

Date: November 29, 2006

File No.: A06-0024

To: City Manager

From: Planning & Development Services Department

Purpose: To obtain approval from the Agricultural Land Commission to place fill on the subject property, pursuant to Section 20(3) of the Agricultural Land Commission Act.

OWNER David Drage **APPLICANT:** Ed Grifone

AT: 1805 Brentwood Road

EXISTING ZONE: A1 Agriculture 1

REPORT PREPARED BY: Nelson Wight

THAT the Agricultural Advisory Committee SUPPORT application A06-0024 submitted by CTQ Consultants Ltd. on behalf of David Drage pursuant to Section 20(3) of the Agricultural Land Commission Act to obtain approval of the Agricultural Land Commission to allow fill to be placed on the property located at 1805 Brentwood Road and legally described as: Lot 2, Plan 32945, Township 27, Section 18, ODYD subject to:

- Material that is being placed on the subject property be suitable for agricultural purposes;
- An ongoing monitoring program be employed;
- A soil report be provided prior to any further fill activity; and
- A bond be posted with the City to ensure that the work is completed in a timely manner.

4.0 HISTORY

February 2006 – Complaint received regarding illegal soil deposit occurring on property (or properties) located southeast of the intersection of Hwy 33 and Brentwood Road. The owners of both parcels were notified (1805 Brentwood - David Drage and 2597 Hwy 33 – Dean Keast). Dean Keast, owner of Redline Bobcat Services indicated that he was responsible for the soil deposit activity, and would undertake the necessary approvals in order to allow the soil to remain. Mr. Keast initiated a “Notice of Intent” application with the ALC. The ALC responded to Mr. Keast, indicating that they would not approve the soil deposit through the “Notice of Intent” process, but would instead require an “Application for a Non-farm Use to Place Fill or Remove Soil”, pursuant to Section 20(3) of the Agricultural Land Commission Act.

5.0 SITE CONTEXT

The subject property is located in the Black Mountain area, immediately southeast of the intersection of Hwy 33 and Brentwood Road. As noted in the Agrologist’s Report submitted with this application, the site has been “severely disturbed by aggregate removal in the past”. The land appears not to have been reclaimed from these previous aggregate removal activities. Consequently the land is topographically uneven, and—with the exception of those areas impacted by recent soil deposits—has overgrown with weeds, grasses, and trees. There is no agricultural activity taking place, nor are there any structures on the property.

Parcel Size: 2.3 ha (5.7 ac)

Elevation: 623 m – 597 m

BCLI Land Capability

The unimproved land classification for the subject area is split roughly split between Class 3 (43%), 4 (24%), and 5 (33%) into Class 5 ($\pm 90\%$). The predominant limiting factors for unimproved land include “soil moisture deficiency”, “adverse topography”, and “undesireable soil structure”. Through improvements—primarily through irrigation—the improved land capability rating on the majority of the parcel increases to Class 3 ($\pm 77\%$), with some Class 1 ($\pm 23\%$) (see attached Land Capability Map copied from map 82E.084).

Soil Classification

The soil classification for the subject property includes the following:

%	Soil Type	Description
67%	R - Rutland	<u>Land</u> : very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over very gravely sand. <u>Drainage</u> : rapid.
23%	KN – Knox Mountain	<u>Land</u> : fluvioglacial veneer over gently to strongly sloping stratified glaciolacustrine sediments. <u>Texture</u> : 10 to 50 cm of sandy loam over banded silty clay loam, clay loam or loamy gine sand. <u>Drainage</u> : well to rapid.
10%	GL - Glenmore	<u>Land</u> : nearly level to moderately sloping stratified

		glaciolacustrine sediments. <u>Texture</u> : 100 cm or more of silt loam, silty clay loam or clay loam. <u>Drainage</u> : well to moderately well.
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Zoning of Adjacent Property

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

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 Agrologist's Report submitted with this application describes the property as follows:

“Part of the landfill area consisted of steeply westward sloping land with severe agricultural imitations due to adverse topography. The proposed landfill area has also been severely disturbed by aggregate removal in the past.”

The Agrologist's Report also refers to the intention of this soil deposit as being to reclaim the land, making it suitable for agricultural cropping. Given (a) the history of aggregate extraction, which compromised the lands agricultural potential, and (b) the Applicant's intention to reclaim the land for agricultural use, Staff recommends that this soil deposit application be supported. If completed properly, the reclamation work should enhance the agricultural viability of this parcel.

To ensure that the reclamation and restoration of this formerly disturbed site is done properly, Staff are recommending that the Applicant follow the advice of their consulting Agrologist. In addition, it is recommended that a bond be taken to ensure that the land is left in condition suitable for agricultural cropping (see conditions listed below the “Recommendation” on the first page of this report.

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion

Mary Pynenburg, MRAIC MCIP
Manager, Policy, Research & Strategic Planning
Acting Director Planning and Development Services

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ATTACHMENTS (11 pages)

Subject Property Map

ALR Map

Land Capability Map

Soil Classification Map

Additional Information from Applicant

1. Letter to City of Kelowna (2 pages)
2. Letter to ALC (3 pages)
3. Site Plan showing Location of Fill
4. Photos of Site (4 pages)
5. Slope Map showing gulley
6. Legal Plan
7. Agrologist's Report (2 pages)
8. Air Photo with contours