



Agricultural Land Commission
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June 15, 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 Mr. Watt:

Re: Reconsideration request

Please find attached the Minutes of Resolution # 296/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

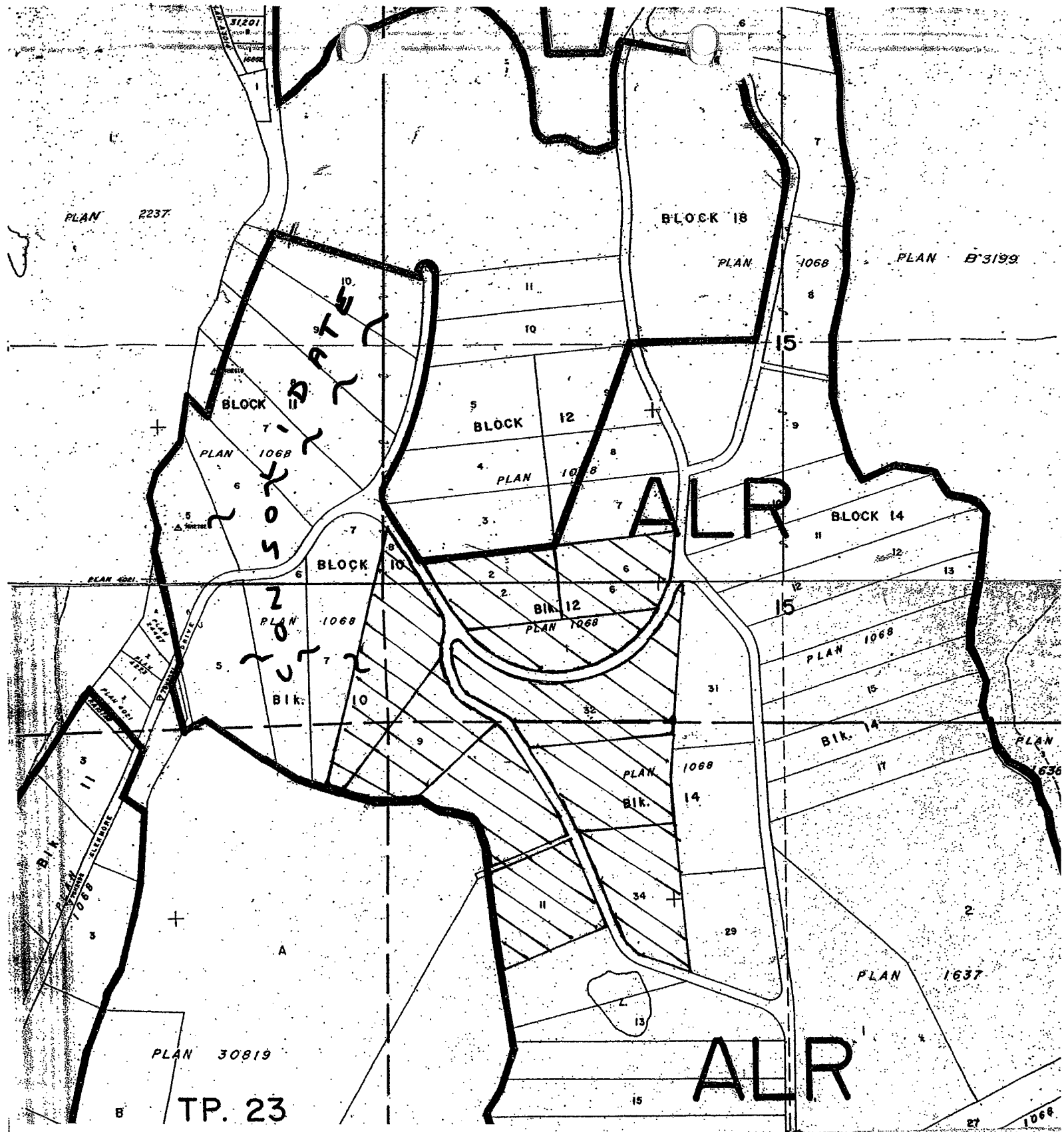
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karsen, Chair

Enclosure: Minutes/Sketch Plan

BR/lv
37125d2



Constituent _____
 Map # 9, 12
 Scale: 1:10,000

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 N

APPLICATION # G-37125
 RESOLUTION # 25/2007

- HATCHED AREA TO BE CONSOLIDATED



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 6, 2007 in Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Monika Marshall	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

A letter from Mark Watt, Environmental & Solid Waste Manager from the City of Kelowna was received May 11, 2007 requesting that the Commission reconsider its decision recorded as Resolution #25/2007.

Application:	# G - 37125
Applicant:	City of Kelowna
Current Proposal:	To consolidate the 8 parcels underlying the composting facility instead of the 17 parcels required as a condition of approval.

The City has indicated that it is unprepared to consolidate the lots as requested because it is in a planning review process with UBCO to determine the optimal use of the Tutt Ranch lands. It is indicated there is potential for academic research facilities related to agriculture to be located on some of these parcels. Therefore the City indicates that it would be premature to consolidate the parcels. To use a 10 ha area for yard waste composting.

Original Proposal:
Original Decision:

Allowed subject to:

- 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 – 17 properties).
- The stripping and storage of topsoil to ensure reclamation of the composting site to an agricultural standard should the use cease or relocate.

Legals:	See original application
Location:	Kelowna

Site Inspection

A site inspection was not conducted for the reconsideration request.

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.

Discussion

The Commission was prepared to allow the request to consolidate only the eight parcels underlying the composting facility. However, despite the fact that all 17 lots will not be legally consolidated, in future discussions regarding the reconfiguration of the Tutt Ranch parcels, the Commission will consider the 17 parcels identified on the attached sketch to be a single unit.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the information presented constitutes evidence that was not available at the time of the original decision and therefore a reconsideration is warranted;

AND THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the application be approved

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 # 296/2007



**Staff Report
Reconsideration of Application # G – 37125
Applicant: City of Kelowna**

DATE RECEIVED: May 11, 2007

DATE PREPARED: May 14, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: The Commission allowed a composting facility on 10 ha in the ALR, subject to the consolidation of 19 parcels of the former Tutt Ranch property into a single land registry parcel.

The City has indicated that it is unprepared to consolidate the lots as requested because it is engaged in a planning review process with UBCO to determine the optimal use of the Tutt Ranch lands. The City indicates there is potential for academic research facilities related to agriculture to be located on some of these parcels, and therefore premature to consolidate the parcels. The City is prepared to consolidate eight parcels underlying the composting facility into a single land registry parcel.

This application is being reconsidered pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission initially requested the large scale consolidation to ensure that the City recognized that all of the 19 parcels were affected by the landfill operation, and ostensibly purchased for long term expansion of the landfill. The Commission's concern was that these parcels might be used as a rationale to re-subdivide larger number of parcels east of landfill site as part of a general reconfiguration of the Tutt Ranch.

Local Government:

City of Kelowna

Purchase Date:

September 2006

Location of Property:

City of Kelowna, north Glenmore area

Present use of the Property:

Hayfield

Surrounding Land Uses:

WEST: Agricultural (hayfield)
SOUTH: Agricultural (hayfield)
EAST: Agricultural (hayfield)
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:

Agriculture

Zoning Bylaw and Designation:

A 1 which permits a minimum lot size of 2 ha.

STAFF COMMENTS:

Staff suggests that the Commission allow Kelowna's request. However, it should be made clear that the Commission is not prepared to consider the eleven (11) additional parcels as part of the larger discussion about reconfiguring the Tutt Ranch (i.e. maintaining net number of properties). The parcels have been alienated by the adjoining landfill facility and serve as a buffer and potential expansion area. They have no value as rural residential or small farm properties.

ATTACHMENTS:

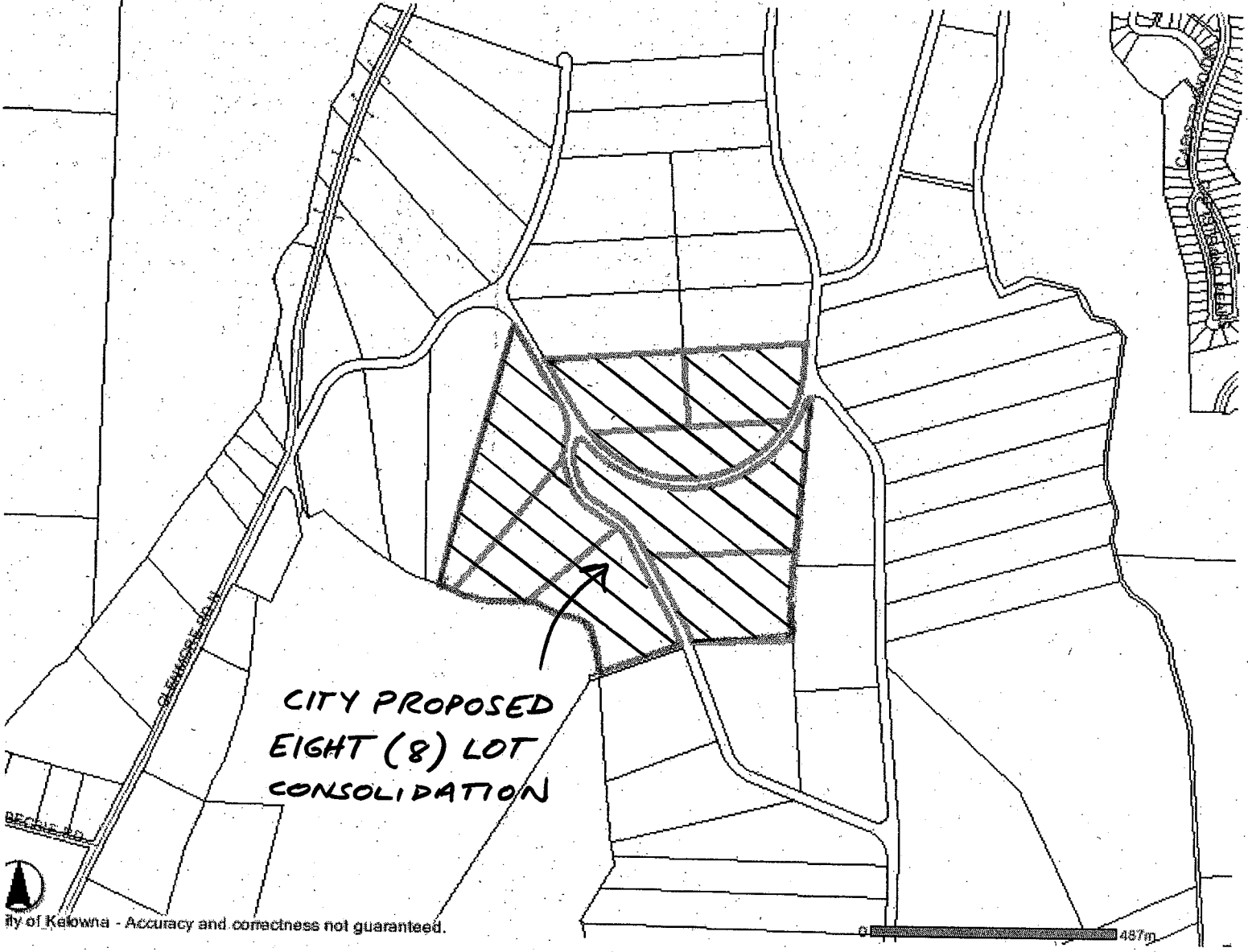
- Map provided by the City of Kelowna
- ALC map showing Resolution #25/2007

END OF REPORT

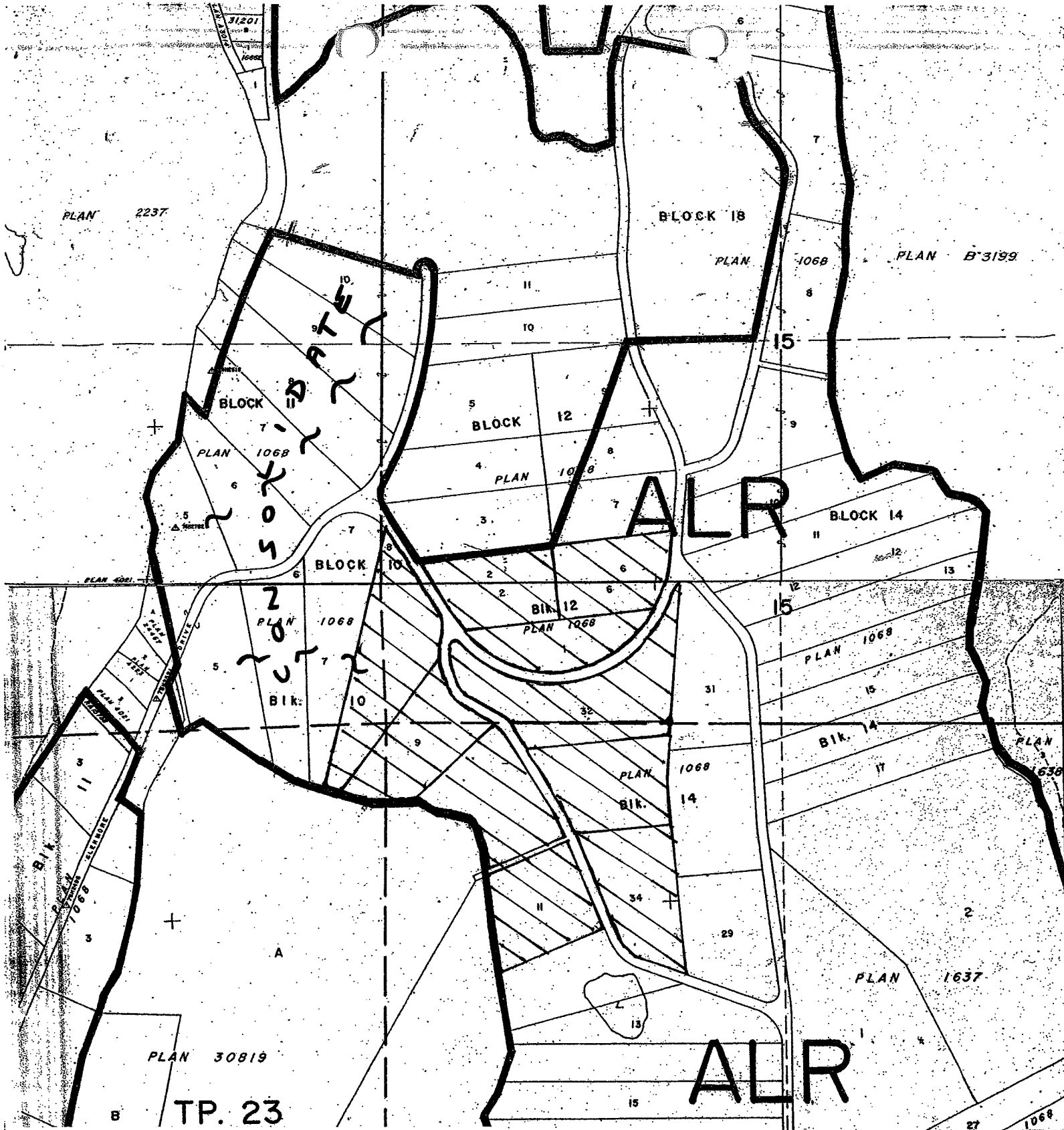
Signature


Date


Schedule 'A'



CITY PROPOSED
EIGHT (8) LOT
CONSOLIDATION



Constituent 
Map # 9, 12
Scale: 1:10,000
N

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