



Agricultural Land Commission Staff Report

DATE: September 2, 2009
TO: Vice Chair and Commissioners - Interior Panel
FROM: Simone Rivers

RE: Application # 50121
PROPOSAL: To establish a temporary Recycling Depot on 0.3 ha of the 11 ha property

PROPOSAL INFORMATION

Background: The length of the proposed use is 2 years.
Received Date: June 26, 2009
Applicant: Village of Chase
Agent: N/A
Local Government: Village of Chase

DESCRIPTION OF LAND

PID: 010-850-091
Legal Description: Lot 12 District Lots 516 and 517 Kamloops Division Yale District Plan 3575
Except Plans H142 and 16873
Civic Address:
Area: 11 ha
ALR Area: 11 ha
Purchase Date: August 1, 1983
Owner: Village of Chase

Total Land Area: 11 ha
Total ALR Area: 11 ha
Current Land Use: Village of Chase sewage lagoons, cement block building for housing air compressors for sewage lagoons, rodeo ground with outdoor riding arena, grazing lands for animals owned by people who lease a portion of the property.

PROPOSAL DETAILS

Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
0.3	Prime	CLI

Surrounding Land Uses:

North	Agricultural land with residence which includes a seniors' care facility
East	Agricultural land with residence to the southeast, CP Railway, public roadway
South	Agricultural land with residence
West	Agricultural land

Official Community Plan

Bylaw Name: Village of Chase OCP Bylaw No. 653 (2002)
Designation: Agricultural Lands
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Village of Chase Zoning Bylaw No. 683 (2006)
Zoning Designation: AR-2 Rural
Minimum Lot Size: 1.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 31375

Applicant: Village of Chase

Proposal: To remove 15,000 cubic metres of topsoil up to maximum depth of 40 metres. The request for removal is a result of the construction of a sewage facility on the property.

Decisions:

Resolution

Resolution Number	Decision Date	Decision Description
2019	October 22, 1982	Allowed

Note: Legacy Application # 15498

Application #: 30872

Applicant: C./L. Tarry

Proposal: To use approximately 4 ha of the 11 ha property to provide a sewage treatment and disposal site for the Village of Chase.

Decisions:

Resolution

Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # 12804
Resolution # 1537/1981
Date: September 1, 1981

Decision: Refused on the grounds that the property has an excellent potential to produce a wide range of crops as evidenced by existing uses in the area. The

Commission felt that a sewage project of this nature could be accommodated on lands with a lesser potential for agriculture

Resolution # 2218/1981
Date: December 10, 1981

Decision: Refused on the grounds that the Commission is not prepared to reverse its earlier position and is reluctant to support a proposal which would permanently alienate prime agricultural land. However, it would appear that the Commission's decision making prerogative has been fettered by the fact that the Ministry of Environment has issued a Pollution Control Permit under the provisions of the Pollution Control Act. As it appears that the proposal is to proceed, the Commission strongly suggests that the area required for the sewage lagoon and ancillary facilities be kept to an absolute minimum so as to minimize potential impact on surrounding agricultural lands.

Resolution # 881/1982
Date: May 6, 1982

Decision: That a letter be directed to the Ministry of Environment requesting whether it was the intention of the Ministry in issuing the Pollution Control Permit to set aside the Land Commission Act or any legislation which may be more restrictive than the Pollution Control Act.

Application #: 1564

Applicant: Chase (BLACK GOLD)

Proposal: First Proposal: To use 4.9 ha of the 11 ha property as a composting facility. 0.8 ha would be used for composting, 1.2 ha for a stockpile site and 2.9 ha for experimental gardening. An office and a septic facility was also required.

Second Proposal: To upgrade and expand the municipal sewage lagoons to meet environmental requirements by rejuvenating two existing rapid infiltration basins and constructing a subsurface flow engineered wetland.

Decisions:
Resolution
Number

Decision Date

Decision Description

Note: Legacy Application # 28262

Resolution # 9/1994
Date: January 10, 1994

Decision: Refused on the grounds of impact. However, the Commission approved the composting facility in principle for five years subject to:

1. The receipt of a \$10,000 bond to ensure the property is reclaimed to Class 1 status. The Commission suggests that in order to ease rehabilitation, that the top 30 cm of parent soil be stripped from the compost handling area, stockpiled in a safe location on the property and seeded with a suitable grass mixture for future site reclamation.
2. That only non-polluting organic materials be utilized in the composting activity.

Cedar wood products are specifically not approved for composting

3. That no recycling of metals, plastics, glass, batteries, toxic chemicals etc. occur on the property.
4. That all buildings be temporary.

Resolution # 433/1995

Date: March 29, 1995

Decision: Allowed subject to:

1. The removal and stockpiling of 30 cm of topsoil which should be bermed at 2:1 slopes and seeded
2. 5 strand barb wire fencing at the base of the berm to protect encroachment of disturbance by other uses on the site.
3. Submission of the bond by Black Gold Organic Composters (never received)
4. Compliance with all other legislation

Committee Recommendations

Type	Recommendation	Description
Board/Council	Approve	Village Of Chase Council: the village passed a resolution authorizing staff to make an application to the Commission for the purpose of establishing a recycling facility on the subject property.

STAFF COMMENTS

This property has a complicated history. In 1981, the Village of Chase proposed to place sewage lagoons on the subject property. This was refused by the Commission as the land has excellent agricultural capability.

The Village was then given a Pollution Control Permit by the Ministry of Environment. At that time, the Commission believed that this fettered their decision making power to refuse the proposal. The lagoons were built, although not endorsed by the Commission. This would not happen now as land use decisions are made by the Commission prior to the issuance of permits by the Ministry of Environment. The property was subsequently brought into the boundaries of the Village of Chase, again despite the fact that the Commission strongly objected to the proposal (Application # 14702, Resolution #880/1982 – May 6, 1982).

The sewage lagoons were built without Commission approval on the basis of the Pollution Control Permit. Subsequently there have been applications to remove soil, and to compost on the property. These were approved with conditions.

Commission Resolution # 9/1994 approved some composting on the property but specifically stated that no recycling of metals, plastics, glass, batteries, toxic chemicals etc. was to occur on the property on the grounds that the use would have a negative impact on surrounding land owners and agricultural operations. At the time, these items were being stored on the subject property illegally.

The current proposal is to develop a temporary recycling depot (for two years) on a 0.3 ha portion of the subject property. The site is to be temporary facility that will be moved when a more permanent location for a regional eco-depot to be run by the Thompson-Nicola Regional District is determined.

The Commission has received submissions in opposition to the proposal from several local land owners.

A petition signed by 42 people was submitted as well as several individual letters of opposition. The letters submitted suggest that there are appropriate non-ALR sites that could be used for this purpose. Residents are concerned about the impact of the garbage on surrounding agricultural properties.

The agricultural capability of the subject property is rated as 100% Class 3C, improvable to 100% Class 1. Surrounding properties are all cleared and appear to be in agricultural use. This land has some of the best capability in the TNRD.

Portions of the property not being used for the sewage treatment plant are being used as rodeo grounds and another portion of the subject property is currently leased to an adjacent land owner for agricultural purposes. A portion of the rodeo grounds would be converted to non-farm use for the recycling depot.

ATTACHMENTS

50121_AgCapabilityMap.pdf
50121_AirphotoMap.pdf
50121_ContextMap20k.pdf
50121submission letter.pdf
50121submission photos.pdf
50121 submission letters and petition.pdf
50121proposal description.pdf
previous commission decisions.pdf

END OF REPORT

Signature

Date