

Agricultural Advisory Committee

AGENDA



Thursday, August 10, 2017
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at www.kelowna.ca.
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

2. Applications for Consideration

2.1 3317 McCulloch Road, A17-0006 - Calvin Kuipers & 7 Kuiper's Holding Ltd.

3 - 24

The applicant is requesting permission from the Agricultural Land Commission (ALC) for a Non-Farm Use to permit long term, year round rentals of recreational vehicles on the subject property.

2.2 1040 Old Vernon Road, A16-0011 - 0698329 BC Ltd.

25 - 87

To consider an application to the Agricultural Land Commission for a Non-Farm Use within the Agricultural Land Reserve to operate a recycling facility for construction and demolition waste at Lot 2, Section 1, Twp 23, ODYD, Plan 546 at 1040 Old Vernon Road Kelowna BC.

2.3 982 Old Vernon Road, A17-0003 - Jeetender & Manraf Kandola

88 - 156

To consider an application to the Agricultural Land Commission for a Non-Farm Use within the Agricultural Land Reserve under Section 20(3) of the Agricultural Land Commission Act to operate a storage facility for boats and recreational vehicles, composting and storage for a tree service company, for a portion of Lot 3, Section 1, Twp 23, ODYD, Plan 546 at 982 Old Vernon Road, Kelowna, BC.

3. Minutes

157 - 165

Approve Minutes of the Meetings of May 11, 2017 and June 8, 2017.

4. Next Meeting

September 14, 2017

5. Termination of Meeting

based on size of property. This facility preceded that bylaw. In 2016, City Council approved Bylaw 11265, which prohibited any further agri-tourism accommodation operations in the City. This was due to the number of abuses of the use, specifically with permanent, year round tenants as opposed to temporary, seasonal tenants that are visiting the property for an agri-tourism experience.

The City is currently undergoing litigation with respect to several agri-tourism accommodation RV parks in the City. According to the Agriculture Plan, ALC applications will generally not be supported as noted below:

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization².

In addition, the OCP states the objective to 'Protect and enhance local agriculture'³. To this end, it lays out multiple policies, including Policy 5.33.6 regarding non-farm uses, whereby it states:

that there should be support of non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- *are consistent with the Zoning Bylaw and OCP;*
- *provide significant benefits to local agriculture;*
- *can be accommodated using existing municipal infrastructure;*
- *minimize impacts on productive agricultural lands;*
- *will not preclude future use of the lands for agriculture;*
- *will not harm adjacent farm operations.*

2.2 Project Description

The application is to request authorization from the Agricultural Land Commission to permit long term, year round rentals of recreational vehicles, specifically for low income individuals. The applicant has stated that he charges half the rate of many of the other existing year round RV parks.

The corner of the property where the RV park operates had been planted with table grapes and later apples, but were removed due to low success and replaced with summering cattle. The applicant has noted high groundwater at this corner of the property. The applicant notes that operating the RV park for tourists is difficult because of the constant turnover during their busy season of other farming activities. Sometimes the residents provide farm labour for the owners. The owners provide impromptu farm tours to tourists passing by on McCulloch Road.

² City of Kelowna Agriculture Plan. 1998. P. 130.

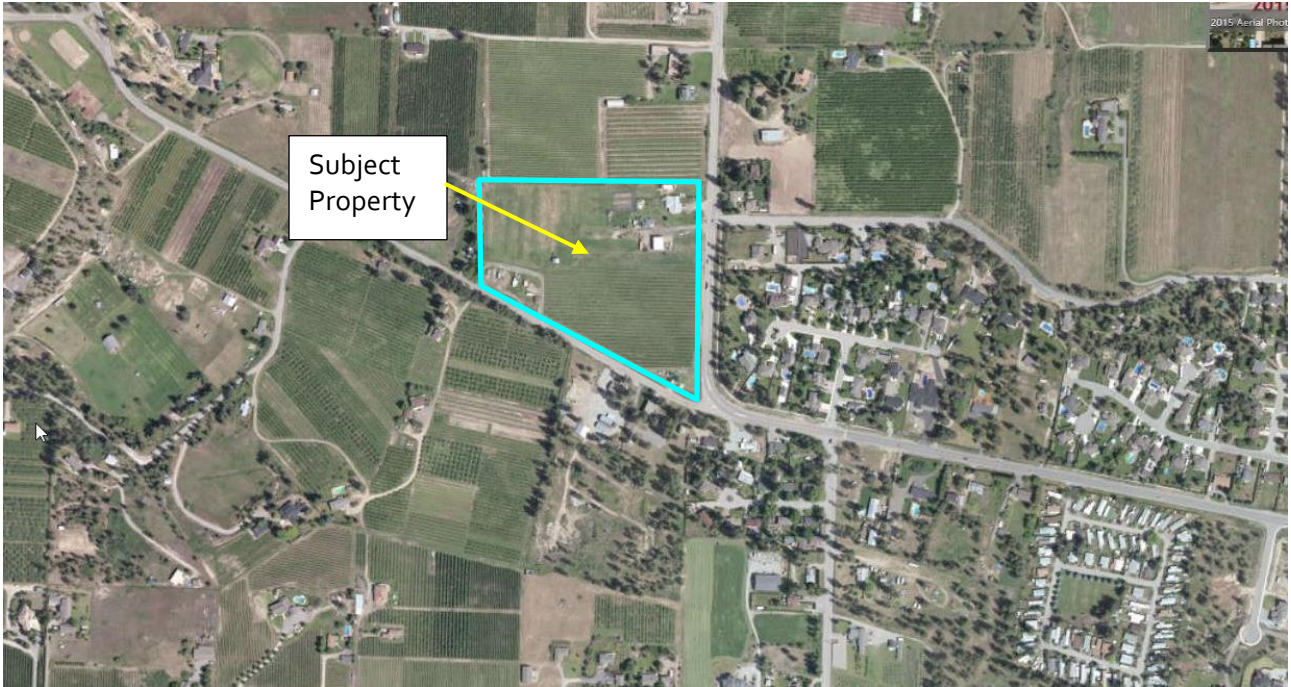
³ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

2.3 Site Context

The property is in the Southeast Kelowna OCP Sector of the City, at the corner of McCulloch and Gully Roads.

Parcel Summary – 3317 McCulloch Road: Parcel Size: 5.7 ha (14.09 acres)

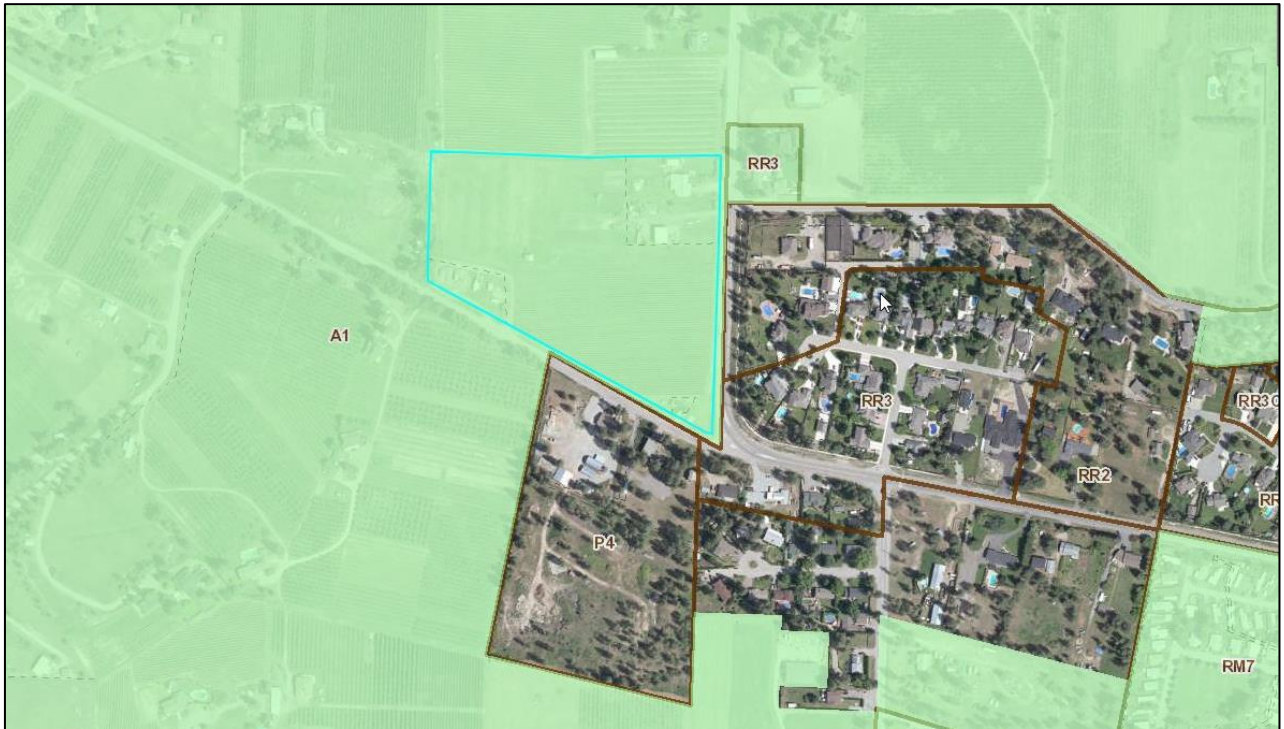
Map 1 – Neighbourhood



Map 2 – Subject Property – 3317 McCulloch Rd



Map 3 – Agricultural Land Reserve



2.4 Neighbourhood Context

The subject property lies within the Southeast Kelowna OCP Sector.

Zoning and land uses adjacent to the property are as follows:

Table 1: Zoning and Land Use of Adjacent Property

Direction	Zoning	ALR	Land Use
North	A1 – Agriculture 1	Yes	Agriculture / Vineyard & Orchard
South	A1 – Agriculture 1 P4 –Utilities	Yes	Agriculture / Public Utility
East	RR2 – Rural Residential 2 and RR3 – Rural Residential 3	No	Rural Residential
West	A1 – Agriculture 1	Yes	Agriculture / Vacant

3.0 Community Planning

Both the City's Agriculture Plan and the OCP recommend general non-support for non-farm uses in the ALR. In addition, Council has taken the step of prohibiting the use of agri-tourist accommodation in the A1 – Agriculture 1 zone due to its frequent mis-use and not functioning for tourists as it was originally intended.

Council and staff are seeking a recommendation from the AAC with respect to the proposed non-farm use the use of recreational vehicles for long term, low cost housing in the ALR. The AAC should pay particular attention to City and ALC policies with respect to non-farm uses in general and agri-tourist accommodation specifically.

In addition, the AAC should consider potential impacts to agricultural land City-wide should this precedent be established. That is to say, the AAC should consider the impact of allowing for recreational vehicles for long term low cost housing in the ALR, and potential impacts to farmland and farming operations.

Report prepared by:

Melanie Steppuhn, Land Use Planner

Approved for Inclusion:



Todd Cashin, Suburban & Rural Planning Department Manager

Attachments:

Schedule A – Policies
Applicant Package
Site Photos

SCHEDULE A - Policies



Subject: 3317 McCulloch Road

3.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria⁴

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

1.1 City of Kelowna Strategic Plan

Objective⁵: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective⁶: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁷

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary⁸

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Protect and enhance local agriculture⁹.

⁴ City of Kelowna Agriculture Plan. 1998. P. 130.

⁵ City of Kelowna Strategic Plan. 2004. P. 7.

⁶ City of Kelowna Strategic Plan. 2004. P. 29.

⁷ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

⁸ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

⁹ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary¹⁰. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council’s specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture¹¹.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .6 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

¹⁰ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

¹¹ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

1.4 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6 of the ALCA

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) 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.

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56426

Application Status: Under LG Review

Applicant: Calvin Kuipers

Local Government: City of Kelowna

Local Government Date of Receipt: 04/20/2017

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: I would like to operate the R.V. Park year around. I have been catering to the low income, many of whom are on some sort of social services. Most are on long term disability. These people have no other place to live.

Mailing Address:

3317 McCulloch Road

Kelowna, BC

VIW 4G4

Canada

Primary Phone: (250) 870-7530

Email: ckuipers49@gmail.com

Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 003-335-151
Legal Description: Lot B SEC 3 TP 23 ODYD PL 32710
Parcel Area: 5.7 ha
Civic Address: 3317 McCulloch Road
Date of Purchase: 11/01/1982
Farm Classification: Yes
Owners
 - Name:** Calvin Kuipers
Address:
3317 McCulloch Road
Kelowna, BC
VIW 4G4
Canada
Phone: (250) 870-7530
Email: ckuipers49@gmail.com
-

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

4.0 acres Gewurztraminer grape plants, 0.8 acre Ottonel Muscat grape plants, 0.33 Orange Muscat grape plants.

Fleece sheep, Hair sheep, Alpacas, chickens, market garden,

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

2009 prepared 6 acres for grapes. This included removing old overhead irrigation lines, tilling and grading. Picked with a 16,000lb excavator 9200 holes for plants and 1300 holes for posts. Infilled holes with black peat and top soil. Installed galvanized posts, wires and drip lines. Planted 9200 grape plants in 2010.

Fenced balance of property for sheep and alpacas. Dividing the field into 3/4 to 1 acre plots to rotate pastures. Fenced market garden areas, introduced a compost and topsoil mix to garden. Built 2 chicken coops with enclosed pens as well as free range areas.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

In 2009 I put in a 10 unit Agra tourism R.V. Park. Currently 8 spots available.

In 2016 I built a tiny winery.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Table grapes

East

Land Use Type: Agricultural/Farm

Specify Activity: Sub division Galaghers Gate

South

Land Use Type: Agricultural/Farm

Specify Activity: SEKID and Fire department

West

Land Use Type: Agricultural/Farm

Specify Activity: Mobile home rental

Proposal

1. How many hectares are proposed for non-farm use?

0.3 ha

2. What is the purpose of the proposal?

I would like to operate the R.V. Park year around. I have been catering to the low income, many of whom are on some sort of social services. Most are on long term disability. These people have no other place to live.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

I have not been able to fine anyone who is willing to put in the infrastructure and charge so little for a R.V. pad. Any existing R.V. sites who operate year around are either full or twice the price.

*Calvin Kuipers
3317 McCulloch Road
Kelowna, BC V1W 4G4
250-870-7530*

May 5, 2017

City of Kelowna

To whom it may concern:

In 2008, I began the installation of a ten unit RV Park on my 14.2 acre property on McCulloch Road in East Kelowna. I have put in considerable time and money into this park to make it operational. The site was carefully chosen so there would be minimal impact on the farming value of the property. It is located in the lower southwest corner of the property and is accessed from Gulley Road which runs along the south perimeter of the property.

This portion of the property is not useful farm property as there is a high water table combined with a hard-pack soil layer which limits plant growth. Prior to my father purchasing this property, it had been planted in native table grapes by the previous owner; however, there was a large bare area in this corner of the property. My father removed the table grapes and planted apples on the entire property; again, apples planted in this southwest corner of the property did not survive. Eventually the apples were removed and for several years the property was used for summering cattle which were purchased in the spring and sold in the fall.

Wanting to make better use of this property, and also in 2008, my wife and I decided to plant six acres of the property in wine grapes. We used the southeast part of the property, bordered by McCulloch Road and Gulley Road because it

gave the best east-west orientation for the grapes, and although we avoided planting grapes in the extreme southwest corner due to previous experience of poor survival rates of plants, and to our decision to operate an RV Park in this no-grow zone, we also experienced extreme losses of vines at the western border of our vineyard which is closest to the RV Park. Removing dead vines from this area shows lack of root growth due to the hard-pan layer beneath the top soil.

Knowing that there were water issues in spring and early summer in the southwest corner location of the RV Park, I brought in 8 truck-and-pup loads of blast rock to make a solid base for the road, to allow larger RVs to enter the park. In the past several years, I have brought in at least sixteen loads of asphalt grindings to keep the road useable. Even so, there are periods of time when the individual RV sites are too wet to allow RVs to pull in and leave the sites.

Each year for the last 3 years I have dug trenches and installed "French drains" to divert water from the park to city drainage ditches. I have had the city clean the ditch to enable the water to flow away better, but I still have standing water at this time. In most years, this area experiences water issues well into July.

Under the new city bylaws regarding opening and closing dates for RV Parks, the park would therefore be open from August to the end of October. This is not a long enough time period to allow a profitable season. Also, since we are actively farming the property ourselves, we are extremely busy with the vineyard and our other farming activities (lamb, meat chickens, and egg laying chickens), it is a difficult time to have continual turnover of RVs.

For the first few years of operating the RV Park, the park had considerable turnover of RVs. Although I have never had complaints from neighbors, we did experience some incidences of after-hours noise and partying due to short term renters who are in town for a weekend or a week and want to party, make noise and light fires in contravention to the park rules.

Over the past few years, the park has begun to cater to those with low incomes, but with RVs and who want to live in a rural setting on a permanent basis. I charge \$500 per month plus power. Typically, disability cheques are around \$980, so on average, this leaves them with around \$400 per month for other living expenses. Because they live here on a permanent basis they don't move their trailers and therefore, the water is not an issue. I do not raise my rates in the summer as I am not a greedy person and these people can't afford higher rents. Frequently, some of the residents of the park do farm labor for us. With only six acres in wine grapes, a small vineyard, it is difficult to attract large numbers of pickers for harvest, or farm labor for installing and removing netting, or for seasonal work with the vines, and so frequently the RV Park residents will assist with needed tasks.

To comply with city bylaws, we have at times attempted to close the RV Park over the winter, but these low-income people have nowhere else to go. They want to continue to live independently in their own RVs. It would be a severe hardship for most of them to have to move, as several of them have mental or physical disabilities. I firmly believe that if the RV Park is forced to close for the winter, the City of Kelowna will have at least four more homeless people on their streets.

2016 was the first year in the history of this property that I showed somewhat of a profit on the property. Diversification is mainly the reason. The R.V. park is instrumental to this income; and having the RV Park provide a year-round income is extremely helpful to our small farm. The property is not large enough to enjoy economies of scale as in some other communities but we do produce some valuable commodities. Over the years, we have sold garlic bulbs, raspberries, tomatoes, meat chickens, lamb, and eggs to supplement the farm income, but my wife and I still need to spend some time working off property in order to keep the farm operational.

The site which the RV Park occupies is not a viable farming area. None of the crops planted there over the past 40 years have done well enough to survive. Now that there is an asphalt road, sewer lines, and power to the 10 satellite spots

(although two of these have been permanently discontinued), this piece of property is unable to contribute in any other way to the farm. There is certainly nothing agricultural that can be done on this site from November to March, which is the period of time that the City of Kelowna wants the park to be closed.

With the huge investment needed to develop this RV site, approximately \$100,000, due to huge costs for water and electricity, as well as the investment put into planting and maintaining the six acre vineyard, this farm really needs the year round income the RV Park could provide if allowed to stay open year round. In 2013, the vineyard was hit hard by a severe 30 minute hail storm which completely destroyed our grape crop for that year. It was a heartbreaking weather event, to see the crop destroyed and the vines themselves severely damaged. Many of the young vines did not survive the following winter and we have had to replant more than 2000 vines. We would likely not have been able to replace these vines without the year-round income generated by the RV Park. It is not only the loss of the crop and the replacement of the vines, but then the replanted vines take several years to reach the capacity the damaged vines had reached so it is a continual drain on farm income.

I love this property and want to keep farming it. My wife and I frequently give impromptu farm tours to the many tourists who drive past us on McCulloch Road. Many of them have never seen grapes growing, not seen chickens busy scratching the dirt and eating bugs, been close to alpacas, or lambs frolicking in the field, and we are happy to be able to share this wonder with them. I believe we are providing a valuable service and working hard to improve our farm land – we have been picking rocks and producing and adding compost to this property for over 20 years. Please allow our family to continue to farm by granting us non-farm status use for this small piece of our farm and allow us some diversified, non-weather-dependent, and year-round income.

Sincerely,

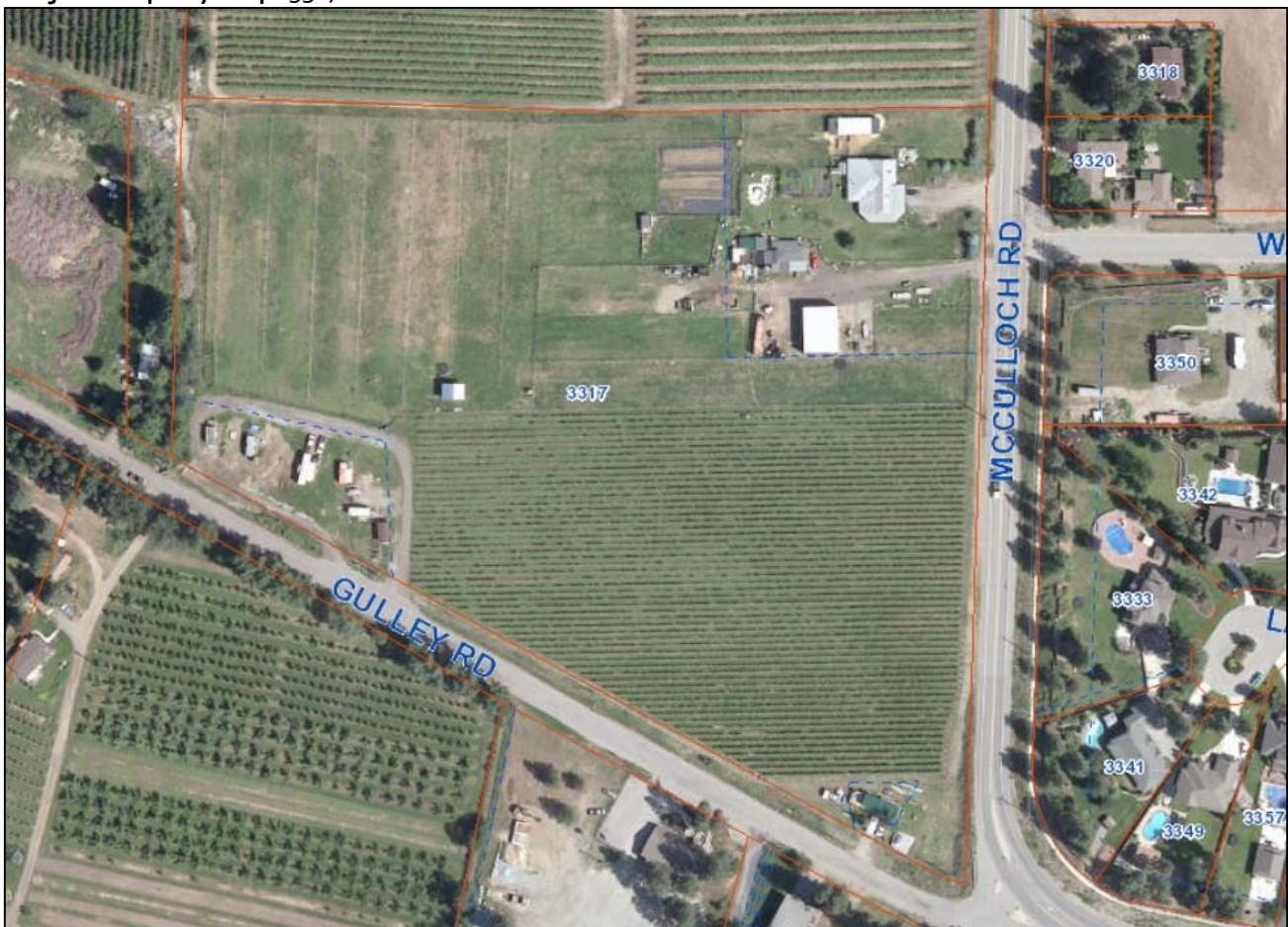
A handwritten signature in black ink, appearing to read 'Calvin Kuipers', with several horizontal strokes underneath.

Calvin Kuipers

Date: 6/10/2017
RIM No. 1210-21
Subject: Non-Farm Use – 3317 McCulloch Road – RV Site Request

Request to the Agricultural Land Commission for a Non-Farm Use to operate a year round RV Park that caters to low income persons.

Subject Property Map: 3317 McCulloch Road



Recreational Vehicle Site: 3317 McCulloch Rd



PHOTOS

Photo 1. RV Trailers



Photo 2. RV Trailers



Photo 3. Trailers



Photo 4: Trailers



Photo 5: RV Trailer



Photo 6: RV Trailers without wheels



Photo 7: Entrance to RV Park



Historic Air Photo: 1976



Historic Air Photo: 1984



COMMITTEE REPORT



Date: August 10, 2017

RIM No. 1210-21

To: City Manager

From: Community Planning Department (MS)

Application: A16-0011 **Owner:** 0698329 BC Ltd.

Address: 1040 Old Vernon Rd **Applicant:** Benson Law LLP

Subject: Application to the ALC for a Non-farm Use on a property in the ALR (Demolition Recycling)

Existing OCP Designation: Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Purpose

The proposal is an application to the Agricultural Land Commission (ALC) for a Non-Farm Use, to operate a recycling facility for construction and demolition waste at Lot 2, Section 1, TWP 23, ODYD, Plan 546 at 1040 Old Vernon Road, Kelowna BC from the Agricultural Land Reserve (ALR).

2.0 Proposal

The application is for a non-farm use from the ALC to operate a recycling facility for demolition and construction waste. Specifically, the proposal is to recycling concrete and wood on the subject property. A small volume of brick is anticipated. The owner has indicated that metal recycling is not the focus of the operation, and any incidental metal would be put in a container, and removed from the property when full. The disposal or recycling of gypsum board is not a part of this proposal.

The proposal includes crushing concrete for potential reuse in construction. Recycled concrete has potential reuse as a sub-base for sidewalks and non-structural fill. In some cases, it can be used for structural fill depending on the specification and the engineering requirements. Dust mitigation is proposed through applying water to the crusher during processing. The owner has indicated that the crushed product would be spread over the site to provide a surface upon which the concrete can be placed and the screeners and crushers can operate. The depth of crushed material would depend on the underlying soil and what would be needed to support roads, the waste material and the crushing and screening equipment.

The site is currently covered with wood waste from a previous sawmill and wood recycling facility. This wood waste was primarily deposited from the mid 1980's to the early 2000's. Through discussions with City landfill staff, it was determined that, through this time the wood has lost much of its carbon value, such that the burning potential (BTU potential) has been reduced. It's value for cogeneration has therefore been significantly reduced from the time of deposition.

Similarly, the nitrogen values have also degraded. As such, the wood waste on site does not hold value as an additive to the City's Ogogrow program¹.

The proponent has indicated that cogeneration of the existing wood may be possible with the addition of new wood received from demolition. The intention for the wood recycling is to seek a contract with a cogeneration plant, (the closest being Tolko in Armstrong). To date, a contract with Tolko has not been confirmed.

For wood recycling, an option for zoning is a Temporary Use Permit (TUP). Through a TUP, a time period could be established to see if the existing wood could be mixed with other wood waste to achieve a successful cogeneration product, and a partnership established with a cogeneration plant.

Historically, there was a sawmill on the site prior to the establishment of the ALR. The use was expanded through the years, and the previous owners received conditional approval from the ALC to use additional areas of this site and portions of 982 Old Vernon Road for wood and sawdust storage. In 2007, the current owner received a letter of confirmation from the ALC staff that the recycling operation proposed was substantially compliant with previous resolutions from the ALC to allow wood recycling on the property, including Resolution #437/2000, and did not have an objection to the issuance of a business license. More of the history of the site is included below.

The use of **Recycling Plants**, as defined by the City of Kelowna Zoning Bylaw 8000, are permitted only in the I3 – Heavy Industrial zone and the 1-5 – Extraction zone. The use of **Concrete and Asphalt Plants** are permitted in the I3 – Heavy Industrial zone, I4 – Central Industrial and the 1-5 – Extraction zones².

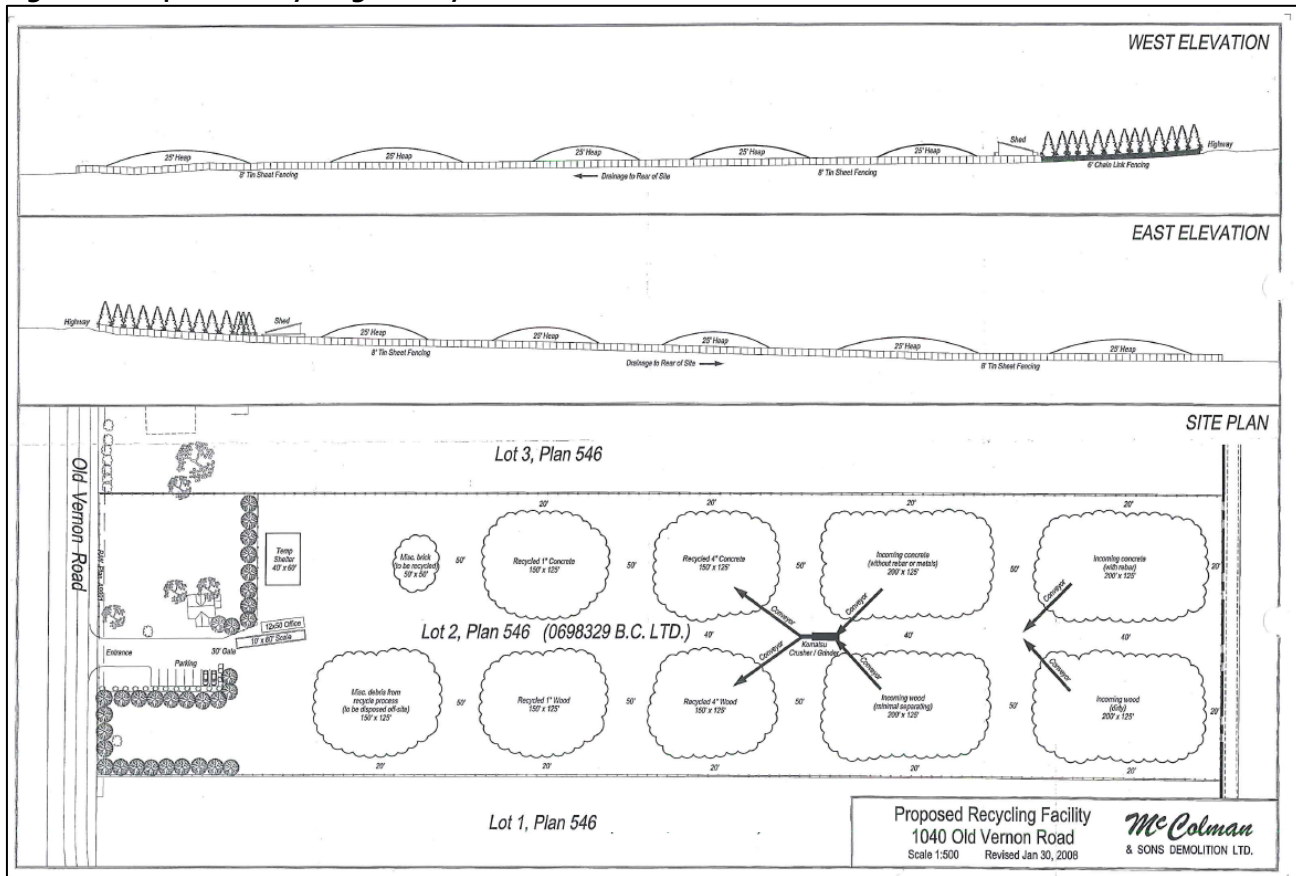
The City of Kelowna Landfill accepts demolition and construction waste at \$65.00 per metric tonne, and stumps at \$65.00 per metric tonne. Logs, limbs and branches are accepted at \$10.00 per metric tonne if they are cut to 1.2 m (4') lengths.

A plan of the proposed operation is included below.

¹ Hoekstra, S. and Light, G., June 16, 2017. Personal Communication.

² City of Kelowna, 2017. Zoning Bylaw 8000 – Section 15 Industrial Zones
<https://apps.kelowna.ca/CityPage/Docs/PDFs/Bylaws/Zoning%20Bylaw%20No.%208000/Section%2015%20-%20Industrial%20Zones.pdf>

Figure 1. Proposed Recycling Facility



The site has a history of a small sawmill prior to the creation of the ALR. The original Russo Sawmill was designated as a 'Clean Wood Drop Zone' by the City of Kelowna and the Regional District Waste Management. The sawmill would take stumps, non-mercantable timber, and clean wood waste and recycle them into lumber, pallets, wood chips and mulch which was then sold. After the sale of the properties, the sawmill and it's equipment was dismantled and no longer is present on site.

Two resolutions permitted the expansion of the footprint beyond the original sawmill. Resolution #993/85 permitted 1.7 ha of 982 Old Vernon Road to be used for **the storage of logs, lumber and sawdust.**

Resolution #437/2000 permitted the use of all of 982 and 1040 Old Vernon Road **for sawmilling, woodwaste recycling/composting and pallet recycling.** This was subject to the conditions that Lot 1, 1124 Old Vernon Road would be reclaimed to agriculture, and that a fence be erected on the east, north and west property line.

However the non-farm uses according to the resolutions have not been followed, leading to a further deterioration of the site, including adjacent waterways, as well as nuisance impacts to adjacent farming operations, making it challenging for adjacent properties to farm. The fence was not constructed, and the equipment of the original sawmill is no longer there to enable the milling and construction of pallets or the chipping or mulching of wood waste.

Staff echos the recent decision from the ALC for the property to the west, as well as the Ministry of Agriculture (attached) which stated that they continue to believe that the site has capability for non-soil bound agriculture, and that industrial uses on the property would have an adverse impacts on adjacent farming operations.

Potential risks and impacts due to expanded industrial operations to adjacent farms include, based on previous bylaw complaints and / or impacts to farmland due to industrial development nearby:

- Potential impacts to surface and ground water
- Potential groundwater rise and flooding potential (with the addition of replacement granular to support parking or structures)
- Potential fires³ (previous cost to City of Kelowna for Fire Protection: \$80,000⁴)
- Potential nuisance (dust, noise).

Staff notes that 1040 Old Vernon Road is within the Intensive Agriculture Area according to the City of Kelowna Zoning Bylaw No. 8000. Staff agrees with the ALC and the Ministry of Agriculture (attached) in that there remains potential for non-soil based agriculture. Therefore, intensive agriculture such as poultry, mushrooms, and other intensive livestock operations would be permitted in this location under the bylaw. In addition, other non-soil bound agriculture is possible, including greenhouses and Medical Marijuana Production facilities.

3.0 Proposal

3.1 Project Description

The applicant is requesting a Non-Farm Use of the property in the ALR. The site has history of use as a sawmill, and has been used for wood waste storage.

The application proposes a future land use of Industrial for the parcel, specifically I2 – General Industrial or I3 - Heavy Industrial. Such a use would require an Official Community Plan amendment to the Permanent Growth Boundary, the Future Land Use, and a rezoning amendment, should the City and the ALC approve the non-farm use from the ALR.

3.2 Background

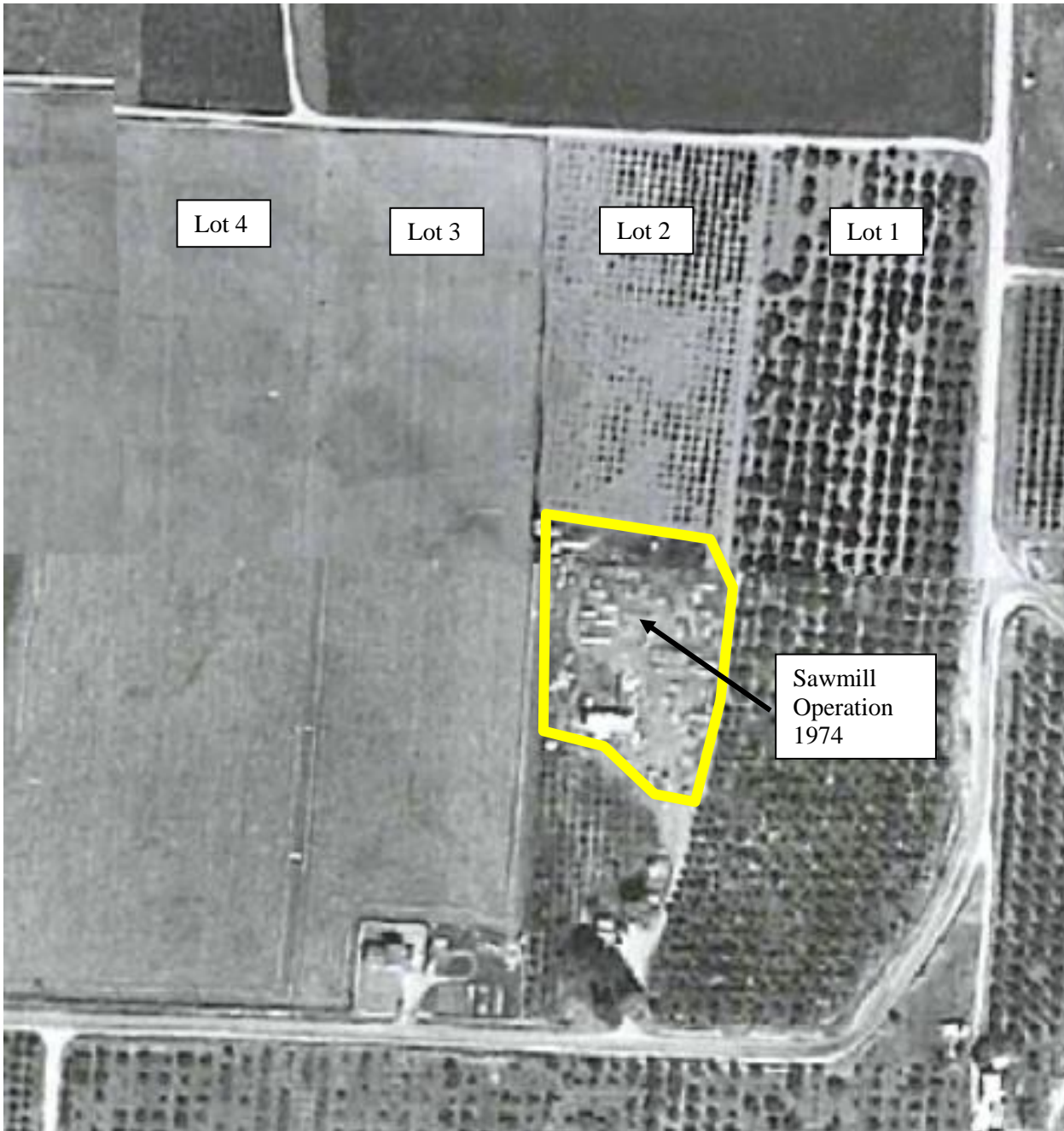
The site has a history of use as a sawmill. In 1972, at the creation of the ALR, and prior to amalgamation of the site into the City of Kelowna, the sawmill footprint was approximately 1.0 ha (2.47 acres).

³ Valhalla Environmental Consulting Inc, 2013. Land Capability Assessment – 982 Old Vernon Rd p. 4

Map 1 – Air Photo 1970

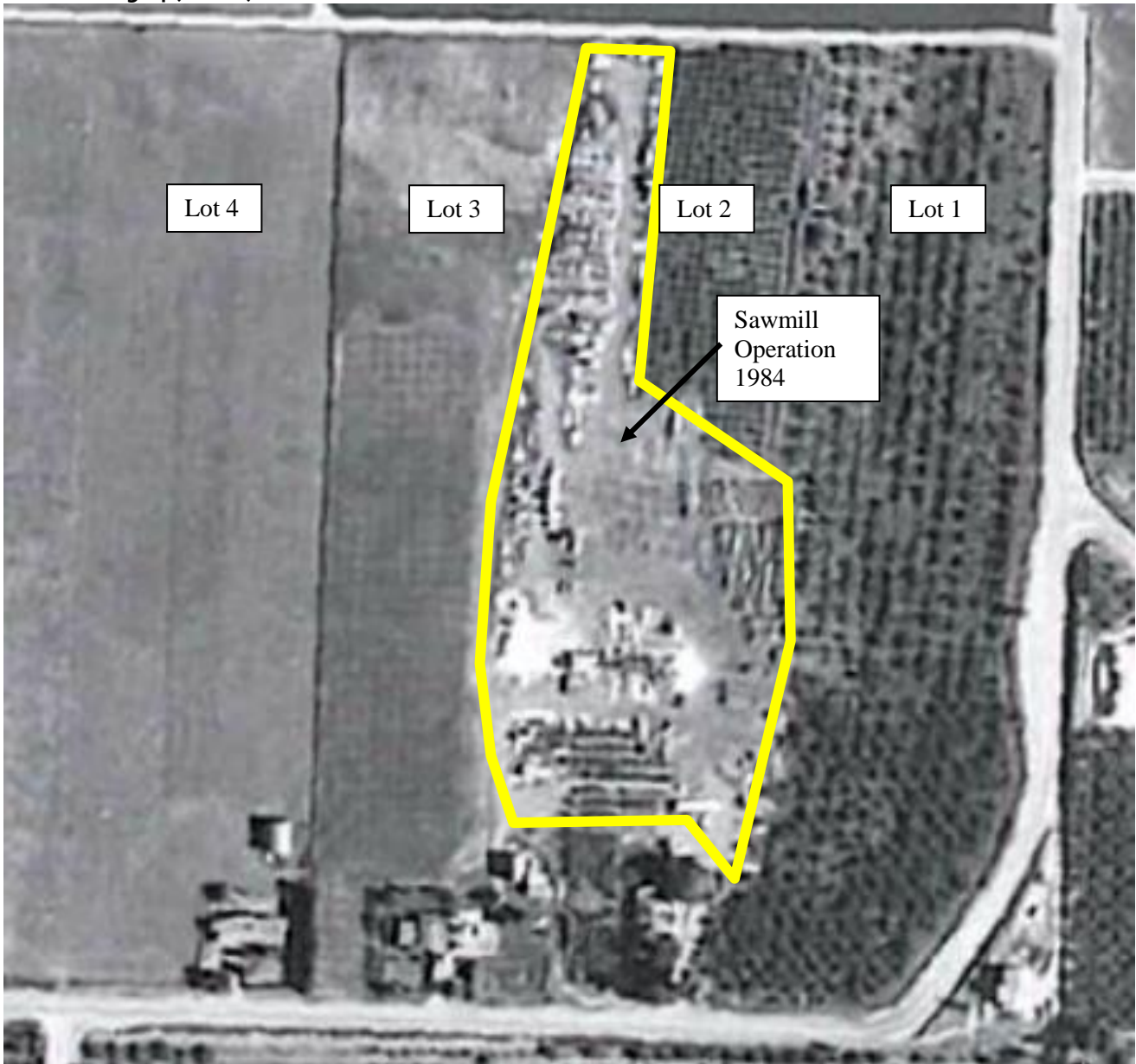


Air Photo 1976 (Russo)



In 1976, the sawmill operation focused on the subject property (Lot 2) 1040 Old Vernon Road. This was shortly after the establishment of the ALR.

Air Photo 1984 (Russo)



In 1984, the storage of logs and lumber was starting to encroach on Lot 3.

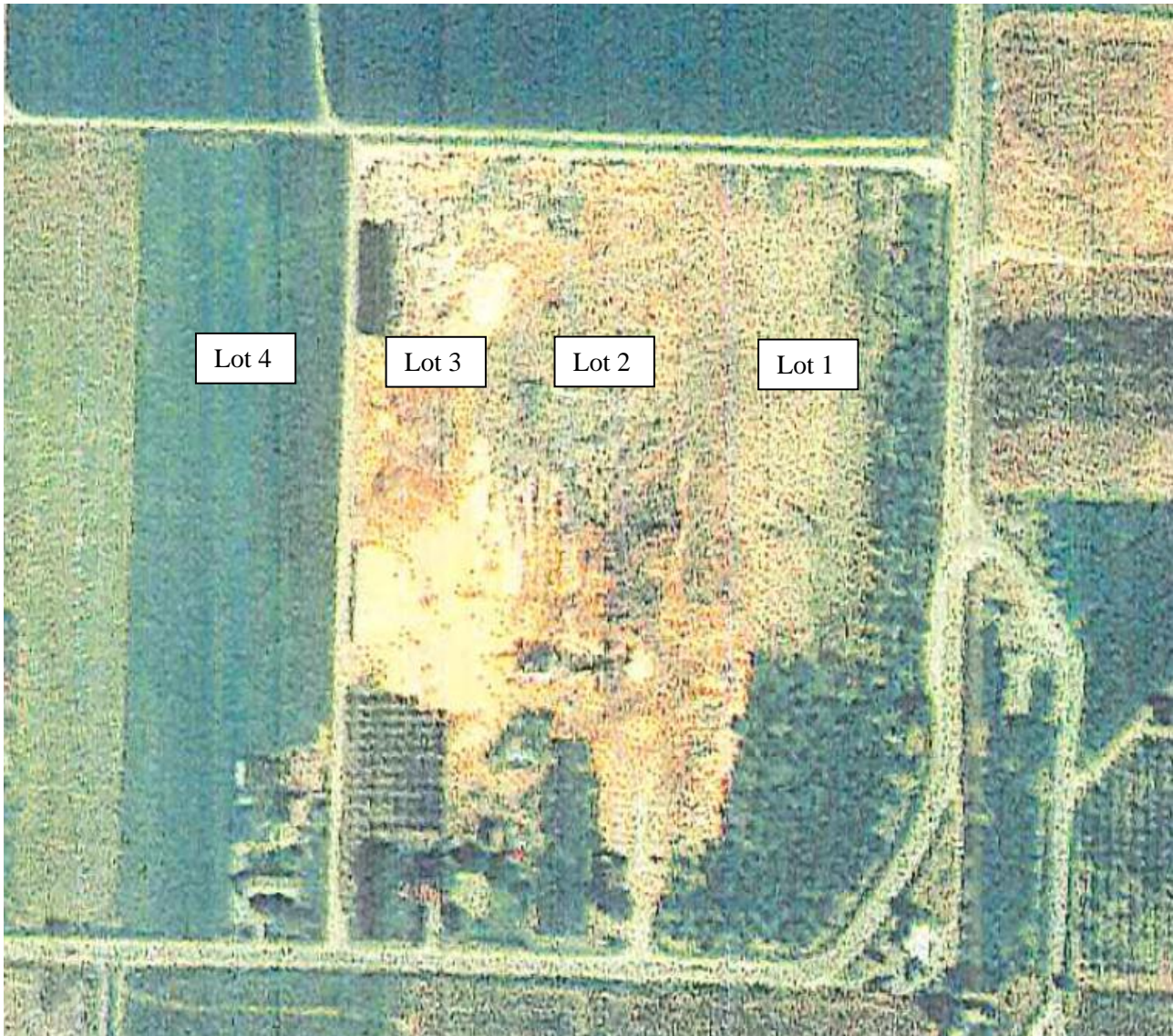
Air Photo 1985 (Russo)



By 1985, the sawmill operation had expanded beyond the subject property, over 1.7 ha in area of Lot 3. In response to complaints from a neighbour, the owner made an application to the ALC to expand the sawmill operations to Lot 3. Through Resolution # 993/85, authorization was granted, for a limited area of 1.7 ha, specifically for storage of logs, lumber and sawdust. This resolution was subject to the owners to avoid placing gravel on the property, which was stunting the growth of the neighbours fruit trees and alfalfa, a complaint of the neighbour to the west.

Date	Action	Result / Direction
Nov. 13, 1985	ALC Resolution #993/85	Authorization of 1.7 ha of Lot 3 for storage of logs, lumber and sawdust, subject to agreement of terms with neighbour.
March 5, 1985	ALC Letter of Clarification for Lot 2	Sawmill use authorized on Lot 2 as long as it the remainder of lot continued its use of agriculture. Any change to this would require ALC review.

Air Photo 1999 (Russo)

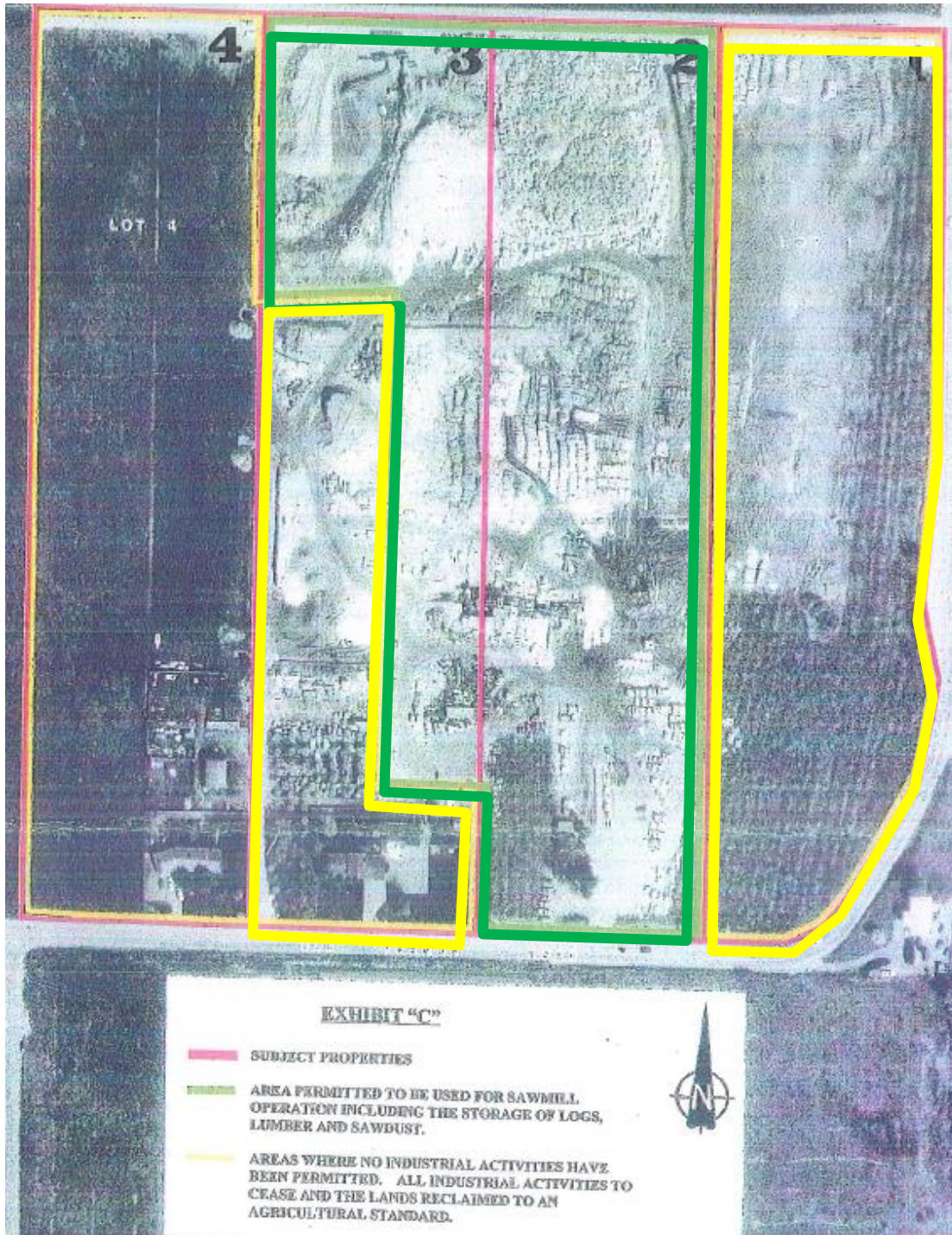


In 1998, due to neighbours complaints, the ALC conducted a site visit that revealed impacts on Lots 1, 2, 3 and 4, including a series of ditches and ponds to capture leachate from the operation. At the time, the ALC provided a letter in response to the expanded activities:

'the non-farm uses have expanded and diversified without the necessary ALC approvals.... From the Commission's perspective, the only authorized activity is the sawmill activity as it existed six (6) months before December 21, 1972 as amended by Resolution #993/85'.⁵

⁵ ALC, June 4, 1998. Letter to Russos from C. Fry, Agricultural Land Commission.

ALC Order #368 and 369/99 (1999)



Per ALC Order #368 and 369/99 (1999).

Green Area – Area Permitted for Storage of Logs, Lumber and Sawdust

Yellow Area – Area Must be Reclaimed for Agriculture

In June of 1998, the ALC issued an order to restore uses in accordance with 1985 Resolution. A site visit had determined that the owner had undertaken unauthorized non-farm uses including storage and processing of waste material and pallet recycling. This included restoring agriculture to all of Lot 1, and half of Lot 3, which was the area that had not been authorized through resolution #993/85 for the storage of lumber, logs and sawdust.

Date	Action	Result / Direction
Aug. 7, 1997	ALC Compliance Letter <ul style="list-style-type: none"> • Reports of wood dumping, recycling, selling pallets. 	Comply to ALC Resolution #993/85.
April 21, 1998	City of Kelowna Compliance Letter <ul style="list-style-type: none"> • Breach of Soil Conservation Act, use contrary to approvals, and fire hazard. • On Regional Waste List for recycling wood. 	Direction to cease and desist any uses contrary to ALC Resolution #993/85. Removal from the Regional Waste List for recycling wood.
April 27, 1998	City of Kelowna Fire Prevention Officer Letter	Require that they comply with Fire Codes.
June 9, 1998	ALC Site Visit Report <ul style="list-style-type: none"> • Failure to comply with Neighbour Agreement per ALC Resolution #993/85. • Use contrary to approval, site now being used for wood waste recycling. • Dug outs collecting water. • Agriculture on Lot 2 almost completely gone. 	Direction to cease and desist any uses contrary to ALC Resolution #993/85.
Sept. 22, 1998	ALC Resolution #738/98 <ul style="list-style-type: none"> • Activities had expanded beyond the approval #993/85, both in area (Lots 1, 3 and 4), as well as use expansion into wood recycling. 	Require immediate blocking of affected water runoff to west. Fill in ponds. Consider fencing, vegetative screening to reduce impacts on adjacent ALR lands. Develop a restructuring plan, with a maximum area of 5.7 ha.
June 14, 1999	ALC Order # 368 and 369/99 <ul style="list-style-type: none"> • Requirement to restore any lands to agricultural standard not included in the #993/85 approval. • Requirement to post a bond of \$500,000 to ensure restoration of lands occurs. 	Require any lands over 5.7 ha approved in ALC Resolution #993/85 be restored to agriculture. Immediately stop importing waste materials to the properties.

Air Photo (2000)



By 2000, the focus on the sawmill dropped, and the site had become a construction material waste operation. In addition, it has expanded beyond Lot 2 and the 1.7 ha of Lot 3 permitted in 1985, to Lots 1 to the east and part of Lot 4 to the west. A series of complaints had been lodged to the ALC. Upon review, concerns of the ALC included:⁶

- Activities were inconsistent with the ALC and Soil Conservation Act;
- Demolition debris (e.g. drywall) did not make acceptable compost for a turf operation in the ALR;
- Demolition debris could contain chemicals from glues and preservatives;

An application was made to the ALC to use all of Lots 2 and 3 as a sawmill, wood waste and pallet compost operation, with the conditions that the impacted area of Lot 1 was returned to agriculture, and that the compost was used to support a turf farm operation on Lot 4. In addition, the proposed selling the compost from Lot 4, as a part of the 2000 application.

⁶ ALC, June 6, 2000. Resolution #437/2000.

ALC Resolution #437/2000 – The ALC resolution allowed sawmilling and woodwaste recycling/composting, and pallet recycling, as a use on the property. The ALC conditions required:

- Allowed the installation of a fence on the west, east and north boundaries;
- No composed material used in the ALC unless sanctioned by the ALC;
- No turf farming without soil sampling and testing to the satisfaction of the ALC; and
- Reclaimed Lot 1 to agriculture.

Date	Issue	Action
	ALC Resolution #437/2000	Granted permission to use all of Lots 2 and 3 for sawmilling, woodwaste recycling/composting and pallet recycling. However, the composting must be tested in accordance with ALC approval. No compost material is to be used in the ALR without ALC sanction. Require a fence along entire east, west and north boundaries. ALC has a \$30,000 bond for fencing. Lots 1 and 4 are to be returned to agricultural standard. "Clean Wood' only.
2009		

ALC Resolution #437/2000 – The ALC resolution allowed recycling as a use on the property. Specifically, the ALC:

- Considered the processing and recycling of wood, metal, concrete and trees to be largely consistent with the sawmill / wood recycling non-farm uses previously allowed.
- Allowed the installation of a fence on the west, east and north boundaries of the facility.
- Required the reclamation of Lot 1, Plan KAP546 (1124 Old Vernon Rd) to the east to agriculture.

Map 6 – Air Photo 2006



In 2007, McColman and Sons Demolition Ltd. purchased the property to operate it as a waste recycling company. They also own an industrial parcel on Neave Road, purchased in 2003, used for the operation.

Date	Issue	Action
2008		
Jan. 25, 2007	ALC Staff Letter RE: Business License for McColman and Sons Demolition Ltd.	Considered all conditions of #437/2000 to be substantially complete, and had no objection at the issuance of a business license for the recycling facility for construction wood, metal, concrete and trees, that it was largely consistent with Resolution #437/2000.
2008-05-13	Complaint of dumping mixed construction waste.	Advised to stop bringing materials on site.
2008-05-14 to 2008-05-28	Activities continue. Owner states all items are being recycled.	Attended site. Called owner, organized meeting.

2008-07-10	Site visit with City and ALC staff. Observed leaching of black water, variety of waste, including insulation, wiring, roofing shingles, stove, cardboard, wood, tar paper, and general demolition debris. Large amount of drywall in a crevice, appearing to be dumped verses ready to recycle. Cement crushing machine on site. ALC confirmed that the site was not being used as intended.	City and ALC staff attend.
2008-07-15	Cement and debris appear continue to be dumped. Observed oil like substance on a pond along with sludge, making its way to farmer's field.	Additional neighbour's complaints. Attended site.
2008-07-16	Staff attended noting additional material. Cardboard and metals are not separated as would be expected in a recycling operation. Materials do not appear to leave the site.	Additional complaints. Attended, requested testing of water.
2008-07-31	Dumping cement, drywall, household waste without regard for nearby streams City tested water finding high levels of toxins affecting drinking water for residents.	Stop Work Order issued

Air Photo 2009



2009		
2009-07-28	Staff attended, noted that much of the material had been ground up, and new material was not observed.	Attended site.
2009-08-05	Owner indicated that dumping of yard waste noted was without owner's permission.	Communication with owner.
2009-08-09	Staff noted the No Dumping sign removed.	Arrange for new posting, new stop work order.
2009-08-16	Staff asked ALC to give notice to remove items on the property not associated with approved use.	Staff contacted ALC.
2009-09-15	Complaint of storage of trailers, boats, trucks and backhoes.	Complaint – storage of trailers, boats, equipment.
2010		
2010-08-16	Discussion with ALC to send letter of non-compliance.	Discussion with ALC to send letter of non-compliance.
2011		
2011-02-23 to 2011-02-28	Staff found photos of storage of derelict vehicles, debris, garbage cement contrary to zone.	Mailed 'Unsightly Premises' and 'Use contrary to zone' notice; spoke with ALC staff for progress report, spoke with owner.
2011-05-11	Meeting with ALC Staff and owner	Owner was to make an application to the ALC to get non-farm use approval for the operation.

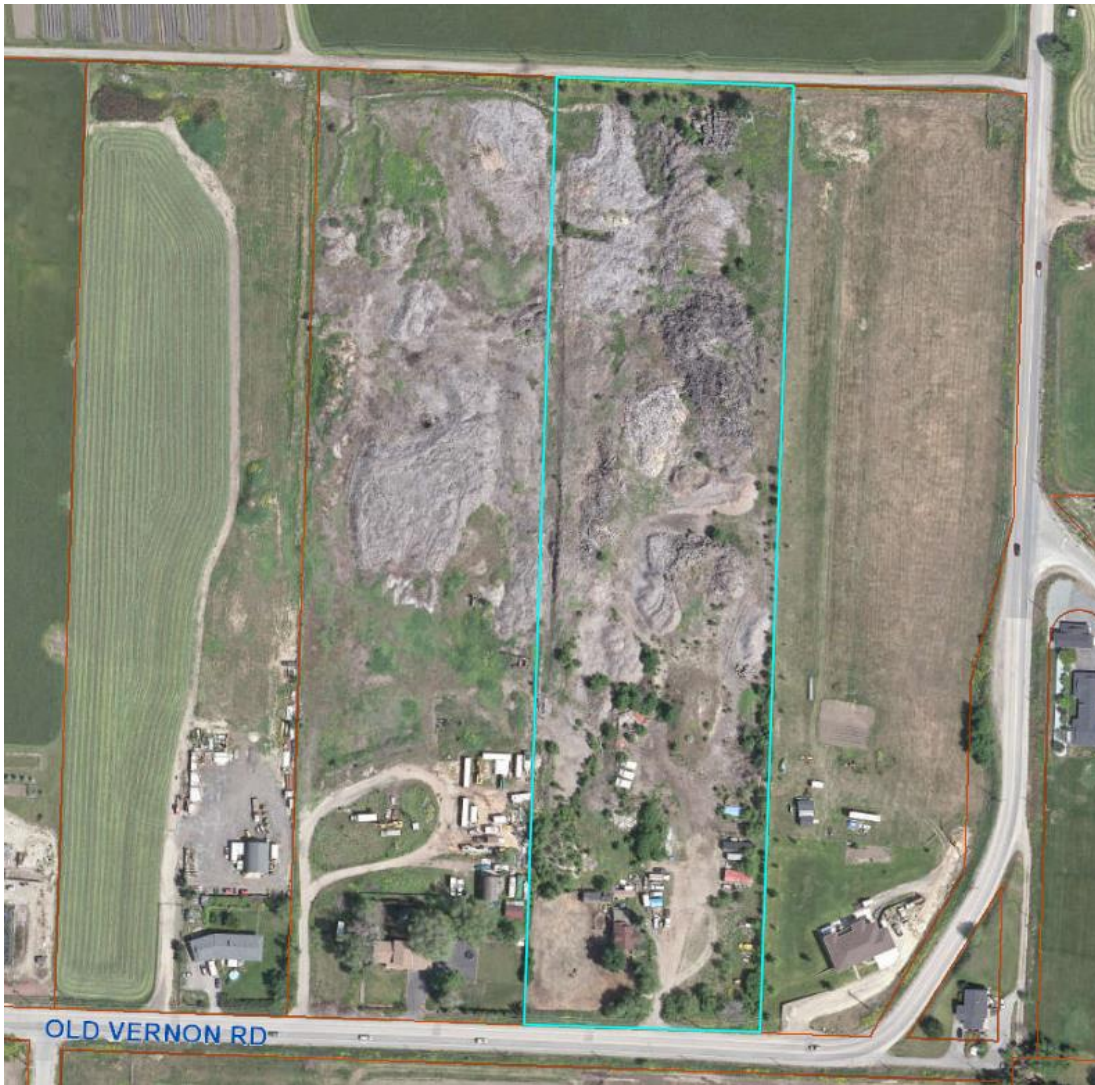
Air Photo 2012



The land use shown in the 2012 ortho photo, showing 1124 Old Vernon Road (Lot 1, Plan KAP546), reclaimed for agriculture as required by the ALC Resolution #437/2000, as part of approval to allow the non-farm use of Lot 2 and Lot 3 (1040 and 982 Old Vernon Road) to allow the use of a recycling facility on the property.

2013		
2013-01-30	Confirmed with ALC staff that storage of demolition trucks not permitted.	Sent letter 'Use contrary to Zone'.
2013-04-04	Court date for ticket offence.	Owner plead guilty and paid fine.
2013-06-18 to	Staff attended with landfill manager, observed tons of mixed, contaminated demolition materials with wood. Concern regarding contaminants.	Copies of photos.

2015 – Air Photo



2015		
2015-11-21 to 2015-12-14	Attended to find use of storage of containers, road stripping equipment, travel trailers.	Stop work order in place, issued ticket 'Use Contrary to Zone'
2016		
2016-02-11	Communication with owner's representative.	Business License on hold.
2016-02-25	Attended to observe storage of bobcats, large machinery, contrary to use	Sent offence notice
2016-03-11	Attended finding no change.	Additional enforcement steps considered
2016-04-27 to 2016-05-11	Complaint issued, unsightly. Attended to observe storage of excavators on site	Issued ticket 'Use Contrary to Zone'
2016-07-07 to 2016-07-28	Attended to observe additional seacan, garbage on site.	Issued ticket 'Use Contrary to Zone'
2017		
2017-01-11	Staff communication with ALC staff. ALC have a \$30,000 bond for fencing (Resolution#437/2000).	ALC have given notice to owner that the fence must be up by May 1, 2017 or the bond will be cashed and used to build the fence by the ALC. No fence to date.

3.3 Project Description

The applicant is requesting a Non-Farm Use of the property in the ALR. The site has history of use as a sawmill, and has been used for wood waste storage.

The application proposes a future land use of Industrial for the parcel, such as I3 - Heavy Industrial. Such a use would require an Official Community Plan amendment to the Permanent Growth Boundary, the Future Land Use, and a rezoning amendment, should the City and the ALC approve the non-farm use from the ALR.

3.4 Site Context

The subject property is located in the Rutland Sector of the City and is within the Agricultural Land Reserve. It is zoned A1 – Agriculture 1 and is outside of the Permanent Growth Boundary.

Staff notes that 1040 Old Vernon Road is within the Intensive Agriculture Area according to the City of Kelowna Zoning Bylaw No. 8000. Therefore, intensive agriculture such as poultry, mushrooms, and other intensive livestock operations would be permitted in this location under the bylaw.

The property slopes gently from the southeast corner to the northwest, with less than 2.5% grade change, from 416 metres above sea level (masl) at the northwest corner up to 426 masl at the southeast corner.

Parcel Summary – 1040 Old Vernon Road:

Parcel Size: 4.04 ha (9.99 acres)
 Elevation: 416 to 426 metres above sea level (masl) (approx.)

The subject property lies within the Resource Protection Area for land use according to the Official Community Plan. The properties to the west, south and east are also within the Resource Protection Area Future Land Use. The properties to the north are outside Kelowna, within the Regional District of the Central Okanagan.

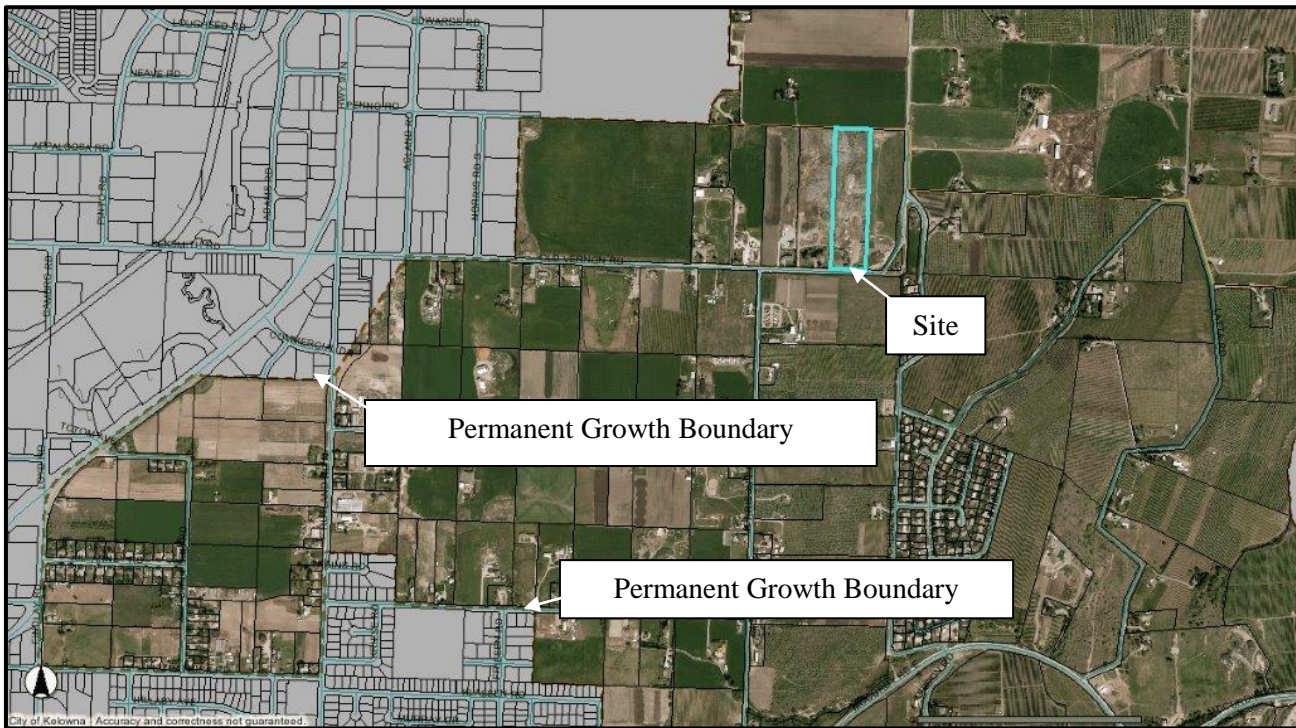
The adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Agriculture (RDCO) / ALR	Agriculture
East	A1 - Agriculture 1 / ALR	Agriculture / RV Park (Agri-tourism)
South	A1 - Agriculture 1 / ALR	Agriculture
West	A1 - Agriculture 1 / ALR	Wood Waste Storage

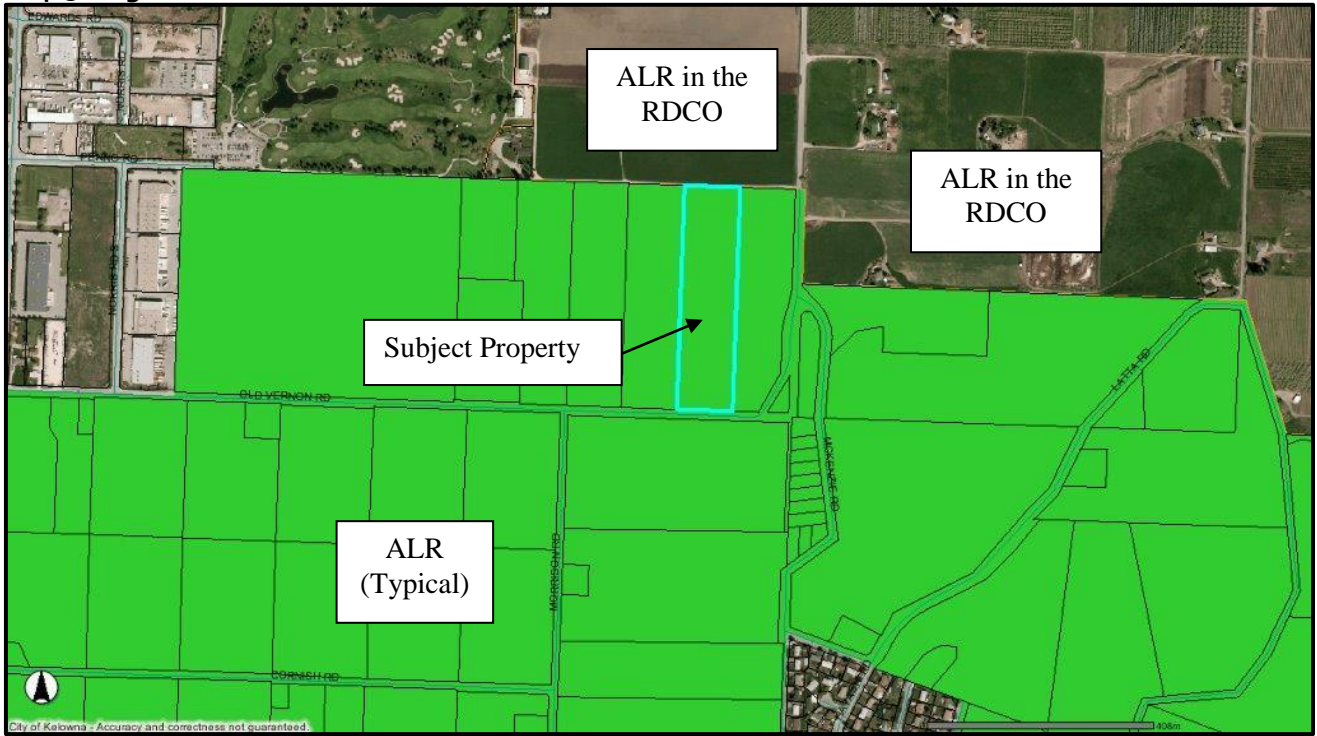
Map 1 – Neighbourhood Context



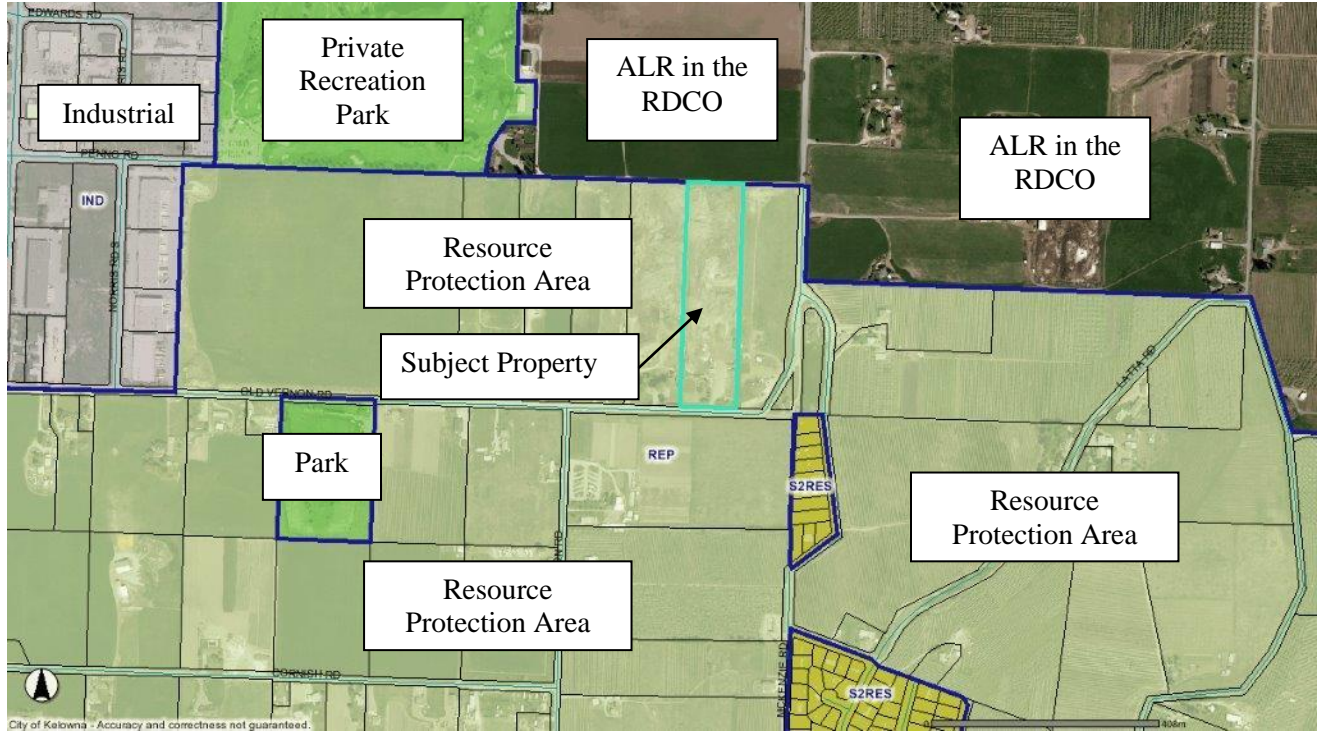
Map 2 – Permanent Growth Boundary



Map 3 – Agricultural Land Reserve



Map 4 – Future Land Use



3.5 Agricultural Capability Assessment

Staff notes that the Agricultural Capability Assessment⁷ was not prepared for the subject property, but was prepared for the neighbouring property (982 Old Vernon Road). Staff notes that the conclusions of the report, including the costs estimated to rehabilitate, are for the neighbouring property. The applicant has signed an affidavit stating that the treatment of the property and conditions are similar at the subject property, 1040 Old Vernon Road.

The agrology report indicates that 91% of 982 Old Vernon Road has an agricultural capability rating of Class 5, improvable to Class 3. Class 1 to 3 are considered prime agricultural land and relatively rare in the Okanagan. The required improvements include ditching in the spring, and irrigation in the summer months.

The report estimates the cost to rehabilitate the soil on 984 Old Vernon Road⁸, to improve it to a point where it could support soil based agriculture. This cost included the following for this site:

- \$150,000 – Wood waste grinding
- \$711,698 – Import and spread clean topsoil (27,375 m³)
- \$178,941 – Trucking of soil

The total estimated cost to improve the 984 Old Vernon Road to support soil based agriculture for 984 Old Vernon Road noted in the report is \$1,040,639. It cites that the soil rehabilitation costs prohibit soil based agriculture.

4.0 Current Development Policies

4.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria⁹

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

4.2 City of Kelowna Strategic Plan

Objective¹⁰: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective¹¹: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

⁷ Vallhalla Environmental Consulting, Jan. 2013. Land Capability Assessment 982 Old Vernon Road, (Lot 3) Kelowna, BC

⁸ Valhalla Environmental Consulting Inc., 2013. Land Capability Assessment – 982 Old Vernon Road, Kelowna, BC.

⁹ City of Kelowna Agriculture Plan. 1998. P. 130.

¹⁰ City of Kelowna Strategic Plan. 2004. P. 7.

¹¹ City of Kelowna Strategic Plan. 2004. P. 29.

4.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area¹²

Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth boundary¹³

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary¹⁴. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council’s specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture¹⁵.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Zoning Bylaw 8000

Chapter 2 – Interpretation

RECYCLING PLANTS means a facility within which recyclable materials are recycled, sorted, processed, and treated to return the materials for re-use or as inputs to other processes, and may include Special Wastes under the *Waste Management Act*.

¹² City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

¹³ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

¹⁴ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

¹⁵ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

CONCRETE AND ASPHALT PLANTS means the processing, manufacturing, recycling, and sales of concrete and asphalt and the accessory manufacture and sales of products made from concrete and asphalt.

Chapter 15 – Industrial Uses

The use of Recycling Plants, are permitted only in the I3 – Heavy Industrial zone and the 1-5 – Extraction zone. The use of Concrete and Asphalt Plants are permitted in the I3 – Heavy Industrial zone, I4 – Central Industrial and the 1-5 – Extraction zones¹⁶.

5.0 Technical Comments

5.1 Regional District of the Central Okanagan (RDCO)

RDCO staff provides the following response to the above-noted referral:

There is a lengthy history regarding the previous land use of this parcel; RDCO's Development Services Manager recalls that there may have been previous application(s) and QP reports completed in conjunction with those application(s). The City should ensure that they are satisfied that adjoining/neighbouring parcels will not be negatively impacted by industrial uses on the subject property.

5.2 Development Engineering Department

Dev Eng has no comments at this time, however, a comprehensive report will be provided at the time of development application submission with the ALC agrees to the proposed activity on the subject property.

5.3 Bylaw Services

Bylaw Services have provided a detailed listing of bylaw enforcement actions on the site, which has been summarized in the Background section of this report.

5.4 Fire Department

We would not be able to approve anything until we knew how all materials were processed. I would suggest that WorkSafe is contacted to comment on the processes as they really have a huge stake in this application. This is a complicated application that we would need to know more details.

It is difficult to comment on the use of the site as there is not enough information. Will there be additional buildings or structures? The clean up of this property is important but until a processing plan, etc. is in place, it is difficult to approve on behalf of the fire department.

5.5 Ministry of Agriculture

The BC Ministry of Agriculture has provided a referral letter for the application, attached.

6.0 Application Chronology

Date of Application Received: September 9, 2016

Date Public Consultation Completed: None required for Non-Farm Use Applications

¹⁶ City of Kelowna, 2017. Zoning Bylaw 8000 – Section 15 Industrial Zones
<https://apps.kelowna.ca/CityPage/Docs/PDFs/Bylaws/Zoning%20Bylaw%20No.%208000/Section%2015%20-%20Industrial%20Zones.pdf>

Report prepared by:

Melanie Steppuhn

**Reviewed by
Approved for Inclusion:**



Ryan Smith, Community Planning Department Manager

Attachments:

Site Photos

Applicant ALC Act Application

Ministry of Agriculture Referral Letter – A. Skinner

ALC Staff Letter – 2007

Agrology Report – Valhalla Environmental Consulting Inc. – 982 Old Vernon Road (2013)

PHOTOS

Photo 1. Unsorted Demolition Debris



Photo 2. Boards, Metal and Miscellaneous Unsorted Demolition Debris



Photo 3. Unsorted Demolition Debris Front and Middle – Older Wood Debris Top Right



Photo 4: Miscellaneous Demolition Debris - Unsorted



Photo 5: Unsorted Demolition Debris



Photo 6: Historic Wood Debris (Middle Left and Middle Right)



Photo 6: Historic Wood Debris



A16-0011

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55396

Application Status: Under LG Review

Applicant: 0698329 B.C. Ltd.

Agent: Benson Law LLP

Local Government: City of Kelowna

Local Government Date of Receipt: 06/03/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: To establish a processing and recycling facility for wood, concrete, trees, and miscellaneous metals; only dry, clean, and non-hazardous materials would be allowed to be processed at the site. No liquids, paint, asbestos or PCBs (industrial products and chemicals) would be accepted. The materials would be received from contractors, developers, municipalities, and other local and provincial sources. Each load would be visually inspected, weighted, and re-inspected post-dumping, and each load will be tracked with a scale ticket outlining the material type, size, and weight. The property will be fenced using 6 foot high chain link around the perimeters of the property, as well as two entrance/exit gates approximately 30 feet wide each. The Agricultural Land Commission is currently holding a \$30,000.00 deposit paid by the Applicant for this purpose. The original scale foundations from the time of the sawmill operations still exist; a new scale will be placed in the same, original location. Wood waste will be mulched down to sizes ranging from 4mm to 12mm, concrete will be crushed to sizes ranging from 20mm to 63mm, and metals will be processed to various sizes as required by the end user. It is expected that the processed products will be used locally and provincially for new construction projects such as concrete for road base, wood for landscaping material and for burning for fuel in Armstrong's Cogenerators - to be turned into electricity and heat for district space or water heating - virtually all of the wood will be used, and the new wood material will be mixed in with the old wood material prior to shipping to the Cogenerators, thereby cleaning up the existing site at the same time. Metals will be re-used in their current state where possible, or melted and reshaped according to the specifications of the end-user.

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

None

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Large amounts of wood waste have been removed from above-ground; there remain significant contaminants in the soil which would require great expense to remediate.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

The property currently lies stagnant pending the outcome of this application. In or about 2007, the land was being used to process and recycle construction wood, metal, concrete, and trees; the ALC stated in a letter dated January 25, 2007, that they considered the processing and recycling of construction wood, metal, concrete, and trees, to be largely consistent with the sawmill/wood recycling non-farm uses permitted by the ALC by resolution in YR 2000. By letter of June 18, 2007, the CoK advised that the legal non-conforming use (the sawmill) was no longer in existence, and that both the proposed recycling operation and the recent activities on the site extend beyond what was permitted by the historical non-conforming use, and insisted that the recycling facility operations currently taking place on the site must cease immediately. By letter of July 29, 2008, the ALC advised that the recycling operations taking place on the property had expanded beyond the sawmill/wood recycling non-farm uses permitted by the ALC by resolution in YR 2000, and issued a stop-work order pending an exclusion or non-farm use application. The property has not been used as a recycling facility since in or about February of 2011.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Hay Field/Small Family Farm known as "Kelowna Veggies"

East

Land Use Type: Residential

Specify Activity: Residential (small garden area on property)

South

Land Use Type: Commercial / Retail

Specify Activity: RV Lot; Small commercial canning business; ground/vine crops

West

Land Use Type: Other

Specify Activity: Sawmill Waste Site

Proposal

1. How many hectares are proposed for non-farm use?

4 ha

2. What is the purpose of the proposal?

To establish a processing and recycling facility for wood, concrete, trees, and miscellaneous metals; only dry, clean, and non-hazardous materials would be allowed to be processed at the site. No liquids, paint, asbestos or PCBs (industrial products and chemicals) would be accepted. The materials would be received from contractors, developers, municipalities, and other local and provincial sources. Each load would be visually inspected, weighted, and re-inspected post-dumping, and each load will be tracked with a scale ticket outlining the material type, size, and weight. The property will be fenced using 6 foot high chain link around the perimeters of the property, as well as two entrance/exit gates approximately 30 feet wide each. The Agricultural Land Commission is currently holding a \$30,000.00 deposit paid by the Applicant for this purpose. The original scale foundations from the time of the sawmill operations still exist; a new scale will be placed in the same, original location. Wood waste will be mulched down to sizes ranging from 4mm to 12mm, concrete will be crushed to sizes ranging from 20mm to 63mm, and metals will be processed to various sizes as required by the end user. It is expected that the processed products will be used locally and provincially for new construction projects such as concrete for road base, wood for landscaping material and for burning for fuel in Armstrong's Cogenerators - to be turned into electricity and heat for district space or water heating - virtually all of the wood will be used, and the new wood material will be mixed in with the old wood material prior to shipping to the Cogenerators, thereby cleaning up the existing site at the same time. Metals will be re-used in their current state where possible, or melted and reshaped according to the specifications of the end-user.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

This property has lied stagnant since 2011. It has not been used in agriculture production since the 1950s. It was included into the ALR when the Reserve was established in 1974-1976, and was, at that time, operating as a sawmill. The sawmill operation continued until the neighbouring property (982 Old Vernon Road) was purchased by the Kandolas in 2005. Since its introduction into the ALR, the property in question has never been used for an agricultural purpose. As a result of the sawmill operations, the property has been contaminated to the point that significant rehabilitation would be required in order to render the property capable of agricultural production. The estimated costs of such rehabilitation, as per an agrologist's report completed by Valhalla Environmental Consulting Inc. in January of 2013, is \$1,040,639.00. The cost of the remaining improvements and rehabilitation that are necessary to prepare this property for agricultural use are not feasible, and the required improvements greatly exceed what would be considered typical farm improvement practices, both in terms of the scope and costs. However, the Applicant believes that the recycling facility proposed by the Applicant will provide a means for the Applicant to use the property in a meaningful way, while at the same time cleaning up the decades worth of wood waste that has been allowed to be dumped on and contaminate the property and its soil.

4. Does the proposal support agriculture in the short or long term? Please explain.

As set out above, the Applicant believes that the recycling facility will allow for the long term clean-up and rehabilitation of the property, as well as potentially the neighbouring property of the Kandolas. The recycling facility would be expected to allow the Applicant to remove the decades worth of wood waste currently contaminating the property, without the large monetary cost that would otherwise be associated

with the property's cleanup. The wood waste currently on the property will be mixed up with the incoming fresh wood, and be sent to the Cogenerators in Armstrong to be used in its entirety and turned into electricity and heat. Subsequent owners of the property will inherit a property that is significantly rehabilitated from its current state, such that the costs of having the property rehabilitated for agricultural use will no longer be prohibitive. The Applicant believes that allowing the recycling facility to operate as a non-farm use in the short term will allow the property to be reclaimed for an agricultural purpose in the long term, thereby resulting in a benefit to local agriculture.

Applicant Attachments

- Agent Agreement - Benson Law LLP
- Proposal Sketch - 55396
- Site Photo - Map of Surrounding Property
- Other correspondence or file information - Company Summary
- Site Photo - Overhead View of Property
- Professional Report - Agrologist Report
- Certificate of Title - 012-206-661

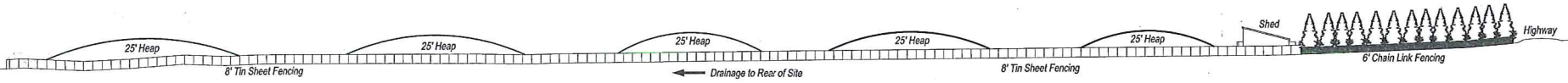
ALC Attachments

None.

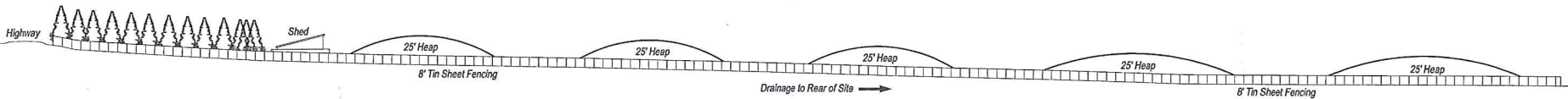
Decisions

None.

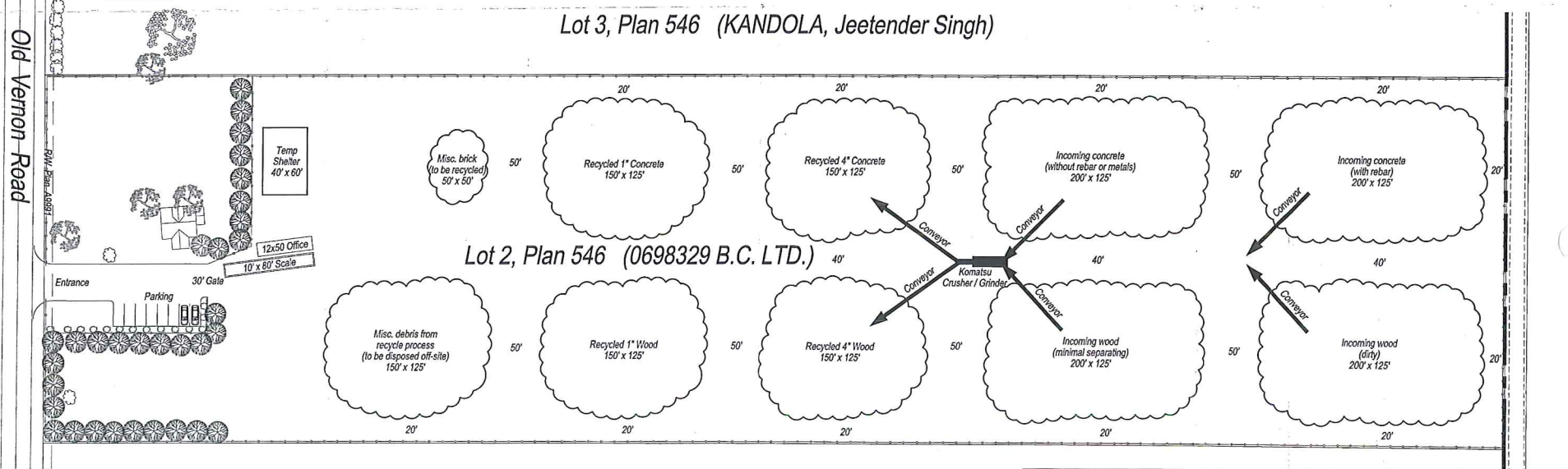
WEST ELEVATION



EAST ELEVATION



SITE PLAN



Lot 1, Plan 546 (BARTZ, Robert Carl)

Proposed Recycling Facility
1040 Old Vernon Road
Scale 1:500 Revised Jan 30, 2008

McColman
& SONS DEMOLITION LTD.

Hay Fields

OKANAGAN LA

SITE
UNDER
APPEAL

PLAN 546

PID:
012-206-661

LOT 2

Title #:
LB11776

MILL
WASTE

HOME SITES

LOT 1
RESIDENTIAL

Small
Garden
/Crop

REGIONAL DIST
OKANAGAN LA

LOT 4

LOT 3

MILL
WASTE

HOME SITES

RESIDENTIAL

ANNUAL
GROUND CROP

VINE CROP



File: A-16-0011 Old Vernon Rd 1040

To: City of Kelowna

Comments for consideration regarding ALR application for non-farm use @ 1040 Old Vernon Road:

- Current state of the property & costs of clean up are acknowledged, the proposed use as a recycle operation will provide opportunity to substantially clean up the site and allow for return to agriculture use. Note, non-farm uses are considered by ALC to allow for the greatest flexibility for future agricultural use.
- Information to support the current level of contamination and compaction on the site and associated costs to return to an agriculture use are not clear. Soil capability subclasses provide insight into management considerations but don't preclude agricultural production.
- Options for non-soil based agriculture enterprises, or future use of land could be considered as agriculture production, practices & markets change over time, (greenhouse, poultry, swine etc). The parcel is situated and supported as a farming area, productivity of surrounding orchards should be considered.
- Commercial/industrial businesses have the option to locate within other areas; farming depends on access land in the ALR for primary production. Long term access to ALR lands is in the interest of agriculture & food security.
- Short term non-farm use would provide flexibility to facilitate site cleanup and maintain future agriculture use. Recycle operations focussed on a layout that uses parcel 1040 for the highest impact activities with measures in place to contain any potential for further contamination of soils (catchment, non-porous foundation etc). A plan that demonstrates intention to minimize additional impacts to the long term agriculture capacity would be a win for this property I think.
- Non-agricultural use of ALR, has potential to create conflict or be incompatible with adjacent agriculture practices. Recycling of concrete & metals specifically may bring challenges with respect to further site contamination, noise and dust disturbance. These activities would not be protected by the Farm Practices Protection Act and subject to City of Kelowna Bylaws.
- Regardless of adjacent current agriculture use, consider adequate set-backs & buffers to address noise, dust and visual disturbance from the operations. Vegetative buffers are more effective but take time to establish, strategic fencing can help to mitigate conflict and disturbances ["Guide to Edge Planning" BC Ministry of Agriculture]

Thanks for the opportunity to comment.

Anne Skinner *P.Ag* – Regional Agrologist
BC Ministry of Agriculture, Kelowna
250-861-7272 Email: anne.skinner@gov.bc.ca



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

January 25, 2007

Reply to the attention of Martin Collins

Alan McColman, President
McColman and Sons Demolition Ltd.
8600 1st St.
Edmonton, Alberta T6P 1X2

Dear Sir:

Re: File G-33263

Legal: Lots 2 and 3, Plan 564, Section 1, Twp. 23, Osoyoos Division of Yale District

Thank for your letter dated January 9, 2007 which summarized the processing and recycling activities proposed for Lots 2 and 3, Plan 546, and for the financial security in the amount of \$30,000.00 (dated January 25th, 2007) to ensure completion of the chain link fence on the west, east and north boundaries of the properties.

The Agricultural Land Commission considers the processing and recycling of construction wood, metal, concrete and trees to be largely consistent with the sawmill/wood recycling non farm uses permitted by Resolution # 437/2000. In addition, the Commission confirms that the financial security to be adequate to complete a 6 ft high chain link fence on the west, east and north boundaries of the facility. Finally the Commission confirms that the adjoining Lot 1, Plan 546 has been reclaimed to an agricultural standard as required by Resolution #437/2000. In view of the above, the Commission considers all of the conditions of Resolution #437/2000 to be substantially complete, and therefore has no objection to the issuance of a business license for the recycling facility by the City of Kelowna.

Be advised, nothing in this decision permits the non farm use of Lot 4, Plan 546 for non farm uses.

If you have any further questions about this matter, please contact Martin Collins at 604-660-7021.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Kelowna

MC/eg/33263m12

**Land Capability Assessment
982 Old Vernon Rd., Kelowna, BC
Lot 3, Plan 546, Section 1, Township 23, ODYD
PID 012-206-687**

**For: Kandola
982 Old Vernon Rd.,
Kelowna, BC V1X 6T8**

File: 12E043

January 9, 2013

Executive Summary

Valhalla Environmental Consulting Inc. (VEC) was retained by Manraj and Jeetender Kandola (Landowners) of 982 Old Vernon Rd., Kelowna, BC to complete a Land Capability Assessment for agriculture on a parcel in the City of Kelowna, BC. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Clients requested this inspection to explore their land use options on the Subject Property that is wholly within the Agricultural Land Reserve (ALR).

The Subject Property is 982 Old Vernon Rd., Kelowna, BC and is legally described as Lot 3, Plan 546, Section 1, Township 23, ODYD, PID 012-206-687. The site is a 4 hectare (10 acre) parcel and is entirely contained within the ALR. The site was used as a wood mill from the 1950s to the 2000s.

This assessment determined that +/-91% (3.65 ha) of the property area has an unimproved rating of Class 5 agricultural capability due to a soil moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. A root restricting layer and low perviousness were consistent across the property and represented a soil structure limitation of Class 3. The soil structure limitation is less severe than the soil moisture limitations and may be improvable by an intensive and costly process of removal of poor quality admixed fill, decompaction of the underlying clay layer, and replacement of top soil to a depth of at least 0.75m.

The Subject Property was included in the ALR when the reserve was established (1974-1976), but apparently was permitted to continue with the industrial non-farm use (sawmill) that pre-dated the ALR. As the mill operated into the mid 2000's cumulative impacts have occurred over 35+ years since the inclusion of the Subject Property into the ALR. The Landowners report that to the best of their knowledge, the Subject Property has not been used for agricultural purposes since the 1950's. Site improvements have been done by the current Landowners to remediate some of the impacts of the historic use and rehabilitate the site. Though significant, these improvements have not been completed as they have proved to be economically non-feasible for an end-use of agricultural purposes. The recovery of the rehabilitation and improvement expenses by an agricultural production operation would be unlikely and may prove to be economically prohibitive.

While the landowners are exploring several options for future land uses of the Subject Property, they have not decided upon a specific activity at this time. However, due to the significant amount of site rehabilitation yet required, it may be difficult for them to recover their total investment costs.

The Subject Property does not contribute to regional and local Agricultural Capacity. The Subject Property has not been farmed since the 1950's, during which time it

appears that the agricultural capability has continued to deteriorate. Continued industrial use on the Subject Property will not adversely affect the local Agricultural Capacity.

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APPENDICES

APPENDIX A: Maps & Figures – 982 Old Vernon Rd., Kelowna BC

APPENDIX B: Site & Soil Pit Photos - 982 Old Vernon Rd., Kelowna BC

APPENDIX C: Agricultural Capability Reference Documents (Excerpts)

APPENDIX D: Analytical Data - 982 Old Vernon Rd., Kelowna BC

1 Introduction

1.1 Report Description

Valhalla Environmental Consulting Inc. (VEC) was retained by Manraj and Jeetender Kandola, land owners of 982 Old Vernon Rd. Kelowna, BC, to complete a Land Capability Assessment for agriculture on a parcel in the City of Kelowna, BC. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Client requested this inspection to explore their land use options on the Subject Property that is wholly within the Agricultural Land Reserve (ALR).

1.2 Proposed Land Use & Agricultural Development Plan

The purpose of the assessment is to classify the land capability for agriculture of the site to explore land use options for the Subject Property. The proposed future land use is industrial.

1.3 Statement of Qualifications

Matthew Davidson, P.Ag., Senior Environmental Scientist, **Assessor**

Matthew is an Environmental Scientist and consulting Professional Agrologist with 11 years experience in environmental assessments, impact assessments, soil surveys, land remediation, reclamation and ecological restoration. Matthew has been a registered professional agrologist (PAg) in British Columbia since 2008.

Catherine Orban, P.Ag., Senior Agrologist, **Report Review**

Catherine Orban has a Master of Science Degree in Geography, specializing in Soil Science. She has been conducting soils assessments since 1985. She has been a registered professional agrologist (PAg) since 1999, first in Alberta, and later in British Columbia. Catherine has worked on a variety of soils assessment, management, remediation and reclamation projects in the agricultural, oil and gas, and environmental sectors in both provinces.

2 Site Conditions & Land Use

2.1 Site Conditions

The Subject Property is 982 Old Vernon Rd., Kelowna, BC and is legally described as Lot 3, Plan 546, Section 1, Township 23, ODYD, PID 012-206-687. The site is a 4 hectare (10 acre) parcel and is entirely contained within the ALR. The site is approximately level and was used as a wood mill from the 1950s to the 2000s. See Appendix A Figures 1 & 2 for more detail on site size and location.

2.2 Land Use: Subject Property and Surrounding Area

Approximately 0.36 ha of the property is built upon and used for the residential purposes at this location. Buildings on the Subject Property include one house and storage shed. Outside of the buildings is residential yard and parking area. The remaining area 3.64 ha has been used historically as the mill site. Wood waste, equipment parking and gravel roads encompass this area. Past agricultural uses were unknown to the landowner as the site has operated as a mill from the 1950's to 2005.

The zoning for the subject property is Agriculture 1 (A1) which permits 4 ha lots, except when in the ALR where 2 ha lots are permitted. A1 zoning also allows one detached home, one mobile home and one accessory building home per lot.

Adjacent properties to the south, east and west have Agriculture 1 (A1) zoning. Southeast of the property is a subdivision (outside of the ALR) that has been constructed with a combination of Rural Residential 3 (RR3) (this zoning permits 1 ha lots un-serviced and fully serviced lots at 0.16ha) and Two Dwelling Housing (RU6) (allowing lot sizes down to 0.04 ha). West southwest of the property is a property with Parks and Open Spaces (P3) zoning which remains in the ALR and is used as a golf driving range. The properties adjacent to north are cultivated fields and are in the RDCO.

Table 1: 982 Old Vernon Rd., Kelowna, BC – Surrounding Land Use

Location	Land Use	ALR Status	Approximate Lot Size ha
Subject Site	old mill / residential	In	4
North	residential / hay field	In	8
Northwest	golf course	Out	43
West	hayfield / commercial lot	In	4
South	hayfield / residential / RV parking	In	8
Southeast	subdivision	out	18
East	old mill / residential / commercial	In	4

2.2.1 Historic Land Use

The Subject Property was included in the ALR when the reserve was established (1974-1976), but apparently was permitted to continue with the industrial non-farm use (sawmill) that pre-dated the ALR. As the mill operated into the mid 2000's cumulative impacts occurred over 35+ years from the inclusion of the Subject Property into the ALR. The Landowners report that to the best of their knowledge, the Subject Property has not been used for agricultural purposes since the 1950's. To date, a number of site improvements have been completed to remediate some of the impacts of the historic industrial use and rehabilitate the site. Though significant, these improvements and rehabilitation have not been completed as they have proved to be economically non-feasible for an end-use of agricultural purposes. A summary of the remediation work to date and estimated costs of remaining agricultural rehabilitation can be viewed in below, sections 2.2.2 and 2.2.3.

2.2.2 Improvements to Date

The current Landowners obtained the Subject Property in 2005. Since 2005 the Landowners have undertaken the following improvements to remediate some of the impacts from historic land uses. The information for improvements to date has been provided by the Landowner, Manraj Kandola through personal communication (pers.comm. – MK). All costs are approximate.

2005

- Land purchased by current owners 4.01 ha (10 acres) at 982 Old Vernon Rd *metric is generally used for volume and area calculations – eg. 0.75 m topsoil*
- Upon purchase Landowners shut the sawmill down, as it was outdated and hazardous.
- ~122,330 m³ (160,000 yards³) of wood waste was stockpiled on the Subject Property at this time

2006

- Controlled curtain burner set up for 3 months to eliminate wood waste
- Approximately \$100,000 was spent to reduce total wood waste volume

2007

- Numerous fires caused by spontaneous combustion of the wood waste
- City of Kelowna, Fire Department attended the site numerous times
- Largest fire attended by City of Kelowna fire department required them on site for 3 days to containing the fires, which cost the City of Kelowna approximately \$80,000.
- Private water tankers and excavators were employed full time by the Landowners to control the fires
- Landowners purchased fire equipment for the site at a cost of \$50,000

2008-2011

- Contractor hired to screen and truck the wood waste to a cogeneration plant in Armstrong, BC (Tolko)

- \$25,000 in additional costs incurred
- Wood waste screening (~75% of volume remaining) was done to mitigate fire risks and facilitate further site rehabilitation
- An oversized pile of wood waste remains which requires grinding
- As of 2012, approximately 100,000 m³ (130,000 yd³) of the original 122,330m³ (160,000 yd³) of wood waste have been processed and/or removed from Subject Property. Currently, approximately 23,000m³ (30,000 yd³) of wood waste remains on the Subject Property.

Approximate costs incurred to date for rehabilitation by property owners: **\$175,000**; and

Cost to City of Kelowna for Fire Protection: \$80,000

2.2.3 Future Improvements

To be suitable for intensive soil bound agriculture, the Subject Property requires additional rehabilitation and improvements including:

- Wood waste grinding of oversized materials, approximate costs provided by a grinding contractor **\$150,000** (pers.comm. – MK)
- Import and spread clean topsoil to a depth of 0.75m for 3.65 hectares (27,375m³ or 35,805 yd³)

Soil Cost Estimate

- 27,375m³ needed at \$26/m³ = **\$711,698**
- *Soil costs were determined by an average of quoted prices from 4 suppliers in the Kelowna area for large volume sales.*

Trucking Cost Estimate

- Assume trucking cost of \$ 119.5/hr
 - Assume 18m³ (24yd³) truck & pup = 1520 truck loads for
 - Assume 1hr trip per load = 1520 hrs
 - Trucking cost of 1520 x 117.66/hr = **\$ 178,941**
- Trucking costs were determined by an average of quoted prices from 4 service providers in the Kelowna area.*

**Costs for spreading and grading were not included in this estimate*

The estimated remaining cost for remediation of this site for agricultural purposes is approximately **\$1,040,639**

2.2.4 Brownfield Concerns

Due to the historic uses of the subject lot and current uses on neighbouring lots, there is potential for contamination of soils and, or groundwater on the Subject Property. Site investigations with respect to contamination and land remediation are outside the scope of this assessment, but may be required prior to returning this property to agricultural or alternative uses. The cost of such investigations and land remediation has not been included in this assessment but should not be overlooked in consideration of future uses on the Subject Property. Such assessments are costly

as are any soil or groundwater remediation projects. Site investigation costs may be required and would therefore add to the cost of total remediation before the site may be used for future purposes (for example: industrial, residential, agricultural).

3 Soils Information

Soil conditions are a key factor in determining the overall agricultural capability and suitability of any given site. The soil conditions on the Subject Property are described in this section including; published government survey information and a description of the existing soil conditions, based on the lab data and observations made during the on-site inspection, conducted on October 24, 2012.

3.1 Government of British Columbia – Soil survey

Baseline soils information was obtained from the BC Ministry of Environment (MOE) Soils of the Okanagan and Similkameen Valleys, which comprises Report No. 52 of the BC Soil Survey (1986); and the accompanying mapping at 1:20,000 scale. The Subject Property is found on Mapsheet 82E.094 (Appendix A, Figure 5), which indicates that three soil complexes are found on the parcel. The general characteristics of these soils are summarized in Table 2, below:

Table 2: 982 Old Vernon Rd. Kelowna BC – Surrounding Land Use

Site Map Polygon	80% Westbank (WK) / 20% Summerland (SR)	100% Westbank (WK)	100% Glenmore (GL)
Location	The northwestern corner	Northeast / Central portion	Southern Portion of the property
Landform	Nearly level to strongly sloping stratified glaciolacustrine sediments / Nearly level to moderately sloping stratified glaciolacustrine sediments	Nearly level to strongly sloping stratified glaciolacustrine sediments	Nearly level to moderately sloping stratified glaciolacustrine sediments
Description	100 or more cm of clay, clay loam or silty clay / 100 cm or more of silt loam, silty clay loam or clay loam	100 or more cm of clay, clay loam or silty clay	100 cm or more of silt loam, silty clay loam or clay loam
Soil Profile Drainage	Moderately well / Well to Moderately Well	Moderately well	Well to moderately well
Stone Content	non-stoney	non-stoney	non-stoney
Agricultural Suitability	(WK) Tree fruits, Vineyards, Hay production, Pasture / (SK) Poorly suited for arable agriculture	(WK) Tree fruits, Vineyards, Hay production, Pasture	(GL) Pasture, Hay, Tree Fruits
Soils	Othic Grey Luvisol / Eluviated Dark Brown	Othic Grey Luvisol	Eluviated Dark Brown

Source: MoE, Technical Report 52, Soils of the Okanagan and Similkameen Valleys, which comprises Report No. 52 of the BC Soil Survey (1986)

3.2 Soils on Site Inspection – Methods

Three soil test pits (TP1 to TP3) were excavated to depths of 130 cm by a small tracked excavator on October 24, 2012. All test pits were located on sites that represented variations in topography, vegetation, land use and, or mapped soil characteristics. The soil test pits and site features were mapped and photographed (Appendix A, Figures 7 & 8; and Appendix B). The soil profiles were examined and described according to conventions from the *Canadian System of Soil Classification, Third Edition* (Soil Classification Working Group, 1998). It was not within the scope of this assessment to examine the soils for the purposes of classification at the Series level. A total of 8 representative soil samples were taken from all of the test pits and submitted for laboratory analysis of one or more of the following parameters: various soil nutrients, pH, electrical conductivity, available water storage capacity, and soil particle sizes/textures. (Appendix D).

Four soil units were identified on the Subject Property (as indicated by Roman numerals I - IV) through the detailed soils assessment at a mapping scale intensity of +/- 1:3,000 (Appendix A, Figure 9; and Table 3, below). Information obtained

during the site inspection was combined with the lab results to provide site-specific details that were used to fine-tune the soils data presented in Soil Report No. 52 (1986), which was based on mapping at 1:20,000. The soil units were primarily defined by soil physical and morphological properties. The profiles at each test pit within each unit shared a number of similarities including horizon properties, depths and sequences. Detailed test pit logs and photographs have been included with this report (Appendix B, Photos 3-9). The soil units as mapped for the Subject Properties at a scale of +/-1:3,000 are described in Table 3, below

TABLE 3: 982 Old Vernon Rd., Kelowna, BC - Site Inspection : Soil Unit Summary

Soil Unit	Test Pits	Top Soil Depth (cm) / Colour	Soil Profile Texture ¹	Stone Content ²	Soil Profile Drainage	Topography	Land Use	Area (ha)	% Total Area	Notes
I	1	54 / Br	Sandy Loam / Clay / Heavy Clay	10% / 0% / 0%	Poorly Drained	Nearly Level Slope 1%	Former Mill Yard	0.59	15%	Mixed soil in top layer with wood waste
II	2	15 / DkBr	Clay / Clay / Heavy Clay	10% Gravel / 0% Gravel / 0% Gravel	Poorly Drained	Nearly Level Slope 1%	Former Mill Yard	2.02	50%	Mixed soil in top layer with wood waste, rooting depth 30cm
III	3	35 / Br	Loam / Heavy Clay / Heavy Clay	non-stoney	Poorly Drained	Nearly Level Slope 2%	Former Mill Yard	1.04	26%	Mixed soil in top layer with wood waste, rooting depth 30cm
VI	NA	NA	NA	NA	NA	Gentle slope 5%	House, shed, yard	0.36	9%	Residential portion of the lot

¹ based by laboratory testing

² visual observation

3.3 Comparison to BC Government Soil Survey & Mapping

With the exception of the extensively disturbed upper, admixed fill-soil horizon, the distribution of soil types as identified in the site inspection was generally consistent with the information presented in Soil Survey Report No. 52. In general, the minor differences in soil mapping have been attributed to the different scale intensities as they applied to the site. The BC Soil Survey is based on generalized mapping at a scale of 1:20,000, which is too broad to capture all the subtle variations in site conditions that were identified during the site inspection which was conducted at a detailed mapping scale intensity of +/- 1:3,000.

4 Climatic Capability for Agriculture

Climatic capability for agriculture is based on the limitations associated with the combined influence of the climate and soil moisture regimes as well as the thermal limitations for any given location. Climatic capability is a modifying component used in determining the overall agricultural capability and suitability of a given site. The climatic capability for agriculture of the Subject Property is described in this section; beginning with published government information, followed by that obtained during the on-site inspection.

4.1 Government of British Columbia – Climatic Capability

General reference information as well as baseline climatic data for the Kelowna area was found in Climatic Capability for Agriculture (BC Ministry of Environment, 1981), and Land Capability Classification for Agriculture in British Columbia, Manual 1 (BC Ministry of Agriculture and Food and Ministry of Environment, 1983).

It is important to note that the climatic capability ratings are based entirely on climatic conditions (primarily precipitation and temperature) at a given site. Soil characteristics and other site conditions are not considered in these ratings. The overall agricultural capability of the Subject Property is addressed in Section 5 of this report.

The MOE Technical Paper 4; Climate Capability Classification for Agriculture in British Columbia and accompanying mapping 82E/NW indicates the area of the Subject Property sits on a boundary between Class 5 (west portion) or 6 (east portion) improvable to Class 1bF / 1cG respectively, which indicates an estimated annual climatic moisture deficit (CMD) of 350 mm (BC MOE, 1981, Table 1). Class 5 land has restricted use for perennial forage and specially adapted crops. Class 6 land is considered non-arable but capable of producing native or uncultivated perennial forage crops. Soil moisture deficiency (A) is indicated as a primary limitation. Areas in Class 1aF have occurrences of minimum temperature near freezing that adversely affect plant growth during the growing season. Areas in Class 1cG have insufficient heat units during the growing season. See Appendix A Figure 7 for more detail.

4.2 Site Inspection

Site-specific climatic capability for agriculture was determined using data from TP1-TP3 which are located in, and representative of, different soil units throughout the Subject Property. Lab data obtained for the soil samples was used in conjunction with published regional data to calculate the available water storage capacity (AWSC) and soil moisture deficit (SMD) values for the upper 50 cm of the soil profiles. The results were used to determine site-specific climatic and soil capability ratings for agriculture on the Subject Property which have been summarized in Table 4, below. A description of agricultural/climatic capability classifications is found in Appendix C.

TABLE 4: 982 Old Vernon Rd., Kelowna BC - Soil Moisture Balance & Climatic Capability Ratings

Site & Soil Horizon	Soil Moisture Balance							Climate Capability Rating				
	Total Depth	Matrix Texture	Matrix AWSC ¹	Matrix Fraction	CF Adjusted AWSC	Interval AWSC	Climate H ₂ O Deficit ²	Soil H ₂ O Balance ³	Unimproved H ₂ O Subclass ⁴	Improved H ₂ O Subclass ⁴	Thermal Rating ²	Improved Overall Subclass
	cm	lab	mm/cm	lab	mm/cm	mm	mm	mm				
TP1/SU-I												
F III*	50	SL	0.75	0.89	0.67	33.53						
Interval	50					33.53	350	-316.48	5A	3A	1aF	3A
TP2/SU-II												
F III	15	C	2.22	0.89	1.98	29.77						
B	20	C	1.33	1.00	1.33	26.57						
C**	15	HC	1.37	1.00	1.37	20.53						
Interval	50					76.87	350	-273.13	5A	1	1aF	1
TP3/SU-III												
F III	35	L	1.99	0.79	1.58	55.16						
B	15	HC	1.48	1.00	1.48	22.13						
Interval	50					77.30	350	-272.70	5A	1	1aF	1

* Used Ap data for TP2 as top horizon was similar in texture and coarse fragment content

** Used Ap data for TP1 as top horizon was similar in texture and coarse fragment content

¹ From Lab Data

² Technical Paper 4, 1981, MoE Climatic Capability Classification for Agriculture in British Columbia

³ (Interval AWSC) - (Climate H₂O Deficit) = Deficit (negative) or Surplus (positive)

⁴ Based on - MoE Manual 1 (BC Ministry of Environment, 1983)

4.3 Comparison of BC Government and On-Site Inspection Ratings

In general the site inspection finding showed that the climatic capability for this location corresponds with the provincial climatic capability mapping. Approximately 76% of the Subject Property was rated at Class 5 improvable to Class 1. Approximately 15% of the Subject Property was rated at Class 5 improvable to Class 3. The remaining 9% of the Subject Property was not assessed as it was deemed unavailable for agricultural use. The differences between the site inspection findings and provincial mapping are in part due to the different scale intensities as they applied to the Subject Property. The MOE ratings were based on mapping at a scales of 1:100,000, which are not intended to account for the all the subtle variations in site-specific conditions (eg. soil texture, coarse fragment content, topography, slope angle and aspect) that were identified during the on-site inspection, at a detailed mapping scale intensity of +/- 1:3,000.

Please see Section 5.3 for a comparison between the overall agricultural capability mapping by MOE (including climatic capability) and the capability as determined by this assessment.

5 Agricultural Capability

Agricultural capability ratings are site-specific and based primarily on the influence of soils and climate, as modified by topography for any given location. The Canada Land Inventory (CLI) rating system uses a variety of measurable parameters (some of which are listed below) to provide objective classifications of agricultural capability:

- Slope angle and complexity;
- Depth to bedrock;
- Soil moisture deficits;
- Excess soil moisture;
- Coarse fragment content (stoniness);
- Soil texture;
- Depth to groundwater;
- Soil fertility; and
- Soil salinity

This interpretive system groups soils into seven classes according to potentials and limitations for agriculture (See Appendix C for capability class and limitation descriptions). Lands in Classes 1 to 4 inclusive are considered capable of sustained production of common cultivated field crops. Class 5 lands are capable of use only for producing perennial forage crops or specially adapted crops. Class 6 lands are capable of only providing sustained natural grazing for domestic livestock. Class 7 lands are incapable of use for either arable culture or grazing. (BC Ministry of Agriculture and Food, and Ministry of Environment, April 1983).

In most cases, both "unimproved" and "improved" agricultural capability ratings are determined for the area that is under consideration. The unimproved rating reflects the capability of the property in its natural or current state. The improved rating is theoretical and represents the anticipated agricultural capability of the property after improvements (eg. irrigation, enhanced drainage, soil amendments, fill placement, stone-picking, and/or subsoil decompaction) are made to mitigate the limitations. Some limitations, such as shallow bedrock, slope complexity and slope angle, are not considered to be improvable under "typical farming practices".

5.1 Government of British Columbia – Agricultural Capability

General reference information for agricultural capability was provided by Land Capability Classification for Agriculture in British Columbia, Manual 1 (BC Ministry of Agriculture and Food and Ministry of Environment, 1983; Appendix C). Site-specific agricultural capability mapping for the Subject Property was found on Mapsheet 82E.094 @1:20,000 (BC Ministry of Environment, 1987). (Appendix A, Figure 6).

The MOE agricultural capability polygons corresponded directly to the soil polygons mapped in Soil Survey Report No. 52, and are summarized in Table 5, below:

TABLE 5: 982 Old Vernon Rd., Kelowna BC- MOE Agricultural Capability Mapping @ 20,000

Location	Agricultural Capability Rating	
	Unimproved	Improved
Northwestern Area	8:8AD 2:6WN	8:3D 2:4WD
Northeastern and Central Area	4AD	3D
Southern Area	3AD	7:3D 3*3D

A - Soil Moisture Deficit

D - Soil Structure

N - Salinity

W - Excess Water

Soils on Site Inspection

The overall agricultural capability ratings for the Subject Property were mapped and then compared to the soil unit polygons as defined by the site inspection (Section 3.2, above). In this case, the boundaries for the agricultural capability (AC) Units as determined by the field investigation (indicated by numbers 1-3) do not entirely correspond to those mapped for the soil units (Appendix A, Figures 9 and 10). AC unit 1 corresponds with SU 1. AC unit 2 is comprised of SU 2 and 3. Information obtained from the field inspection was combined with published soils, topography and climate data (as described in Sections 3.0 and 4.0) then applied to the criteria presented in MOE Manual 1 to determine the site-specific agricultural capability ratings at a mapping scale intensity of +/-1:3,000. The agricultural capability ratings for the Subject Property, based on the site inspection are summarized in Table 6, below:

TABLE 6: 982 Old Vernon Rd., Kelowna BC- Site Inspection: Agricultural Capability Ratings

Soil Unit	Ag Capability Unit	TP	Unimproved Ag Capability ²	Improved Overall Ag Capability ²	Area (ha)	% Total Area ³
I	1	1	5AW	3WAD	0.59	15%
II	2	2	5AW	3WD	2.02	50%
III		3	5AW	3WD	1.04	26%
IV	3	NA	NA	NA	0.36	9%
Total					4.01	100%

¹ Ratings based on lab results & field investigation. See Table 7 for class descriptions

² See appendix C for Capability descriptions

³ Estimates based on lab results, field investigations and aerial photography

Excess water during the wet months, and soil moisture deficits in the growing season were identified as the most extensive and severe limitations to agricultural capability on the Subject Property. Undesirable soil structure was considered to be an extensive, but less severe limitation.

AC Unit 1 (including Soil Unit I) accounts for +/- 15% (0.59 ha) of land on the Subject Property. This area was rated at Class 5 (unimproved) due to a soil

moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. Irrigation is expected to raise the soil moisture deficit ("A") limitations to Class 1 throughout this agricultural capability unit. A root restricting layer and low perviousness were consistent across the property and represent a soil structure limitation of Class 3 that may be improvable by removal of poor quality admixed fill, decompaction of the underlying clay layer and replacement of top soil to a depth of at least 0.75m.

AC Unit 2 (including Soil Units II & III) accounts for +/-76% (3.06 ha) of land on the property. This area was rated at Class 5 (unimproved) due to a soil moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. Because of the coarse texture of the soils in this agricultural capability unit, irrigation is only expected to raise the "A" limitation to Class 3

The remaining +/-9% (0.36 ha) of the Site, which has been mapped as AC Unit 3, occupies land in the southern area. This area has been rated at Class "AN" for anthropogenic alterations and is not considered to be available for agriculture due to the existence of a home, yard, driveway and outbuildings.

5.2 Comparison of BC Government and On-Site Inspection Ratings

The unimproved and improved agricultural capability ratings applied to the Subject Properties based on the on-site inspection were somewhat consistent with the ratings ascribed by the MOE mapping, as summarized below (See also Tables 5 and 6; and Appendix A, Figure 9).

The on-site agricultural capability ratings revealed a greater extent of excess water limitation ("W") on the property although it was not as severe as depicted by the MOE mapping. As well, the published mapping showed that all areas of the Subject Property had an unimproved rating of 3A to 4A. By contrast, the on-site assessment identified persistent soil moisture deficiencies with an unimproved rating of 5A across the property. The improved ratings increased to Class 1 (northwest corner) to 3A (south and central area) with irrigation.

In summary, the on-site inspection agricultural capability ratings were somewhat consistent with both MOE climatic and overall agricultural capability ratings. There was a greater variability in the unimproved ratings mapped by the MoE, while the on-site inspection results were more homogeneous ascribing the same unimproved and improved ratings to 76% of the Subject Property. The homogeneity noted is likely due to the significant modification that has occurred to the surface soils across the site.

5.3 Feasibility of Improvements

All improvements provided are theoretical in nature and based on best management practices as outlined the MOE Manual 1. These improvements are based on an assumption of land that is generally free of waste and contaminants. This assumed condition is not represented on the Subject Property.

The Subject Property has undergone historic improvements (see section 2.2.2). However, significant remaining rehabilitation is needed for the property to be suitable for agriculture (see section 2.2.3). The cost of the remaining improvements and rehabilitation that are necessary to prepare this property for agricultural use are not likely to be feasible. Furthermore, the required improvements (ie. Removal of wood waste material and replacement of the topsoil layer across 91% of the Subject Property) greatly exceed what would be considered "typical farm improvement practices", both in terms of the scope and costs for this work. The recovery of the improvement expenses by an agricultural production operation would be unlikely and is expected to be economically prohibitive.

The proposed future improvements based on MoE Manual 1 BMPs include supplemental moisture (irrigation) during the dry months and water control/drainage enhancements for excess moisture (ditching and/or artificial drainage). The results of this assessment suggest that these improvements would be feasible for AC Unit 1 and 2 which accounts for +/-91% (3.65 ha) of the Subject Property. The agricultural capability rating on AC 1 which accounts for +/-15% (0.59 ha) of the Subject Property is expected to improve from Class 5AW to Class 3WAD. The agricultural capability rating on AC 2 which accounts for +/-76% (3.06 ha) of the Subject Property is expected to improve from Class 5AW to Class 3WD. Improvements are not considered to be feasible for the remaining +/-6% (0.6 ha) of the Subject Property. This area is in AC Unit 3 which is unavailable due to existing residential structure and out buildings.

6 Agricultural Suitability

Agricultural suitability is related to agricultural capability, but involves the interpretation of a wider variety of factors as they relate to the potential for specific uses on a given property. While agricultural capability is based on physical features and measurable parameters, agricultural suitability assessments include a range of site conditions and external influences. The following factors were considered in assessing the agricultural suitability of the Subject Property:

- Feasibility of improvements;
- Availability of additional good quality topsoil;
- Overall size of the Subject Property;
- Location and context of the Subject Property (proximity to urban/suburban/rural land use and zoning);
- Land use on subject property – historical, current and future plans;
- Land use in surrounding area – historical, current and future plans;
- Diversifications, innovations and improvements to date;
- MoE agricultural capability ratings (at 1:20,000 mapping scale); and
- Agricultural capability ratings as determined by this assessment (at +/- 1:3,000 mapping scale).

The suitability of the Subject Property for various agricultural purposes has been evaluated in terms of the factors listed above and has been summarized in Table 7, below:

TABLE 7: 982 Old Vernon Rd., Kelowna BC – Site Inspection: Agricultural Suitability

AC Unit	Area (ha)	% Total Area	Ag Capability Unimproved (Improved)	Suitability for Agriculture Activities
Soil Bound Agriculture				
1&2	3.65	91%	Class 5 (Class 3)	These Agricultural Capability Units represent all of the property outside of the home site. The topsoil layer on this portion of the property has been completely admixed by the mill practices and would require significant remediation to be used for soil bound agriculture (section 2.2.3 for more detail). If rehabilitation was feasible, this area would potentially be suitable for perennial forage and select crops. The nearby Kelowna Airport, Environment Canada weather station data indicates that this area of Kelowna is a frost pocket which has on average 34 more days per year with minimum temperatures below 0C, when compared with East Kelowna and Kelowna weather stations. The risk of crop damage or failure may be increased due to the excess water and fewer frost free days. However, it would not be feasible to rehabilitate this area for soil bound agriculture due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA
Intensive Soil Bound Livestock - Operations which depend, in whole, or in part, on growing their own feed for livestock production (eg. Beef cattle (cow, calf or feeder), dairy cows, sheep, goats, and other livestock at a commercial scale)				
1&2	3.65	91%	Class 5 (Class 3)	These Agricultural Capability Units represent all of the property outside of the home site. The topsoil layer on this portion of the property has been completely admixed by the mill practices and would require significant remediation to be used for the production of livestock feed. If rehabilitation was feasible, this area would potentially be suitable for perennial forage. However, it would not be feasible to rehabilitate this area for livestock feed/production due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA
Intensive Non-Soil Bound Livestock - Uses which do not rely on growing crops in soil to support the enterprise (eg. Beef feedlots, hog production and poultry ie. Eggs and meat birds)				
1&2	3.65	91%	Class 5 (Class 3)	The property is located in a rural/residential area and near to a residential subdivision. Conflicts regarding the odours, noise and traffic associated with an intensive feedlot operation may be an issue with neighbouring rural residential property owners. For access reasons and potential conflict with neighbouring property owners this site is not suitable for intensive non-soil bound livestock. However, it would not be feasible to rehabilitate this area for non-soil bound livestock due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA
Intensive Non-soil bound Horticultural Agriculture (eg. green houses and container nursery)				
1&2	3.65	91%	Class 5 (Class 3)	The site is largely level. After remediation this property could be made suitable for Non-soil bound Horticultural Agriculture operation. However, it would not be feasible to rehabilitate this area for non-soil bound horticulture due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA

7 Impact Analysis

The potential impacts associated with the industrial land use on the Subject Property on the local and regional agricultural context have been summarized in Table 8, below. One of the advantages of having the Subject Property rehabilitated for industrial use would be the opportunity to install buffers between the site and surrounding properties that are being used for agricultural activities.

TABLE 8: 982 Old Vernon Rd., Kelowna BC – Potential Impacts of Continuing Industrial Land Use

Area of Concern	Anticipated Impacts from Proposed Land Use	Comments
Industrial Land Use of Subject Property on Surrounding Lands	The Subject Property was the site of a saw mill operation for over 50 years (35+ years since inclusion in the ALR). Further industrial land use would require extensive rehabilitation and improvements to the property. Such improvements can be expected to have a positive impact on the surrounding properties.	The Subject Property is located in a rural/residential area and is generally surrounded by agricultural properties with apparent light commercial/industrial uses on the neighbouring property to the east. There is a nearby small lot residential subdivision.
Regional and Local Agricultural Capacity	The Subject Property is not contributing to regional or local Agricultural Capacity. The property has not been used for agriculture since the 1950's. A non agricultural use on this property will not negatively impact the local Agricultural Capacity.	The site has not been used for agricultural purposes for over 50 years. There will be no impacts on local capacity if non-agricultural uses are permitted at this site.
Surrounding Agricultural Operations	Nearby agricultural operations include intensive soil bound agriculture to the north and south and hay fields to the west. A remediated industrial site including perimeter buffers would be an improvement for all neighbouring properties.	The property operated as an industrial site for about 50 years (35+ years since inclusion in the ALR) at this location. Clean up and redevelopment for further industrial use will require removal of unsightly and potentially deleterious wood waste and allow for the inclusion of buffers to be added to the site to ALC specifications. The buffering measures to be implemented will mitigate the negative impacts of future land uses on the neighbouring agricultural operations and properties.
Precedent of Industrial Land Use for Triggering Future Applications	The Subject Property shares commonalities with the neighbouring site to the east, as both were part of the original sawmill operation. The Subject Property was included in the ALR as an operating mill and operated for another 30 years at this location. Permitted non-farm land-use on the subject property may serve as a precedent for application on the property directly adjacent to the east (the remainder of the mill site). Beyond those sites there is no clear, likely precedent as all remaining surrounding lands are apparently used primarily for agriculture, or are not in the ALR	

8 Summary and Conclusions

8.1 Subject Property

The Subject Property has been used as a saw mill for over 50 years (35+ years since inclusion in the ALR). There has been no agricultural land use on the Subject Property in that time. Despite significant and costly rehabilitation efforts to the property, it remains in a state that is not suitable for agriculture. The estimated costs to complete the rehabilitation and make the Subject Property suitable for agricultural production are economically unfeasible when compared to the expected returns from an agricultural production business. In addition, such rehabilitation would fall well beyond the scope and cost of typical farm improvements.

Land use in the vicinity of the Subject Property is primarily rural / residential with agriculture being actively practised on the adjacent properties to the north, south and west of the property. The remainder of the original saw mill operation is located on the property directly adjacent to the east and is apparently being used for industrial activities, with no apparent agricultural use. While the majority of the property directly adjacent to the west is being used for hay, it is also being used to park heavy equipment. Across Old Vernon Rd. to the south is an agricultural property, approximately half of which is used to produce specialty market items (eg. Sauces, jams, pickled vegetables). The other half is not currently being used for any agricultural or industrial activities.

8.2 Soils and Agricultural Capability

This assessment rated the soil moisture deficiencies at Class 5A (unimproved) for the entire Subject Property. The improved ratings for soil moisture on +/-91% of the Subject Property, based on the addition of irrigation, ranged from Class 3A to 1. The remaining 9% of the lot is unavailable for agricultural use. Variations in the soil moisture deficiency across the Subject Property were related to site-specific soil conditions (eg. soil texture) and anticipated responses to supplemental moisture;

This assessment rated undesirable soil structure at Class 3D for +/-91% of the Subject Property and was found to be a minor limitation on throughout the site. The remaining 9% of the lot is unavailable for agricultural use;

This assessment found that excess water was a limitation with a 4W (unimproved) rating on 91% of the Subject Property. The improved ratings for this portion of the property are 3W, based on ditching and/or installing artificial drainage to control the water in wetter months. The remaining 9% of the lot is unavailable for agricultural use;

The proposed improvements on the Subject Property included supplemental moisture (irrigation) during the dry months, as well as enhanced surface and soil profile drainage for the wet months. The results of this assessment suggest that these

improvements would be feasible for +/-91% (3.65 ha) of the Subject Property, where the agricultural capability ratings are expected to improve from Class 5 to Class 3;

The proposed improvements are not considered to be feasible for the remaining +/-9% (0.36 ha) of the Subject Property. This area is unavailable for agriculture due to existing residential structures and out buildings;

Under the current circumstances, and considering the cost and scope of required improvements for the Subject Property, no suitable agricultural uses have been identified for the Subject Property. The investments to date, combined with the high cost of removing wood waste and completing further assessments preclude the possibility of non-soil bound uses such as horticultural agricultural or an intensive livestock operation.

8.3 Proposed Project

The landowners are exploring a variety of potential future land uses, including the possibility of returning to an industrial use on the Subject Property. A specific activity has not been designated at this time. However, due to the significant scope and onerous costs of site rehabilitation still required agricultural production is not considered to be a feasible option.

8.4 Conclusion

The Subject Property is located in a rural/residential area of the City of Kelowna; it was operated historically as a saw mill until 2005, and has little to no current use on 91% of the property. While significant site rehabilitation and improvements could theoretically make the Subject Property suitable for agricultural production; the scope and costs of this work are well beyond what is generally considered to be typical farm improvement practices. Therefore, the rehabilitation of Subject Property for any agricultural purposes is not considered to be economically or practically feasible.

Generally speaking, inclusion of land that is improvable to class 3 into the ALR would be considered good practice; however, due to the historic industrial use of the Subject Property, rehabilitation of the Subject Property for agricultural use at the time of creation of the ALR (1974-1976) may already have well exceeded the potential returns from an agricultural operation. These conditions have been compounded to present day further limiting the land use options available to the current Landowners.

9 References

BC Ministry of Agriculture and Food and Ministry of Environment, April 1983. *Land Capability for Agriculture in British Columbia*. MOE Manual 1. Surveys and Resource Mapping Branch and Soils Branch: Kelowna, BC

BC Ministry of Environment, 1981. *Climatic Capability Classification for Agriculture in British Columbia*. Climatology Unit - Air Studies Branch; Victoria, BC

City of Kelowna, 2003, *Consolidated Zoning Bylaw No. 8000*, Kelowna BC
<http://www.kelowna.ca/CM/page2561.aspx>

BC Ministry of Environment, 1985 *Soils of the Okanagan and Similkameen Valleys*, MoE, Victoria BC

BC Ministry of Environment, 1975. *Land Capability for Agriculture of the Okanagan and Similkameen Valleys*, Mapsheet 82L.094t 1:20,000. Thematic Mapping Unit, Surveys and Resource Mapping Branch: Victoria, British Columbia

City of Kelowna, *City of Kelowna Map Viewer (online)*,
http://www.kelowna.ca/website/ikelowna_map_viewer/viewer.cfm , Kelowna, BC

10 Limitations

I, Matthew Davidson certify that I supervised and carried out the work as described in this report. The report is based upon and limited by circumstances and conditions referred to throughout the report and upon information available at the time of the site investigation. I have exercised reasonable skill, care and diligence to assess the information acquired during the preparation of this report. I believe this information is accurate but cannot guarantee or warrant its accuracy or completeness. Information provided by others was believed to be accurate but cannot be guaranteed.

The information presented in this report was acquired, compiled and interpreted exclusively for the purposes described in this report. I do not accept any responsibility for the use of this report, in whole or in part, for any purpose other than intended or to any third party for any use whatsoever. This report is valid for one year only after the date of production.

Respectfully Submitted,



Matthew Davidson, P.Ag.
Senior Environmental Scientist
Valhalla Environmental Consulting Inc.

COMMITTEE REPORT



Date: August 10, 2017

RIM No. 1210-21

To: City Manager

From: Community Planning Department (MS)

Application: A17-0003 **Owners:** Jeetender S. Kandola
Manraf K. Kandola

Address: 982 Old Vernon Rd **Applicants:** Jeetender S. Kandola
Manraf K. Kandola

Subject: Application to the ALC for a Non-Farm Use on a property in the ALR (Storage and Composting)

Existing OCP Designation: REP - Resource Protection Area

Existing Zone: A1 – Agriculture 1

1.0 Purpose

The proposal is an application to the Agricultural Land Commission (ALC) for a Non-Farm Use, under Section 20 (3) of the ALC Act, to operate a storage facility for boats and recreational vehicles, composting, and storage for a tree service company, for a portion of Lot 3, Section 1, TWP 23, ODYD Plan KAP546, at 982 Old Vernon Road, Kelowna BC in the Agricultural Land Reserve (ALR).

2.0 Proposal

The applicant is requesting approval from the ALC to operate three separate non-farm uses on specific areas of the property, per the plan below. Specifically, they are:

1. Boat and RV Storage
2. Tree Service / Landscaping Company – Vehicle and Equipment Storage
3. Composting Operation

The site is currently covered with wood waste from a previous sawmill and wood recycling facility. This wood waste was primarily deposited from the mid 1980's to the early 2000's. Through discussions with City landfill staff it was determined that, since this time the wood has lost much of its carbon value, such that the burning potential (BTU potential) has been reduced. It's value for cogeneration has therefore been significantly reduced from the time of deposition.

Similarly, the nitrogen values have also degraded. As such, the wood waste on site does not hold value as an additive to the City's Ogogrow program¹.

The proposed uses are not permitted under the A1 – Agriculture 1 zone. Should the uses be permitted, an option for zoning is a Temporary Use Permit (TUP). Through a TUP, a time period could be established to provide an opportunity for the applicants to undertake the non-farm uses, to help fund the composting

¹ Hoekstra, S. and Light, G., June 16, 2017. Personal Communication.

operation through an effort to reduce the wood waste volume on the property and ultimately reclaim the parcel to a condition where agriculture can be undertaken.

Prior to the establishment of the ALR, there was a sawmill on the neighbouring site, 1040 Old Vernon Road. The sawmill was allowed to operate as a legal non-conforming use on the original footprint (approximately 1 ha / 2.47 acres). In subsequent years, the use of storage of wood waste, lumber and sawdust expanded over to include portions of the subject property. The use was expanded through the years, and the previous owners received conditional approval from the ALC to use additional areas of this site and portions of 982 Old Vernon Road for wood and sawdust storage.

A plan of the proposed locations of the non-farm uses is included below.

Figure 1. Proposed Maps of Non-Farm Uses



Figure 2. Proposed Maps of Non-Farm Uses (Large Detail)



The site historically contained a small sawmill prior to the creation of the ALR. The original Russo Sawmill was designated as a 'Clean Wood Drop Zone' by the City of Kelowna and the Regional District Waste Management. The sawmill would take stumps, non-merchantable timber, and clean wood waste and recycle them into lumber, pallets, wood chips and mulch which was then sold. After the sale of the properties, the sawmill and its equipment was dismantled and no longer is present on site.

Two resolutions permitted the expansion of the footprint beyond the original sawmill. Resolution #993/85 permitted 1.7 ha of 982 Old Vernon Road to be used for ***the storage of logs, lumber and sawdust.***

Resolution #437/2000 permitted the use of all of 982 and 1040 Old Vernon Road ***for sawmilling, wood waste recycling/composting and pallet recycling.*** This was subject to the conditions that Lot 1, 1124 Old Vernon Road would be reclaimed to agriculture, and that a fence would be erected on the east, north and west property line.

Up until the early 2000's, the non-farm uses listed in the ALC resolutions were not followed, leading to a further deterioration of the site, including adjacent waterways. The required fence was not constructed, and the equipment of the original sawmill is no longer there to enable the milling and construction of pallets or the chipping or mulching of wood waste.

Staff notes that 982 Old Vernon Road is within the Intensive Agriculture Area according to the City of Kelowna Zoning Bylaw No. 8000. Staff agrees with the 2014 ALC resolution that there remains potential for non-soil based agriculture. Therefore, intensive agriculture such as poultry, mushrooms, and other intensive livestock operations would be permitted in this location under the Bylaw. In addition, other non-soil bound agriculture is possible, including greenhouses.

2.1 Project Description

The applicant is requesting a Non-Farm Use approval from the ALC to operate a storage facility for boats and recreational vehicles (RVs), composting, and storage for a tree service company, for a portion of the subject property.

The proposal includes three separate non-farm uses on specific areas of the property, per the plan below. Specifically, they are:

1. Boat and RV Storage
2. Tree Service / Landscaping Company – Vehicle and Equipment Storage
3. Composting Operation

The proposed uses are not permitted under the A1 – Agriculture 1 zone. Should the use be permitted, an option for zoning is a Temporary Use Permit (TUP). Through a TUP, a time period could be established to provide an opportunity for the applicants to undertake the non-farm uses, to help fund the composting operation, through an effort to reduce the wood waste volume on the property and ultimately reclaim the parcel to a condition where agriculture can be undertaken.

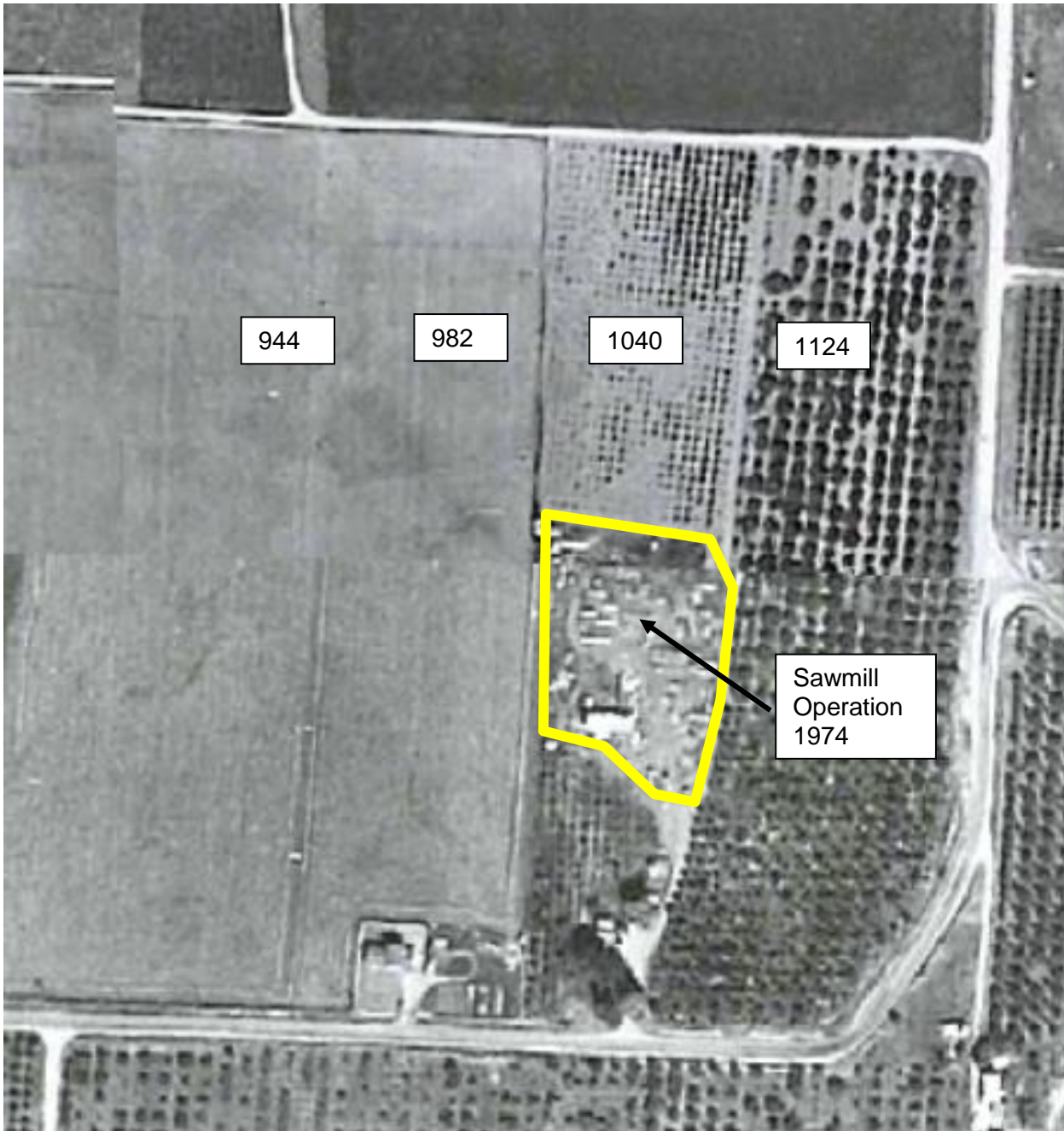
2.2 Background

The site has a history of use as a sawmill. In 1972, at the creation of the ALR, and prior to amalgamation of the site into the City of Kelowna, the sawmill footprint was approximately 1.0 ha (2.47 acres).

Map 1 – Air Photo 1970

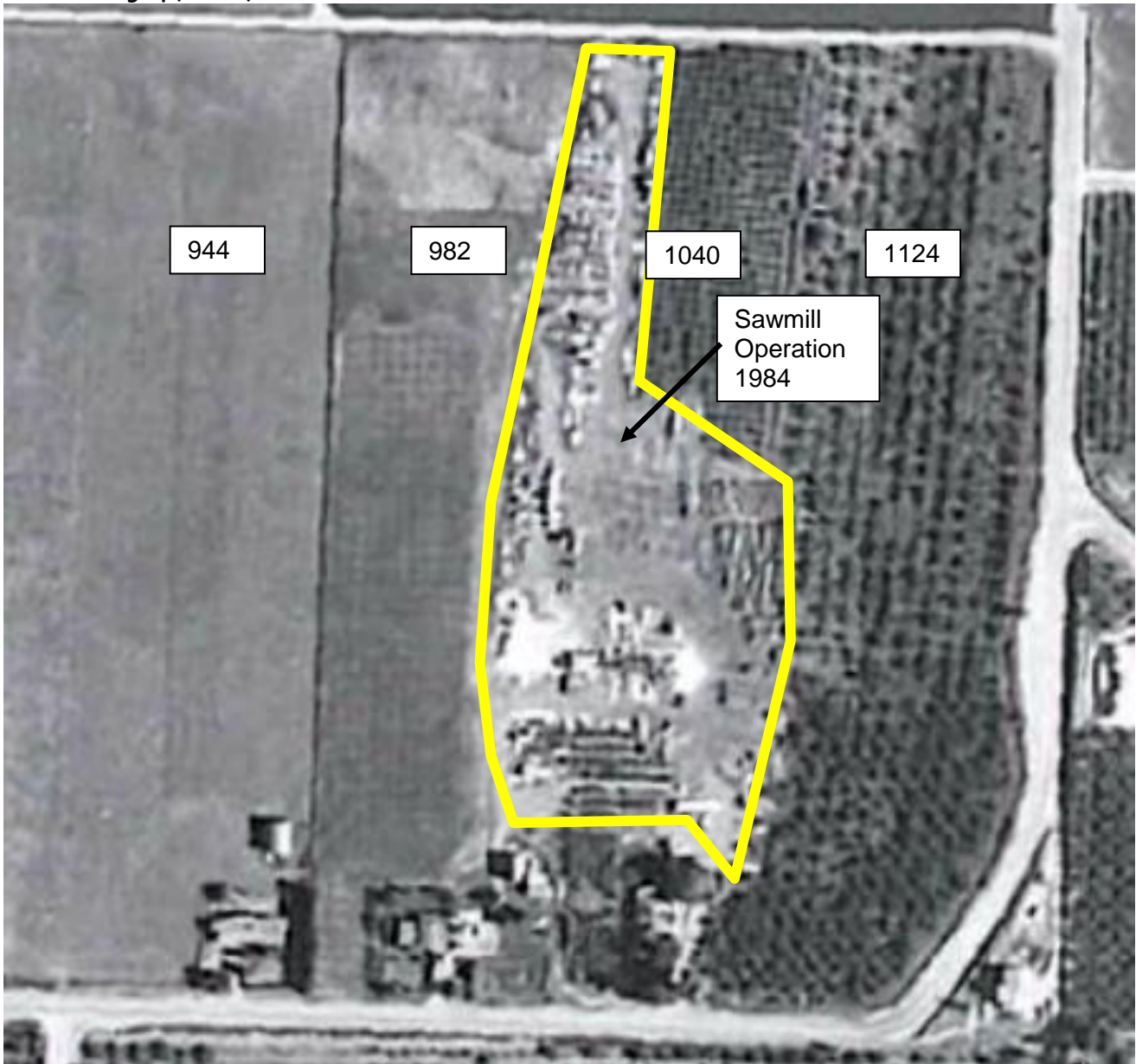


Air Photo 1976 (Russo)



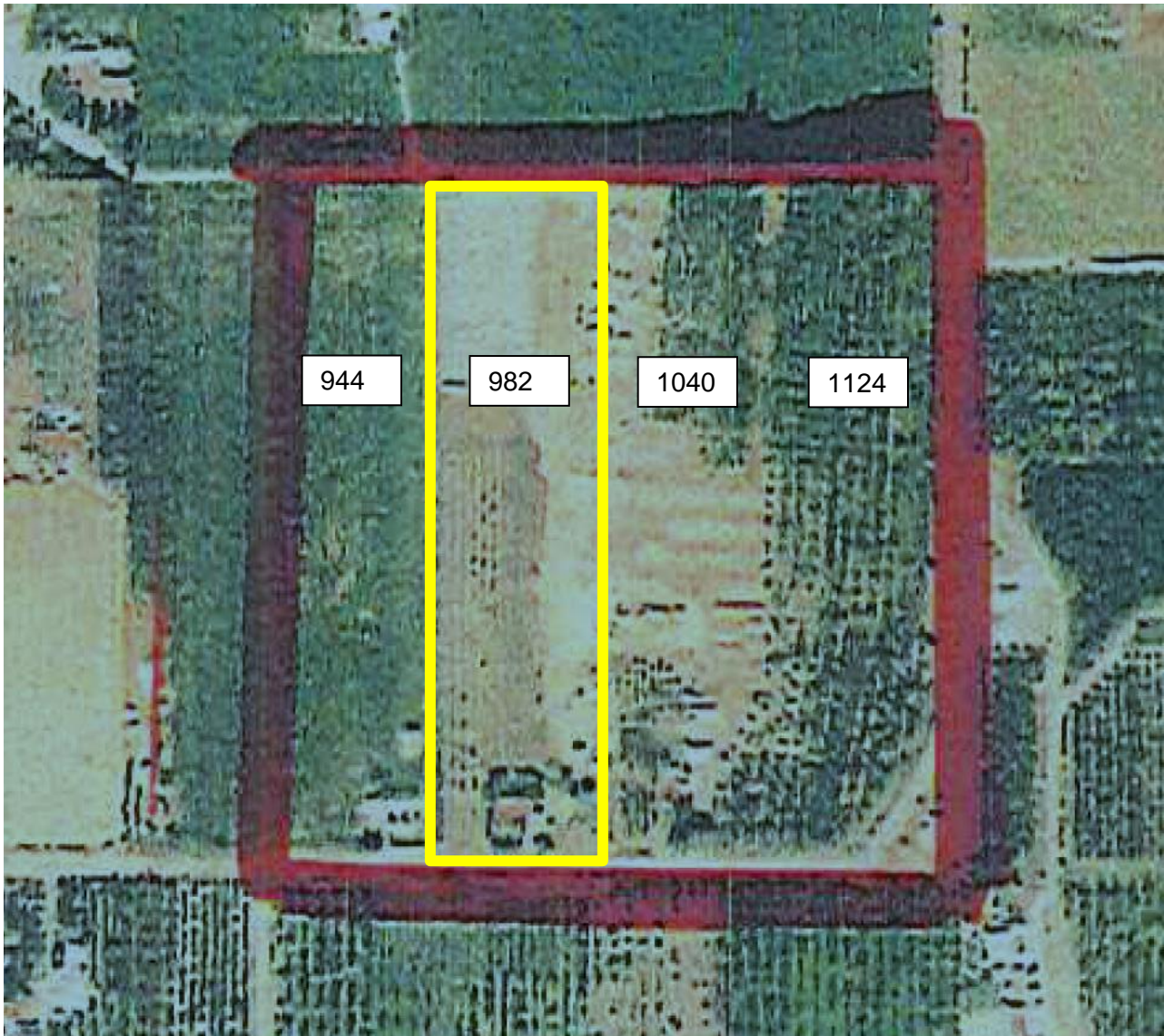
In 1976, the sawmill operation focused on the subject property (Lot 2) 1040 Old Vernon Road. This was shortly after the establishment of the ALR.

Air Photo 1984 (Russo)



In 1984, the storage of logs and lumber was starting to encroach on 982 Old Vernon Road.

Air Photo 1985 (Russo)



By 1985, the sawmill operation had expanded beyond the subject property, over 1.7 ha in area on 982 Old Vernon Road (Lot 3). In response to complaints from a neighbour, the owner made an application to the ALC to expand the sawmill operation to 982 Old Vernon Road. Through Resolution # 993/85, authorization was granted, for a limited area of 1.7 ha, specifically for storage of logs, lumber and sawdust. This resolution was subject to the owners to avoiding placing gravel on the property, which was stunting the growth of the neighbours fruit trees and alfalfa, a complaint of the neighbour to the west.

Date	Action	Result / Direction
Nov. 13, 1985	ALC Resolution #993/85	Authorization of 1.7 ha of Lot 3 for storage of logs, lumber and sawdust, subject to agreement of terms with neighbour.
March 5, 1985	ALC Letter of Clarification for Lot 2	Sawmill use authorized on Lot 2 as long as it the remainder of lot continued its use of agriculture. Any change to this would require ALC review.

Air Photo 1999 (Russo)

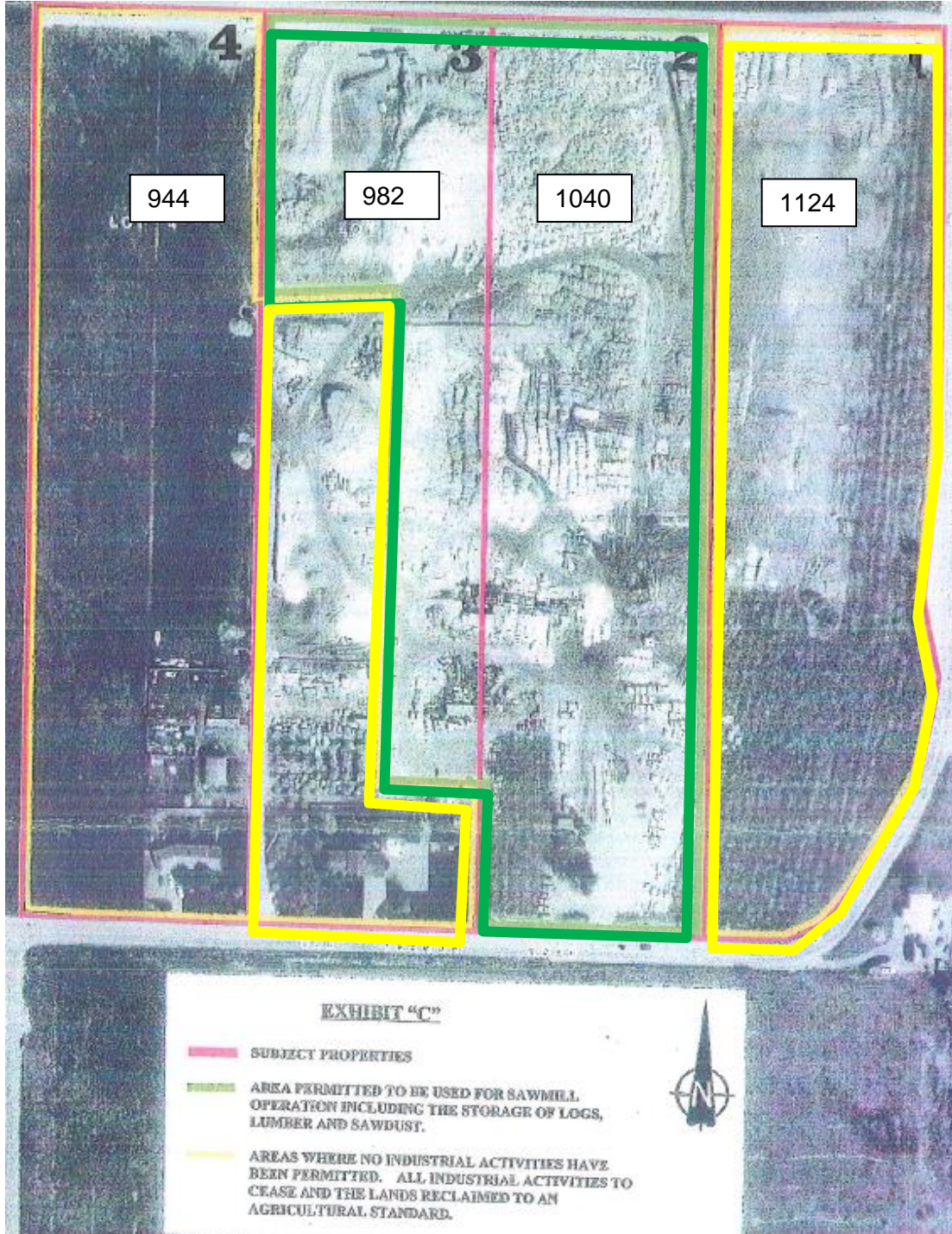


In 1998, due to neighbours complaints, the ALC conducted a site visit that revealed impacts on Lots 1, 2, 3 and 4, including a series of ditches and ponds to capture leachate from the operation. At the time, the ALC provided a letter in response to the expanded activities:

'the non-farm uses have expanded and diversified without the necessary ALC approvals..... From the Commission's perspective, the only authorized activity is the sawmill activity as it existed six (6) months before December 21, 1972 as amended by Resolution #993/85'.²

² ALC, June 4, 1998. Letter to Russo's from C. Fry, Agricultural Land Commission.

ALC Order #368 and 369/99 (1999)



Per ALC Order #368 and 369/99 (1999).

Green Area – Area Permitted for Storage of Logs, Lumber and Sawdust

Yellow Area – Area Must Be Reclaimed for Agriculture

In June of 1998, the ALC issued an order to restore uses in accordance with 1985 Resolution. A site visit had determined that the owner had undertaken unauthorized non-farm uses including storage and processing of waste material and pallet recycling. The order included restoring agriculture to all of 1124 Old Vernon Road (Lot 1), and half of 982 Old Vernon Road (Lot 3), which was the area that had not been authorized through resolution #993/85 for the storage of lumber, logs and sawdust.

Date	Action	Result / Direction
Aug. 7, 1997	ALC Compliance Letter <ul style="list-style-type: none"> • Reports of wood dumping, recycling, selling pallets. 	Comply to ALC Resolution #993/85.
April 21, 1998	City of Kelowna Compliance Letter <ul style="list-style-type: none"> • Breach of Soil Conservation Act, use contrary to approvals, and fire hazard. • On Regional Waste List for recycling wood. 	Direction to cease and desist any uses contrary to ALC Resolution #993/85. Removal from the Regional Waste List for recycling wood.
April 27, 1998	City of Kelowna Fire Prevention Officer Letter	Require that they comply with Fire Codes.
June 9, 1998	ALC Site Visit Report <ul style="list-style-type: none"> • Failure to comply with Neighbour Agreement per ALC Resolution #993/85. • Use contrary to approval, site now being used for wood waste recycling. • Dug outs collecting water. • Agriculture on Lot 2 almost completely gone. 	Direction to cease and desist any uses contrary to ALC Resolution #993/85.
Sept. 22, 1998	ALC Resolution #738/98 <ul style="list-style-type: none"> • Activities had expanded beyond the approval #993/85, both in area (Lots 1, 3 and 4), as well as use expansion into wood recycling. 	Require immediate blocking of affected water runoff to west. Fill in ponds. Consider fencing, vegetative screening to reduce impacts on adjacent ALR lands. Develop a restructuring plan, with a maximum area of 5.7 ha.
June 14, 1999	ALC Order # 368 and 369/99 <ul style="list-style-type: none"> • Requirement to restore any lands to agricultural standard not included in the #993/85 approval. • Requirement to post a bond of \$500,000 to ensure restoration of lands occurs. 	Require any lands over 5.7 ha approved in ALC Resolution #993/85 be restored to agriculture. Immediately stop importing waste materials to the properties.

Air Photo (2000)



By 2000, the focus on the sawmill had dropped, and the site had become a construction material waste operation. In addition, it has expanded beyond Lot 2 and the 1.7 ha of Lot 3 permitted in 1985, to Lots 1 to the east and part of Lot 4 to the west. A series of complaints had been lodged to the ALC.

Upon review, ALC concerns included:³

- Activities were inconsistent with the ALC and Soil Conservation Act;
- Demolition debris (e.g. drywall) did not make acceptable compost for a turf operation in the ALR;
- Demolition debris could contain chemicals from glues and preservatives;

An application was then made to the ALC to use all of Lots 2 and 3 as a sawmill, wood waste and pallet compost operation, with the conditions that the impacted area of Lot 1 was returned to agriculture, and

³ ALC, June 6, 2000. Resolution #437/2000.

that the compost was used to support a turf farm operation on Lot 4. In addition, the proposal included selling the compost from Lot 4, as a part of the 2000 application.

ALC Resolution #437/2000 – The ALC resolution allowed sawmilling and wood waste recycling/composting, and pallet recycling, as a use on the property. The ALC conditions required:

- Allowed the installation of a fence on the west, east and north boundaries;
- No composed material used in the ALC unless sanctioned by the ALC;
- No turf farming without soil sampling and testing to the satisfaction of the ALC; and
- Reclaimed Lot 1 to agriculture.

Date	Issue	Action
	ALC Resolution #437/2000	<ul style="list-style-type: none"> • Granted permission to use all of Lots 2 and 3 for sawmilling, wood waste recycling/composting and pallet recycling. However, the composting must be tested in accordance with ALC approval. No compost material is to be used in the ALR without ALC sanction. • Require a fence along entire east, west and north boundaries. • ALC has a \$30,000 bond for fencing. • Lots 1 and 4 are to be returned to agricultural standard. • "Clean Wood" only.

The events noted below apply to 982 Old Vernon Road (Lot 3)⁴:

2005

- Lot 3 was sold with approximately 122,330 m³ wood waste on site.

2006

- Lot 3 had a controlled burner set up to eliminate wood waste.

2007

- Numerous fires due to spontaneous combustion erupted. The largest one took 3 days to contain, costing the City of Kelowna \$80,000 in firefighting costs.

2008-2011

- Lot 3 owners hired a contractor to haul wood waste to a cogeneration plant in Armstrong (Tolko).

⁴ Valhalla Environmental Consulting, Jan. 2013. Land Capability Assessment 982 Old Vernon Road, (Lot 3) Kelowna, BC

Map 6 – Air Photo 2006



Air Photo 2009



From approximately 2009-2011, the owners of 982 Old Vernon Road hired a contractor to haul wood waste to a cogeneration plant in Armstrong (Tolko). In addition, a landscape contractor was on site that was composting, using some of the historic wood waste.

Air Photo 2012



The land use shown in the 2012 ortho photo, showing 1124 Old Vernon Road (Lot 1, Plan KAP546) reclaimed for agriculture as required by the ALC Resolution #437/2000, as part of the approval to allow the non-farm use of Lot 2 and Lot 3 (1040 and 982 Old Vernon Road) to allow the use of a recycling facility on the property.

2015 – Air Photo



2.3 Site Context

The subject property is located in the Rutland Sector of the City and is within the Agricultural Land Reserve. It is zoned A1 – Agriculture 1 and is outside of the Permanent Growth Boundary.

Staff notes that 982 Old Vernon Road is within the Intensive Agriculture Area according to the City of Kelowna Zoning Bylaw No. 8000. Therefore, intensive agriculture such as poultry, mushrooms, and other intensive livestock operations would be permitted in this location under the bylaw.

The property slopes gently from the southeast corner to the northwest, with less than 2.5% grade change, from 416 metres above sea level (masl) at the northwest corner up to 426 masl at the southeast corner.

Parcel Summary – 982 Old Vernon Road:

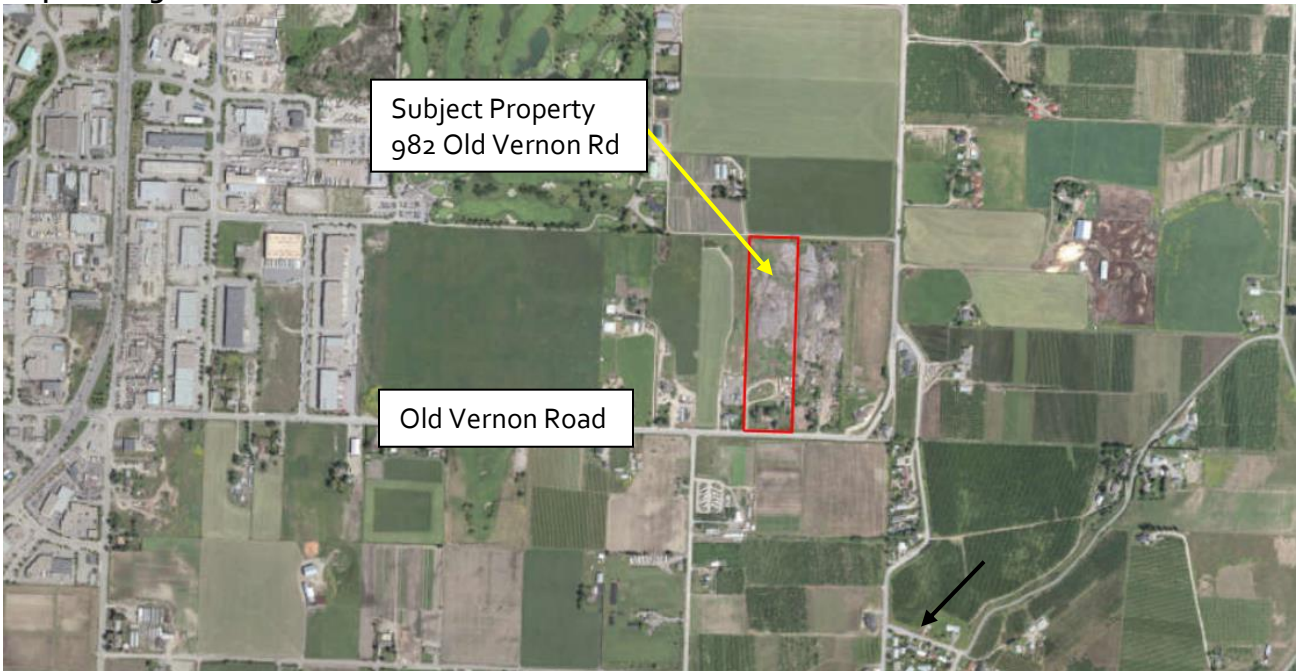
Parcel Size:	4.04 ha (10 acres)
Elevation:	414 to 423 metres above sea level (masl) (approx.)

The subject property lies within the Resource Protection Area for land use according to the Official Community Plan. The properties to the west, south and east are also within the Resource Protection Area Future Land Use. The properties to the north are outside Kelowna, within the Regional District of the Central Okanagan.

The adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Agriculture (RDCO) / ALR	Agriculture
East	A1 - Agriculture 1 / ALR	Wood Waste Storage
South	A1 - Agriculture 1 / ALR	Agriculture
West	A1 - Agriculture 1 / ALR	Agriculture

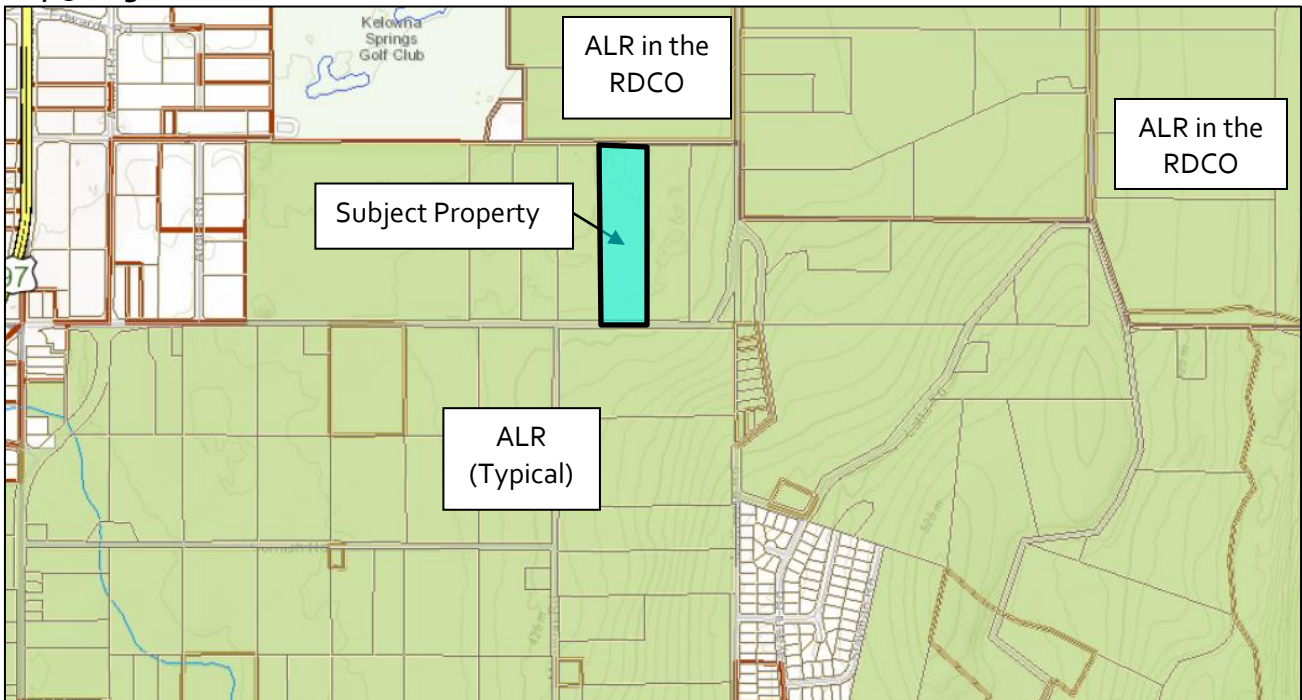
Map 1 – Neighbourhood Context



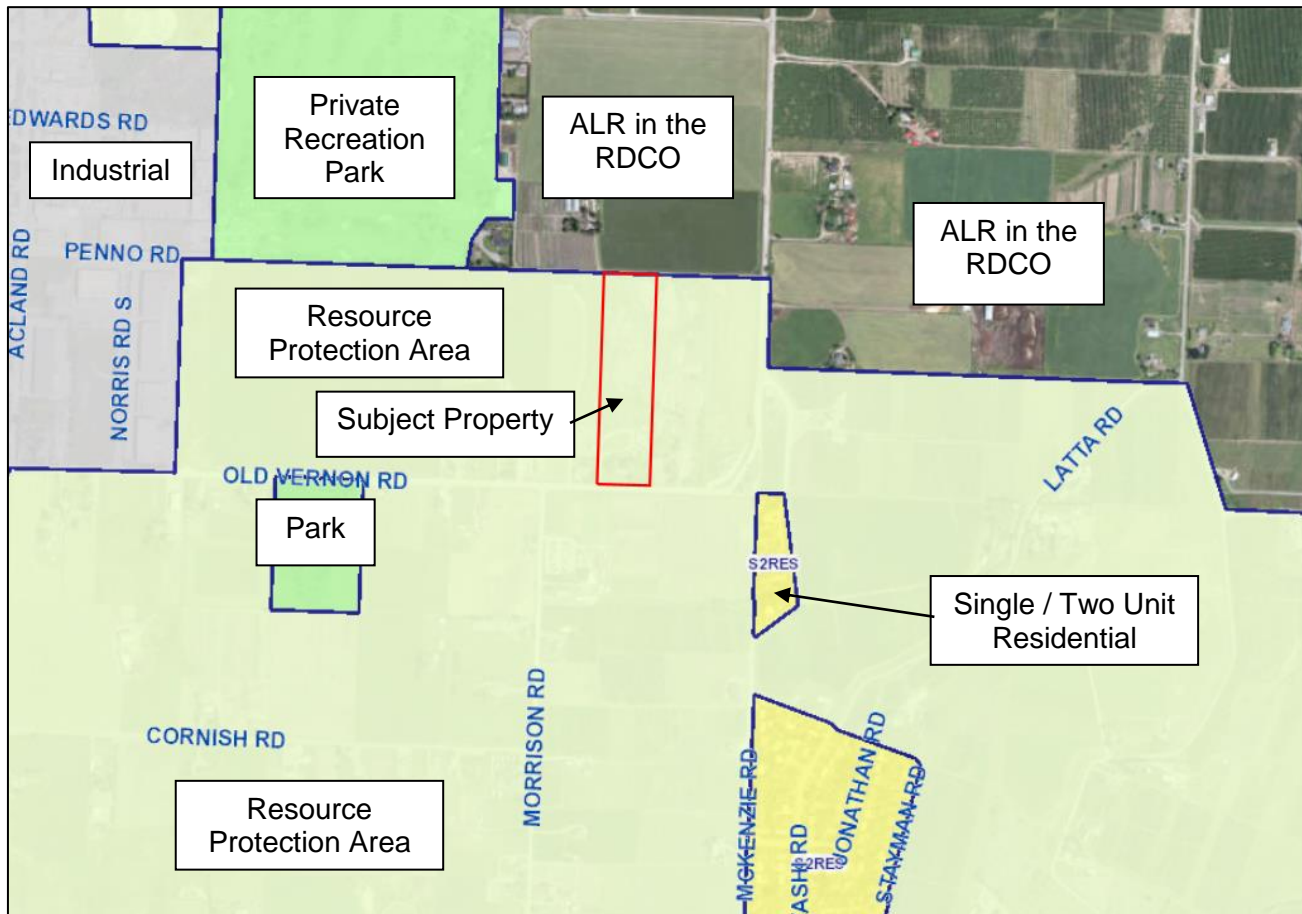
Map 2 – Permanent Growth Boundary



Map 3 – Agricultural Land Reserve



Map 4 – Future Land Use



2.4 Agricultural Capability Assessment

The agrology report indicates that 91% of 982 Old Vernon Road has an agricultural capability rating of Class 5, improvable to Class 3. Class 1 to 3 are considered prime agricultural land and relatively rare in the Okanagan. The required improvements include ditching in the spring, and irrigation in the summer months.

The report also estimates the cost to rehabilitate the soil on 984 Old Vernon Road⁵, to improve it to a point where the land could support soil based agriculture. This cost includes the following for this site:

- \$150,000 – Wood waste grinding
- \$711,698 – Import and spread clean topsoil (27,375 m³)
- \$178,941 – Trucking of soil

The total estimated cost to improve the 984 Old Vernon Road to support soil based agriculture for 984 Old Vernon Road noted in the report is \$1,040,639. It cites that the soil rehabilitation costs prohibit soil based agriculture.

⁵ Valhalla Environmental Consulting Inc., 2013. Land Capability Assessment – 982 Old Vernon Road, Kelowna, BC.

2.5 982 Old Vernon Road – Exclusion Application 2013

In 2013, an application for exclusion was submitted for 982 Old Vernon Road in 2013. The application was not supported by the Agricultural Advisory Committee or Council, and was refused by the ALC through Resolution #93/2014. Comments for this application are included below.

2.6.1 Agricultural Advisory Committee – A13-0004 – 2013-02-06

MOVED BY Gill Green/SECONDED BY Yvonne Herbison
 THAT the Agricultural Advisory Committee NOT support Application No. A13-0004 for 982 Old Vernon Road, to obtain approval from the Agricultural Land Commission (ALC) to exclude approximately 4.04 ha (9.99 acres) from the Agricultural Land Reserve to facilitate a future rezoning of the subject property to an Industrial Use (i.e. I6 - Low Impact Transitional Industrial).
 CARRIED

ANECDOTAL

COMMENT:

The Agricultural Advisory Committee did not support the application for exclusion, however, encouraged the Applicant to bring back another application if they could demonstrate a net benefit to agriculture. The AAC is concerned that putting an industrial use into the area would result in increased traffic and pressure for urban services in an otherwise rural area. While the AAC is unclear as to viable agriculture opportunities on the property, the AAC recommends the Applicant explore incorporating manure from a nearby feedlot and other organic materials (i.e. nitrogen sources) with the existing wood waste (i.e. carbon source) to create a great compost product. Another option would be a greenhouse operation, or other activity that does not involve soil based agriculture.

2.6.2 Regional District of the Central Okanagan – A13-0004 – 2013-02-25

The subject property is located adjacent to lands located within the Regional District that are also within the ALR. These lands represent larger A1 Agricultural zoned parcels that are designated Agriculture in the Ellison Official Community Plan, Bylaw No. 1124. Agricultural policy of the Ellison OCP states, 'Support the retention of large continuous blocks of agricultural land and discourage fragmentation'.

While it is recognized that there has been a longstanding non-farm use of the property, Planning staff questions the need and rationale for excluding this parcel from the ALR. The proposal is not in keeping with the above noted policy of the Ellison OCP and RDCO staff is concerned that there will be serious adverse impacts on neighbouring farm operations over the long-term should the subject parcel be excluded from the ALR and subsequently rezoned to allow industrial use. We note that a similar ALR exclusion application recently considered by the RDCO was refused by the Agricultural Land Commission on the grounds that the long-standing non-farm use (as established prior to creation of the ALR) could simply continue on the site. The ALC also advised that agricultural potential of the site may be achieved upon reclamation in the future. Of final note, planning staff recommends that input from neighbouring landowners should be given careful consideration prior to City Council review of the ALR exclusion application.

2.6.2 Policy & Planning – City of Kelowna – A13-0004 – 2013-02-06

The subject property has a land use designation of Resource Protection Area (REP) in the current Official Community Plan (OCP) and is zoned for Agriculture (A1). The property is outside of the Permanent Growth Boundary but is within the ALR.

This application is for an exclusion from the ALR to allow for a Low Impact Transitional Industrial (I6) use. If the applicant is successful at removing the land from the ALR then they will require an OCP amendment as well as a rezoning to facilitate their proposed use for the property.

Goal 9 of the OCP (Enable Healthy and Productive Agriculture), speaks to protecting agricultural lands. In addition, this application is contrary to the following policies in the current OCP: Objective 5.33; Policy 1 (Protect Agricultural Land), is intended to retain the agricultural land base; Objective 5.33; Policy 2 (ALR Exclusions), says that the City will not support ALR exclusions except in extraordinary circumstances. Therefore, this application does not comply with the current OCP.

3.0 Current Development Policies

3.1 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria⁶

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

3.2 City of Kelowna Strategic Plan

Objective⁷: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective⁸: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

3.3 Kelowna Official Community Plan (OCP)

Land Use Designation Definitions

Resource Protection Area⁹

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Permanent Growth Boundary¹⁰

Lands within the permanent growth boundary may be considered for urban uses within the 20-year planning horizon ending 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

⁶ City of Kelowna Agriculture Plan. 1998. P. 130.

⁷ City of Kelowna Strategic Plan. 2004. P. 7.

⁸ City of Kelowna Strategic Plan. 2004. P. 29.

⁹ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.2.

¹⁰ City of Kelowna 2030 Official Community Plan. Future Land Use Chapter. P. 4.6.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary¹¹. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses **only** to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council’s specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture¹².

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .2 ALR Exclusions. The City of Kelowna will not forward ALR exclusion applications to the ALC except in extraordinary circumstances where such exclusion is otherwise consistent with the goals, objectives and other policies of this OCP. Soil capability alone should not be used as justification for exclusion.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

4.0 Technical Comments

4.0 Regional District of the Central Okanagan (RDCO)

The subject property is located adjacent to lands within the Central Okanagan East Electoral Area of the Regional District that are also within the ALR. These lands represent larger A1 Agricultural zoned parcels that are designated ‘Agriculture’ in the Ellison Official Community Plan Bylaw No. 1124. Agricultural policy of the Ellison OCP states “Support the retention of large continuous blocks of agricultural land and discourage fragmentation.” Regional Growth Strategy Bylaw No. 1336, Policy No. 3.2.5.2 states “Preserve and support sustainable agricultural activities and land base that enhances local agriculture through the strengthening of best practices, support of local and regional food systems and the expansion of local food markets and agri-tourism”.

It is difficult for RDCO Planning staff to weigh in on the non-farm use application, as there are numerous proposed uses outlined in the application. Input from neighbours is important to garner prior to Council consideration. Some high-level concerns include the following:

- The application rationalizes that the “non farm uses . . . may help in remediating the land to somewhat of an agriculture standard” by creating an income; however, how will the income generated be guaranteed to be put towards reclaiming the land?
- The application and agrologist report claim there may be contaminated soils; however, one of the proposed uses includes housing people on site (i.e. a Mobile RV Park).

¹¹ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

¹² City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

- The intent is to remove large amounts of wood/debris and contaminated soil; however, a number of the proposed uses intend to further cover the property and have the potential to contaminate the soil (i.e. general storage, construction material storage, material drop off centre, etc.)

Overall, it not clear how the non-farm uses proposed preserve or support sustainable agricultural activities and land base.

4.1 Development Engineering

Development Engineering has no comments at this time, however, a comprehensive report will be provided at the time of development application submission with the ALC agrees to the proposed activity on the subject property.

4.2 Fire Department

It is difficult to comment on the use of the site as there is not enough information. The clean-up of this property is important but until a processing plan, etc. is in place, it is difficult to approve on behalf of the fire department.

4.3 Ministry of Agriculture

It's not in the best interest of agriculture to lose potentially productive farm land to non-farm uses. Non-farm uses are considered by ALC to allow for the greatest flexibility for future agricultural use.

Current state of the property & costs of clean up are acknowledged, however information to support a level of contamination and compaction on the site that would preclude future soil based agriculture are not clear. Soil capability subclasses provide insight into management considerations but don't preclude agricultural production.

Options for non-soil based agriculture enterprises in the ALR, even if deemed not currently feasible should not be discounted as agriculture production, practices & markets are constantly changing & uses for greenhouse, poultry, swine etc. may be potential future uses.

The parcel is situated & supported as a farming area; productivity of surrounding orchards should be considered.

Commercial/industrial businesses have the option to locate within other areas; farming depends on being able to access land in the ALR for primary production. Long term access to ALR lands is in the interest of agriculture and food security.

Temporary/short term non-farm use would provide flexibility to support future agriculture use. Low impact non-farm use would be preferable, that will minimize impacts of further contamination and compaction.

Non-agricultural uses in the ALR, have potential to create conflict with adjacent agriculture use as practices may not always be compatible.

Regardless of current agriculture use on adjacent land, consider adequate set-backs & buffers to address noise, dust or odour from future operations on farmed property. If long term non-farm use is permitted, a requirement for planting and maintaining a vegetative buffer on the non-farmed property to mitigate conflict and disturbances which can include industrial farms or intensive agriculture operations "Guide to Edge Planning" BC Ministry of Agriculture reference.

5.0 Application Chronology

Date of Application Received: March 13, 2017
Date Public Consultation Completed: None required for Non-Farm Use Applications
Date of Revised Plans Received: July 18, 2017

Report prepared by:

Melanie Steppuhn

Reviewed by
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Applicant's Plans
Site Photos
Ministry of Agriculture Referral Letter (A. Skinner)
Applicant ALC Act Application for Non-Farm Use with Site Plans
Agrology Report – Valhalla Environmental Consulting Inc. – 982 Old Vernon Road (2013)

PHOTOS

Photo 1. Screening / Composting Operation



Photo 2. Tree Service Operation (Storing Vehicles)



Photo 3. Composting and Screening Operation



Photo 4: Historic Wood Waste



Photo 6: Composting Operation (Foreground) and Tree Service Company (Background)





File: A-17-003

To: City of Kelowna

Comments for consideration regarding application for non-farm use @ 982 Old Vernon Road:

- It's not in the best interest of agriculture to lose potentially productive farm land to non-farm uses. Non-farm uses are considered by ALC to allow for the greatest flexibility for future agricultural use.
- Current state of the property & costs of clean up are acknowledged, however information to support a level of contamination and compaction on the site that would preclude future soil based agriculture are not clear. Soil capability subclasses provide insight into management considerations but don't preclude agricultural production.
- Options for non-soil based agriculture enterprises in the ALR, even if deemed not currently feasible should not be discounted as agriculture production, practices & markets are constantly changing & uses for greenhouse, poultry, swine etc may be potential future uses.
- The parcel is situated & supported as a farming area, productivity of surrounding orchards should be considered.
- Commercial/industrial businesses have the option to locate within other areas; farming depends on being able to access land in the ALR for primary production. Long term access to ALR lands is in the interest of agriculture and food security.
- Temporary/short term non-farm use would provide flexibility to support future agriculture use. Low impact non-farm use would be preferable, that will minimize impacts of further contamination and compaction.
- Non-agricultural uses in the ALR, have potential to create conflict with adjacent agriculture use as practices may not always be compatible.
- Regardless of current agriculture use on adjacent land, consider adequate set-backs & buffers to address noise, dust or odour from future operations on farmed property. If long term non-farm use is permitted, a requirement for planting and maintaining a vegetative buffer on the non-farmed property to mitigate conflict and disturbances which can include industrial farms or intensive agriculture operations. ["Guide to Edge Planning" BC Ministry of Agriculture] GUIDE TO EDGE PLANNING .

Thanks for the opportunity to comment.

Anne Skinner P.Ag – Regional Agrologist
BC Ministry of Agriculture, Kelowna
250-861-7272 Email: anne.skinner@gov.bc.ca

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56157

Application Status: Under LG Review

Applicant: MANRAJ KANDOLA , Jeetender Kandola

Local Government: City of Kelowna

Local Government Date of Receipt: 03/09/2017

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: We are applying for non farm use as this property historically has been utilized as an industrial sawmill operation. The operations ceased in 2005 and since then many efforts have been attempted to reclaim back to farm land. As per Agrologist report (See attached) it is almost impossible to bring back to viable farm land.

With non-farm uses we could hopefully generate enough income to remediate the land further as there is large amounts of wood/debris to be dealt with. Eventually remove contaminated soil and replace with clean fill.

Mailing Address:

982 OLD VERNON ROAD

KELOWNA , BC

VIX 6T8

Canada

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

No agriculture activity.

Previously sawmill operation.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

When sawmill operation seized in 2002, wood piles were approximately estimated at 160,000 cubic meters.

We have picked away at the pile of wood debris and have approximately 30,000 cubic meters of wood left over.

To further make land improvements , attached are non farm uses we think may help in remediating the land to somewhat of a agriculture standard.

Biggest hurdle now is how to remove rest of the oversize contaminated wood.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Piles of wood debris still on property that needs to be dealt with from seized sawmill operation.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Residential/Hay Field

East

Land Use Type: Agricultural/Farm

Specify Activity: Residential/Remnant Sawmill

South

Land Use Type: Agricultural/Farm

Specify Activity: Residential/Agritourist Accomodation (RV Park)

West

Land Use Type: Agricultural/Farm

Specify Activity: Residential

Proposal

1. How many hectares are proposed for non-farm use?

4 ha

2. What is the purpose of the proposal?

We are applying for non farm use as this property historically has been utilized as an industrial sawmill operation. The operations ceased in 2005 and since then many efforts have been attempted to reclaim back to farm land. As per Agrologist report (See attached) it is almost impossible to bring back to viable farm land.

With non-farm uses we could hopefully generate enough income to remediate the land further as there is large amounts of wood/debris to be dealt with. Eventually remove contaminated soil and replace with clean fill.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

This is a unique property where sawmill operations predated the ALC rules and regulations so it was grandfathered to continue operating as a sawmill operation on ALR land. This orphaned sawmill on ALR land needs to be reclaimed back to somewhat agriculture status. Therefore the reason for asking "non-farm use" is to continue to reclaim farm land.

4. Does the proposal support agriculture in the short or long term? Please explain.

In the long run there may be benefits to agriculture use. This project isn't a small undertaking as we have already invested over a decade in trying to reclaim the land back to agriculture use. Any property heavily utilized for Industrial operation for decades is going to have its challenges. The property wasn't monitored over the years as there are other products than wood dumped on this property.

There are no promises as there will be more challenges as we proceed with a non farm use to help off set some costs to rehabilitate the land. We have asked for a broad range of uses as we don't know which project would work best for this property.

In the last decade we have had to shift gears many times as we had many hurdles to overcome as we get deeper into the wood piles hence why we ask for a broad range of uses for "non-farm use".

Applicant Attachments

- Professional Report - Agrologist Appendices A
- Professional Report - Agrologist Report
- Professional Report - Agrologist Report Appendices B
- Professional Report - Agrologists Report Appendices C
- Professional Report - Agrologist Report Appendices D
- Professional Report - Agrologist Report Appendices E
- Professional Report - Agrologist Report Addendum
- Proposal Sketch - 56157
- Certificate of Title - 012-206-687

ALC Attachments

None.

Decisions

None.

Uses we are requesting to be approved for Non Farm Uses - 982 Old Vernon Road, Kelowna BC:

We are asking for many general uses as we will try to advertise and see which business would best fit in contributing towards reclaiming this property.

General Storage: RV's, Boat, Vehicles, Storage Containers, Heavy Equipment

**Land Capability Assessment
982 Old Vernon Rd., Kelowna, BC
Lot 3, Plan 546, Section 1, Township 23, ODYD
PID 012-206-687**

**For: Kandola
982 Old Vernon Rd.,
Kelowna, BC V1X 6T8**

File: 12E043

January 9, 2013

Executive Summary

Valhalla Environmental Consulting Inc. (VEC) was retained by Manraj and Jeetender Kandola (Landowners) of 982 Old Vernon Rd., Kelowna, BC to complete a Land Capability Assessment for agriculture on a parcel in the City of Kelowna, BC. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Clients requested this inspection to explore their land use options on the Subject Property that is wholly within the Agricultural Land Reserve (ALR).

The Subject Property is 982 Old Vernon Rd., Kelowna, BC and is legally described as Lot 3, Plan 546, Section 1, Township 23, ODYD, PID 012-206-687. The site is a 4 hectare (10 acre) parcel and is entirely contained within the ALR. The site was used as a wood mill from the 1950s to the 2000s.

This assessment determined that +/-91% (3.65 ha) of the property area has an unimproved rating of Class 5 agricultural capability due to a soil moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. A root restricting layer and low perviousness were consistent across the property and represented a soil structure limitation of Class 3. The soil structure limitation is less severe than the soil moisture limitations and may be improvable by an intensive and costly process of removal of poor quality admixed fill, decompaction of the underlying clay layer, and replacement of top soil to a depth of at least 0.75m.

The Subject Property was included in the ALR when the reserve was established (1974-1976), but apparently was permitted to continue with the industrial non-farm use (sawmill) that pre-dated the ALR. As the mill operated into the mid 2000's cumulative impacts have occurred over 35+ years since the inclusion of the Subject Property into the ALR. The Landowners report that to the best of their knowledge, the Subject Property has not been used for agricultural purposes since the 1950's. Site improvements have been done by the current Landowners to remediate some of the impacts of the historic use and rehabilitate the site. Though significant, these improvements have not been completed as they have proved to be economically non-feasible for an end-use of agricultural purposes. The recovery of the rehabilitation and improvement expenses by an agricultural production operation would be unlikely and may prove to be economically prohibitive.

While the landowners are exploring several options for future land uses of the Subject Property, they have not decided upon a specific activity at this time. However, due to the significant amount of site rehabilitation yet required, it may be difficult for them to recover their total investment costs.

The Subject Property does not contribute to regional and local Agricultural Capacity. The Subject Property has not been farmed since the 1950's, during which time it

appears that the agricultural capability has continued to deteriorate. Continued industrial use on the Subject Property will not adversely affect the local Agricultural Capacity.

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APPENDICES

APPENDIX A: Maps & Figures – 982 Old Vernon Rd., Kelowna BC

APPENDIX B: Site & Soil Pit Photos - 982 Old Vernon Rd., Kelowna BC

APPENDIX C: Agricultural Capability Reference Documents (Excerpts)

APPENDIX D: Analytical Data - 982 Old Vernon Rd., Kelowna BC

1 Introduction

1.1 Report Description

Valhalla Environmental Consulting Inc. (VEC) was retained by Manraj and Jeetender Kandola, land owners of 982 Old Vernon Rd. Kelowna, BC, to complete a Land Capability Assessment for agriculture on a parcel in the City of Kelowna, BC. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Client requested this inspection to explore their land use options on the Subject Property that is wholly within the Agricultural Land Reserve (ALR).

1.2 Proposed Land Use & Agricultural Development Plan

The purpose of the assessment is to classify the land capability for agriculture of the site to explore land use options for the Subject Property. The proposed future land use is industrial.

1.3 Statement of Qualifications

Matthew Davidson, P.Ag., Senior Environmental Scientist, Assessor

Matthew is an Environmental Scientist and consulting Professional Agrologist with 11 years experience in environmental assessments, impact assessments, soil surveys, land remediation, reclamation and ecological restoration. Matthew has been a registered professional agrologist (PAg) in British Columbia since 2008.

Catherine Orban, P.Ag., Senior Agrologist, Report Review

Catherine Orban has a Master of Science Degree in Geography, specializing in Soil Science. She has been conducting soils assessments since 1985. She has been a registered professional agrologist (PAg) since 1999, first in Alberta, and later in British Columbia. Catherine has worked on a variety of soils assessment, management, remediation and reclamation projects in the agricultural, oil and gas, and environmental sectors in both provinces.

2 Site Conditions & Land Use

2.1 Site Conditions

The Subject Property is 982 Old Vernon Rd., Kelowna, BC and is legally described as Lot 3, Plan 546, Section 1, Township 23, ODYD, PID 012-206-687. The site is a 4 hectare (10 acre) parcel and is entirely contained within the ALR. The site is approximately level and was used as a wood mill from the 1950s to the 2000s. See Appendix A Figures 1 & 2 for more detail on site size and location.

2.2 Land Use: Subject Property and Surrounding Area

Approximately 0.36 ha of the property is built upon and used for the residential purposes at this location. Buildings on the Subject Property include one house and storage shed. Outside of the buildings is residential yard and parking area. The remaining area 3.64 ha has been used historically as the mill site. Wood waste, equipment parking and gravel roads encompass this area. Past agricultural uses were unknown to the landowner as the site has operated as a mill from the 1950's to 2005.

The zoning for the subject property is Agriculture 1 (A1) which permits 4 ha lots, except when in the ALR where 2 ha lots are permitted. A1 zoning also allows one detached home, one mobile home and one accessory building home per lot.

Adjacent properties to the south, east and west have Agriculture 1 (A1) zoning. Southeast of the property is a subdivision (outside of the ALR) that has been constructed with a combination of Rural Residential 3 (RR3) (this zoning permits 1 ha lots un-serviced and fully serviced lots at 0.16ha) and Two Dwelling Housing (RU6) (allowing lot sizes down to 0.04 ha). West southwest of the property is a property with Parks and Open Spaces (P3) zoning which remains in the ALR and is used as a golf driving range. The properties adjacent to north are cultivated fields and are in the RDCO.

Table 1: 982 Old Vernon Rd., Kelowna, BC – Surrounding Land Use

Location	Land Use	ALR Status	Approximate Lot Size ha
Subject Site	old mill / residential	In	4
North	residential / hay field	In	8
Northwest	golf course	Out	43
West	hayfield / commercial lot	In	4
South	hayfield / residential / RV parking	In	8
Southeast	subdivision	out	18
East	old mill / residential / commercial	In	4

2.2.1 Historic Land Use

The Subject Property was included in the ALR when the reserve was established (1974-1976), but apparently was permitted to continue with the industrial non-farm use (sawmill) that pre-dated the ALR. As the mill operated into the mid 2000's cumulative impacts occurred over 35+ years from the inclusion of the Subject Property into the ALR. The Landowners report that to the best of their knowledge, the Subject Property has not been used for agricultural purposes since the 1950's. To date, a number of site improvements have been completed to remediate some of the impacts of the historic industrial use and rehabilitate the site. Though significant, these improvements and rehabilitation have not been completed as they have proved to be economically non-feasible for an end-use of agricultural purposes. A summary of the remediation work to date and estimated costs of remaining agricultural rehabilitation can be viewed in below, sections 2.2.2 and 2.2.3.

2.2.2 Improvements to Date

The current Landowners obtained the Subject Property in 2005. Since 2005 the Landowners have undertaken the following improvements to remediate some of the impacts from historic land uses. The information for improvements to date has been provided by the Landowner, Manraj Kandola through personal communication (pers.comm. – MK). All costs are approximate.

2005

- Land purchased by current owners 4.01 ha (10 acres) at 982 Old Vernon Rd metric is generally used for volume and area calculations – eg.0.75 m topsoil
- Upon purchase Landowners shut the sawmill down, as it was outdated and hazardous.
- ~122,330 m³ (160,000 yards³) of wood waste was stockpiled on the Subject Property at this time

2006

- Controlled curtain burner set up for 3 months to eliminate wood waste
- Approximately \$100,000 was spent to reduce total wood waste volume

2007

- Numerous fires caused by spontaneous combustion of the wood waste
- City of Kelowna, Fire Department attended the site numerous times
- Largest fire attended by City of Kelowna fire department required them on site for 3 days to containing the fires, which cost the City of Kelowna approximately \$80,000.
- Private water tankers and excavators were employed full time by the Landowners to control the fires
- Landowners purchased fire equipment for the site at a cost of \$50,000

2008-2011

- Contractor hired to screen and truck the wood waste to a cogeneration plant in Armstrong, BC (Tolko)

- \$25,000 in additional costs incurred
- Wood waste screening (~75% of volume remaining) was done to mitigate fire risks and facilitate further site rehabilitation
- An oversized pile of wood waste remains which requires grinding
- As of 2012, approximately 100,000 m³ (130,000 yd³) of the original 122,330m³ (160,000 yd³) of wood waste have been processed and/or removed from Subject Property. Currently, approximately 23,000m³ (30,000 yd³) of wood waste remains on the Subject Property.

Approximate costs incurred to date for rehabilitation by property owners: \$175,000; and

Cost to City of Kelowna for Fire Protection: \$80,000

2.2.3 Future Improvements

To be suitable for intensive soil bound agriculture, the Subject Property requires additional rehabilitation and improvements including:

- Wood waste grinding of oversized materials, approximate costs provided by a grinding contractor \$150,000 (pers.comm. – MK)
- Import and spread clean topsoil to a depth of 0.75m for 3.65 hectares (27,375m³ or 35,805 yd³)

Soil Cost Estimate

- 27,375m³ needed at \$26/m³ = \$711,698
- Soil costs were determined by an average of quoted prices from 4 suppliers in the Kelowna area for large volume sales.

Trucking Cost Estimate

- Assume trucking cost of \$ 119.5/hr
- Assume 18m³ (24yd³) truck & pup = 1520 truck loads for
- Assume 1hr trip per load = 1520 hrs
- Trucking cost of 1520 x 117.66/hr = \$ 178,941

Trucking costs were determined by an average of quoted prices from 4 service providers in the Kelowna area.

*Costs for spreading and grading were not included in this estimate

The estimated remaining cost for remediation of this site for agricultural purposes is approximately \$1,040,639

2.2.4 Brownfield Concerns

Due to the historic uses of the subject lot and current uses on neighbouring lots, there is potential for contamination of soils and, or groundwater on the Subject Property. Site investigations with respect to contamination and land remediation are outside the scope of this assessment, but may be required prior to returning this property to agricultural or alternative uses. The cost of such investigations and land remediation has not been included in this assessment but should not be overlooked in consideration of future uses on the Subject Property. Such assessments are costly

as are any soil or groundwater remediation projects. Site investigation costs may be required and would therefore add to the cost of total remediation before the site may be used for future purposes (for example: industrial, residential, agricultural).

3 Soils Information

Soil conditions are a key factor in determining the overall agricultural capability and suitability of any given site. The soil conditions on the Subject Property are described in this section including; published government survey information and a description of the existing soil conditions, based on the lab data and observations made during the on-site inspection, conducted on October 24, 2012.

3.1 Government of British Columbia – Soil survey

Baseline soils information was obtained from the BC Ministry of Environment (MOE) Soils of the Okanagan and Similkameen Valleys, which comprises Report No. 52 of the BC Soil Survey (1986); and the accompanying mapping at 1:20,000 scale. The Subject Property is found on Mapsheet 82E.094 (Appendix A, Figure 5), which indicates that three soil complexes are found on the parcel. The general characteristics of these soils are summarized in Table 2, below:

Table 2: 982 Old Vernon Rd. Kelowna BC – Surrounding Land Use

Site Map Polygon	80% Westbank (WK) / 20% Summerland (SR)	100% Westbank (WK)	100% Glenmore (GL)
Location	The northwestern corner	Northeast / Central portion	Southern Portion of the property
Landform	Nearly level to strongly sloping stratified glaciolacustrine sediments / Nearly level to moderately sloping stratified glaciolacustrine sediments	Nearly level to strongly sloping stratified glaciolacustrine sediments	Nearly level to moderately sloping stratified glaciolacustrine sediments
Description	100 or more cm of clay, clay loam or silty clay / 100 cm or more of silt loam, silty clay loam or clay loam	100 or more cm of clay, clay loam or silty clay	100 cm or more of silt loam, silty clay loam or clay loam
Soil Profile Drainage	Moderately well / Well to Moderately Well	Moderately well	Well to moderately well
Stone Content	non-stoney	non-stoney	non-stoney
Agricultural Suitability	(WK) Tree fruits, Vineyards, Hay production, Pasture / (SK) Poorly suited for arable agriculture	(WK) Tree fruits, Vineyards, Hay production, Pasture	(GL) Pasture, Hay, Tree Fruits
Soils	Othic Grey Luvisol / Eluviated Dark Brown	Othic Grey Luvisol	Eluviated Dark Brown

Source: MoE, Technical Report 52, Soils of the Okanagan and Similkameen Valleys, which comprises Report No. 52 of the BC Soil Survey (1986)

3.2 Soils on Site Inspection – Methods

Three soil test pits (TP1 to TP3) were excavated to depths of 130 cm by a small tracked excavator on October 24, 2012. All test pits were located on sites that represented variations in topography, vegetation, land use and, or mapped soil characteristics. The soil test pits and site features were mapped and photographed (Appendix A, Figures 7 & 8; and Appendix B). The soil profiles were examined and described according to conventions from the Canadian System of Soil Classification, Third Edition (Soil Classification Working Group, 1998). It was not within the scope of this assessment to examine the soils for the purposes of classification at the Series level. A total of 8 representative soil samples were taken from all of the test pits and submitted for laboratory analysis of one or more of the following parameters: various soil nutrients, pH, electrical conductivity, available water storage capacity, and soil particle sizes/textures. (Appendix D).

Four soil units were identified on the Subject Property (as indicated by Roman numerals I - IV) through the detailed soils assessment at a mapping scale intensity of +/- 1:3,000 (Appendix A, Figure 9; and Table 3, below). Information obtained

during the site inspection was combined with the lab results to provide site-specific details that were used to fine-tune the soils data presented in Soil Report No. 52 (1986), which was based on mapping at 1:20,000. The soil units were primarily defined by soil physical and morphological properties. The profiles at each test pit within each unit shared a number of similarities including horizon properties, depths and sequences. Detailed test pit logs and photographs have been included with this report (Appendix B, Photos 3-9). The soil units as mapped for the Subject Properties at a scale of +/-1:3,000 are described in Table 3, below

TABLE 3: 982 Old Vernon Rd., Kelowna, BC - Site Inspection : Soil Unit Summary

Soil Unit	Test Pits	Top Soil Depth (cm) / Colour	Soil Profile Texture ¹	Stone Content ²	Soil Profile Drainage	Topography	Land Use	Area (ha)	%Total Area	Notes
I	1	54 / Br	Sandy Loam / Clay / Heavy Clay	10% / 0% / 0%	Poorly Drained	Nearly Level Slope 1%	Former Mill Yard	0.59	15%	Mixed soil in top layer with wood waste
II	2	15 / DkBr	Clay / Clay / Heavy Clay	10% Gravel / 0% Gravel / 0% Gravel	Poorly Drained	Nearly Level Slope 1%	Former Mill Yard	2.02	50%	Mixed soil in top layer with wood waste, rooting depth 30cm
III	3	35 / Br	Loam / Heavy Clay / Heavy Clay	non-stoney	Poorly Drained	Nearly Level Slope 2%	Former Mill Yard	1.04	26%	Mixed soil in top layer with wood waste, rooting depth 30cm
VI	NA	NA	NA	NA	NA	Gentle slope 5%	House, shed, yard	0.36	9%	Residential portion of the lot

¹ based by laboratory testing

² visual observation

3.3 Comparison to BC Government Soil Survey & Mapping

With the exception of the extensively disturbed upper, admixed fill-soil horizon, the distribution of soil types as identified in the site inspection was generally consistent with the information presented in Soil Survey Report No. 52. In general, the minor differences in soil mapping have been attributed to the different scale intensities as they applied to the site. The BC Soil Survey is based on generalized mapping at a scale of 1:20,000, which is too broad to capture all the subtle variations in site conditions that were identified during the site inspection which was conducted at a detailed mapping scale intensity of +/- 1:3,000.

4 Climatic Capability for Agriculture

Climatic capability for agriculture is based on the limitations associated with the combined influence of the climate and soil moisture regimes as well as the thermal limitations for any given location. Climatic capability is a modifying component used in determining the overall agricultural capability and suitability of a given site. The climatic capability for agriculture of the Subject Property is described in this section; beginning with published government information, followed by that obtained during the on-site inspection.

4.1 Government of British Columbia – Climatic Capability

General reference information as well as baseline climatic data for the Kelowna area was found in Climatic Capability for Agriculture (BC Ministry of Environment, 1981), and Land Capability Classification for Agriculture in British Columbia, Manual 1 (BC Ministry of Agriculture and Food and Ministry of Environment, 1983).

It is important to note that the climatic capability ratings are based entirely on climatic conditions (primarily precipitation and temperature) at a given site. Soil characteristics and other site conditions are not considered in these ratings. The overall agricultural capability of the Subject Property is addressed in Section 5 of this report.

The MOE Technical Paper 4; Climate Capability Classification for Agriculture in British Columbia and accompanying mapping 82E/NW indicates the area of the Subject Property sits on a boundary between Class 5 (west portion) or 6 (east portion) improvable to Class 1bF / 1cG respectively, which indicates an estimated annual climatic moisture deficit (CMD) of 350 mm (BC MOE, 1981, Table 1). Class 5 land has restricted use for perennial forage and specially adapted crops. Class 6 land is considered non-arable but capable of producing native or uncultivated perennial forage crops. Soil moisture deficiency (A) is indicated as a primary limitation. Areas in Class 1aF have occurrences of minimum temperature near freezing that adversely affect plant growth during the growing season. Areas in Class 1cG have insufficient heat units during the growing season. See Appendix A Figure 7 for more detail.

4.2 Site Inspection

Site-specific climatic capability for agriculture was determined using data from TP1-TP3 which are located in, and representative of, different soil units throughout the Subject Property. Lab data obtained for the soil samples was used in conjunction with published regional data to calculate the available water storage capacity (AWSC) and soil moisture deficit (SMD) values for the upper 50 cm of the soil profiles. The results were used to determine site-specific climatic and soil capability ratings for agriculture on the Subject Property which have been summarized in Table 4, below. A description of agricultural/climatic capability classifications is found in Appendix C.

TABLE 4: 982 Old Vernon Rd., Kelowna BC - Soil Moisture Balance & Climatic Capability Ratings

Site & Soil Horizon	Soil Moisture Balance							Climate Capability Rating				
	Total Depth	Matrix Texture	Matrix AWSC ¹	Matrix Fraction	CF Adjusted AWSC	Interval AWSC	Climate H ₂ O Deficit ²	Soil H ₂ O Balance ³	Unimproved H ₂ O Subclass ⁴	Improved H ₂ O Subclass ⁴	Thermal Rating ²	Improved Overall Subclass
	cm	lab	mm/cm	lab	mm/cm	mm	mm	mm				
TP1/SU-I												
Fill*	50	SL	0.75	0.89	0.67	33.53						
Interval	50					33.53	350	-316.48	5A	3A	1aF	3A
TP2/SU-II												
Fill	15	C	2.22	0.89	1.98	29.77						
B	20	C	1.33	1.00	1.33	26.57						
C**	15	HC	1.37	1.00	1.37	20.53						
Interval	50					76.87	350	-273.13	5A	1	1aF	1
TP3/SU-III												
Fill	35	L	1.99	0.79	1.58	55.16						
B	15	HC	1.48	1.00	1.48	22.13						
Interval	50					77.30	350	-272.70	5A	1	1aF	1

* Used Ap data for TP2 as top horizon was similar in texture and coarse fragment content

** Used Ap data for TP1 as top horizon was similar in texture and coarse fragment content

¹ From Lab Data

² Technical Paper 4, 1981, MoE Climatic Capability Classification for Agriculture in British Columbia

³ (Interval AWSC) - (Climate H₂O Deficit) = Deficit (negative) or Surplus (positive)

⁴ Based on - MoE Manual 1 (BC Ministry of Environment, 1983)

4.3 Comparison of BC Government and On-Site Inspection Ratings

In general the site inspection finding showed that the climatic capability for this location corresponds with the provincial climatic capability mapping. Approximately 76% of the Subject Property was rated at Class 5 improvable to Class 1. Approximately 15% of the Subject Property was rated at Class 5 improvable to Class 3. The remaining 9% of the Subject Property was not assessed as it was deemed unavailable for agricultural use. The differences between the site inspection findings and provincial mapping are in part due to the different scale intensities as they applied to the Subject Property. The MOE ratings were based on mapping at a scales of 1:100,000, which are not intended to account for the all the subtle variations in site-specific conditions (eg. soil texture, coarse fragment content, topography, slope angle and aspect) that were identified during the on-site inspection, at a detailed mapping scale intensity of +/- 1:3,000.

Please see Section 5.3 for a comparison between the overall agricultural capability mapping by MOE (including climatic capability) and the capability as determined by this assessment.

5 Agricultural Capability

Agricultural capability ratings are site-specific and based primarily on the influence of soils and climate, as modified by topography for any given location. The Canada Land Inventory (CLI) rating system uses a variety of measurable parameters (some of which are listed below) to provide objective classifications of agricultural capability:

- Slope angle and complexity;
- Depth to bedrock;
- Soil moisture deficits;
- Excess soil moisture;
- Coarse fragment content (stoniness);
- Soil texture;
- Depth to groundwater;
- Soil fertility; and
- Soil salinity

This interpretive system groups soils into seven classes according to potentials and limitations for agriculture (See Appendix C for capability class and limitation descriptions). Lands in Classes 1 to 4 inclusive are considered capable of sustained production of common cultivated field crops. Class 5 lands are capable of use only for producing perennial forage crops or specially adapted crops. Class 6 lands are capable of only providing sustained natural grazing for domestic livestock. Class 7 lands are incapable of use for either arable culture or grazing. (BC Ministry of Agriculture and Food, and Ministry of Environment, April 1983).

In most cases, both "unimproved" and "improved" agricultural capability ratings are determined for the area that is under consideration. The unimproved rating reflects the capability of the property in its natural or current state. The improved rating is theoretical and represents the anticipated agricultural capability of the property after improvements (eg. irrigation, enhanced drainage, soil amendments, fill placement, stone-picking, and/or subsoil decompaction) are made to mitigate the limitations. Some limitations, such as shallow bedrock, slope complexity and slope angle, are not considered to be improvable under "typical farming practices".

5.1 Government of British Columbia – Agricultural Capability

General reference information for agricultural capability was provided by Land Capability Classification for Agriculture in British Columbia, Manual 1 (BC Ministry of Agriculture and Food and Ministry of Environment, 1983; Appendix C). Site-specific agricultural capability mapping for the Subject Property was found on Mapsheet 82E.094 @1:20,000 (BC Ministry of Environment, 1987). (Appendix A, Figure 6).

The MOE agricultural capability polygons corresponded directly to the soil polygons mapped in Soil Survey Report No. 52, and are summarized in Table 5, below:

TABLE 5: 982 Old Vernon Rd., Kelowna BC- MOE Agricultural Capability Mapping @ 20,000

Location	Agricultural Capability Rating	
	Unimproved	Improved
Northwestern Area	8:8AD 2:6WN	8:3D 2:4WD
Northeastern and Central Area	4AD	3D
Southern Area	3AD	7:3D 3*3D

A - Soil Moisture Deficit
 D - Soil Structure
 N - Salinity
 W - Excess Water

Soils on Site Inspection

The overall agricultural capability ratings for the Subject Property were mapped and then compared to the soil unit polygons as defined by the site inspection (Section 3.2, above). In this case, the boundaries for the agricultural capability (AC) Units as determined by the field investigation (indicated by numbers 1-3) do not entirely correspond to those mapped for the soil units (Appendix A, Figures 9 and 10). AC unit 1 corresponds with SU 1. AC unit 2 is comprised of SU 2 and 3. Information obtained from the field inspection was combined with published soils, topography and climate data (as described in Sections 3.0 and 4.0) then applied to the criteria presented in MOE Manual 1 to determine the site-specific agricultural capability ratings at a mapping scale intensity of +/-1:3,000. The agricultural capability ratings for the Subject Property, based on the site inspection are summarized in Table 6, below:

TABLE 6: 982 Old Vernon Rd., Kelowna BC- Site Inspection: Agricultural Capability Ratings

Soil Unit	Ag Capability Unit	TP	Unimproved Ag Capabiltiy ²	Improved Overall Ag Capability ²	Area (ha)	% Total Area ³
I	1	1	5AW	3WAD	0.59	15%
II	2	2	5AW	3WD	2.02	50%
III		3	5AW	3WD	1.04	26%
IV	3	NA	NA	NA	0.36	9%
Total					4.01	100%

¹ Ratings based on lab results & field investigation. See Table 7 for class descriptions

² See appendix C for Capability descriptions

³ Estimates based on lab results, field investigations and aerial photography

Excess water during the wet months, and soil moisture deficits in the growing season were identified as the most extensive and severe limitations to agricultural capability on the Subject Property. Undesirable soil structure was considered to be an extensive, but less severe limitation.

AC Unit 1 (including Soil Unit I) accounts for +/- 15% (0.59 ha) of land on the Subject Property. This area was rated at Class 5 (unimproved) due to a soil

moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. Irrigation is expected to raise the soil moisture deficit ("A") limitations to Class 1 throughout this agricultural capability unit. A root restricting layer and low perviousness were consistent across the property and represent a soil structure limitation of Class 3 that may be improvable by removal of poor quality admixed fill, decompaction of the underlying clay layer and replacement of top soil to a depth of at least 0.75m.

AC Unit 2 (including Soil Units II & III) accounts for +/-76% (3.06 ha) of land on the property. This area was rated at Class 5 (unimproved) due to a soil moisture deficit in the summer, and excess water conditions in the spring, fall and winter. This area is improvable to Class 3 with the addition of irrigation in the warm months and water control such as ditching and/or artificial drainage for the spring, fall and winter months. Because of the coarse texture of the soils in this agricultural capability unit, irrigation is only expected to raise the "A" limitation to Class 3

The remaining +/-9% (0.36 ha) of the Site, which has been mapped as AC Unit 3, occupies land in the southern area. This area has been rated at Class "AN" for anthropogenic alterations and is not considered to be available for agriculture due to the existence of a home, yard, driveway and outbuildings.

5.2 Comparison of BC Government and On-Site Inspection Ratings

The unimproved and improved agricultural capability ratings applied to the Subject Properties based on the on-site inspection were somewhat consistent with the ratings ascribed by the MOE mapping, as summarized below (See also Tables 5 and 6; and Appendix A, Figure 9).

The on-site agricultural capability ratings revealed a greater extent of excess water limitation ("W") on the property although it was not as severe as depicted by the MOE mapping. As well, the published mapping showed that all areas of the Subject Property had an unimproved rating of 3A to 4A. By contrast, the on-site assessment identified persistent soil moisture deficiencies with an unimproved rating of 5A across the property. The improved ratings increased to Class 1 (northwest corner) to 3A (south and central area) with irrigation.

In summary, the on-site inspection agricultural capability ratings were somewhat consistent with both MOE climatic and overall agricultural capability ratings. There was a greater variability in the unimproved ratings mapped by the MoE, while the on-site inspection results were more homogeneous ascribing the same unimproved and improved ratings to 76% of the Subject Property. The homogeneity noted is likely due to the significant modification that has occurred to the surface soils across the site.

5.3 Feasibility of Improvements

All improvements provided are theoretical in nature and based on best management practices as outlined the MOE Manual 1. These improvements are based on an assumption of land that is generally free of waste and contaminants. This assumed condition is not represented on the Subject Property.

The Subject Property has undergone historic improvements (see section 2.2.2). However, significant remaining rehabilitation is needed for the property to be suitable for agriculture (see section 2.2.3). The cost of the remaining improvements and rehabilitation that are necessary to prepare this property for agricultural use are not likely to be feasible. Furthermore, the required improvements (ie. Removal of wood waste material and replacement of the topsoil layer across 91% of the Subject Property) greatly exceed what would be considered "typical farm improvement practices", both in terms of the scope and costs for this work. The recovery of the improvement expenses by an agricultural production operation would be unlikely and is expected to be economically prohibitive.

The proposed future improvements based on MoE Manual 1 BMPs include supplemental moisture (irrigation) during the dry months and water control/drainage enhancements for excess moisture (ditching and/or artificial drainage). The results of this assessment suggest that these improvements would be feasible for AC Unit 1 and 2 which accounts for +/-91% (3.65 ha) of the Subject Property. The agricultural capability rating on AC 1 which accounts for +/-15% (0.59 ha) of the Subject Property is expected to improve from Class 5AW to Class 3WAD. The agricultural capability rating on AC 2 which accounts for +/-76% (3.06 ha) of the Subject Property is expected to improve from Class 5AW to Class 3WD. Improvements are not considered to be feasible for the remaining +/-6% (0.6 ha) of the Subject Property. This area is in AC Unit 3 which is unavailable due to existing residential structure and out buildings.

6 Agricultural Suitability

Agricultural suitability is related to agricultural capability, but involves the interpretation of a wider variety of factors as they relate to the potential for specific uses on a given property. While agricultural capability is based on physical features and measurable parameters, agricultural suitability assessments include a range of site conditions and external influences. The following factors were considered in assessing the agricultural suitability of the Subject Property:

- Feasibility of improvements;
- Availability of additional good quality topsoil;
- Overall size of the Subject Property;
- Location and context of the Subject Property (proximity to urban/suburban/rural land use and zoning);
- Land use on subject property – historical, current and future plans;
- Land use in surrounding area – historical, current and future plans;
- Diversifications, innovations and improvements to date;
- MoE agricultural capability ratings (at 1:20,000 mapping scale); and
- Agricultural capability ratings as determined by this assessment (at +/- 1:3,000 mapping scale).

The suitability of the Subject Property for various agricultural purposes has been evaluated in terms of the factors listed above and has been summarized in Table 7, below:

TABLE 7: 982 Old Vernon Rd., Kelowna BC – Site Inspection: Agricultural Suitability

AC Unit	Area (ha)	% Total Area	Ag Capability Unimproved (Improved)	Suitability for Agriculture Activities
Soil Bound Agriculture				
1&2	3.65	91%	Class 5 (Class 3)	These Agricultural Capability Units represent all of the property outside of the home site. The topsoil layer on this portion of the property has been completely admixed by the mill practices and would require significant remediation to be used for soil bound agriculture (section 2.2.3 for more detail). If rehabilitation was feasible, this area would potentially be suitable for perennial forage and select crops. The nearby Kelowna Airport, Environment Canada weather station data indicates that this area of Kelowna is a frost pocket which has on average 34 more days per year with minimum temperatures below 0C, when compared with East Kelowna and Kelowna weather stations. The risk of crop damage or failure may be increased due to the excess water and fewer frost free days. However, it would not be feasible to rehabilitate this area for soil bound agriculture due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA
Intensive Soil Bound Livestock - Operations which depend, in whole, or in part, on growing their own feed for livestock production (eg. Beef cattle (cow, calf or feeder), dairy cows, sheep, goats, and other livestock at a commercial scale)				
1&2	3.65	91%	Class 5 (Class 3)	These Agricultural Capability Units represent all of the property outside of the home site. The topsoil layer on this portion of the property has been completely admixed by the mill practices and would require significant remediation to be used for the production of livestock feed. If rehabilitation was feasible, this area would potentially be suitable for perennial forage. However, it would not be feasible to rehabilitate this area for livestock feed/production due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA
Intensive Non-Soil Bound Livestock - Uses which do not rely on growing crops in soil to support the enterprise (eg. Beef feedlots, hog production and poultry ie. Eggs and meat birds)				
1&2	3.65	91%	Class 5 (Class 3)	The property is located in a rural/residential area and near to a residential subdivision. Conflicts regarding the odours, noise and traffic associated with an intensive feedlot operation may be an issue with neighbouring rural residential property owners. For access reasons and potential conflict with neighbouring property owners this site is not suitable for intensive non-soil bound livestock. However, it would not be feasible to rehabilitate this area for non-soil bound livestock due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA
Intensive Non-soil bound Horticultural Agriculture (eg. green houses and container nursery)				
1&2	3.65	91%	Class 5 (Class 3)	The site is largely level. After remediation this property could be made suitable for Non-soil bound Horticultural Agriculture operation. However, it would not be feasible to rehabilitate this area for non-soil bound horticulture due to the prohibitive costs of such improvements.
3	0.36	9%	NA	NA

7 Impact Analysis

The potential impacts associated with the industrial land use on the Subject Property on the local and regional agricultural context have been summarized in Table 8, below. One of the advantages of having the Subject Property rehabilitated for industrial use would be the opportunity to install buffers between the site and surrounding properties that are being used for agricultural activities.

TABLE 8: 982 Old Vernon Rd., Kelowna BC – Potential Impacts of Continuing Industrial Land Use

Area of Concern	Anticipated Impacts from Proposed Land Use	Comments
Industrial Land Use of Subject Property on Surrounding Lands	The Subject Property was the site of a saw mill operation for over 50 years (35+ years since inclusion in the ALR). Further industrial land use would require extensive rehabilitation and improvements to the property. Such improvements can be expected to have a positive impact on the surrounding properties.	The Subject Property is located in a rural/residential area and is generally surrounded by agricultural properties with apparent light commercial/industrial uses on the neighbouring property to the east. There is a nearby small lot residential subdivision.
Regional and Local Agricultural Capacity	The Subject Property is not contributing to regional or local Agricultural Capacity. The property has not been used for agriculture since the 1950's. A non agricultural use on this property will not negatively impact the local Agricultural Capacity.	The site has not been used for agricultural purposes for over 50 years. There will be no impacts on local capacity if non-agricultural uses are permitted at this site.
Surrounding Agricultural Operations	Nearby agricultural operations include intensive soil bound agriculture to the north and south and hay fields to the west. A remediated industrial site including perimeter buffers would be an improvement for all neighbouring properties.	The property operated as an industrial site for about 50 years (35+ years since inclusion in the ALR) at this location. Clean up and redevelopment for further industrial use will require removal of unsightly and potentially deleterious wood waste and allow for the inclusion of buffers to be added to the site to ALC specifications. The buffering measures to be implemented will mitigate the negative impacts of future land uses on the neighbouring agricultural operations and properties.
Precedent of Industrial Land Use for Triggering Future Applications	The Subject Property shares commonalities with the neighbouring site to the east, as both were part of the original sawmill operation. The Subject Property was included in the ALR as an operating mill and operated for another 30 years at this location. Permitted non-farm land-use on the subject property may serve as a precedent for application on the property directly adjacent to the east (the remainder of the mill site). Beyond those sites there is no clear, likely precedent as all remaining surrounding lands are apparently used primarily for agriculture, or are not in the ALR	

8 Summary and Conclusions

8.1 Subject Property

The Subject Property has been used as a saw mill for over 50 years (35+ years since inclusion in the ALR). There has been no agricultural land use on the Subject Property in that time. Despite significant and costly rehabilitation efforts to the property, it remains in a state that is not suitable for agriculture. The estimated costs to complete the rehabilitation and make the Subject Property suitable for agricultural production are economically unfeasible when compared to the expected returns from an agricultural production business. In addition, such rehabilitation would fall well beyond the scope and cost of typical farm improvements.

Land use in the vicinity of the Subject Property is primarily rural / residential with agriculture being actively practised on the adjacent properties to the north, south and west of the property. The remainder of the original saw mill operation is located on the property directly adjacent to the east and is apparently being used for industrial activities, with no apparent agricultural use. While the majority of the property directly adjacent to the west is being used for hay, it is also being used to park heavy equipment. Across Old Vernon Rd. to the south is an agricultural property, approximately half of which is used to produce specialty market items (eg. Sauces, jams, pickled vegetables). The other half is not currently being used for any agricultural or industrial activities.

8.2 Soils and Agricultural Capability

This assessment rated the soil moisture deficiencies at Class 5A (unimproved) for the entire Subject Property. The improved ratings for soil moisture on +/-91% of the Subject Property, based on the addition of irrigation, ranged from Class 3A to 1. The remaining 9% of the lot is unavailable for agricultural use. Variations in the soil moisture deficiency across the Subject Property were related to site-specific soil conditions (eg. soil texture) and anticipated responses to supplemental moisture;

This assessment rated undesirable soil structure at Class 3D for +/-91% of the Subject Property and was found to be a minor limitation on throughout the site. The remaining 9% of the lot is unavailable for agricultural use;

This assessment found that excess water was a limitation with a 4W (unimproved) rating on 91% of the Subject Property. The improved ratings for this portion of the property are 3W, based on ditching and/or installing artificial drainage to control the water in wetter months. The remaining 9% of the lot is unavailable for agricultural use;

The proposed improvements on the Subject Property included supplemental moisture (irrigation) during the dry months, as well as enhanced surface and soil profile drainage for the wet months. The results of this assessment suggest that these

improvements would be feasible for +/-91% (3.65 ha) of the Subject Property, where the agricultural capability ratings are expected to improve from Class 5 to Class 3;

The proposed improvements are not considered to be feasible for the remaining +/-9% (0.36 ha) of the Subject Property. This area is unavailable for agriculture due to existing residential structures and out buildings;

Under the current circumstances, and considering the cost and scope of required improvements for the Subject Property, no suitable agricultural uses have been identified for the Subject Property. The investments to date, combined with the high cost of removing wood waste and completing further assessments preclude the possibility of non-soil bound uses such as horticultural agricultural or an intensive livestock operation.

8.3 Proposed Project

The landowners are exploring a variety of potential future land uses, including the possibility of returning to an industrial use on the Subject Property. A specific activity has not been designated at this time. However, due to the significant scope and onerous costs of site rehabilitation still required agricultural production is not considered to be a feasible option.

8.4 Conclusion

The Subject Property is located in a rural/residential area of the City of Kelowna; it was operated historically as a saw mill until 2005, and has little to no current use on 91% of the property. While significant site rehabilitation and improvements could theoretically make the Subject Property suitable for agricultural production; the scope and costs of this work are well beyond what is generally considered to be typical farm improvement practices. Therefore, the rehabilitation of Subject Property for any agricultural purposes is not considered to be economically or practically feasible.

Generally speaking, inclusion of land that is improvable to class 3 into the ALR would be considered good practice; however, due to the historic industrial use of the Subject Property, rehabilitation of the Subject Property for agricultural use at the time of creation of the ALR (1974-1976) may already have well exceeded the potential returns from an agricultural operation. These conditions have been compounded to present day further limiting the land use options available to the current Landowners.

9 References

BC Ministry of Agriculture and Food and Ministry of Environment, April 1983. Land Capability for Agriculture in British Columbia. MOE Manual 1. Surveys and Resource Mapping Branch and Soils Branch: Kelowna, BC

BC Ministry of Environment, 1981. Climatic Capability Classification for Agriculture in British Columbia. Climatology Unit - Air Studies Branch; Victoria, BC

City of Kelowna, 2003, Consolidated Zoning Bylaw No. 8000, Kelowna BC
<http://www.kelowna.ca/CM/page2561.aspx>

BC Ministry of Environment, 1985 Soils of the Okanagan and Similkameen Valleys, MoE, Victoria BC

BC Ministry of Environment, 1975. Land Capability for Agriculture of the Okanagan and Similkameen Valleys, Mapsheet 82L.094t 1:20,000. Thematic Mapping Unit, Surveys and Resource Mapping Branch: Victoria, British Columbia

City of Kelowna, City of Kelowna Map Viewer (online),
http://www.kelowna.ca/website/ikelowna_map_viewer/viewer.cfm , Kelowna, BC

10 Limitations

I, Matthew Davidson certify that I supervised and carried out the work as described in this report. The report is based upon and limited by circumstances and conditions referred to throughout the report and upon information available at the time of the site investigation. I have exercised reasonable skill, care and diligence to assess the information acquired during the preparation of this report. I believe this information is accurate but cannot guarantee or warrant its accuracy or completeness. Information provided by others was believed to be accurate but cannot be guaranteed.

The information presented in this report was acquired, compiled and interpreted exclusively for the purposes described in this report. I do not accept any responsibility for the use of this report, in whole or in part, for any purpose other than intended or to any third party for any use whatsoever. This report is valid for one year only after the date of production.

Respectfully Submitted,



Matthew Davidson, P.Ag.
Senior Environmental Scientist
Valhalla Environmental Consulting Inc.

Historic Land Use Additional Detail

The Subject Property was included in the ALR when the reserve was established (1974-1976). Encroachment of mill operations in the form of wood waste occurred after 1976, as indicated by historic aerial photography. Know approved expansion of the mill operations onto the Subject Property occurred in 1985 and 2000.

The Subject Property has reportedly been previously used by Better Earth Products a composting company. The owner, at that time, of Better Earth (Del Kohnke) reported operating from 2008 to 2011 on the Subject Property. The initial operation by this individual and by extension, this company is referred to in section 2.2.1 of the report as a wood waste contractor, who was screening and trucking the waste to Tolko Industries in Armstrong for use in their cogeneration plant. Due to contamination issues with the wood waste (such as paint) Tolko would no longer receive the product so Mr. Kohnke explored compost opportunities for the remaining wood waste material with his existing composting business Better Earth. As some of the material had naturally composted it was initially sold directly to market, however with little success. Introduction of green nitrogen sources was applied but did not produce a saleable product. The operation of Better Earth on the Subject Property became economically prohibitive and was not viewed as a success by the owner (pers.comm. DK).

Appendix A – Maps and Figures
982 Old Vernon Rd., Kelowna, BC

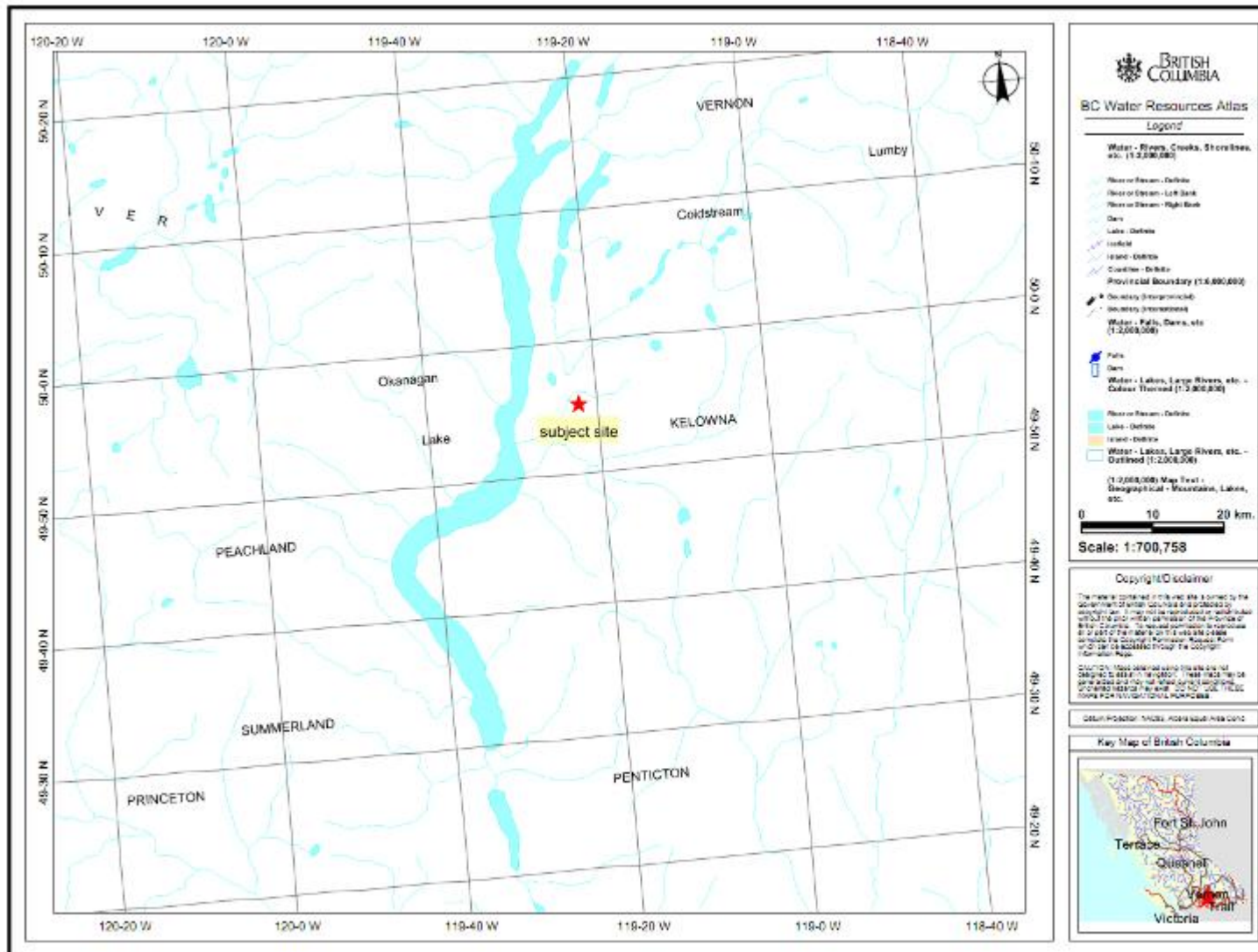


Figure 1: Regional Scale Location Map, 982 Old Vernon Rd., Kelowna BC (Not to scale for discussion purposes only)

Source: http://www.env.gov.bc.ca/wsd/data_searches/wrbc/index.html



Figure 2: Location Map, 982 Old Vernon Rd., Kelowna, BC

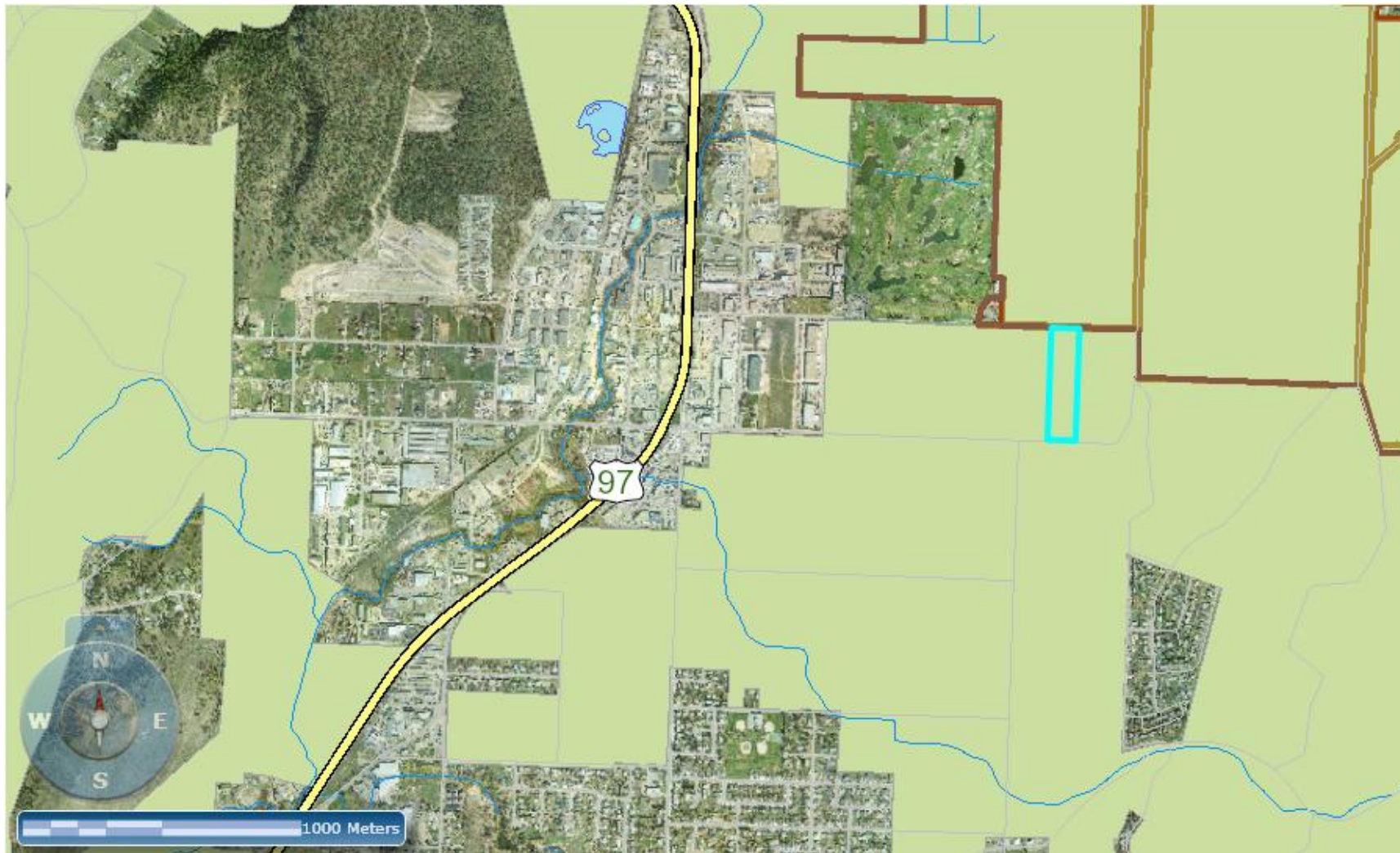


Figure 3: ALR, 982 Old Vernon Rd., Kelowna, BC

Source: RDCO Mapping - Accessed Nov. 15 2012
http://www.rdcogis.com/GIS_App/RDCO_GIS_App.html

site

ALR



**Figure 4: Contours, 982 Old Vernon Rd., Kelowna BC,
 1m contour interval**

Source: City of Kelowna - Accessed Nov 15 2012
http://www.kelowna.ca/website/ikelowna_map_viewer/viewer.cfm

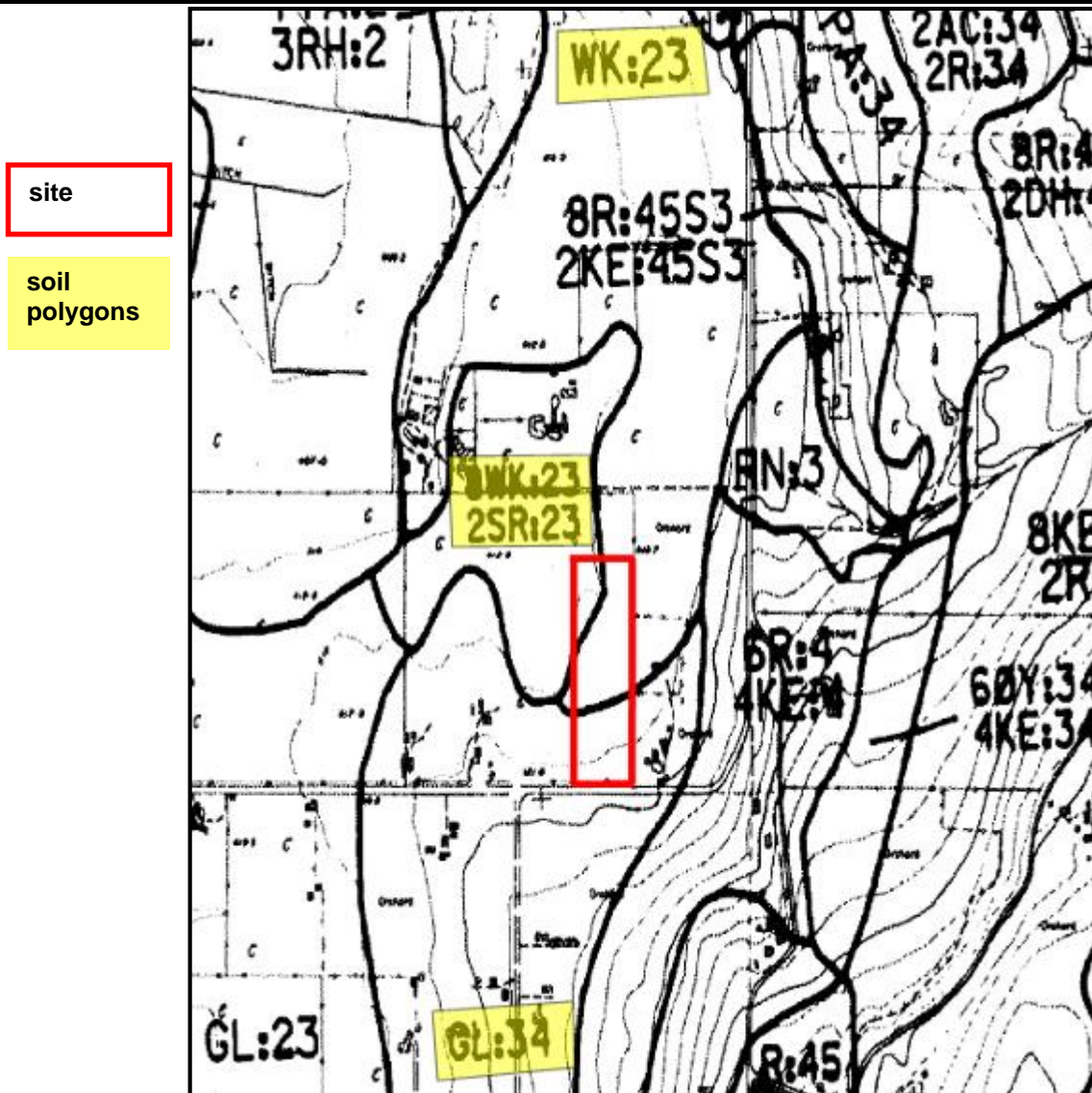


Figure 5: Soils Mapping, 982 Old Vernon Rd., Kelowna, BC,
5m contour interval

Source: BC MOE; Soil Survey Report No. 52 (1982); Mapsheet 82E.094 @1:20,000 (1987)

WK	WESTBANK	nearly level to strongly sloping stratified glaciolacustrine sediments	100 cm or more of clay, clay loam or silty clay	moderately well	Orthic Gray Luvisol
SR	SUMNERLAND	nearly level to strongly sloping fluvial veneer over glaciolacustrine sediments	10 to 100 cm of silty clay loam grading to clay loam	dominantly poor, ranging to imperfect; fluctuating groundwater table or seepage, subject to flooding	Orthic Humic Gleysol: calcareous and saline phases
GL	GLENMORE	nearly level to moderately sloping stratified glaciolacustrine sediments	100 cm or more of silt loam, silty clay loam or clay loam	well to moderately well	Eluviated Dark Brown

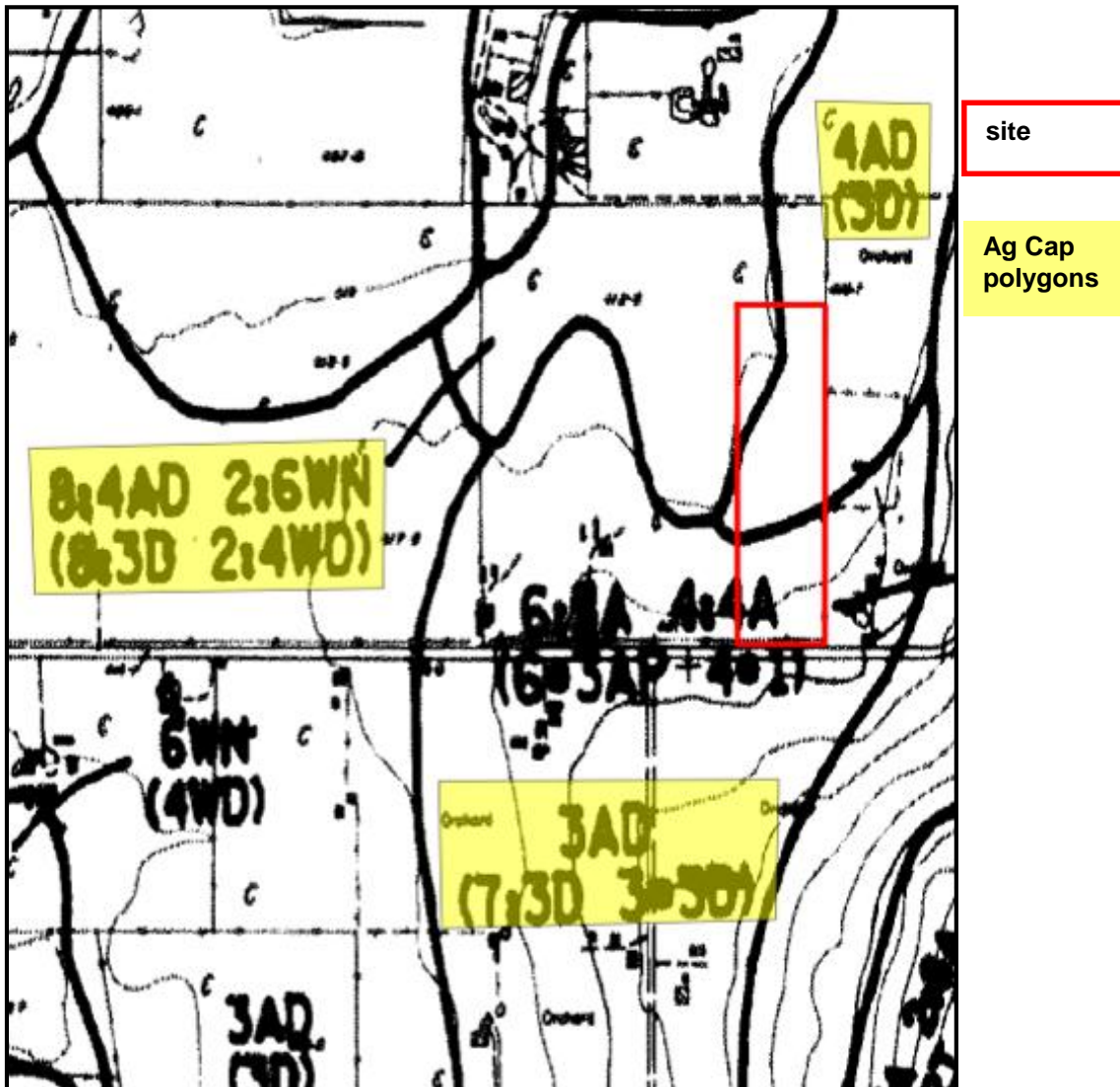
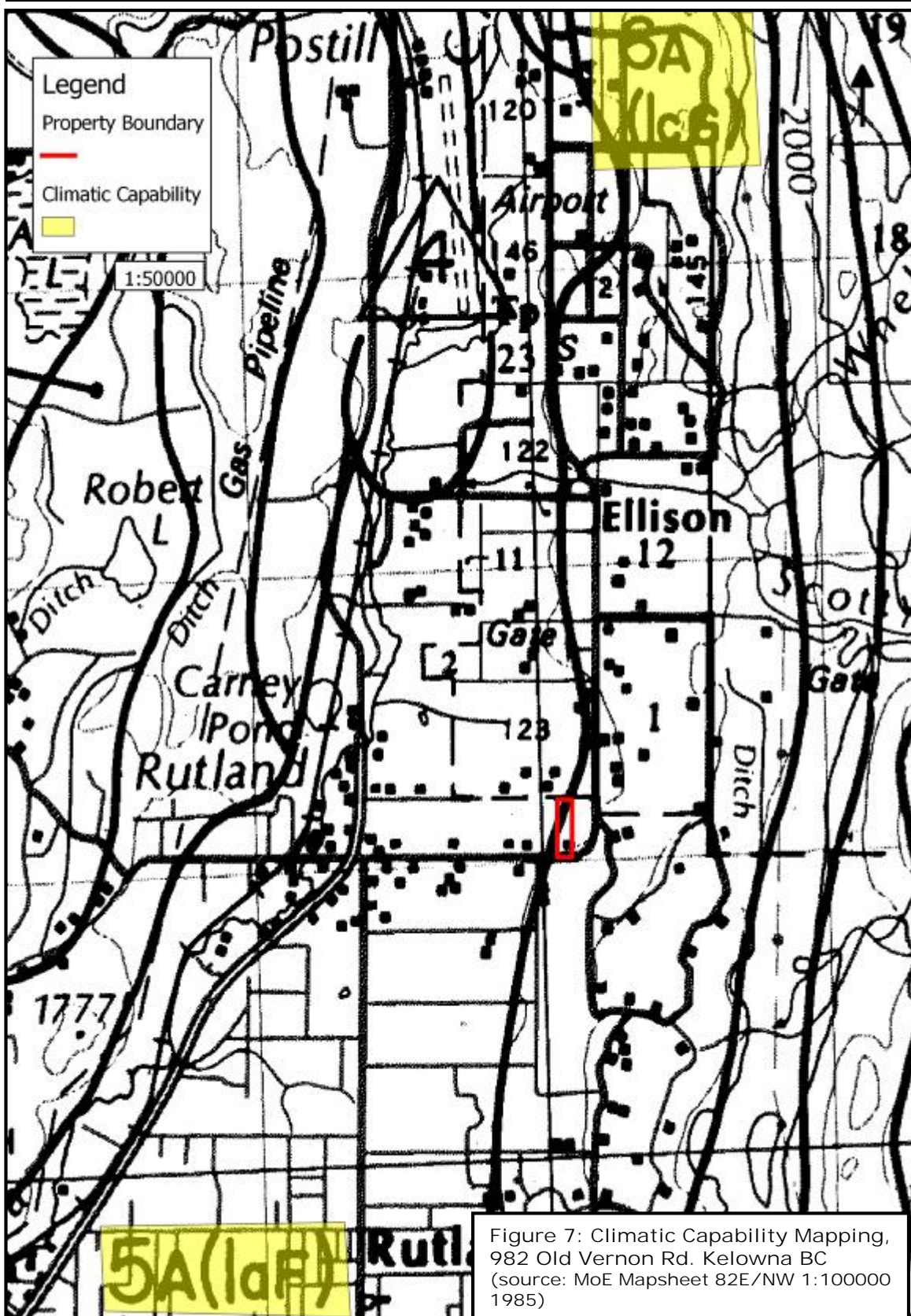


Figure 6: Agricultural Capability Mapping, 982 Old Vernon Rd., Kelowna, BC
Source: BC MOE; Mapsheet 82E.094 @1:20,000 (1987)

CAPABILITY CLASSIFICATIONS	
5AP	- Unimproved Rating
(3AP)	- Improved Rating
*The asterisk is used with the Modified Land Capability Classification for Tree Fruits and Grapes.	
It indicates the modified topography and/or stoniness classes have been used.	
CLASS RATINGS	
1.	Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
2.	Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
3.	Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
4.	Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
5.	Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
6.	Land in this class is nonarable but is capable of producing native and/or uncultivated perennial forage crops.
7.	Land in this class has no capability for arable culture or sustained natural grazing.



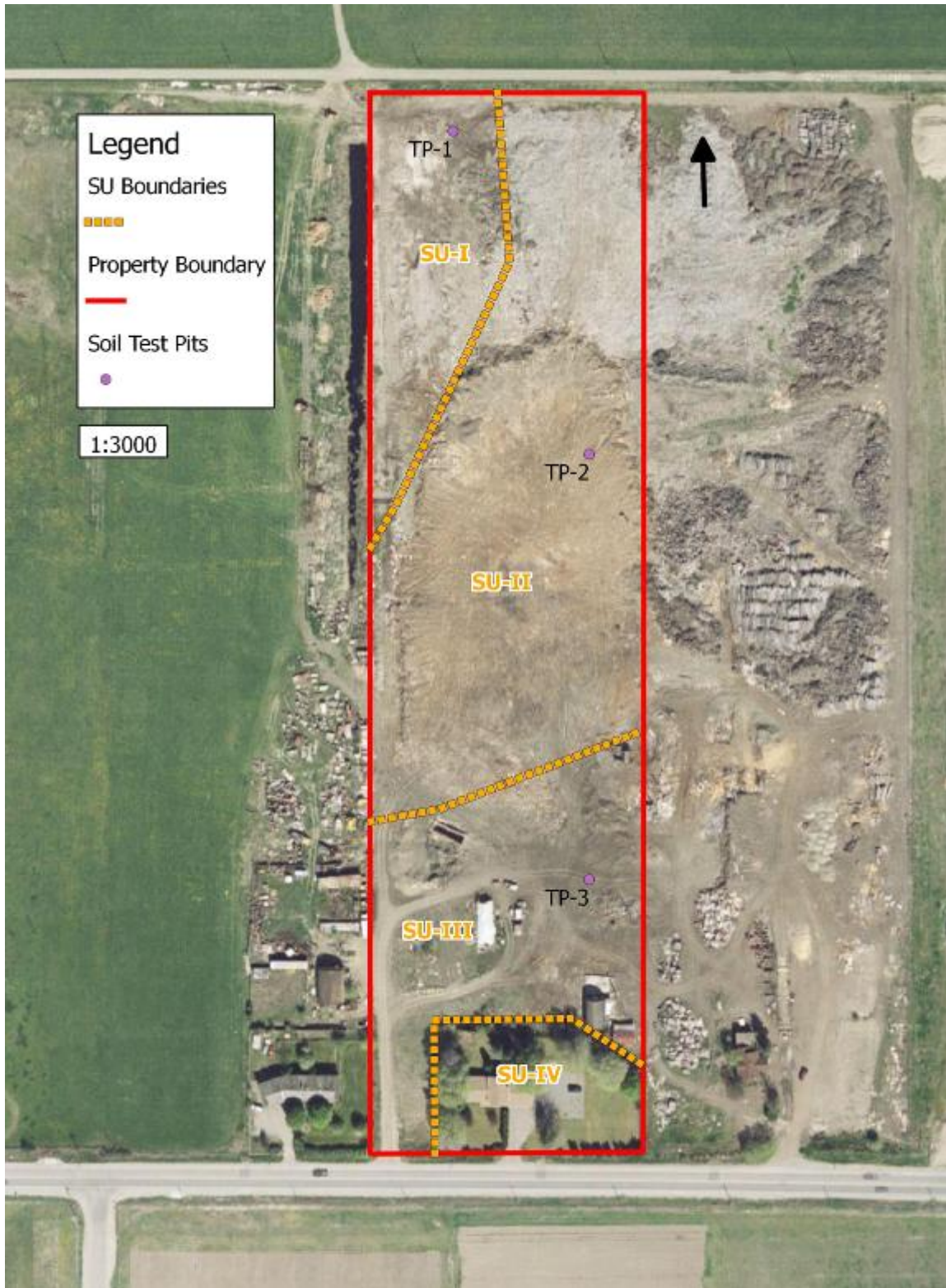


Figure 8: Soil Units and Test Pit Mapping, 982 Old Vernon Rd. Kelowna BC

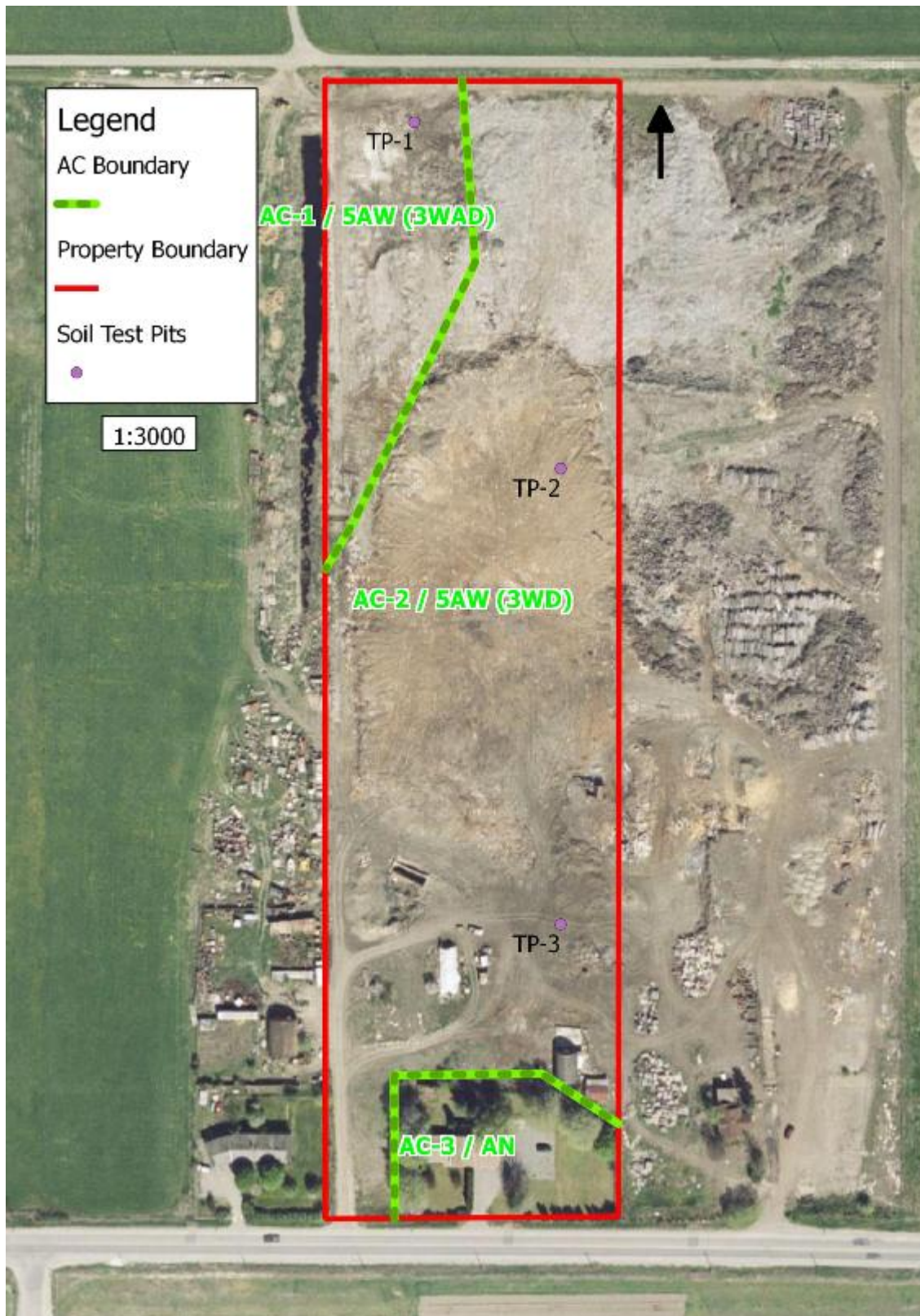


Figure 9: Agricultural Land Capability Mapping, 982 Old Vernon Rd., Kelowna BC

Agricultural Advisory Committee

Minutes

Date: Thursday, May 11, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Committee Members Present: John Janmaat (Chair), Yvonne Herbison (Vice Chair), Domenic Rampone, Ed Schiller and Jeff Ricketts (Alternate)

Committee Members Absent: Keith Duhaime, Pete Spencer, Tarsem Goraya and Jill Worboys (Interior Health)

Staff Present: Planner Specialist, Melanie Stepphun and FOI-Legislative Coordinator, Sandi Horning

1. Call to Order

The Chair called the meeting to order at 6:08 p.m.

Opening remarks by the Chair regarding conduct of the meeting were read.

2. Applications for Consideration

2.1 2270 Garner Road, LL17-0002 - Aura Rose & Wouter Van der Hall (House of Rose Vineyards Ltd)

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- The Applicant is responding to new Liquor Control & Licensing Branch Regulations regarding Picnic Endorsement Area restrictions.
- The Applicant is proposing:
 - o 10 events per year plus several harvest festivals;
 - o 150 guests maximum;
 - o Operating hours of 10:00 am to 6:00 pm Sunday to Wednesday and 10:00 am to 9:30 pm. Thursday to Saturday.
 - o Parking has been allocated to the grassed area on the site.
 - o Amplified should be permitted; and
 - o A 10 event limit plus festivals Business License will need to be applied for.

- Displayed a Site Plan of the property.
- Confirmed that the Official Community Plan permits wineries, cideries and farm retail sales (inside and outside the Agricultural Land Reserve) only where consistent with existing Agricultural Land Commission policies and regulations.
- The Liquor Licensing Policy states that new patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.
- The City's Noise & Disturbances Bylaw states that there be no amplified of sound in such a manner to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood.
- As of 2016, the Agricultural Land Commission Regulation states that following conditions regarding 'gathering for an event':
 - o No permanent facilities can be built for the event;
 - o Parking must be on the farm;
 - o No more than 150 people per event; and
 - o No more than 10 events per year.

AAC/Staff Discussion:

- Staff advised that gravel is not permitted on the parking area, it must be left as grass.
- Staff clarified the regulations for this application versus what the application is already allowed to do on the site.
- Staff confirmed that an application to the Agricultural Land Commission is not required as the application conforms to the ALC's regulations.

Aura Rose, Applicant:

- Provided the rationale for the application.
- Would like to continue to do what they have been doing for the past 5 years and provided an overview of the events that have occurred on the site.
- Due to the changes to the Liquor Board's Regulations this year, this application is now required in order to provide the picnic experience.
- Advised that approximately 60 cars can park on the grassy area and confirmed that there is no intention to put gravel on the grassy areas and she wants to keep it as green space.
- Advised that the Grape Stomps that are held in the Fall are considered a harvest festival and are not part of this application.

AAC/Applicant Discussion:

- The Applicant advised that there were no negative comments from the neighbourhood when doing the public consultation for this application.
- Confirmed that they intend to adhere to the noise bylaw.
- Advised that the events are free.

Moved by Yvonne Herbison/Seconded by Ed Schiller

THAT the Agricultural Advisory Committee recommends that Council support Liquor License Application No. LL17-0002 for the property located at 2270 Garner Road, Kelowna, BC for a Special Events Area Endorsement to an existing Manufacturing and Tasting Liquor License in an A1 - Agriculture 1 zone with an occupant load of 150 persons maximum for no more than 10 music events per year, in additional to several harvest/seasonal events per year.

Carried

ANCEDOTAL COMMENTS:

The Agricultural Advisory Committee recommended that Council support this application as the Committee liked the small scale of the proposal and commends the Applicant for working within the Agricultural Land Commission's regulations as well as working with the City with respect to their Business License.

3. ALC Decisions - Update

Staff:

- Advised that staff did not have anything specific to report to the Committee and inquired if the Committee had any questions.

Staff/AAC Discussion:

- A Committee Member inquired as to the status of the Vibrant Vine application.
- Staff advised that the Vibrant Vine has not come before Council yet as the Applicant has certain conditions to meet prior to Council consideration.

4. Minutes

Moved by Dominic Rampone/Seconded by Ed Schiller

THAT the Minutes of the March 13, 2017 Agricultural Advisory Committee meeting be adopted as circulated;

AND THAT the Minutes of the April 13, 2017 Agricultural Advisory Committee meeting be adopted as circulated.

Carried

5. Old Business**5.1 Report to Council Discussion**

Staff:

- In light of the Suburban & Rural Planning Manager's absence due to the activation of the Emergency Operations Centre, staff would like to defer this item to the next meeting.

6. Next Meeting

The next Committee meeting has been scheduled for June 8, 2017.

The Chair advised that he will not be present for the June meeting.

7. Termination of Meeting

The Chair declared the meeting terminated at 6:35 p.m.

John Janmaat, Chair

/slh

DRAFT

Agricultural Advisory Committee

Minutes

Date: Thursday, June 8, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Committee Members Present: Domenic Rampone (Acting Chair), Ed Schiller, Pete Spencer*, Tarsem Goraya, Jill Worboys (Interior Health) and Jeff Ricketts (Alternate)

Committee Members Absent: John Janmaat (Chair), Yvonne Herbison (Vice Chair), and Keith Duhaime

Staff Present: Planner Specialist, Melanie Stepphun; Sustainability Coordinator, Tracy Guidi; and FOI-Legislative Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Committee Member, Dominic Rampone, called the meeting to order at 6:00 p.m.

Moved by Jeff Ricketts/Seconded by Pete Spencer

THAT the Agricultural Advisory Committee appoints Dominic Rampone as Acting Chair for the June 8, 2017 Meeting.

Carried

Opening remarks by the Acting Chair regarding conduct of the meeting were read.

2. Applications for Consideration

2.1 540 Jaginder Lane, Z16-0086 - Urban Options Planning & Permits (M.A. and E.A. Hiebert)

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.

- Staff advised that:
 - o the proposal is a permitted use in the RR3c zone;
 - o the property size corresponds with the RR3c zone;
 - o both dwellings have sewer connections (since 2011);
 - o the property is not within the Agricultural Land Reserve; and
 - o no variances are being requested.
- Advised that the property was originally part of a larger parcel and was subdivided in 1969.
- Advised that the 1996 Covenant on title is for farm help.
- Advised that carriage houses have been allowed in RR zones since 2012.
- Confirmed that:
 - o the proposal is a permitted use in the RR3c zone;
 - o the property size corresponds with the RR3c zone regulations;
 - o a Farm Protection Development Permit will be required; and
 - o ALR buffering is required pursuant to the Zoning Bylaw.
- Confirmed that the Applicant has completed public notification in compliance with Council's Policy.
- Looking for the Committee to provide a recommendation on how to minimize potential impacts to the adjacent farming operation.

AAC/Staff Discussion:

- Staff advised that there was no correspondence received from the adjacent farm owners/occupiers with respect to this application.
- Staff provided an overview of the proposed buffering.

Birte Decloux, Urban Options Planning Permits, Applicant's Representative:

- Displayed a PowerPoint presentation.
- Provided the rationale for the proposed rezoning.
- Provided background information with respect to the little farm house on the site and noted that the proposed rezoning will convert it into an official carriage house.
- Advised that her clients purchased the property in 2014.
- Advised that the farm house meets all the bylaw regulations for a carriage house.
- Advised that no changes planned for the land, building or access.
- Responded to questions from the Committee.
- Confirmed that the property owners are not associated with the surrounding farm operation.

AAC Discussion:

- The Committee members noted that the property has a lot of history and has been in existence for over 50 years.
- The Committee member commented that they believe the proposed buffering is acceptable.

Moved by Tarsem Goraya/Seconded by Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council support Rezoning Application No. Z16-0086 for the property located at 540 Jaginder Lane in order to rezone the subject property to permit a carriage house in addition to the primary residence, adjacent to a farm operation in the Agricultural Land Reserve.

Carried

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee noted that this was a special case, given the location and the historic use of the house, as the farm has had a history of over 100 years of farming, and keeping the house will help preserve some of that heritage.

2.2 1160 McKenzie Rd, DP17-0130 – Karmjit and Avineet Gill

Committee Member, Pete Spencer, declared a conflict of interest as he has a professional relationship with the property owner and left the meeting at 6:18 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- Advised that the subject property is zoned for agri-tourist accommodation and that the previous Development Permit for the site expired in 2014.
- Confirmed that 9 RV units are permitted on the site and that a buffer is required around the RV site in the form of vegetation or fencing.
- Advised of the following Farm Protection Development Permit Guidelines:
 - o protect farm land and farm operations;
 - o minimize land use conflicts on agricultural land; and
 - o minimize conflicts between farm and non-farm uses.
- Would like the Committee to provide a recommendation with respect to how to reduce impacts to agriculture both on the property and surrounding properties.

Avi Gill, Applicant:

- Advised that the RV sites are not long-term rental pads and will only be operated on a seasonal basis.
- Advised that the location of the RV sites have been moved as a result of the inability of the RV's to turn around.
- Provided the rationale for the application.
- Advised that the property owners also own property along Benvoulin Road, which is fully planted.
- Responded to questions from the Committee.
- Advised that the goal on this site is to promote agriculture to the younger generation. Wants to bring more attraction to orchards and educate people so that they better understand and support agriculture.

Moved by Ed Schiller/Seconded by Tarsem Goraya

THAT the Agricultural Advisory Committee recommends that Council support Development Permit Application No. DP17-0130 for the property located at 1160 McKenzie Road for buffering of a recreational vehicle site for nine (9) RV sites in the A1t - Agriculture 1 with Agri-tourist Accommodation zone;

AND THAT Agricultural Advisory Committee recommends that Council put in place measures to ensure that the buffering as proposed be completed.

Carried

Committee Member, Pete Spencer, rejoined the meeting at 6:32 p.m.

2.3 Draft Agriculture Plan

Staff:

- Displayed a PowerPoint presentation summarizing the draft Agriculture Plan.
- Provided an overview of the project including the context and background, and the engagement review.
- Reviewed the vision statement, key themes and recommended actions.
- Provided an overview of the implementation strategy, including resourcing implementation.
- Advised that the next steps in the process are:
 - o Round 3 Engagement:
 - Referral to Ministry of Agriculture and Agricultural Land Commission;
 - Small to medium sized farmer conversation;
 - Agriculture Industry group session;
 - Stakeholder session;
 - Open House; and
 - OnLine.
 - o Report back to Council for endorsement in early July.
- Responded to questions from the Committee

Moved by Ed Schiller/Seconded by Pete Spencer

THAT the Agricultural Advisory Committee recommends that Council support the 2017 Draft Agriculture Plan as presented to the Committee on June 8, 2017.

Carried

3. Old Business

3.1 Report to Council Discussion

Staff:

- In light of the Suburban & Rural Planning Manager's absence due to the activation of the Emergency Operations Centre, staff would like to defer this item to the next meeting.

3.2 Temporary Farm Worker Housing Update

Staff:

- Provided an update on Temporary Farm Worker Housing amendments.
- Advised that after the Public Hearing, Council directed staff to do more community engagement.
- Provided an overview of the changes to the Temporary Farm Worker Housing Text Amendments that will be brought forward to Council for consideration and advised that the intent is to go back to Council on June 19th for 1st reading.
- Responded to questions from the Committee.

3.3 Agricultural Tour - June 14th

Staff:

- Reminded the Committee that industry groups and OKSIR have gotten together and are hosting an agriculture tour on June 14th.
- There is still space available if you haven't already signed up for the tour.
- Provided an overview of the tour details and will provide the Tour Agenda to the Committee for their information.

4. Next Meeting

The next Committee meeting has been scheduled for July 13, 2017.

5. Termination of Meeting

The Acting Chair declared the meeting terminated at 7:04 p.m.

Dominic Rampone, Acting Chair

/slh