



Agricultural Land Commission
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February 23, 2007

Reply to the attention of Brandy Ridout
ALC File: #G - 37125

Mark Watt, Environment and Solid Waste Manager
Works and Utilities Department
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Dear Sir:

Re: Application to Establish a Composting Facility in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 25/2007 outlining the Commission's decision as it relates to the above noted application.

Please provide confirmation that the decision conditions have been completed;

- A copy of the registered consolidation plan.
- Photographs of the stored topsoil.

Yours truly,

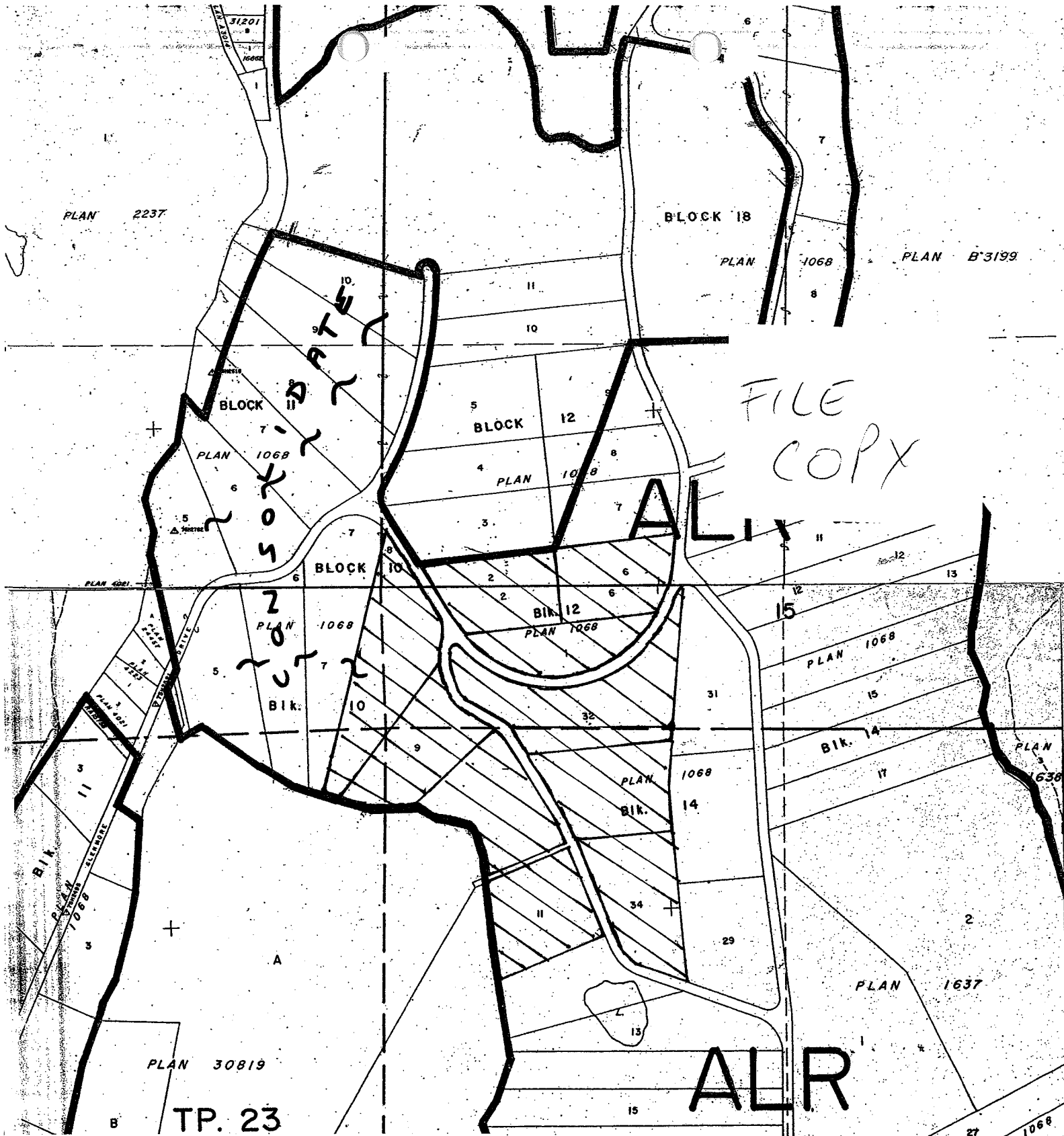
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan and map

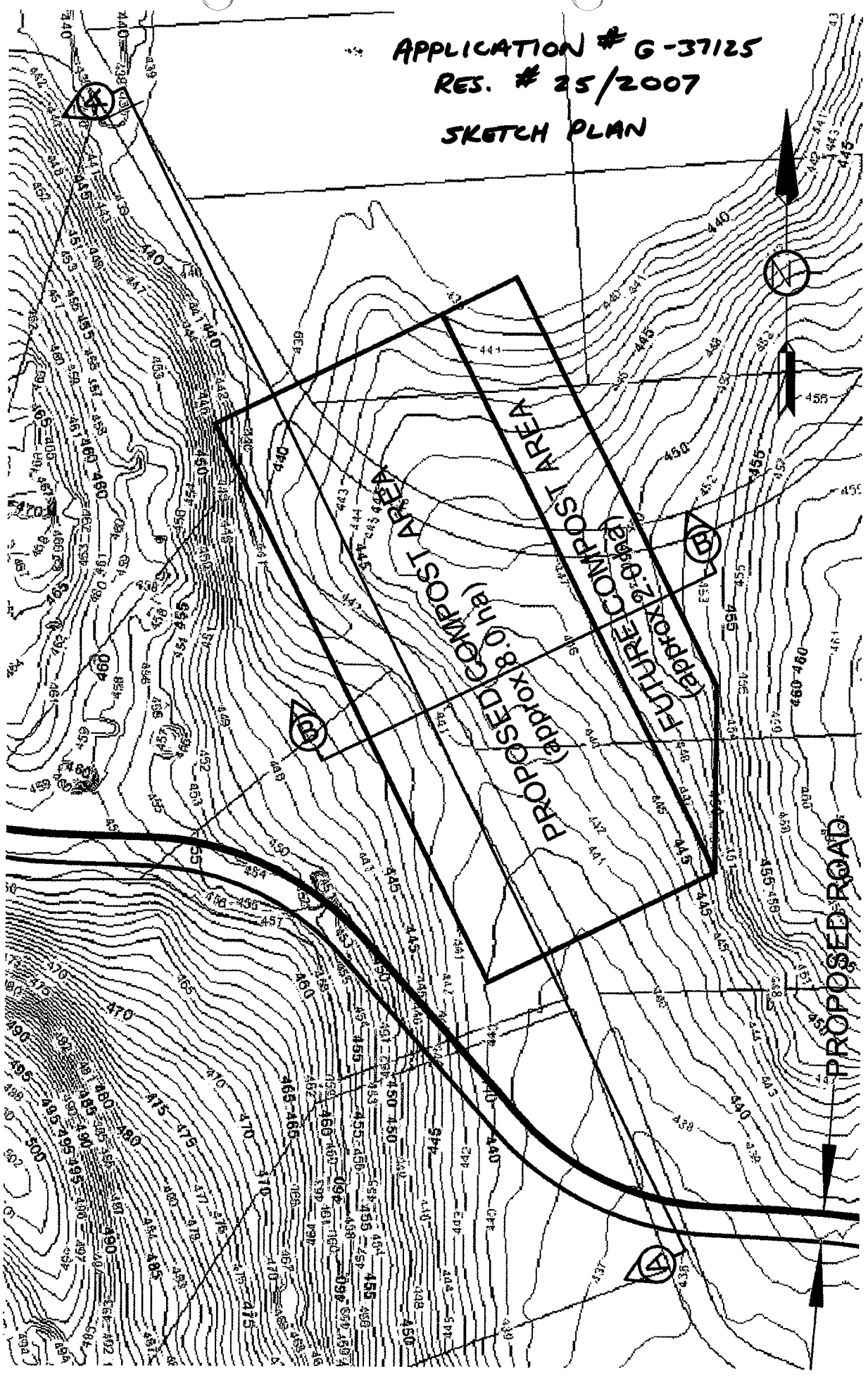
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Constituent ↑
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APPLICATION # G-37125
 RESOLUTION # 25/2007
 - HATCHED AREA TO BE CONSOLIDATED

APPLICATION # G-37125
RES. # 25/2007
SKETCH PLAN





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 14, 2007 at Naramata, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Jennifer Carson	Staff
	Martin Collins	Staff

For Consideration

Application: # G- 37125
Applicant: Kelowna
Proposal: To use a 10 ha area for yardwaste composting.

Legal:

1. PID: 011-842-539
Lot 8, Block 10, Section 9, 10, 15 & 16, Osoyoos Division Yale District, Plan 1068
2. PID: 011-842-555
Lot 9, Block 10, Section 9, 10, 15, Township 23, Osoyoos Division Yale District, Plan 1068
3. PID: 011-842-571
Lot 10, Block 10, Section 10, Township 23, Osoyoos Division Yale District, Plan 1068
4. PID: 011-842-580
Lot 11, Block 10, Section 10, Township 23, Osoyoos Division Yale District, Plan 1068
5. PID: 011-843-039
Lot 1, Block 12, Section 15, Township 23, Osoyoos Division Yale District, Plan 1068
6. PID: 011-843-047
Lot 2, Block 12, Section 15, Township 23, Osoyoos Division Yale District, Plan 1068
7. PID: 011-843-063
Lot 6, Block 12, Section 15, Township 23, Osoyoos Division Yale District, Plan 1068
8. PID: 011-843-811
Lot 32, Block 14, Section 10 & 15, Township 23, Osoyoos Division Yale District, Plan 1068
9. PID: 011-843-748
Lot 33, Block 14, Section 10, Township 23, Osoyoos Division Yale District, Plan 1068
10. PID: 011-843-756
Lot 34, Block 14, Section 10, Township 23, Osoyoos Division Yale District, Plan 1068

Site Inspection

A site inspection was conducted on February 13, 2006. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Jennifer Carson Staff
- Martin Collins Staff

The Commission discussed the land use requirements of the composting facility with Mark Watt (Environment and Solid Waste Manager). He advised that the current composting operations needed to be moved because the site could accommodate two more landfill "lifts", enhancing the landfill's capacity to the utmost. The Commissioners then toured the landfill site and viewed the proposed expansion area (noting that the land had recently been in agricultural forage production – Tutt Ranch).

Mark Watt indicated that the composting facility accepted yard waste and other clean compostable material (but not sewage sludge – which is composted in the Commonage between Vernon and Kelowna) and produced a saleable product for lawn and garden amendment.

Mr Watt confirmed that the staff report dated February 8, 2007 was received and no errors were identified.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

Discussion

Assessment of Agricultural Capability/Suitability

The Commission, in its assessment of agricultural capability confirmed that all of the land proposed for the composting facility was both capable of, and suitable for, agricultural production. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. In fact the land under application was used for agricultural forage and hay production until recently as part of the Tutt Ranch operation.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission recalled that the City representative (Mark Watt) indicated that the limited infrastructure required for the facility (mostly pavement) did not preclude the relocation of the composting uses back onto the existing site upon completion of landfilling on the present site. However, the Commission doubted that unless there was a compelling rationale, i.e. the overall expansion of the landfill, that the composting facility would be decommissioned in the near to mid term.

Assessment of Other Factors

The Commission considered the possibility whether the composting could be located on land outside the ALR. It did not believe that it was reasonable to expect the City to separate its landfill and composting operations because of the efficiencies arising from a shared site. However, the Commission did note that the proposed composting operation would occupy several smaller parcels underlying the former Tutt Ranch. It believed that there may be opportunity to achieve an agricultural benefit by consolidating the subject properties into a single lot, to guard against the alienation of this land for non farm uses, and to reduce the number of potential properties to be re-plotted should the City undertake a re-subdivision of the existing Tutt Ranch subdivision.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture 10.0 ha from agricultural production
4. That the City does not have any other options for relocating the composting facility.
5. That the consolidation of parcels under application and the adjoining parcels lying between the facility and Glenmore Road would mitigate the use of the 10 ha area for composting activities, and confirm that the City is supportive of agriculture and ensuring that any future re-alignment of the Tutt Ranch properties provides the greatest benefit for agriculture.

IT WAS

MOVED BY: Commissioner Sid Sidhu

SECONDED BY: Commissioner Sue Irvine

THAT the application to use 10 ha of ALR for a composting facility be allowed,

AND THAT the approval is subject to the following conditions:

- consolidation of the subject properties, and Lots 5,6,7 Block 10, Plan 1068, and Lots 5 – 10, Block 11, Plan 1068 into a single parcel by legal survey (as noted on the attached map).
- That the composting facility is located as per the attached sketch plan.
- The stripping and storage of topsoil to ensure reclamation of the composting site to an agricultural standard should the use cease or relocate.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 25/2007



Staff Report
Application # G – 37125
Applicant: City of Kelowna
Contact: Mark Watt
Location: Kelowna

DATE RECEIVED: December 12, 2006

DATE PREPARED: February 8, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To use a 10 ha area for yardwaste composting.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Under application #G-36739, the City proposed a 55 ha lot to allow for expansion and buffering of the existing landfill as part of a larger proposal involving an access road and the reconfiguration of 35 lots. At the City's request, the Commission made a decision on the road alignment only on the understanding that the other aspects of the proposal would be dealt with at a later date.

The 25,000 cubic metres of topsoil that will be removed during the creation of the composting area will be stockpiled onsite for re-use with the compost or will be used for reclamation of the landfill. The area proposed for the composting site is adjacent to the active landfill site which will be in operation for 40 years in order to minimize costs by having all operations in the same area.

The applicant has stated that it would be very difficult and expensive to use existing composting facilities instead of creating a new facility because of the volume of material.

Local Government:

City of Kelowna

Legal Description of Properties:

1. PID: 011-842-539
Lot 8, Block 10, Section 9, 10, 15 & 16, Osoyoos Division Yale District, Plan 1068
2. PID: 011-842-555
Lot 9, Block 10, Section 9, 10, 15, Township 23, Osoyoos Division Yale District, Plan 1068
3. PID: 011-842-571
Lot 10, Block 10, Section 10, Township 23, Osoyoos Division Yale District, Plan 1068
4. PID: 011-842-580
Lot 11, Block 10, Section 10, Township 23, Osoyoos Division Yale District, Plan 1068

BACKGROUND INFORMATION (continued):

Legal Description of Properties (continued):

5. PID: 011-843-039
Lot 1, Block 12, Section 15, Township 23, Osoyoos Division Yale District, Plan 1068
6. PID: 011-843-047
Lot 2, Block 12, Section 15, Township 23, Osoyoos Division Yale District, Plan 1068
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10. PID: 011-843-756
Lot 34, Block 14, Section 10, Township 23, Osoyoos Division Yale District, Plan 1068

Purchase Date:

September 2006

Location of Properties:

Glenmore Road, northeast Kelowna, Roberts Lake area

Size of Properties:

42.5 ha (The entire property is in the ALR).

Present use of the Properties:

Previously part of Tutt Ranch, currently leased for hay production

Surrounding Land Uses:

WEST: Agricultural (hay)
SOUTH: Agricultural (hay)
EAST: Agricultural (hay)
NORTH: Existing Landfill

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.093
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Kelowna 2020 – Official Community Plan
Future land use designation: Rural/Agricultural

Zoning Bylaw and Designation:

Zoning bylaw No. 8000
Designation: Agriculture 1 (A1)
Minimum lot size: 2 ha

PREVIOUS APPLICATIONS:

Application #36739-0

Applicant: 0741926 BC Ltd

Decision Date: August 1, 2006

Proposal: To reconfigure the boundaries between 35 existing lots, the majority of which range in size from 3 - 6 ha (apart from two larger lots 10 ha+ in the east), to create a single 55 ha lot (to be owned by the City of Kelowna), a 10 ha lot, and 33 lots ranging in size from 2.5 ha to 5.5 ha. The City of Kelowna's interest in the project is to (a) facilitate a road connection between Glenmore Road and University of BC Okanagan (UBCO), and (b) to purchase one of the reconfigured parcels to allow for a possible future expansion and buffer to the existing landfill. The Mission Group states that the realignment of the 35 existing lots will enhance the site for agricultural purposes over the existing configuration.

The City of Kelowna later became the sole owner of the properties and requested the Commission to make a decision on the issue of the road alignment.

Decision: That the application to construct a road through the subject properties be deferred for a three year period. If a detailed proposal is not received prior to December 2009, the application will be considered closed.

However, the Commission does not object to the City of Kelowna amending its Official Community Plan to schematically show a road through the subject properties, subject to specific language also being inserted into the OCP that commits the City to on-going discussions with the Commission about providing a significant agricultural benefit when a revised application is submitted for the road alignment and the re-subdivision of the subject properties.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: The City is the applicant.

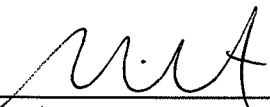
STAFF COMMENTS:

- As a part of application #G-36739, the City of Kelowna requested a 55 ha lot to expand the landfill and create a buffer. However, a decision was not made on the landfill issue. The current application, while only requesting the use of 10 ha, not a lot reconfiguration, should be considered in association with application #G-36739 in terms of a potential benefit to agriculture.
- The soil of the 10 ha area has prime agricultural capability (Class 2 and 3) and is currently used for agriculture.

ATTACHMENTS:

- ALR Base Map 82 E/14 and Constituent #9,12
- Sketch of proposed area (provided by applicant)
- Cross-sections of site (provided by applicant)
- Air photo (provided by applicant)

END OF REPORT



Signature

Feb 9, 07

Date