



COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 13, 2022

From: Chris Oliver, Planning Supervisor

File No: TUP 19-04.01

Subject: **TUP 19-04.01; 2352 McDougall Road; Gravel Extraction Renewal**

RECOMMENDATION

THAT Council consider and resolve to approve issuance of the Temporary Use Permit renewal (TUP 19-04.01) for Lot A, DL 505, ODYD, Plan KAP 31375 (2352 McDougall Road), for a three-year period to permit the use of gravel extraction on a parcel zoned A1 – Agricultural.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – We will work with our partners on the Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The subject property is in the West Kelowna Business Park, adjacent to the existing Kelowna Ready Mix (KRM) and LaFarge Canada Gravel pits that bisect McDougall Road. A Temporary Use Permit for gravel extraction was approved in 2018 and the subject property is being used as an extension of the KRM business operations to the west. There was an existing dwelling on the property which was demolished in April of 2021.

PROPERTY DETAILS			
Address		2352 McDougall Road	
PID		003-739-775	
Folio		36412713.162	
Lot Size		2.031 acres (8219.17 sqm)	
Owner	Kelowna Ready Mix	Agent	N/A
Current Zoning	Agricultural – A1	Proposed Zoning	Agricultural – A1
Current OCP	Agricultural	Proposed OCP	Agricultural
Current Use	Gravel Extraction	Proposed Use	Gravel Extraction

Agricultural Land Reserve Yes

ADJACENT ZONING & LAND USES

North	^	I4 - Gravel Extraction Zone
East	>	I4 - Gravel Extraction Zone
West	<	I4 - Gravel Extraction Zone
South	v	A1 - Agricultural

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Section 493 of the *Local Government Act* gives Council the authority to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three (3) years and specify conditions under which the use may be carried out. Council has the authority under Section 497 of the *Local Government Act* to issue a renewal of a Temporary Use Permit for one time only with a renewal period of three (3) years.

DISCUSSION

Proposal

The proposed Temporary Use Permit renewal would allow the gravel extraction on the subject property to continue for an additional three years (Figure 1). Extraction would occur in accordance with the existing Ministry of Mines permitting and operate on Monday to Friday from 7am to 5pm. The intent is to complete the gravel extraction operations within three years and once this has been completed, the subject property will be reclaimed according to the Ministry of Mines requirements.



Figure 1. Subject Property Overview

POLICY AND BYLAW REVIEW

Official Community Plan Bylaw No. 0100

The Land Use Designation for the subject property is Agriculture. Agricultural policies seek to support and conserve agriculture in the City of West Kelowna. While the proposed TUP does not align with the land use designation for this property, gravel extraction will enable the topography of the parcel to become more viable to future agricultural uses and better align with neighbouring agricultural parcels.

Zoning Bylaw No. 0265

The property is zoned Agricultural (A1) which accommodates a mix of related uses. The City's Agricultural Zone does not permit gravel extraction; this is only permitted in the Gravel Extraction Zone (I4) and Gravel Extraction with Asphalt Plant Zone (I5). As a result, the TUP extension is required to continue the proposed use on the subject property.

Agricultural Land Commission

The subject property is located within the Agricultural Land Reserve and subject to the Agricultural Land Commission regulations. The subject property was included within the Notice of Intent application for gravel extraction that was approved by the ALC in 2018 as part of the original application. The scope of the renewal has not changed from the original and does not require any additional consideration by the ALC.

Technical Review

Geotechnical Report

A geotechnical report prepared by Calibre Geotechnical Engineering Ltd was submitted as part of the original TUP application. It has been noted that there is no evidence of slope failure, water seepage or other notable risks. The report states that the extraction can occur with a final slope of 37° to 38°. The final extent of the extraction would be similar to the 5m setback from McDougall Road found to the north of the subject property. A condition has been added to ensure additional geotechnical review occurs as the extent of the extraction moves towards McDougall Road.

Public Notification

A Notice of Application sign was posted on site as per the Development Application Procedure Bylaw No. 0265. There have been no complaints received to date.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
Dec. 10, 2019	THAT Council authorize the issuance of a Temporary Use Permit to allow for gravel extraction located at 2352 McDougall Road (Lot A, DL 505, ODYD, Plan 3375) for a period of three years, subject to the conditions outlined in the attached Temporary Use Permit.	C410/19

CONCLUSION

It is recommended that Council approve the Temporary Use Permit renewal based on the following:

- The gravel extraction has been operating on the property for a three-year period with no issues reported by the Bylaw Enforcement and Compliance Department;
- The subject property is surrounded by similar gravel extraction operations;
- The gravel extraction will make the topography of the subject property more viable for future agricultural uses and better align with neighbouring properties; and
- The scope of the work will remain the same as the original TUP (TUP 19-04).

Alternate Resolution:

THAT Council consider and resolve to postpone consideration of the Temporary Use Permit to allow a renewal of the gravel extraction located at 2352 McDougall Road (Lot A, DL 505, ODYD, Plan KAP 31375).

Should Council wish to postpone the issuance of a Temporary Use Permit on the subject property, it is requested that direction be provided as part of the Council resolution.

REVIEWED BY

Brent Magnan, Director of Development Approvals.

Corinne Boback, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Temporary Use Permit 19-04.01; 2352 McDougall Road