

City of Kelowna Public Hearing AGENDA



Tuesday, March 17, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after March 3, 2015 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

- 3.1 2127 Ethel Street, BL11064 (Z15-0004) - Shane Worman 4 - 13

To rezone the subject properties in order to permit row housing.

- 3.2 1980 Saucier Road, BL11065 (Z14-0034) - Emil Anderson Construction Ltd. 14 - 50

To consider an application to the rezone the subject parcel in order to facilitate a subdivision into two (2) lots.

4. Termination

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs,

sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: 2/19/2015

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: Z15-0004 **Owner:** Simple Pursuits Inc.

Address: 2127 Ethel Street **Applicant:** Shane Worman

Subject: Rezoning Application

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z15-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 19, Township 26, ODYD, Plan 29557, located on 2127 Ethel Street, Kelowna, BC from the RU1 - Large Lot Housing zone to RM3 - Low Density Multiple Housing zone, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be subsequent to the following:

1. Requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

To rezone the subject property from RU1 - Large Lot Housing to RM3 - Low Density Multiple Housing in order to permit row housing on the subject property.

3.0 Urban Planning

The Urban Planning department supports the proposed rezoning application. The subject property is currently designated as MRL - Multiple Unit Residential (Low Density), allowing for RM3 zoning with the condition that the established street pattern be maintained. This application supports the City's broad goals of residential intensification within the Urban Core, while introducing an innovative design typology to the community with micro-suites.

Although the site is just outside of the Character Neighbourhood Development Permit Area, it is well suited to redevelopment and intensification for the following reasons. The site is within an urban neighbourhood and has good access to services and amenities in the Pandosy, Capri, and City Centre Urban Centres. The site is a corner lot adjoining compatible uses on all sides. For example, a four story medium density development is located to the east, and seniors housing and institutional offices are located to the south. Moreover, the low rise design of the development would have limited impact on the residential properties on the west side of Ethel Street. Further site design and architectural detailing can be addressed by Council at the Development Permit stage.

The site is also located within 100 metres of two BC Transit stops on Springfield Road which is a corridor identified as part of the Frequent Transit Network within the City's 25 Year Transit Vision.

The proposed development will improve the streetscape and edge conditions of Ethel Street with regard to the long-term transformation of Ethel Street to a key Active Transportation corridor with separate walking and cycling lanes. However, the development plans indicate that access to the parcel will be from Ethel Street across the future corridor (rather than Glenwood Avenue). This access will require a Development Variance Permit to be approved for the current configuration. The Subdivision, Development, and Servicing Bylaw No. 7900 requires that access from corner lots be located on the lower classified road. Staff will provide a recommendation and details of any variances at the Development Permit stage.

In summary, Staff supports this rezoning application based on increasing density in an established neighbourhood and providing housing options in the Urban Core.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours as described in the attached *Schedule 'A'*. No major issues were identified during the initial consultation with neighbouring parcels.

4.0 Proposal

4.1 Project Description

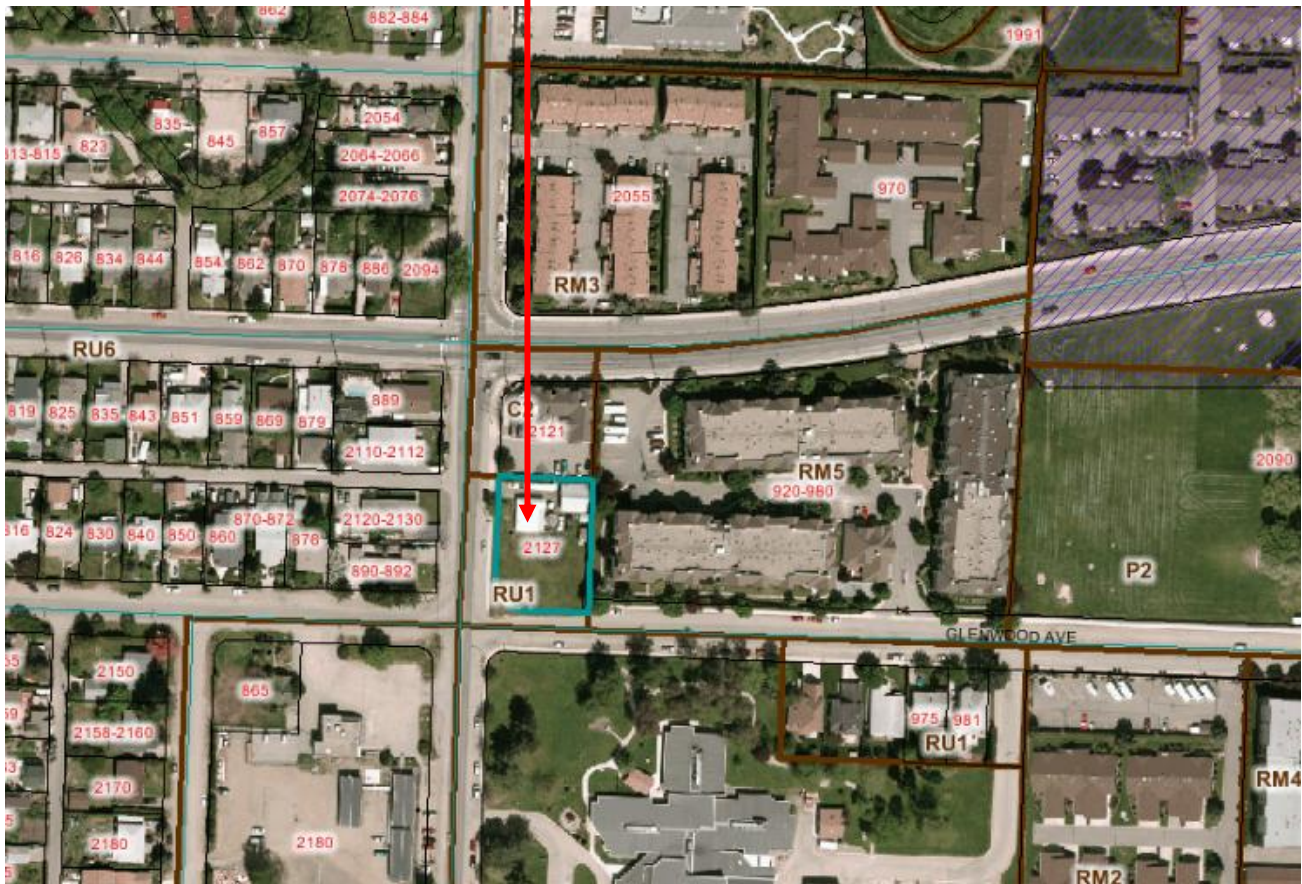
The current proposal is for a 24 micro-unit row housing development.

4.2 Site Context

The site area is approximately 1,665 m² and is located on the corner of Ethel Street and Glenwood Avenue. The subject property is designated as MRL - Multiple Unit Residential (Low Density) and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2 - Neighbourhood Commercial	Mixed Use
East	RM5 - Multiple Residential (Medium Density)	Residential
South	P2 - Education and Minor Institutional	Cottonwoods
West	RU6 - Two Dwelling Housing	Residential

Subject Property Map: 2127 Ethel Street



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	10.0 m / 3 storeys	7.3m / 2 storeys
FAR	0.75	0.42
Front Yard (south)	1.5 m for ground oriented housing	1.5 m
Side Yard (east)	4.0 m	4.0 m
Flanking Side Yard (west)	1.5 m for ground oriented housing	1.5 m
Rear Yard (west)	7.5 m	19.8 m
Site coverage of buildings	40 %	21 %
Site coverage of buildings, driveways & parking	60 %	54 %
Other Regulations		

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Minimum Parking Requirements	24 parking stalls	24 parking stalls
Minimum Bicycle Parking Requirements	Class 1: 12 bikes Class 2: 3 bikes	Class 1: 12 bikes Class 2: 3 bikes
Private Open Space	180 m ²	180 m ²
Subdivision, Development, and Servicing Bylaw		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Driveway Access	Located on Glenwood Avenue	Located on Ethel Street ^o
^o A Variance to the Subdivision, Development, and Servicing Bylaw No. 7900 will be needed.		

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

7.0 Technical Comments

7.1 Building & Permitting Department

- a) Demolition permits are required for any existing structures
- b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- c) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- d) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
- e) Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- f) The public corridor created between the upper two units needs protection for exiting of the upper units. We recommend that the code analysis be discussed in detail with the Building Department to ensure code compliance prior to the release of the DP.
- g) Size and location of all signage to be clearly defined as part of the development permit.
- h) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Chapter 4 (Future Land Use).

- i) Fire resistance ratings are required for storage, janitor, mechanical and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how these rating will be achieved and where these area(s) are located.
- j) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances from the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc
- k) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

7.2 Development Engineering

- See attached

7.3 Fire Department

- a) Fire Department access is to be met as per BCBC 3.2.5.
- b) Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- c) Provide a visible address for responding vehicles
- d) Ensure the refuse location is 10 meters from the combustible structure
- e) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met,
- f) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- g) We assume this would be a part 9 building with no fire alarm or fire sprinklers. In the event this building requires a fire alarm, the fire department will make further comments.

8.0 Application Chronology

Date of Application Received: January 30th 2015
Date of Public consultation: January 30th 2015

Report prepared by:

Adam Cseke, Planner

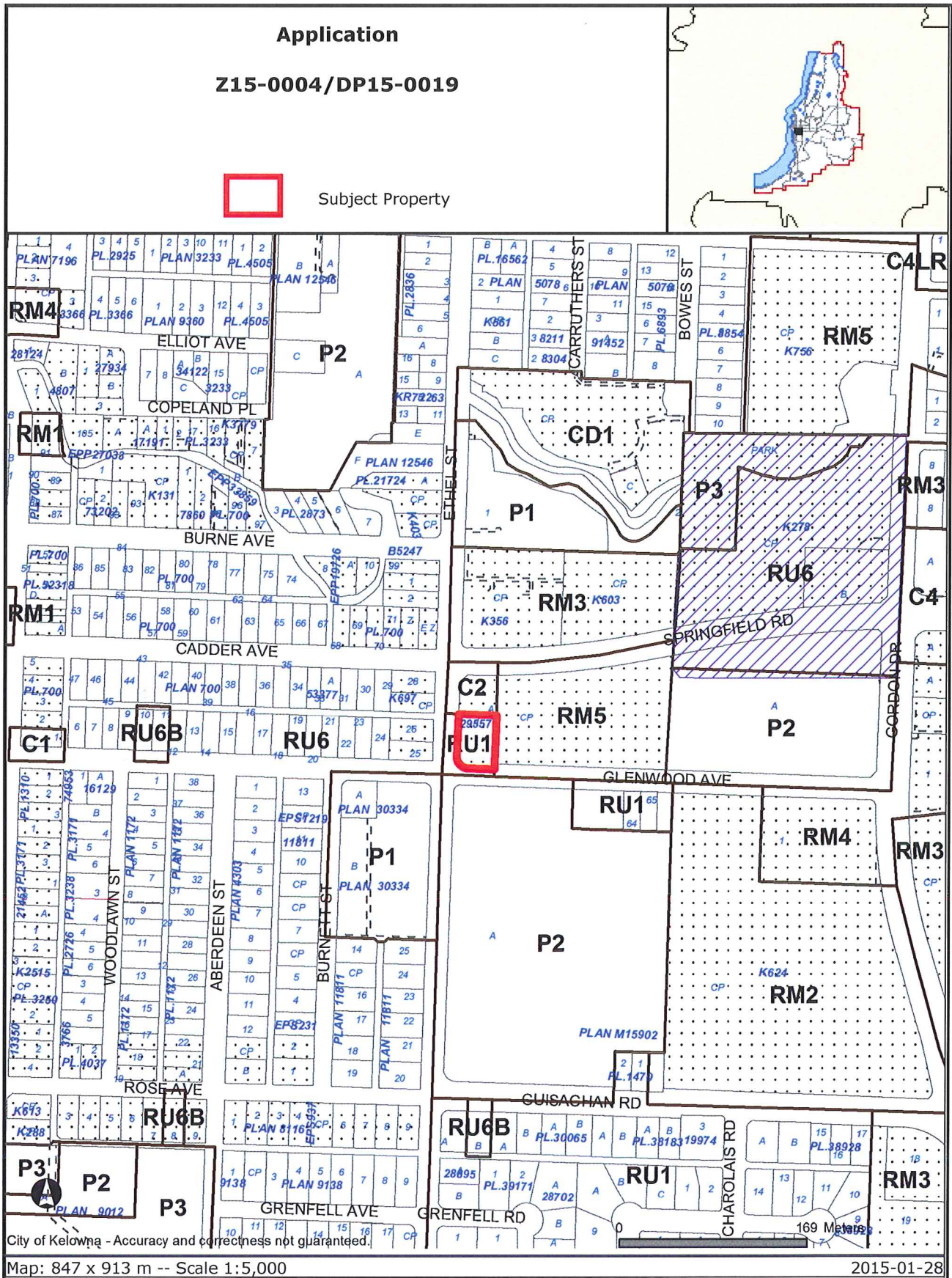
Reviewed by:



Lindsey Ganczar, Urban Planning Supervisor

Attachments:

Subject Property Map
Application Package
Development Engineering Comments



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.

CITY OF KELOWNA
MEMORANDUM

Date: February 19, 2015
File No.: Z15-0004

To: Urban Planning (AC)

From: Development Engineering Manager

Subject: 2127 Ethel Street *REVISED*

RU1 to RM3

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with 19mm diameter water service. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- (b) The applicant, at his cost, will arrange for the removal of the existing service on Ethel Street and the installation of one new larger metered water service. The new service should tie in to the main on Glenwood Ave.
- (c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) The existing lot is serviced with a 100mm diameter sanitary service. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of the existing small diameter service and the installation of a new larger service. The new service should tie in to the main on Glenwood Ave. The estimated cost of this construction for bonding purposes is **\$8,000.00**

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plans, minimum basement

elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of one new overflow service. The new service should tie in to the main on Glenwood Ave. The estimated cost of this construction for bonding purposes is **\$5,000.00**

4. Road Improvements

- (a) Ethel Street must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$23,000.00**
- (b) Glenwood Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$15,000.00**

6. Subdivision

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Dedicate ~4.8m width along the full frontage of Glenwood Ave.
- (c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- b) Streetlights must be installed on Ethel Street & Glenwood Ave if needed.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the city engineer before construction may begin.

9. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content,

Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

12. Bonding and Levy Summary

(a) Bonding

Water service upgrades	\$ 10,000
Sanitary sewer service upgrades	\$ 8,000
Storm overflow services	\$ 5,000
Ethel Street frontage improvements	\$ 23,000
Glenwood Ave frontage improvements	\$ 15,000
Total Bonding	\$61,000.00

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City.

12. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) *The preferred access to the site is from Glenwood Avenue, however, due to the site configuration, access from Ethel Street will be permitted provided that proper signage is installed and the insurance that sufficient sight distance is provided so as to limit conflicts with the future multi-use corridor. It is recommended that the signage be installed both within the proposed development and on the future multi-use corridor.*
- (ii) *Furthermore, it is advised that in the future, access and egress to and from the site may be restricted to right-in and right-out due to conflicts with the southbound to eastbound turn from Ethel Street to Glenwood Avenue or with a future median.*
- (iii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.



Steve Muenz, P. Eng.
Development Engineering Manager
SS

According to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*¹, an Approving Officer may authorize a subdivision if it is at the boundary of, or outside the Agricultural Land Reserve (ALR) without a resolution from the Agricultural Land Commission (ALC).

The portion of the property to be rezoned is outside of the boundaries of the Agricultural Land Reserve (ALR). The proposed lots meet or exceed the minimum lot size for subdivision criteria for the A1 - Agriculture 1 and RR1 - Rural Residential 1 zones. The proposed A1 - Agriculture 1 parcel will be 2.0 hectares (4.94 acres), which is the minimum lot size in accordance with the Zoning Bylaw No. 8000 subdivision criteria. The second lot, proposed to change to RR1 - Rural Residential 1, will be 1.3 hectares (3.21 acres). The minimum lot size for RR1 is 1.0 hectare (2.47 acres).

The future land use of the property is designated REP - Resource Protection Area in the Official Community Plan (OCP). The application to rezone a portion of the parcel from A1 - Agriculture 1 to RR1 - Rural Residential 1 is consistent with the future land use designation. However, the OCP states that '*Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization*'².

Staff recognize that the configuration of the property is awkward, with the ALR portion of the property sandwiched between a rural residential land use to the north and the non-ALR portion to the south. However, given the OCP policy to not support subdivision of Non-ALR lands outside of the Permanent Growth Boundary, staff recommends non-support of the application.

4.0 Proposal

4.1 Background

The subject parcel was purchased by the applicant in 1958 for the primary use of gravel extraction. The owners moved an asphalt plant to the site in the early 1960's. The plant was in production until approximately 1976 when the majority of the gravel suitable for asphalt production was depleted. The asphalt plant was then relocated to its current location on Stevens Road. Minor amounts of gravel continued to be mined from the site up until the early 1990's. Since then, the parcel has remained vacant and unused.

In the early 2000's, water rights were purchased from SEKID to provide Grade A status for the parcel.

An application for subdivision was initiated in 2005 (ALR05-0012). The subdivision proposed to divide the parcel into 3 rural residential parcels. The proposed subdivision would have required that land be excluded from the ALR. The application was not supported by the Agricultural Advisory Committee. The application did not proceed beyond this step and the file was closed in 2007. At that time, an Agrologist's report was obtained by the applicant stating the land had low agricultural capability.

4.2 Project Description

As noted above, the parcel will be subdivided into two parcels. The north portion will have an area of 2.0 ha, while the south portion will be 1.3 ha. The south portion of the parcel is not

¹ Queen's Printer, 2002. Agricultural Land Commission Act – Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Part 5 (10). http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002#part5

² City of Kelowna, 2012. Official Community Plan – Chapter 4 – Future Land Use – Resource Protection Area, p. 4.2. <http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws%5COfficial%20Community%20Plan%202030%20Bylaw%20No.%2010500/Chapter%2004%20-%20Future%20Land%20Use.pdf>

within the ALR and is the portion that will be rezoned from A1- Agriculture 1 to RR1- Rural Residential 1, while the northern lot will retain the A1 - Agriculture 1 zoning.

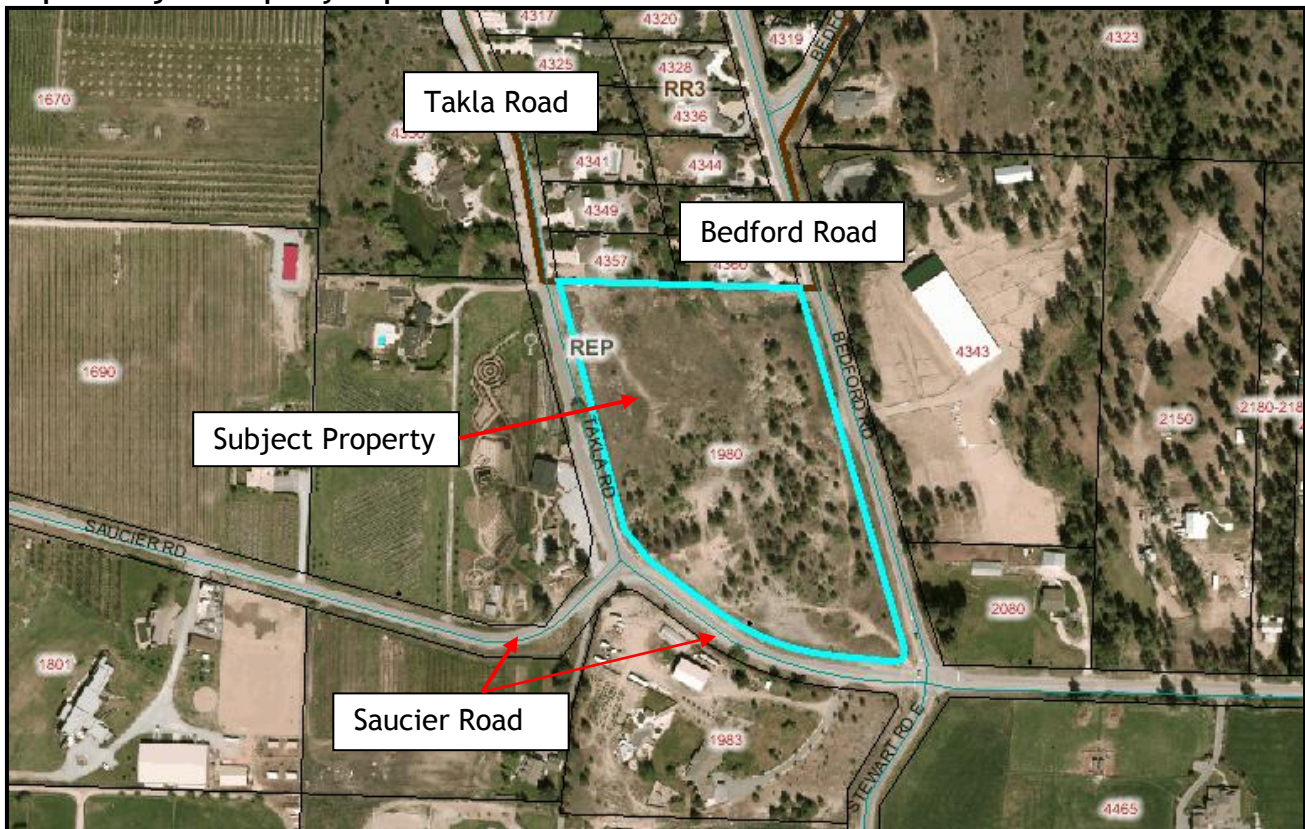
The area directly north of the subject parcel has numerous parcels zoned RR3 - Rural Residential 3, also not in the ALR. To the north of that grouping are parcels zoned RR1 and RR1c - Rural Residential 1 with Carriage House. With the remainder of the surrounding land retaining the A1- Agriculture 1 zone. The rezoning of the subject parcel will be in context with the surrounding area and will give purpose to land which has remained under utilized.

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Residential
East	A1 - Agriculture 1	Farm
South	A1 - Agriculture 1	Farm
West	A1 - Agriculture 1	Farm

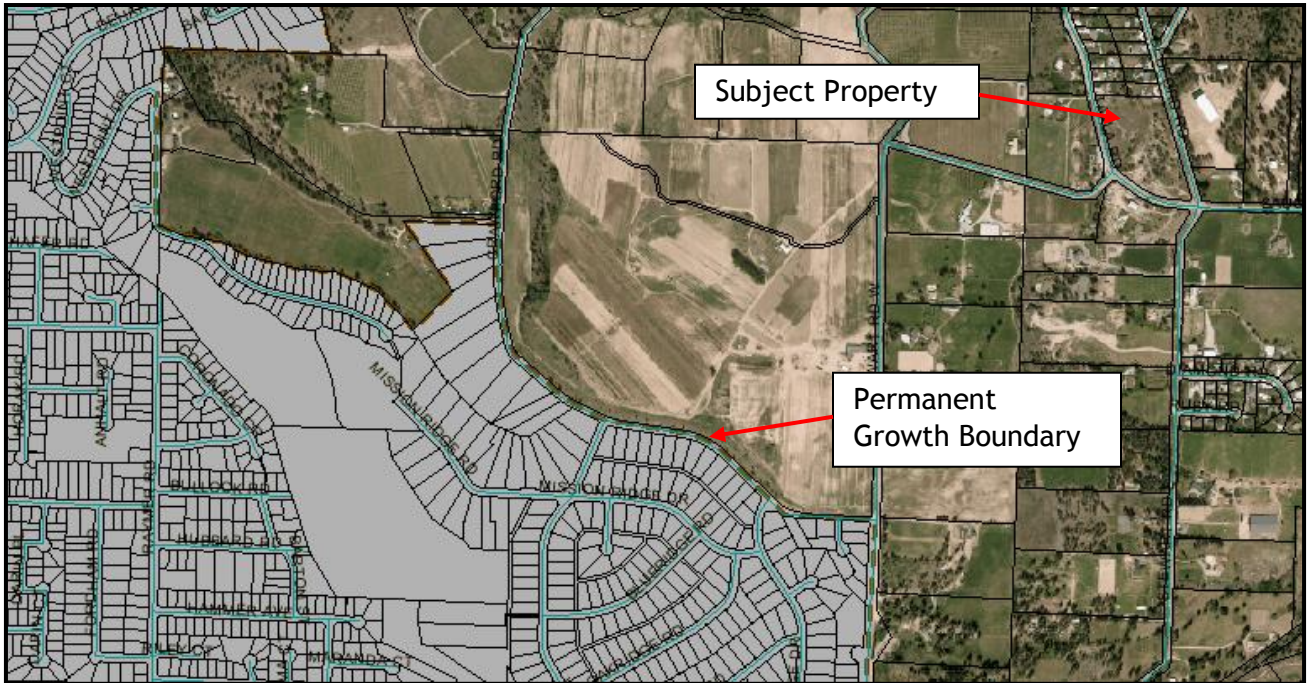
Map 1: Subject Property Map: 1980 Saucier Road



Map 2: Agricultural Land Reserve Map



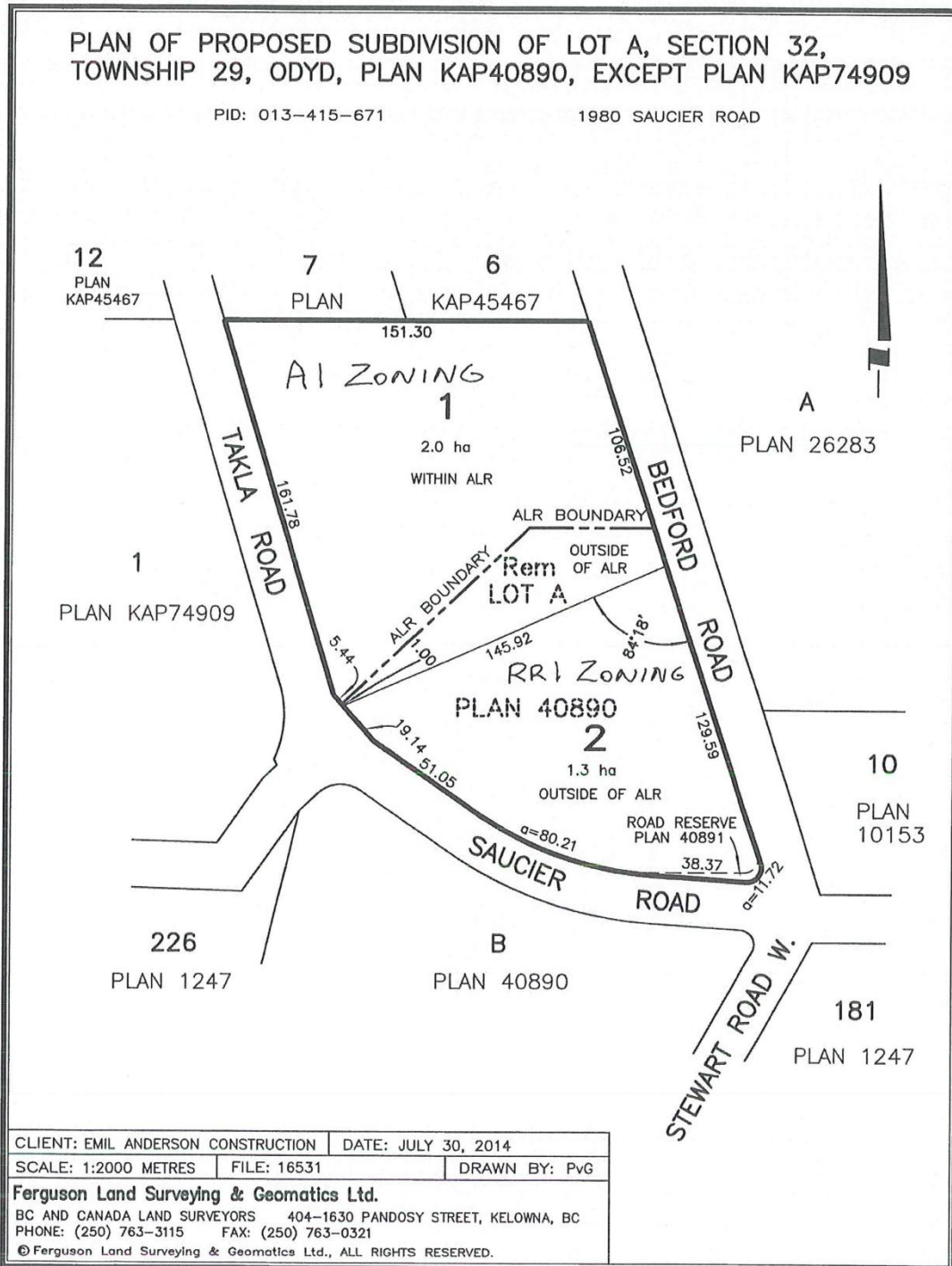
Map 3: Permanent Growth Boundary



Map 4: Farm Protection Area



Map 5: Proposed Subdivision Map



4.4 Agricultural Capability and Soils

In 2005, a land capability assessment for agriculture³ was completed (H. Luttmerding, 2005, attached). The property is gently sloped to the south. The soils are very granular and rapidly drained with low soil fertility and nutrient holding capacity.

The results of the assessment indicated that the majority of the property (over 85%) has a land capability rating of Class 6A, which is limited by severe droughtiness. These lands are typically used for grazing. With irrigation, the capability improves to Class 5, which indicates limitations to producing perennial forage crops (see BCLI Legend, attached).

According to the Soils Classification of BC (Map 6, below), 79.9% of the property is labeled as 'Modified Landscape A' (MLA). This is a modified landscape that consists of active or inactive gravel pit areas. Of the remainder, 17% of the property is 'Trout Creek' soils, which are coarse, well drained deposits overlain by sandy loam, and 3% of a combination of Paradise and Trout Creek soils, which are also coarse, well drained deposits, overlain by sandy loam. Trout Creek soils are typically planted in vineyards and orchards, with steep sections planted in hay.

³ Luttmerding, P. Ag., 2005. Land Capability for Agriculture Inspection. 1980 Saucier Road (Lot A, Plan 40890, Sec. 32 TWP 29, ODYD)

Map 6: Land Capability Map

Land Capability = Brown/ Soil Class = Green



Map 7: Land Capability Map

Land Capability = Brown/ Soil Class = Green



4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
A1- Agriculture 1 - Subdivision Regulations		
Lot Area	2.0 ha	2.0 ha
Lot Width	40.0 m	138 m (approx.)
Lot Depth	m	149 m (approx.)
RR1- Rural Residential 1 - Subdivision Regulations		
Lot Area	1.0 ha	1.3 ha
Lot Width	40.0 m	130 m (approx.)
Lot Depth	30.0 m	44 m (approx.)

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Protect Agricultural Land. ⁴ 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 Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

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.

Housing in Agricultural Areas. ⁶ Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

5.2 City of Kelowna Agriculture Plan

Farmland Preservation. ⁷ Direct urban uses to land within the urban portion of the defined urban - rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands;

5.3 Agricultural Land Commission

Subdivision Approval ⁸

⁴ City of Kelowna Official Community Plan, Policy 5.33.1 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.33.6 (Development Process Chapter).

⁶ City of Kelowna Official Community Plan, Policy 5.33.8 (Development Process Chapter).

⁷ City of Kelowna Agriculture Plan (1998); p131).

⁸ Agricultural Land Commission Act, Policy #12, 10 (1)(d) (ALR Subdivision Approval by Approving Officers).

10 (1) Despite Section 18 (b) of the Act, an approving officer under the Land Title Act, the Local Government Act, or the Strata Property Act or a person who exercises the powers of an approving officer under any other Act may authorize or approve a plan of subdivision without the approval of the commission if the proposed plan achieves one or more of the following:

- consolidates 2 or more parcels into a single parcel by elimination of common lot lines;
- resolves a building encroachment on a property line and creates no additional parcels;
- involves not more than 4 parcels, each of which is a minimum of 1 ha, and results in all of the following:
 - no increase in the number of parcels;
 - boundary adjustments that, in the opinion of the approving officer, will allow for the enhancement of the owner's overall farm or for the better utilization of farm buildings for farm purposes;
 - no parcel in the reserve of less than 1 ha;
- establishes a legal boundary along the boundary of an agricultural land reserve.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum dated September 19, 2014.

6.2 Policy & Planning

Policy & Planning recognizes that this previous gravel extraction site is partially out of the ALR and has an agrologist's report that shows limited potential for soil-based agriculture uses. However, this application is not in alignment with the OCP due to the following reasons:

- It does not meet the Resource Protection Area guidelines designation, which states: "Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. *Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.*" (OCP 4.2)
- In 2005, Application ALR05-0012 for the property was reviewed by the Agricultural Advisory Committee (AAC). The 2005 application was to exclude the portion of the property within the ALR, to facilitate a 3 lot subdivision. The AAC did not support the application. RATIONALE: The AAC considers that the land has the potential to be rehabilitated in order to sustain arable agriculture, or could be used for an agricultural venture that does not require arable land. The AAC also does not support this application because it would result in a further extension of urban development in an agricultural area.

6.3 Fortis BC Inc - Electric

There are primary distribution facilities along Saucier, Bedford and Takla Roads. However, due to their size, both proposed lots may require extension work to bring service to potential building sites, the cost of which is typically significant. The applicant is responsible for costs associated with any change to the proposed lots' existing service, if any, as well as the provision of

appropriate land rights where required. Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.4 Interior Health Authority

Provided that this development is serviced by community water and sanitary sewer, this office has no concerns regarding drinking water or liquid waste.

If this development does not have community services and the application proceeds to the subdivision stage, IH will require confirmation that any new lots are suitable for onsite sewage disposal and water supply.

7.0 Application Chronology

Date of Application Received: August 21, 2014

Agricultural Advisory Committee: November 6, 2014

The above noted application was scheduled to be reviewed by the Agricultural Advisory Committee; which did not occur due to lack of Quorum.

Meeting with Applicant: December 3, 2014

Meeting with ALC Staff to discuss options: February 2, 2015

Report prepared by:

Melanie Steppuhn

Reviewed by: Todd Cashin, Subdivision, Agriculture & Environment Services Manager

Reviewed by
Approved for Inclusion: Shelley Gambacort, Subdivision, Agriculture & Environment Services Director

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Subject Property Map

ALR Map

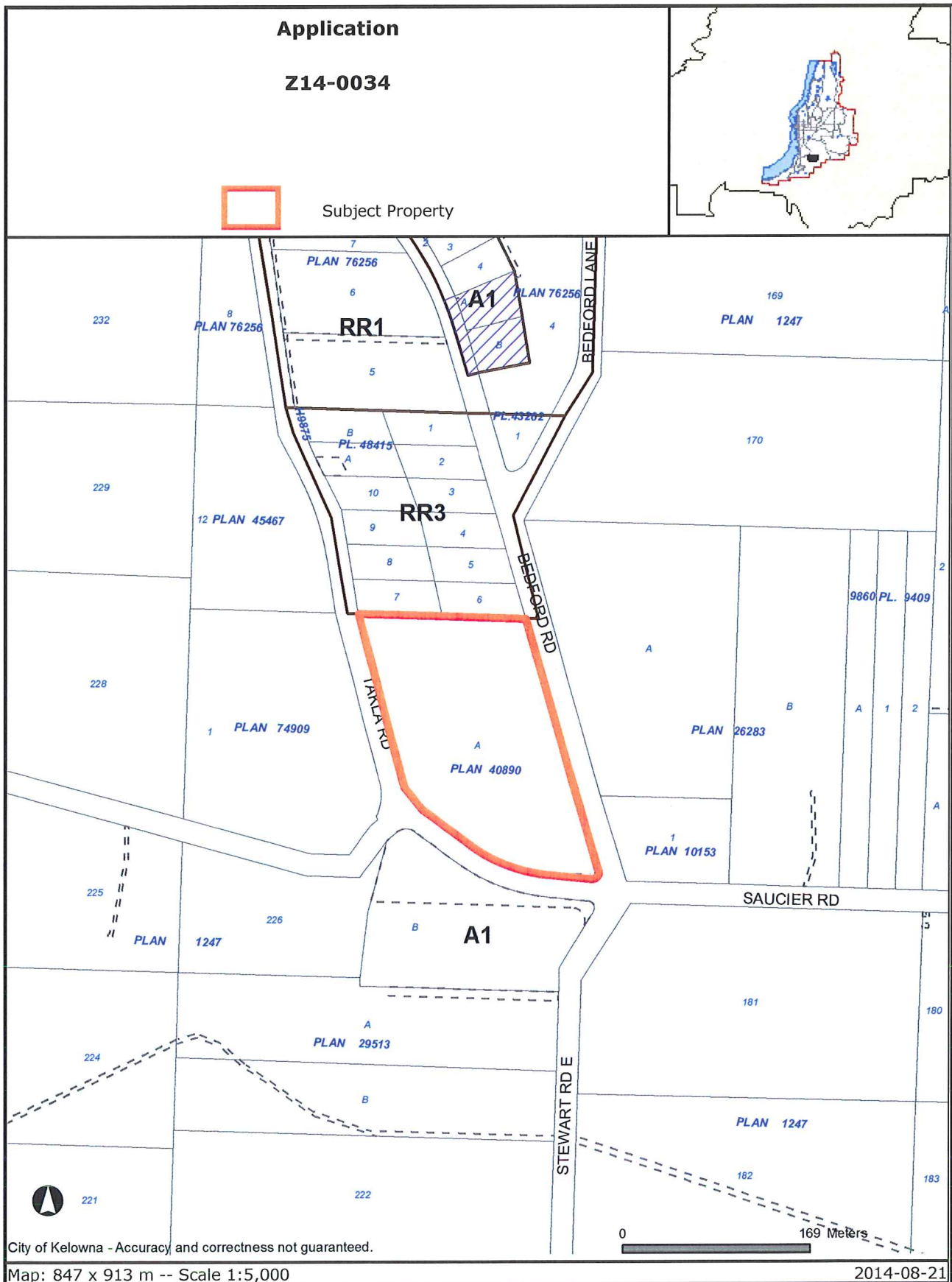
Plan of Proposed Subdivision

Development Engineering Memorandum (Sept. 19, 2014)

BCLI Land Capability Legend

Agrologist's Report (H. Luttmerding, Nov. 30, 2005)

Site Photos

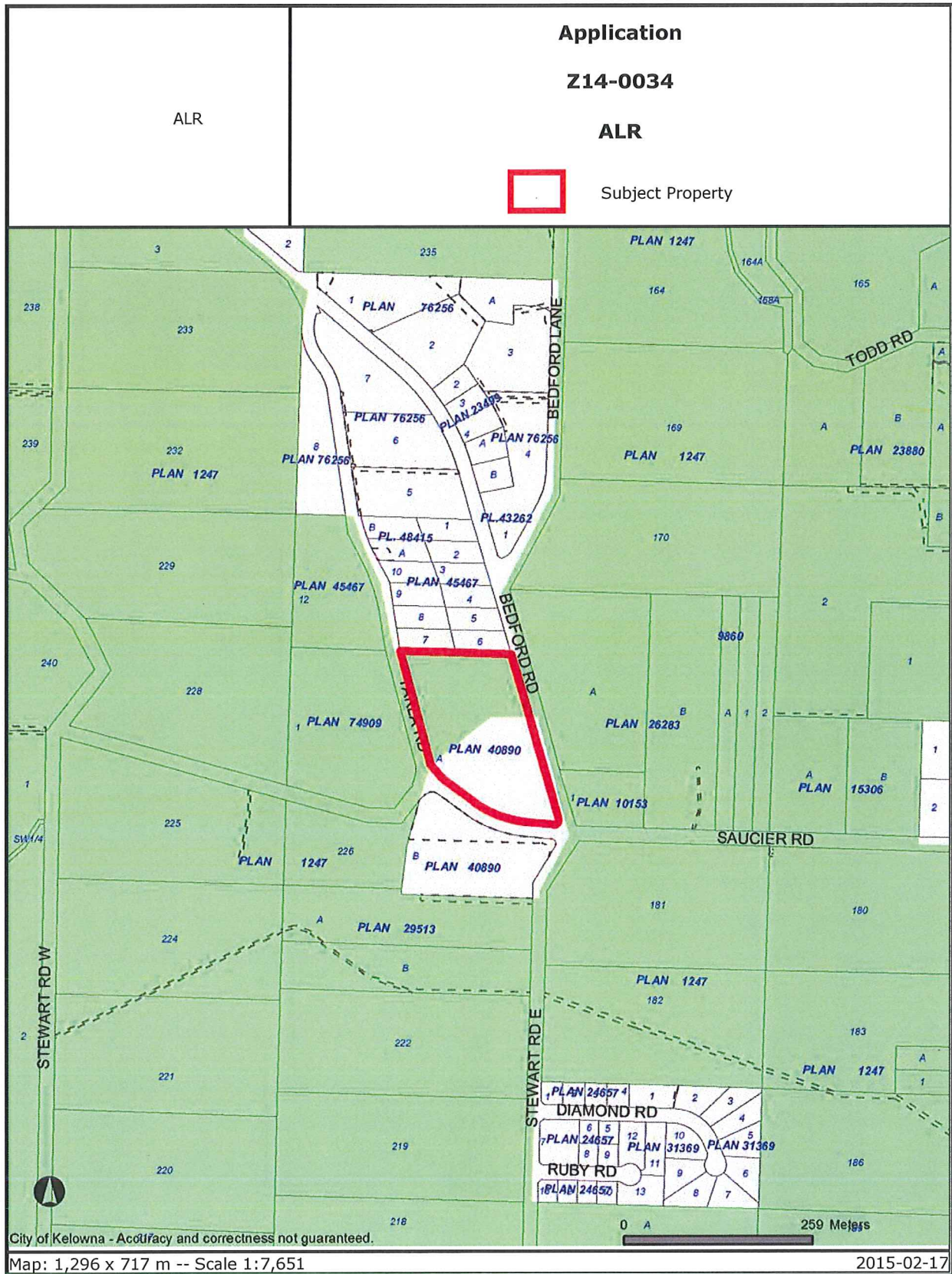


City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2014-08-21

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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PLAN OF PROPOSED SUBDIVISION OF LOT A, SECTION 32,
TOWNSHIP 29, ODYD, PLAN KAP40890, EXCEPT PLAN KAP74909

PID: 013-415-671

1980 SAUCIER ROAD

12
PLAN
KAP45467

7 PLAN KAP45467
6 PLAN KAP45467

A
PLAN 26283

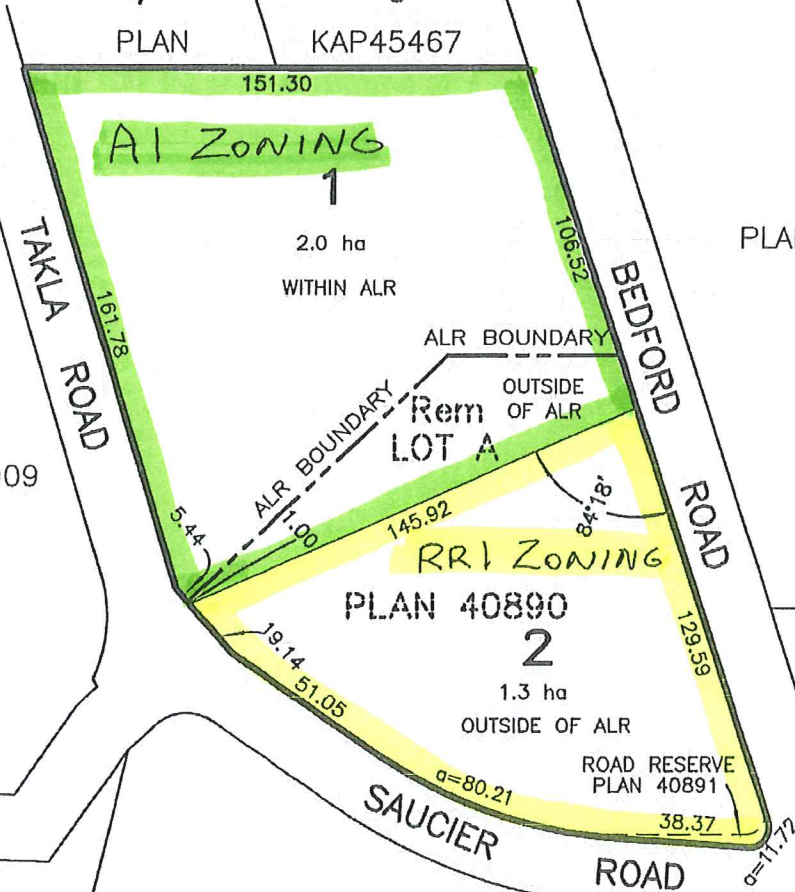
1
PLAN KAP74909

226
PLAN 1247

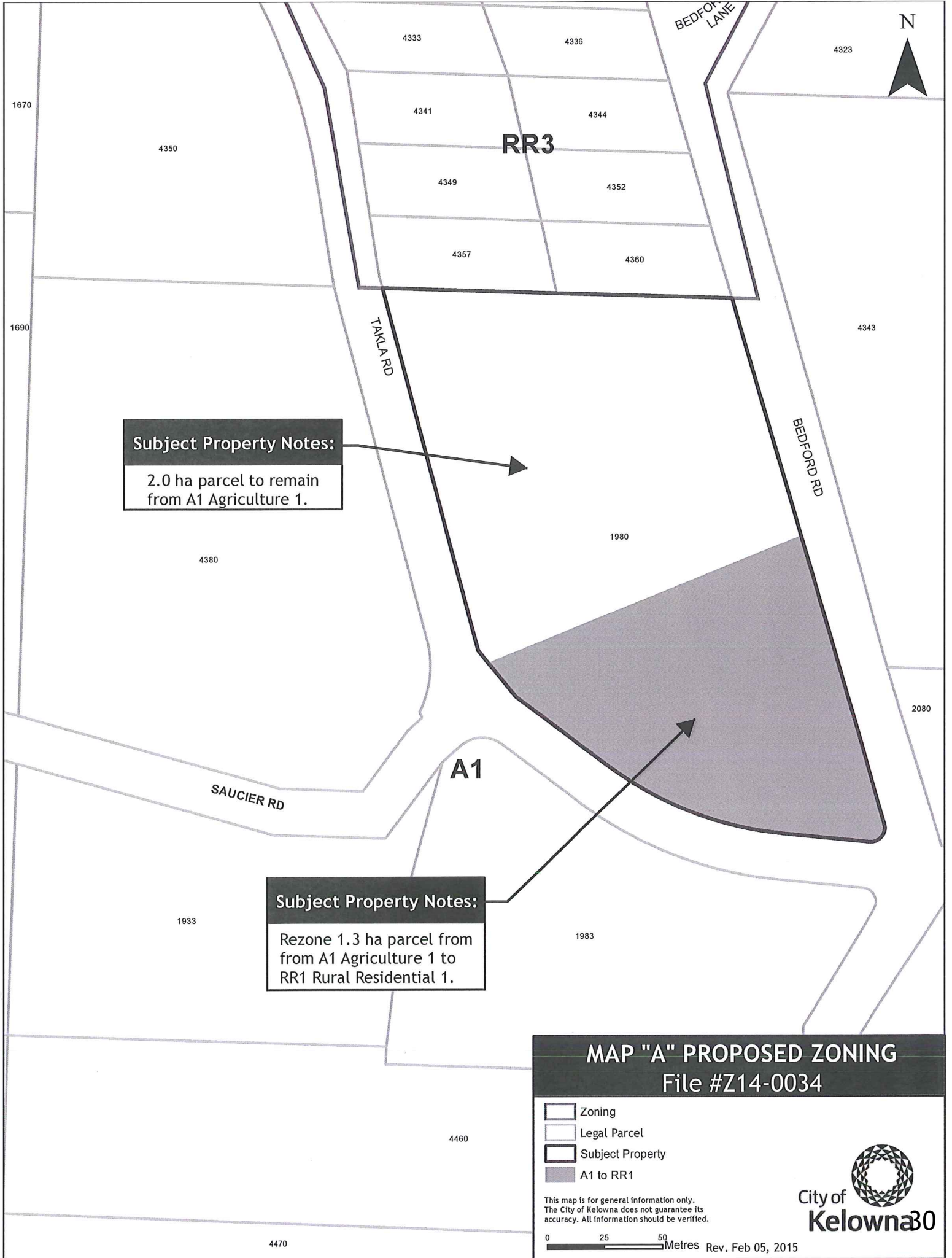
B
PLAN 40890

10
PLAN 10153

181
PLAN 1247



CLIENT: EMIL ANDERSON CONSTRUCTION		DATE: JULY 30, 2014
SCALE: 1:2000 METRES	FILE: 16531	DRAWN BY: Pvg
Ferguson Land Surveying & Geomatics Ltd.		
BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC		
PHONE: (250) 763-3115 FAX: (250) 763-0321		
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Subject Property Notes:
 2.0 ha parcel to remain from A1 Agriculture 1.

Subject Property Notes:
 Rezone 1.3 ha parcel from from A1 Agriculture 1 to RR1 Rural Residential 1.

MAP "A" PROPOSED ZONING
 File #Z14-0034

- Zoning
- Legal Parcel
- Subject Property
- A1 to RR1

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



CITY OF KELOWNA

MEMORANDUM

Date: September 19, 2014
File No.: Z14-0034
To: Land Use Management (MS)
From: Development Engineering Manager (SM)
Subject: 1980 Saucier Rd Belford Rd Takla Rd Proposed Subdivision

The Development Engineering comments regarding this application to subdivide land to create two lots are as follows:

1. Roadways

Road reserve Plan 4089 to be triggered for Dedication as road.
The road access points will require further review with future applications.

2. Domestic water and fire protection

The subject property is within the service area of the South East Kelowna Irrigation District (SEKID). The applicant is required to make satisfactory arrangements with the SEKID for these items prior to subdivision.

An adequately sized domestic water and fire protection system shall be in place prior to subdivision.

3. Sanitary Sewer

This subject parcel is currently not within the City service area. On-site servicing will be reviewed by the Interior Health Authority and Building & Permitting with future applications.

Steve Muenz, P.Eng.
Development Engineering Manager
JF

BCLI Land Capability

Legend

1	Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.
2	Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.
3	Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
4	Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.
5	Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.
6	Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 lands can be improved by draining, diking and/or irrigation.
7	Land in this Class has no capability for arable agriculture or sustained natural grazing. All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but does not provide natural sustained grazing for domestic livestock due to unsuited natural vegetation. Also included are rock land, other non-soil areas, and small water bodies not shown on the maps. Some unimproved Class 7 land can be improved by draining, diking, irrigation, and/or levelling.

Soil Classification

The soil classification for the subject property is as defined below.

Portion of Site / %	Soil Type	Description
79.9%	MLA (Miscellaneous Land Type A)	<u>Gravel and Sand Pits: consists of active and inactive areas of granular material extraction sufficiently large enough to be mapped</u> ⁸
17%	TC (Trout Creek)	<u>Land:</u> level to sloped fluvial veneer between 60 to 100 cm thick overlying very coarse fluvioglacial deposits <u>Texture:</u> surface textures are sandy loam or loamy sand overlying gravelly sand <u>Drainage:</u> well to rapidly drained <u>Classification:</u> Eluviated Eutric Brunisol Mostly planted to tree fruits and vineyards, steep areas for grazing or hay production ⁹ .
3.1%	70% PE (Paradise)/30% TC (Trout Creek)	<u>Paradise Soils:</u> <u>Land:</u> level to strongly sloped with a sandy veneer overlying fluvioglacial deposits <u>Texture:</u> surface textures are sandy loam or loamy sand overlying subsoils of very gravelly sand or very gravelly loamy sand <u>Drainage:</u> rapidly drained <u>Classification:</u> Eluviated Eutric Brunisol Well suited to agriculture however the low water holding capacity can be a restriction. Mostly planted to tree fruits and vineyards, or intensive vegetable production.

⁸ Province of BC, Ministry of Agriculture, Fisheries and Food, 1994. Soil Management Handbook for the Okanagan and Similkameen Valleys.

⁹ BC Ministry of Environment., Soils of the Okanagan and Similkameen Valleys – MOE Technical report 11. http://sis.agr.gc.ca/cansis/publications/surveys/bc/bc52/bc52_report.pdf

H.A. Luttmerding, P.Ag.
Specialist in Land Inventory,
Interpretation and Use

1190 Thompson Road
Kelowna, British Columbia
Canada, V1X 1C7

Phone: (250) 861-5407
email: hluttmer@telus.net

November 30, 2005

Gregory Asling, P.Eng.
Emil Anderson Construction Co. Ltd.
907 Ethel Street
Kelowna, BC V1Y 2W1

Dear Mr. Asling,

**RE: Land Capability for Agriculture Inspection, 1980 Saucier Road
(Lot A, Plan 40890, Sec. 32, Twp. 29, ODYD)**

As requested, I have conducted a detailed on-site land capability for agriculture assessment of the ALR portion (approx. 1.7 ha) of the above property. My findings follow below and on the attached sketch.

I understand that the site consists of a decommissioned gravel pit owned and operated by Emil Anderson Construction Co. Ltd. for at least 40 years and that reclamation plans were never developed nor required.

Area 1, on the attached sketch, occupies the majority of the site and has a gentle (approx. 5%), graded, southerly slope. The soil materials are typical for a gravel pit and have textures which are mostly gravelly or very gravelly sand with inclusions of medium to coarse sand near the northern margins. Coarse fragment content (cobbles and stones) is mostly moderate to high (10% to 30% of the soil volume) although stone-free areas occur in the sandy areas. The soils are rapidly drained and have very low water holding capacity. Soil fertility and nutrient holding capacity is also very low due to the coarse soil textures.

The land capability for agriculture ratings are based on the methodology as outlined in *Land Capability Classification for Agriculture in British Columbia, 1983, MOE Manual 1; B.C. Ministry of Agriculture and Food, and Ministry of Environment*. The unimproved (ie. non-irrigated) land capability rating for Area 1 is Class 6A due to extreme droughtiness, and its agriculture use is essentially limited to natural grazing. The best improved capability rating (with irrigation and stone picking) is still very low at Class (5A) or (5AP) for most of the site with the few, small discontinuous sandy pockets improving to Class (4AF). In essence, even with irrigation and stone picking, the soil based agricultural uses are still limited to mainly perennial forage crop production.

Area 2 consists of the steep gravel pit walls leading down from the adjacent higher lands. Slopes are mainly well in excess of 40 % and consist of stony, gravelly or sandy material. Both unimproved and improved agricultural ratings are mostly Class 7T.

Area 3 in the northeast corner is a small triangle consisting of a remnant of land not developed for gravel pit use. It is more-or-less level and has sandy loam textures in the upper 50 cm which then grade to gravelly sand or gravel. Unimproved land capability for agriculture here is Class 5A while the improved rating is Class (2A).

The subject area is bounded on the east and west by Bedford Road and Takla Road, respectively. The land east of Bedford Road is partially cleared and appears to be used mainly for pasture. The area on the west side of Takla Road is developed for agriculture and consists mainly of a vineyard. A residential subdivision abuts on the north and northeast while the area on the south consists of the continuation of the decommissioned gravel pit (and not in the ALR).

In summary, the ALR portion of the subject property is severely limited for soil-based agriculture uses by very coarse and stony soil textures and very low water holding capacity as well as, in small areas, by adverse topography. The small size of the area is also a limitation. Unimproved land capability for agriculture ratings vary from Class 6A to 7T. The improved ratings are mostly Class (5A) or (5AP), at best.

If any of the previous is unclear or requires more detail please contact me at (250) 861-5407.

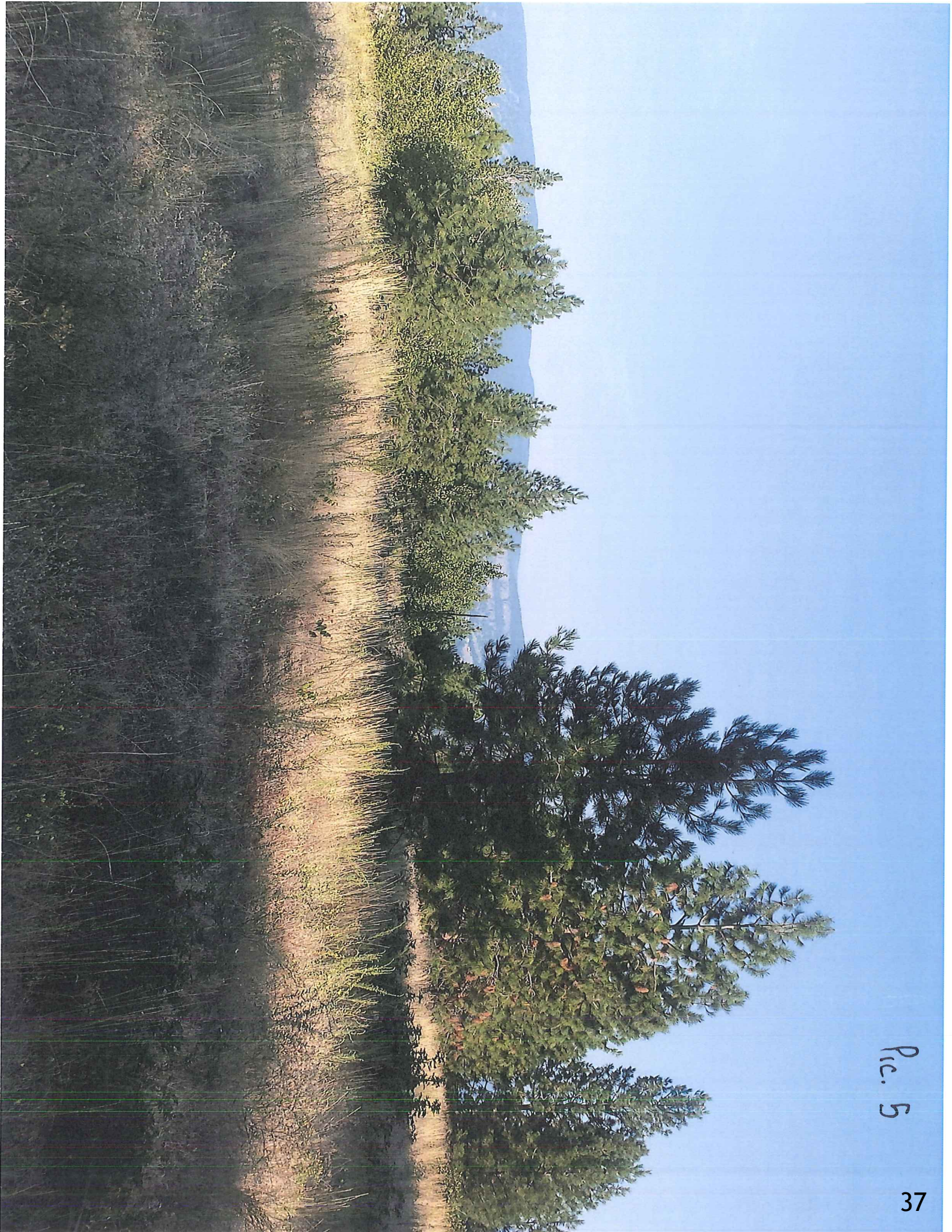
Yours truly,



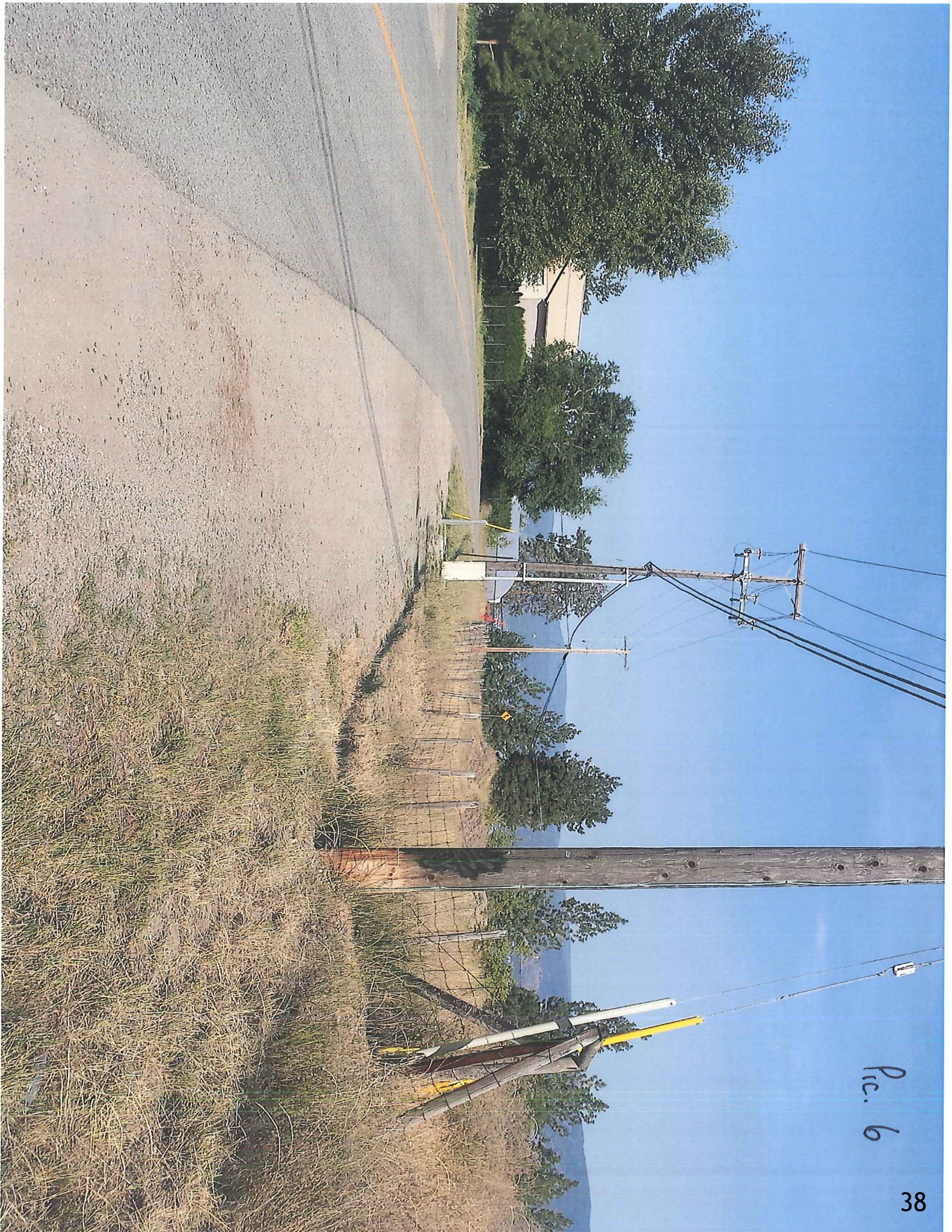
H.A. (Herb) Luttmerding, P.Ag.
Soils/Terrain Specialist

attachment





Pic. 5



Pic. 6



Plc. 7

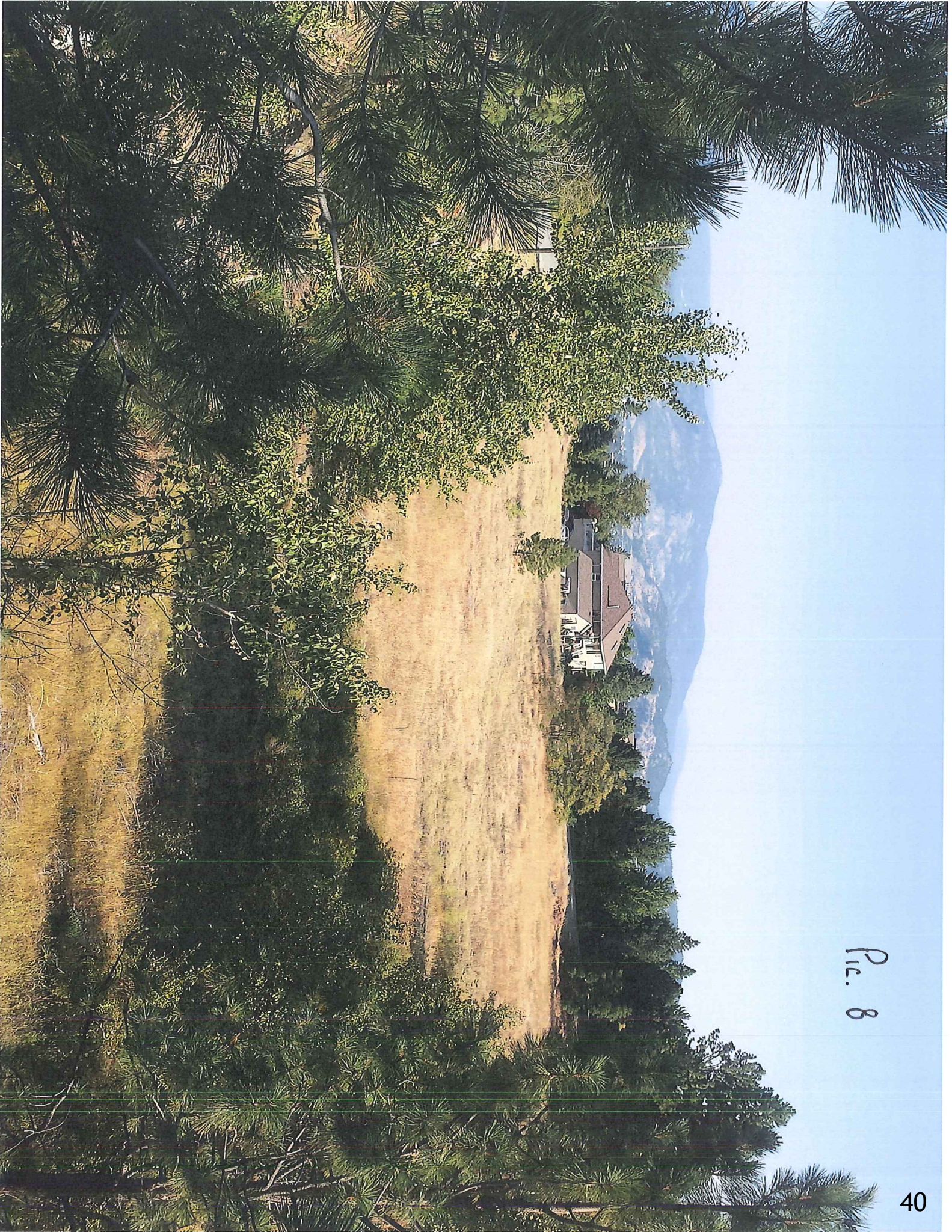
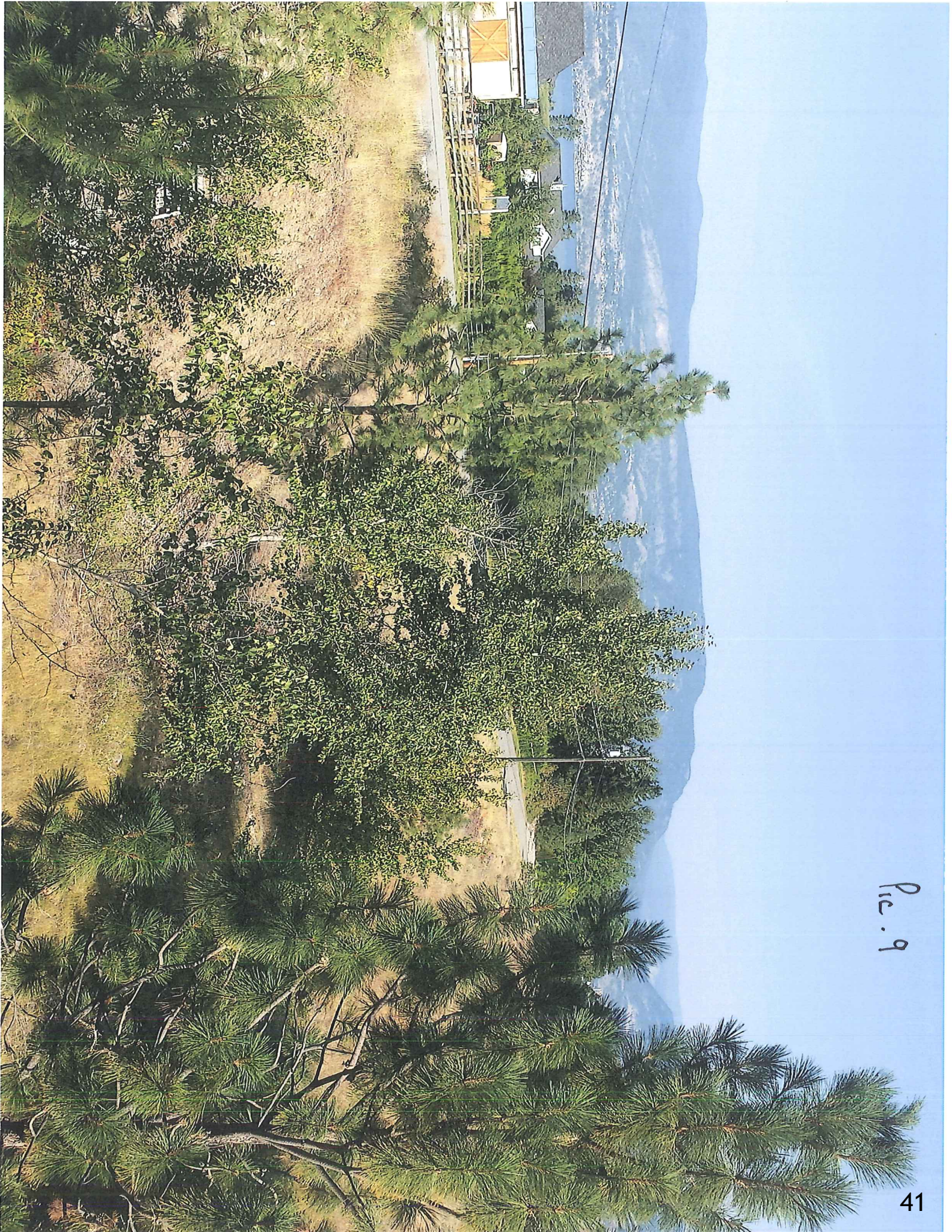


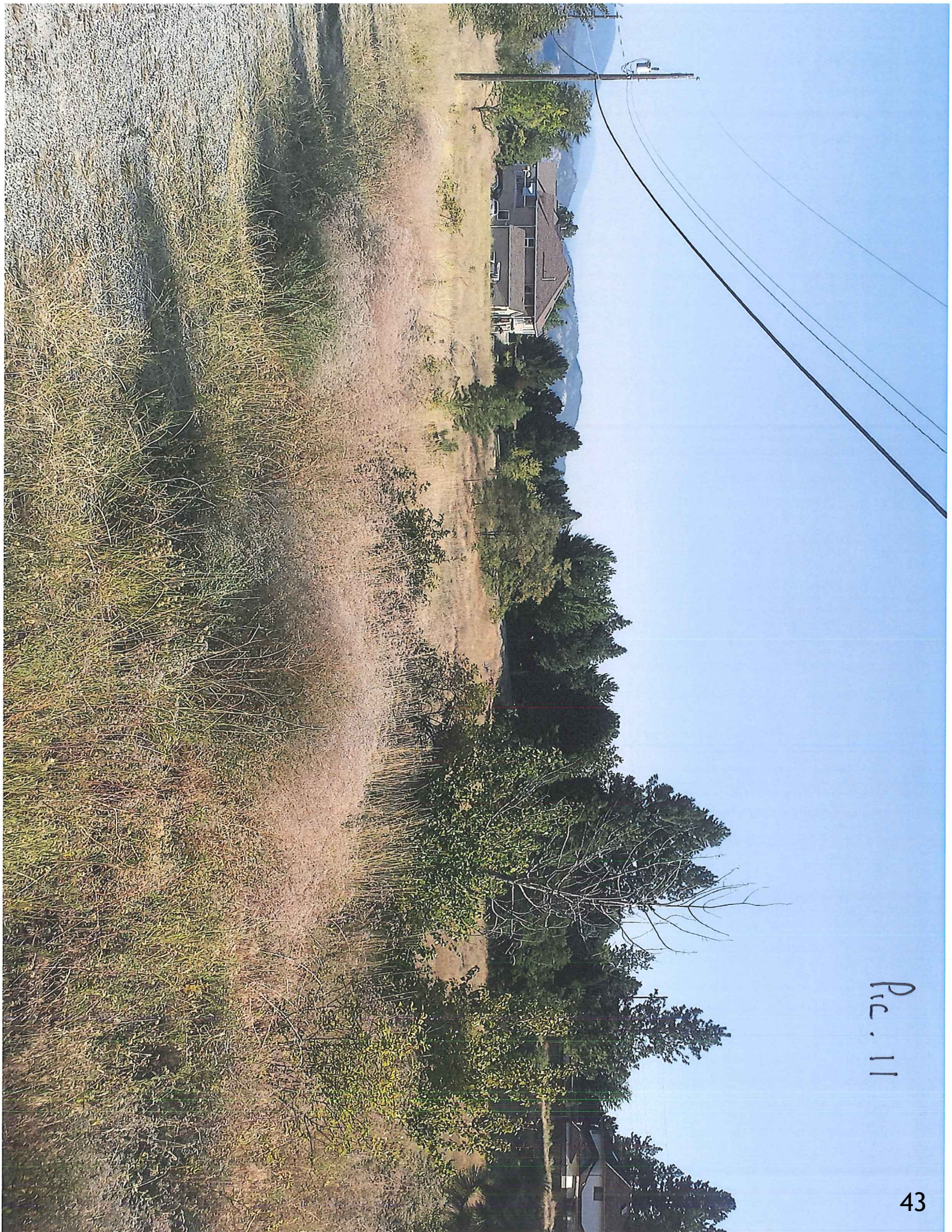
Fig. 8



Pic. 9



Pic. 10



Pic. 11



Pic. 12



Pic. 13



Pic. 14

Pic. 15



Report to Council



Date: February 25, 2015
File: 1250-30
To: City Manager
From: Subdivision, Agriculture & Environment Services (TC)
Subject: Supplemental Report for Z14-0034 (1980 Saucier Road)

Recommendation:

THAT Council receives, for information, the Supplemental Report from the Subdivision, Agriculture & Environment Services Department dated February 25, 2015 with respect to Rezoning Application No. Z14-0034 for the property located at 1980 Saucier Road;

AND THAT Zone Amending Bylaw No. 11065 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw No. 11065 be considered subsequent to the following requirements:

1. Requirements of Development Engineering Branch being completed to their satisfaction; and
2. Issuance of a Farm Protection Development Permit.

Purpose:

To forward the application to a Public Hearing.

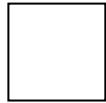
Background:

Council supported the application on Monday, February 23rd, 2015 and given that the recommendation from staff was to not proceed, there was no Bylaw that accompanied the Council Report. The Bylaw has now being drafted and recommended for first reading.

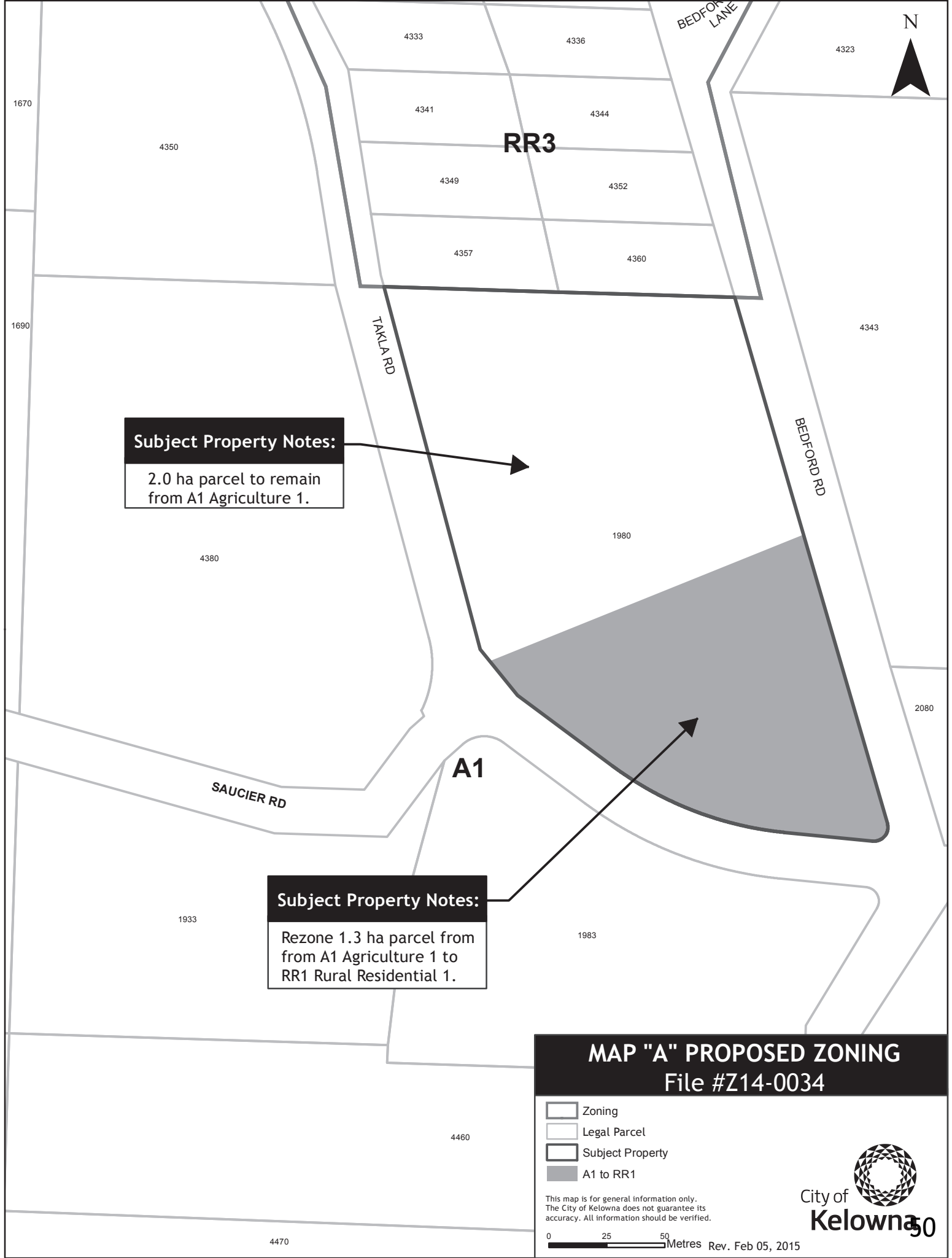
Submitted by:

T. Cashin, Subdivision, Agriculture & Environment Services Manager

Approved for inclusion:



S. Gambacort, Subdivision, Agriculture & Environment Director



Subject Property Notes:
 2.0 ha parcel to remain from A1 Agriculture 1.

Subject Property Notes:
 Rezone 1.3 ha parcel from from A1 Agriculture 1 to RR1 Rural Residential 1.

MAP "A" PROPOSED ZONING
 File #Z14-0034

- Zoning
- Legal Parcel
- Subject Property
- A1 to RR1

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