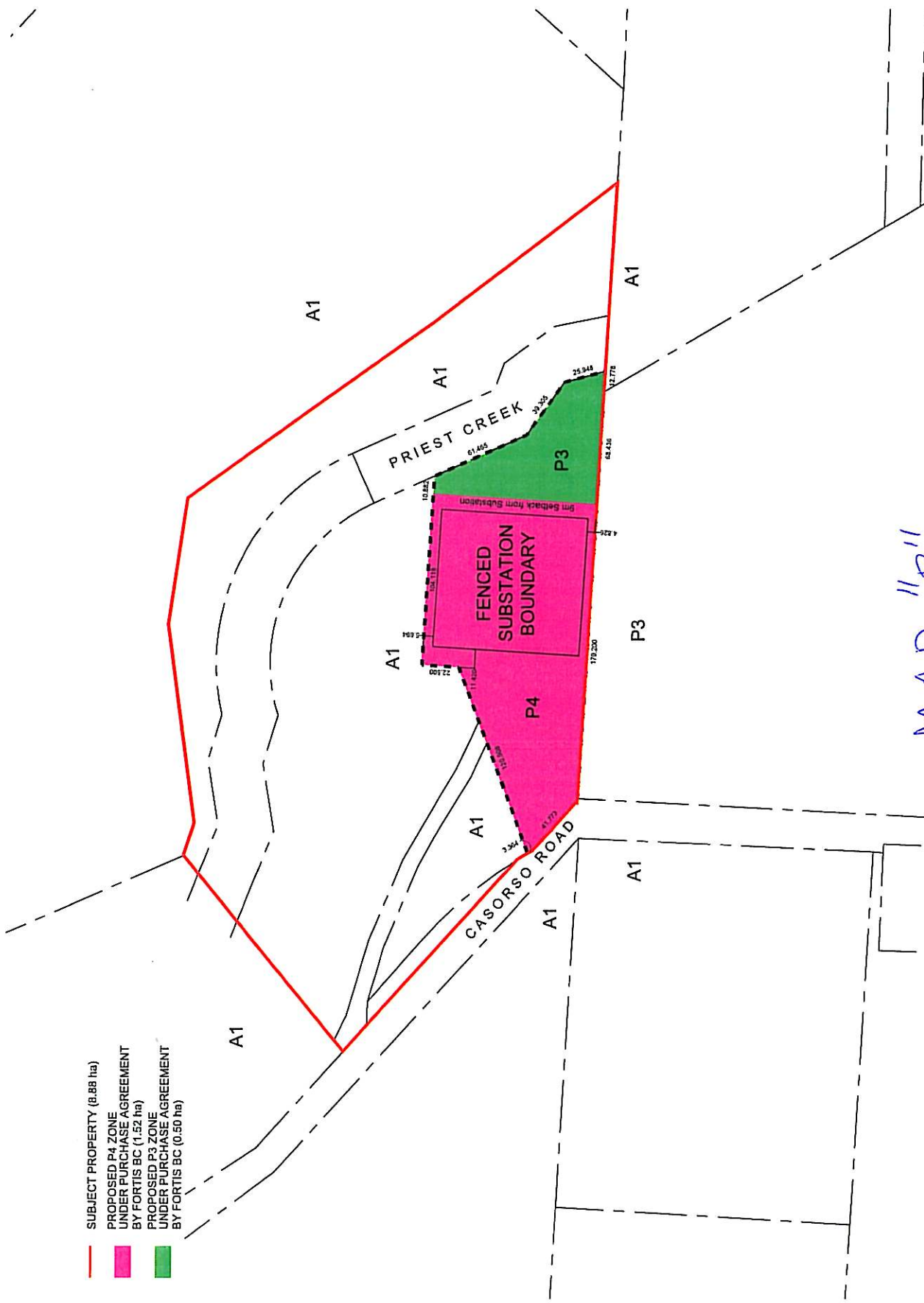
Drawing title: Fortis Substation
 Proposed Rectifier

Author: K.J.

Scale: 1:500

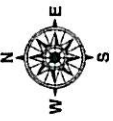
Date: 09-05-23

Sheet: P-1



- SUBJECT PROPERTY (8.88 ha)
- PROPOSED P4 ZONE UNDER PURCHASE AGREEMENT BY FORTIS BC (1.52 ha)
- PROPOSED P3 ZONE UNDER PURCHASE AGREEMENT BY FORTIS BC (0.50 ha)

MAP "B"



Site Plan Information
Reswood Engineering
2333 Hunter Road
Kelowna, BC
(250) 866-4431



Benvoulin Substation

3995 Casorso Road
Kelowna, BC

Issued for Review: 11.20.08
Issued for Review: 08.09.29

Project No: 05-104
Design By: DJ
Drawn By: SP
Checked By: FC
Date: 26. 2009
Scale: 1/8" = 1'



2333 Hunter Road
Kelowna, BC V1Y 4P2
Tel: (250) 866-4431
www.reswoodeng.com

Landscaping
Plan

1.1
of 1

