

REPORT TO COUNCIL



Date: October 16, 2012
To: City Manager
From: Land Use Management, Community Sustainability (JM)

Application: A12-0008 **Owner:** Black Mountain Irrigation District (BMID)
Address: 2458 Joe Riche Road
(N OF) Joe Riche Road **Applicant:** Agua Consulting Inc. (Robert Hrasko)
(OFF OF) Joe Rich Road
Subject: Agricultural Land Reserve Application - Non-Farm Use

Existing OCP Designation: Resource Protection Area
Major Park / Open Space (public)
Single / Two Unit Residential
Single / Two Unit Residential (hillside)

Existing Zone: A1 - Agriculture 1

1.0 Recommendation

THAT Agricultural Land Reserve appeal A12-0008 for portions of Lot 8, Sections 18 and 19, Township 27, ODYD, Plan 1991, Except Plans KAP80286 and KAP87038, located at 2458 Joe Riche Road, Kelowna, B.C.; Lot 19, Sections 17, 18, 19, Township 27, ODYD, Plan 1991, Except Plan 39110, located at (OFF OF) Joe Riche Road, Kelowna, B.C.; and Lot D, Sections 18 and 19, Township 27, ODYD, Plan KAP80286, located at (N OF) Joe Riche Road, Kelowna, B.C. for a Non-Farm Use within the Agricultural Land Reserve, pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 Purpose

Black Mountain Irrigation District (BMID) is seeking approval for a Non-Farm Use within the Agricultural Land Reserve (ALR), pursuant to Section 20(3) of the *Agricultural Land Commission Act*. Specifically, BMID is proposing to construct water treatment and distribution facilities on a portion of the subject properties. The treatment and distribution facilities will eventually be connected to a large reservoir proposed for the site, which was previously approved by the Agricultural Land Commission (ALC) in 2003 (ALC approval resolution #263/2003). However, at that time, the water treatment and distribution facilities were not considered.

Should the application be approved by the Agricultural Land Commission (ALC), both the reservoir and the associated water treatment facilities uses will require the amendment of the City's

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Official Community Plan (OCP) and a Rezoning to permit public utility development. Natural Environment Development Permits will also be required for the development.

3.0 Land Use Management

The water treatment facility and associated infrastructure represents a relatively minor component of a much larger and long-term reservoir development project for the subject properties, known as the Gopher Flats area. The proposed location for the treatment facility is an area of limited environmental and agricultural value, and containing a significant amount of previously disturbed lands. In addition, the treatment facility is sited near existing transportation infrastructure. Finally, the location of the reservoir has already been contemplated in the City of Kelowna Agriculture Plan, and has already received ALC approval. It follows that the proposed treatment facilities should be sited in such a way as to remain useful should the reservoir proceed. With this in mind, Land Use Management staff is supportive of the proposed development.

In concert with this application, Staff are processing the OCP amendment, rezoning and development permit applications for the larger reservoir project. Staff is working with the applicant team to understand more clearly the potential impacts of this significant development.

4.0 Proposal

4.1 Background

In 2003, BMID made application for a Non-Farm Use in the Agricultural Land Reserve (ALR) in order to permit the reservoir within the ALR. Treatment facilities were not considered in that application. At that time, the ALC granted approval for the reservoir (approval resolution #263/2003).

Since 2003, significant technical studies have been completed leading towards the goal of satisfying the requirements of all bodies having jurisdiction over this matter. In addition, BMID has begun installing some supporting infrastructure (steel pipe).

In the meantime, BMID has been involved with the Kelowna Joint Water Committee (KJWC) in an effort to develop the *Kelowna Integrated Water Supply Plan*, currently nearing completion. According to the applicant, this plan "sets out the interim and long term plan to supply domestic and irrigation water to the region. The plan is based on achieving four objectives: to develop the best-lowest cost solutions; to allow flexibility in governance structure; to protect agricultural values; and to achieve the necessary public health outcomes in delivering safe drinking water."

In June of 2012, BMID made formal application to the City to accomplish the following:

- To receive approval for a Non-Farm Use from the ALC for the water treatment and distribution facilities associated with the reservoir;
- To amend the OCP Future Land Use map for the development area in order allow a public utility; and
- To rezone the development area to permit a public utility.

The applicant states that BMID acquired the lands in 1985, and that the land has been used principally for cattle grazing since that time.

Beyond approvals required by the City and the ALC, both provincial and federal governments will be involved in approval of the project.

4.2 Project Description

In advance of the main reservoir development, BMID is proposing to construct a UV treatment facility on the southern portion of the subject properties, as well as the associated infrastructure required to link to the existing BMID distribution network. While the reservoir project is still in planning stages, this treatment facility is needed in the near term in order to improve water quality for BMID customers. According to the applicant, these treatment facilities are required by water regulators in order to ensure that the water meets drinking water standards. Should the reservoir project proceed, it will be tied into the UV facility. Chlorine water treatment may also be added at this location in the future.

In an introduction to the project from BMID, the following justification for the project is provided:

“The Black Mountain Reservoir Site, including the future UV disinfection and water treatment facilities, is a key component of the long term plan to provide drinking and irrigation water to Kelowna.”

4.3 Site Context

The subject properties are all situated in the Belgo-Black Mountain sector of Kelowna, located north of Highway 33, between Joe Rich Road to the south and Swainson Road to the northwest. The Black Mountain Golf Club is located to the west of the subject lands, and the City of Kelowna boundary forms the eastern property line. A FortisBC electrical sub-station abuts the southern tip of the subject lands.

In total, the subject properties represent approximately 156.4 ha of land and ranges in elevation from 620m at the valley bottom to 795m at the peak of the eastern slopes. Within this large area, the treatment facilities and yard are located on a bench and, together with the distribution facilities, are anticipated to occupy approximately 10.54ha. According to data from the Sensitive Ecosystem Inventory (SEI)¹, the development area is composed primarily of non-sensitive lands, with some coniferous woodlands. Both the south and north arms of Gopher Creek traverse portions of the subject properties, and may be impacted by the treatment facility development.

With the exception of small areas along the western area boundary, the subject properties are situated in the ALR and are outside of the Permanent Growth Boundary. Land uses surrounding the subject properties are principally agricultural and rural in nature, with the exception of the western area boundary, which abuts a golf course, and single family development.

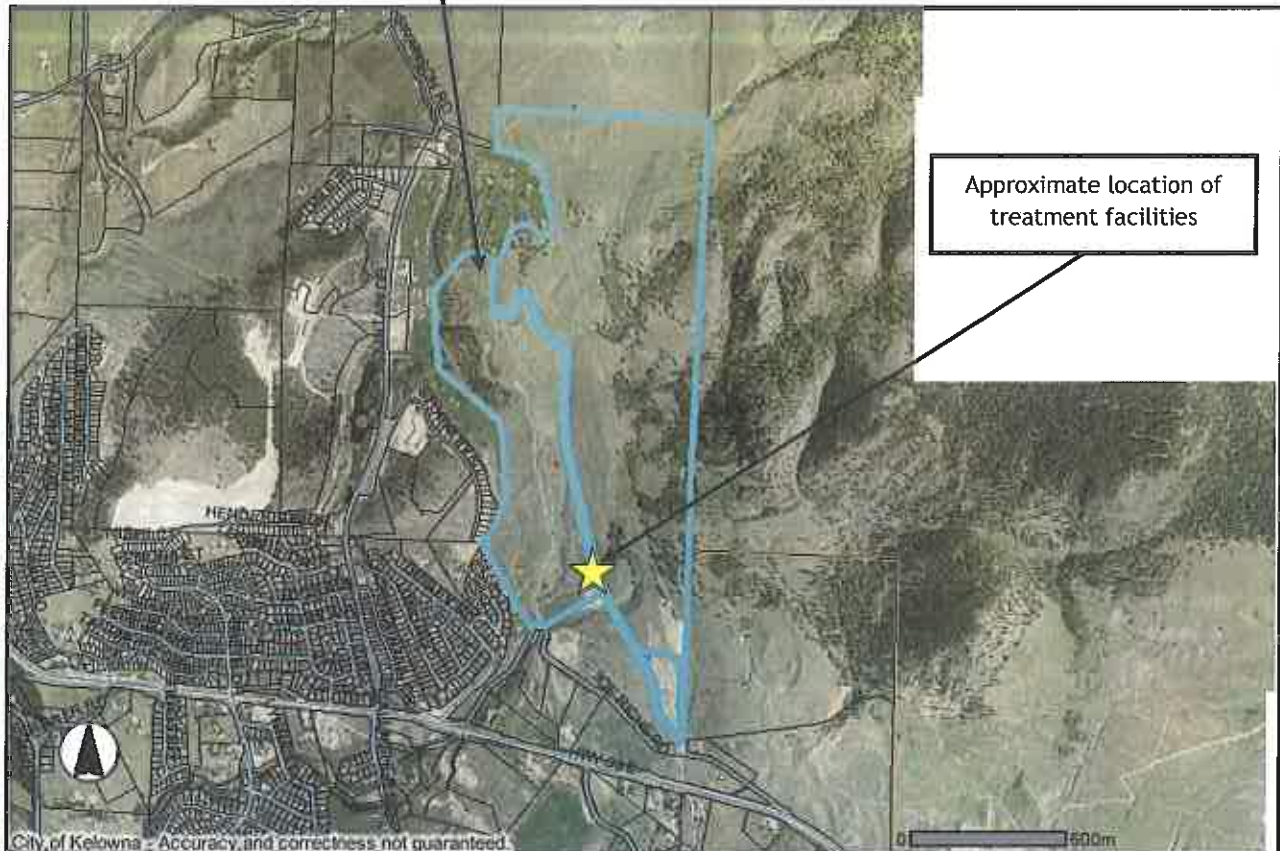
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Rangeland / Grasslands
East	LH - Large Holdings as per Joe Rich Rural Land Use Bylaw (RDCO)	Rangeland / Grasslands / Forest land
South	P4 - Public Utilities A1 - Agriculture 1	Fortis Sub-station Rangeland / Grasslands
West	P3 - Parks and Open Space RU1HS - Large Lot Housing (hillside) with Secondary Suite RU1H - Large Lot Housing (hillside) RU5 - Bareland Strata RR2 - Rural Residential 2	Black Mountain Golf Club Single detached housing development

¹ Iverson & MacKenzie Biological Consulting Ltd. 2008. Sensitive Ecosystem Inventory: Kelowna, 2007.

The agricultural capability of the land varies across the large land area. Unimproved, the majority of the land is Class 4, with some limited portions being Classes 5 and 6. Improved, the majority of the lands will remain Class 4; however, there are some portions of the land that can be improved to Classes 1, 2 and 3.

Subject Properties Map: Black Mountain Reservoir Lands



5.0 Current Development Policies

3.1 Kelowna Official Community Plan (OCP)

Development Process

Objective - Protect and enhance local agriculture².

Protect Agricultural Land.³ Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the *City of Kelowna Agriculture Plan*. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Urban Uses.⁴ Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

² City of Kelowna 2030 Official Community Plan (2011). Chapter 5 (Development Process), p. 5.35, Objective 5.33.

³ City of Kelowna 2030 Official Community Plan (2011). Chapter 5 (Development Process), p. 5.35, Policy 5.33.1.

⁴ City of Kelowna 2030 Official Community Plan (2011). Chapter 5 (Development Process), p. 5.35, Policy 5.33.3.

Non-farm Uses.⁵ Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective - Preserve productive agricultural land⁶.

Infrastructure - Water Servicing Policies

Water Availability for Agriculture.⁷ Work with stakeholders to ensure the continued delivery of sufficient quantities of water as per best practices for water conservation to ensure continued agricultural productivity.

Irrigation District Boundaries and Standards.⁸ Support the necessary amendments to Irrigation District Boundaries as identified on Map 7.4 - Water Supply System to allow expansion to un-serviced areas, in accordance with the Kelowna Water Servicing Plan and overall OCP objectives and development phasing, and encourage new installations to be made to ensure compliance with the Canadian Drinking Water guidelines and Interior Health Authority water quality objectives.

3.2 City of Kelowna Agriculture Plan

ALR Application Criteria⁹

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

Water Supply Objectives¹⁰

- To maintain the availability of an adequate supply of water for the agricultural community.
- To minimize the cost impact of potential water quality improvement measures on irrigation users.
- To minimize the short-term impact of Irrigation District operations on irrigation rates.
- To irrigate all the usable agricultural land in the City that is in the ALR.
- To support decision making with respect to Irrigation District operations with the needs of the agricultural community as a priority.

⁵ City of Kelowna 2030 Official Community Plan (2011). Chapter 5 (Development Process), p. 5.35, Policy 5.33.7.

⁶ City of Kelowna 2030 Official Community Plan (2011). Chapter 5 (Development Process), p. 5.36, Objective 5.34.

⁷ City of Kelowna 2030 Official Community Plan (2011). Chapter 7 (Infrastructure), p. 7.12, Policy 7.20.1.

⁸ City of Kelowna 2030 Official Community Plan (2011). Chapter 7 (Infrastructure), p. 7.12, Policy 7.20.2.

⁹ City of Kelowna Agriculture Plan (1998); p. 130.

¹⁰ City of Kelowna Agriculture Plan (1998); p. 109.

6.0 Technical Comments

6.1 Development Engineering Department

See Memorandum from Development Engineering Branch, dated July 10, 2012.

7.0 Application Chronology

Date of Application Received: May 24, 2012

Additional Information Provided: August 22, 2012

Agricultural Advisory Committee: September 13, 2012

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on September 13, 2012 and the following recommendation was passed:

“THAT the Agricultural Advisory Committee support Agricultural Land Reserve Application No. A12-0008 for 2458 Joe Rich Road; (N OF) Joe Rich Road; (OFF OF) Joe Rich Road, by Agua Consulting Inc. (BMID), to obtain approval from the ALC under Section 20(3) of the Agricultural Land Commission Act for a Non-Farm Use within the Agricultural Land Reserve (ALR).”

Report prepared by:



James Moore, Land Use Planner

Reviewed by:



Todd Cashin Manager, Manager, Environment & Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject property map & ALR map (2 pages)

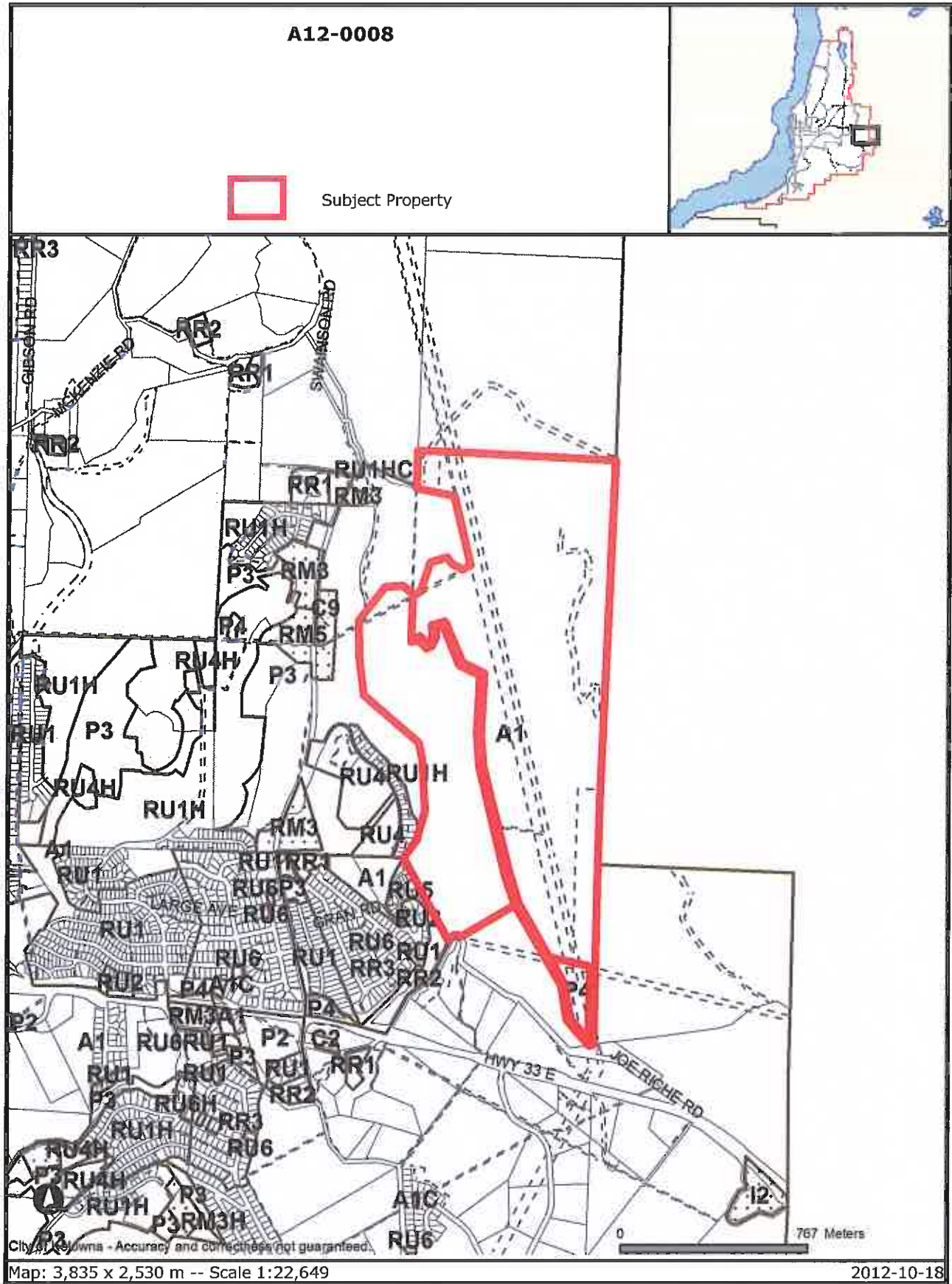
BC Land Inventory - Land Capability and Soil Classification (2 pages)

Site Plan - 1:5,000 (1 page)

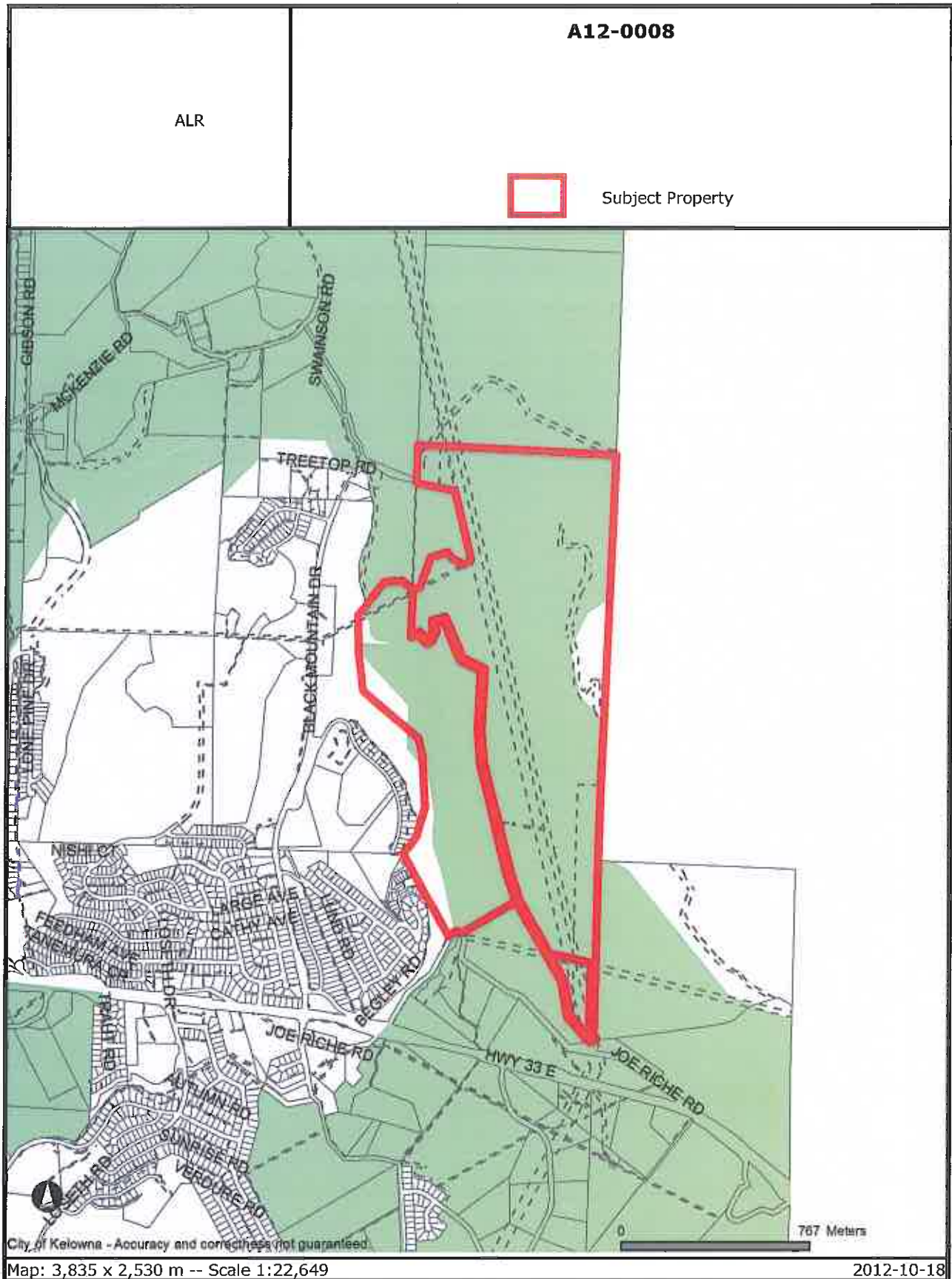
Applicant's ALC Application (2 pages)

Applicant's Letter of Rationale (3 pages)

Development Engineering Memorandum (1 page)

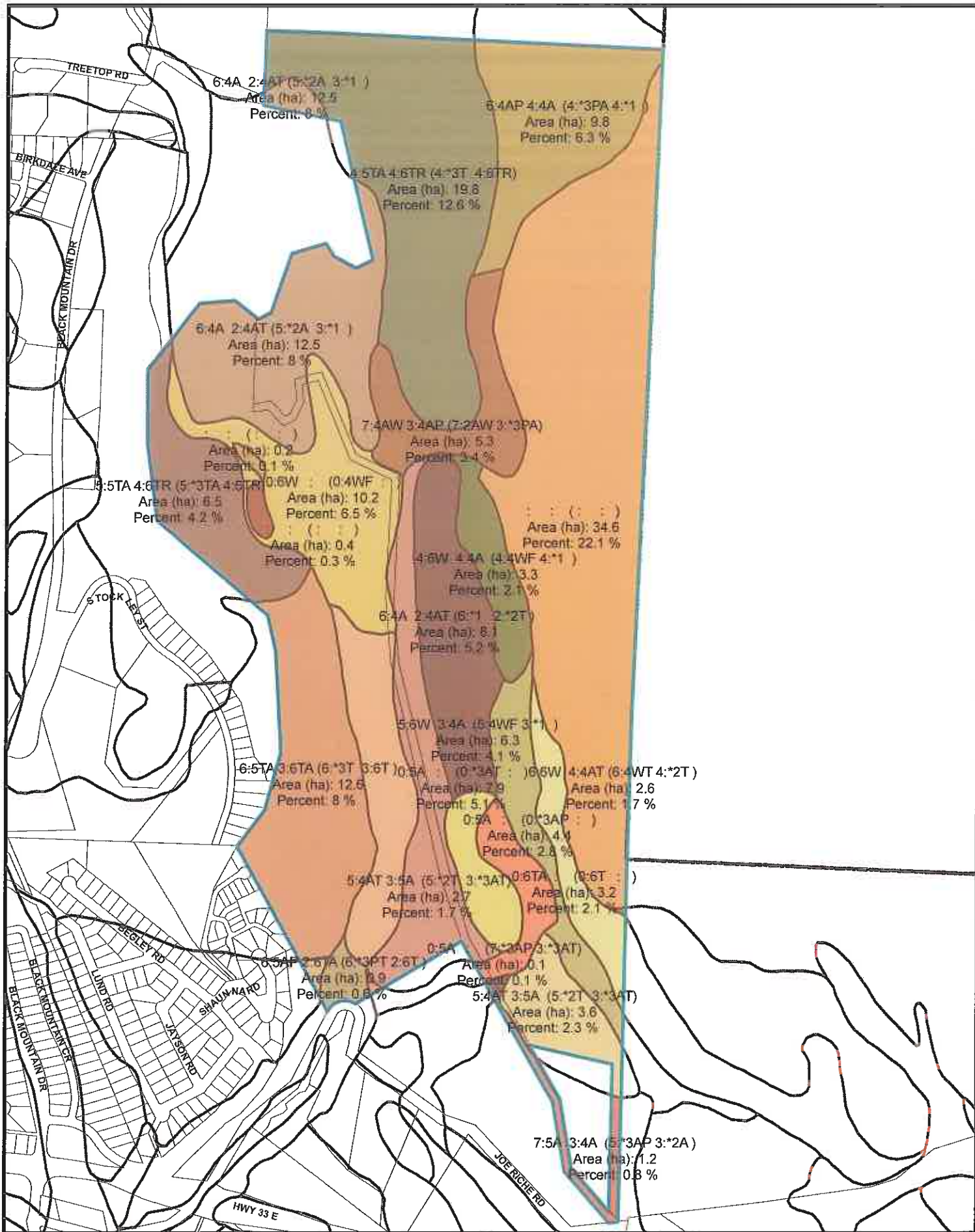


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

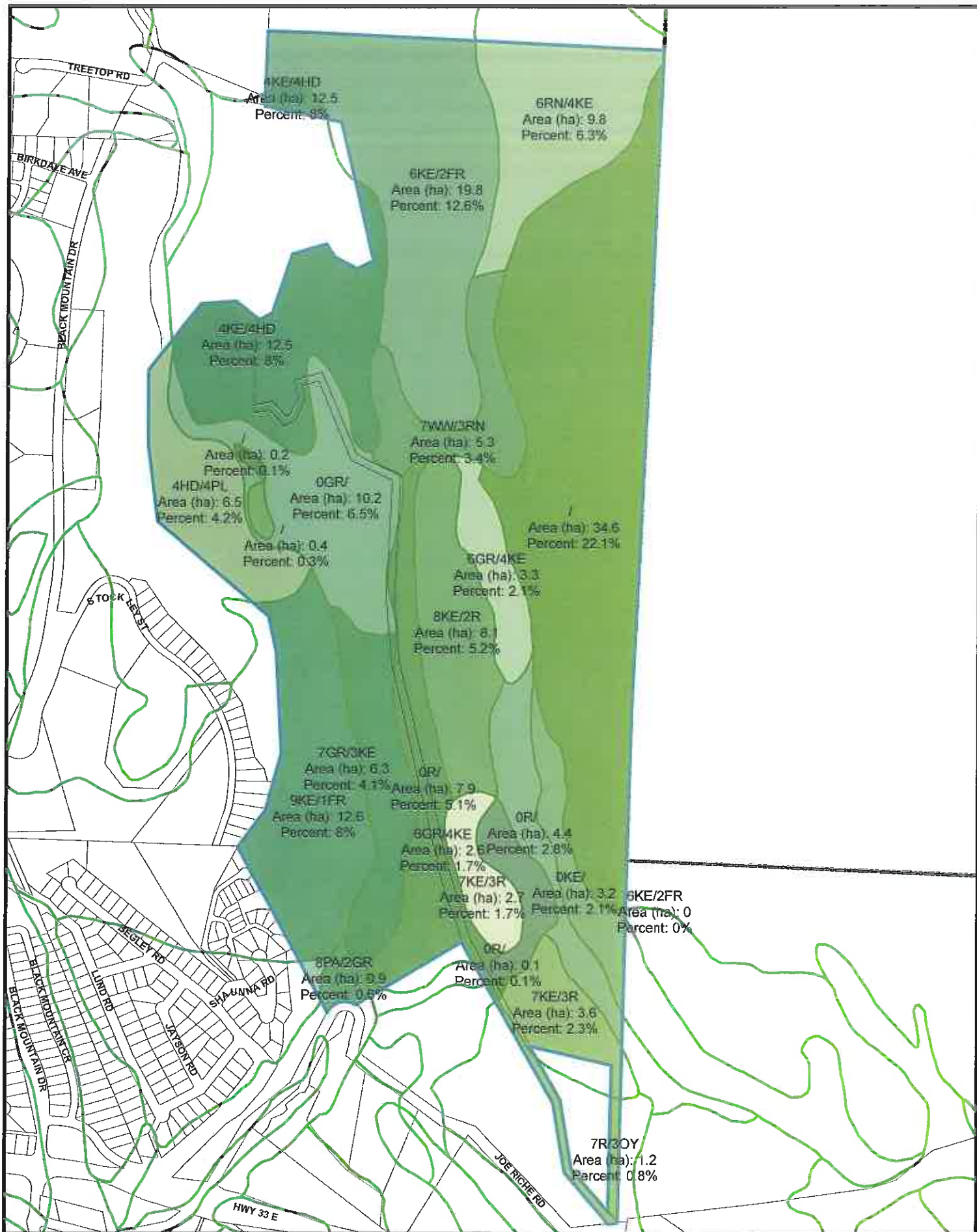


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Land Capability = Brown/ Soil Class = Green



Land Capability = Brown/ Soil Class = Green





- ① BMD RESERVOIR
- ② SOUTH MAIN DAM
- ③ NORTH DAM
- ④ SADDLE DAM
- ⑤ CONDUITS THROUGH MAJOR DAMS
- ⑥ UV DISINFECTION
- ⑦ CHLORINE DISINFECTION
- ⑧ RAW WATER PUMP STATION
- ⑨ FUTURE TREATED WATER PUMP STATION
- ⑩ 1050mm INLET MAIN
- ⑪ 1500mm MAIN TO TREATMENT FACILITIES
- ⑫ FUTURE WATER TREATMENT FACILITIES
- ⑬ FUTURE CLEARWELL
- ⑭ DRAINAGE MODIFICATIONS TO NORTH CHANNEL OF GOPHER CREEK
- ⑮ 1050mm TRANSMISSION MAIN FROM NORTH DAM TO SWAINSON ROAD
- ⑯ 500mm IRRIGATION MAIN TO NORTH END

FIGURE 2.2
 BLACK MOUNTAIN IRRIGATION DISTRICT
 BLACK MOUNTAIN RESERVOIR - ON SITE WORKS
 SCALE 1:5,000



May 18, 2012

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Attention: Planning Department

Dear Sirs:

RE: Application for Rezoning and Application for Non-Farm Purposes within ALR

Introduction

The Black Mountain Irrigation District (BMID) is one of five large water suppliers operating within the City of Kelowna. BMID provides domestic water to 22,000 persons and irrigation for 4,200 acres of agricultural lands with commitment to 1,200 additional acres that have rights to water, but are not currently using the water. As part of BMID's Operating Permit, we are obligated to provide drinking water that meets the regulator's requirements. BMID is required to upgrade our disinfection facilities so that all microbiological risks are effectively addressed. To do so, BMID must construct an Ultraviolet disinfection facility at the site of the proposed Black Mountain Reservoir located at 2458 Joe Rich Road. The disinfection facility is part of a larger plan to construct Black Mountain Reservoir at the proposed site.

Rezoning Application

Please find enclosed our application for rezoning of a specific portion of BMID lands from A-1 (Agriculture) to P-4 (Public utility). There are three lots affected by this application, Lot 8, Plan 1991, Lot 19 Plan 1991, and Lot D, KAP 80286. The land area proposed for rezoning is illustrated in Figure A. Photos of the site are included in this letter.

The rezoning is proposed so that the long term use of the land conforms to City bylaws and land use. The application fee of \$1,779 is included as is a map of the proposed lots, and a title search of the three affected parcels of land.

ALC Application

In conjunction with the rezoning application, BMID is applying to the Agricultural Land Commission for permission to site the water disinfection and possible future water treatment facilities on the reservoir site. On June 27, 2003, BMID received approval from the Agricultural Land Commission (ALC application #G-34757, ALC approval resolution #263/2003) for land use of the reservoir within the ALR for non-farm purposes. The application at that time did not mention the disinfection and future water treatment facilities and BMID has been informed by the ALC that we must reapply for "Land use in the ALR for non-farm purposes". Also at that time, the route of the transmission mains was not clearly shown. The facilities are illustrated on Figure B.

Rationale for Applications

The five large City water utilities recently went through an extensive planning process. The planning exercise was to develop a long term integrated plan for how high quality drinking water would be provided to the regional Kelowna area. The outcome of the planning work was the *Kelowna Integrated Water Supply Plan*, which is currently being finalized. The plan sets out the interim and long term plan to supply domestic and irrigation water to the region. The plan is based on achieving four objectives: to develop the best-lowest cost solutions; to allow flexibility in governance structure; to protect agricultural values; and to achieve the necessary public health outcomes in delivering safe drinking water.

The Black Mountain Reservoir site, including the future UV disinfection and water treatment facilities is a key component of the long term plan to provide drinking and irrigation water to Kelowna. The BMID Mission Creek supply is the only large long term gravity feed for drinking water for the greater City. Current planning by BMID considers the long range demands of domestic and agricultural water for the region. Up to 2,000 additional acres of agriculture could be supplied with the addition of the reservoir.

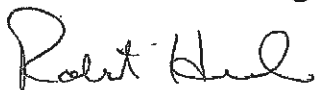
The proposed Black Mountain Reservoir is a large low level 5,000 ML storage reservoir site to be located on BMID lands at 2458 Joe Rich Road. A reservoir has been planned at this site since 1949 with extensive geotechnical and hydro-geotechnical studies having been carried out at the site. BMID has owned the reservoir lands since 1985. The site has recently been used as range land for cattle. BMID is in the process of installing transmission mains to the property where ultraviolet disinfection facilities would be located.

The reservoir site is deemed necessary as it allows BMID to improve the management of water in Mission Creek for drinking water, irrigation and for fish habitat flows. With the reservoir, BMID would be able to access the best quality water for domestic purposes and then to utilize lower elevation, high colour water for fish habitat and in-stream flow requirements.

Please review the information provided. We are available to provide clarification on the proposal and more details on the pipe works, site layout and location of dams and ultimate layout of the site.

Yours truly,

Black Mountain Irrigation District



Robert Hrasko, P.Eng.
Administrator

cc: BMID Board of Trustees

Photo 1 - Looking southwards into Gopher Creek Valley



Photo 2 - Looking Northward (aerial photo)



CITY OF KELOWNA

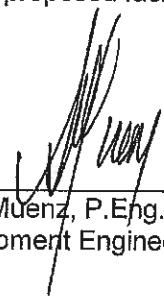
MEMORANDUM

Date: July 10, 2012
File No.: A12-0008
To: Land Use Management (JM)
From: Development Engineering Manager (SM)
Subject: 2458 Joe Rich Road - Lot 8 & 19 Plan 1991 and Lot D plan 80288

Development Engineering comments and requirements regarding this non-farm use application to construct an ultraviolet disinfection and treatment facilities associated with the construction of the future reservoir area as follows:

1. General.

- a) This ALC application does not trigger offsite municipal infrastructure upgrades.
- b) Upon approval of the proposed non-farm use by the ALC, the applicant will have to provide all the assurances, permits from the relevant agencies and reports addressing the potential effects on the surrounding lands and infrastructure prior to undertaking the construction of the proposed facilities and rezoning the subject properties.



Steve Muenz, P.Eng.
Development Engineering Manager

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