
CITY OF KELOWNA
MEMORANDUM

Date: February 1, 2006
File No.: A06-0001
To: City Manager
From: Planning & Corporate Services Department
Purpose: To obtain approval from the Agricultural Land Commission under Section 20 (3) of the *Agricultural Land Commission Act* to allow the extraction of $\pm 232,000 \text{ m}^3$ of sand and gravel.

OWNERS: Mark Turton **APPLICANT:** Mark Turton

AT: 3974 Todd Road

EXISTING ZONE: A1 Agriculture 1

REPORT PREPARED BY: Nelson Wight

1.0 RECOMMENDATION

THAT Agricultural Land Reserve application No. A06-0001 for Lot A, Sec. 4, Twp. 26, O.D.Y.D, Plan KAP78689, located on Todd Road, Kelowna, B.C. which is an application For a Non-farm Use To Place Fill or Remove Soil, pursuant to Section 20 (3) of the *Agricultural Land Commission Act*, be supported by Municipal Council, subject to the following conditions:

1. That the Applicant to ensure that all extraction and reclamation work be done in compliance with those recommendations of the consulting professional, H.A. Luttmerding;
2. That all extraction AND reclamation work be completed within a 5-year period, beginning on the date of issuance of the City of Kelowna Soil Removal Permit.

2.0 SUMMARY

The Applicant is requesting permission to extract $\pm 232,000 \text{ m}^3$ of sand and gravel from the subject property via a soil removal permit. A statement of rationale to this effect is contained within the application, which is attached to this report (see attachments).

3.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on January 19, 2006, the Agricultural Advisory Committee passed the following motion:

THAT the Agricultural Advisory Committee SUPPORT Application #A06-0001, which seeks to obtain approval from the Agricultural Land Commission under Section 20 (3) of the *Agricultural Land Commission Act* to allow the extraction of $\pm 232,000 \text{ m}^3$ of sand and gravel.

RATIONALE: The AAC supports this application based on the Applicant's reclamation plans, which should improve the arability of the land, and because the Applicant has worked to minimize the impact of the existing soil extraction operation on the neighbouring residents and farmers. The AAC further recommends that the Applicant complete the project within a ten-year period.

4.0 SITE CONTEXT

The subject property is situated in Southeast Kelowna, approximately 400 m (1/4-mile) west of the intersection of Spiers Road and Todd Road. (see attached subject property map).

Existing development comprises one single family dwelling (mobile home), and a $\pm 300 \text{ m}^2$ (3,200 ft^2) shop for storage and maintenance of equipment (see attached Sketch of Subject Property). The remainder of the parcel is an operating orchard.

Parcel Size: 5.5 ha (13.7 ac)

Elevation: 440 m – 463 m

BCLI Land Capability

The unimproved land classification for the subject area falls primarily into Class 5, with some Class 4 as well. The predominant limiting factor for unimproved land is a soil moisture deficiency and adverse topography. Consequently through improvements—primarily through irrigation—the improved land capability rating on the majority of the parcel increases to Class 3 (see attached Land Capability Map copied from map 82E.083).

Soil Classification

The soil classification for the subject property includes the following (for additional information see attached Soil Classification Map):

%	Soil Type	Description
44%	GM - Gammil	<u>Land</u> : very gently to extremely sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over very gravely loamy sand or very gravely sand <u>Drainage</u> : rapid.
24%	PE - Paradise	<u>Land</u> : nearly level to very steeply sloping fluvioglacial deposits. <u>Texture</u> : 25 to 60 cm of sandy loam or loamy sand over gravely loamy sand or very gravely sand. <u>Drainage</u> : rapid.
20%	MLB	land fills, cut and fill or levelled areas
12 %	HD – Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravely sandy loam or gravely loamy sand. <u>Drainage</u> : well

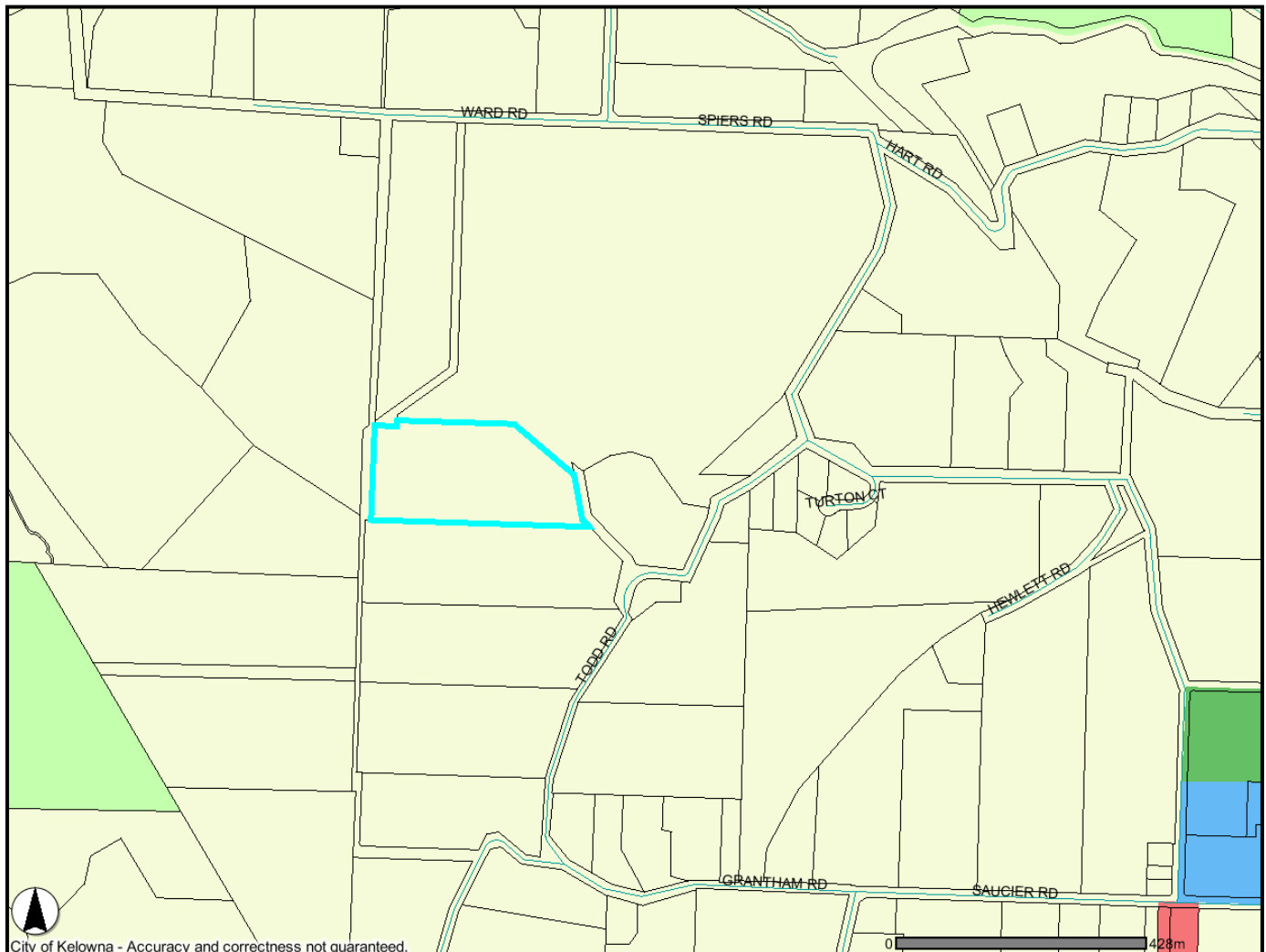
Zoning of Adjacent Property

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1

5.0

SITE MAP

Subject Property: 3974 Todd Road



6.0 POLICY AND REGULATION

6.1.1 City of Kelowna Strategic Plan

Objective: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective: – Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

6.1.2 Kelowna 2020 – Official Community Plan

Policy 10.1.7 Gravel Extraction in ALR – Seek the co-operation of the appropriate provincial ministry or agency with respect to allowing, where necessary, sand and gravel extraction to take place on lands within the Agricultural Land Reserve;

Policy 10.1.8 Rehabilitation – Co-operate with the appropriate provincial ministry or agency to ensure the rehabilitation of depleted sand and gravel extraction areas;

Policy 10.1.27 Extraction Outside the ALR – Utilize gravel resources outside the Agricultural Land Reserve (ALR), whenever possible, prior to seeking sources within the ALR;

Policy 10.1.28 Impact of Extraction – Continue to require sand and gravel extraction to be conducted in a manner which limits impact on neighbouring properties by controlling: hours of operation, dispersion of dust, screening and access;

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The subject property is designated Rural / Agricultural in the OCP and is within the rural portion of the Urban – Rural / Agricultural Boundary Map 11.2. The OCP and the Agriculture Plan support the retention of land in the ALR and in farm production. The OCP (Policy 10.1.27) supports the use of sand and gravel resources outside the ALR prior to seeking sources within the ALR. However, this site is already compromised by a previous soil extraction operation. Therefore OCP (Policy 10.1.7) also supports, where necessary, sand and gravel extraction in the ALR including the rehabilitation (Policy 10.1.8) of depleted sand and gravel extraction areas. OCP policy 10.1.28 also requires that extraction operations be conducted in a manner that limits the impact on adjoining properties by controlling hours of operation, dispersion of dust, noise, screening and access.

Staff supports this application for further soil extraction to occur on the subject property, provided that the Applicant adhere to those items suggested by the consulting professional, Herb Luttmerding (see Comments/Suggestions section on page 2 of letter from H.A. Luttmerding, dated August 8, 2004). In addition, Staff recommends that a 5-year time limit be placed as a condition of issuance of the City of Kelowna soil removal permit. Should the Applicant be unable to complete the extraction/reclamation in that 5-year time frame, Staff may consider an extension to the permit.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services
RGS/NW/nw

Attachments (20 pages):

1. Location
2. Application to Place Fill (2 pages)
3. Letter of Rationale Jan 11, 2005 (2 pages)
4. Letter of Rationale Dec. 20, 2005 (1 page)
5. Agrologist Letter (3 pages)
6. Annotated Air Photo
7. 3D imaging of existing contours
8. 3D imaging of proposed contours
9. Cross-section A & B – Plan View
10. Cross-section A & B – Section View Existing and Proposed
11. Soils
12. Land Capability Map
13. Previous Decision by ALC, File #G-27449, July 1999 (5 pages)