

Agricultural Advisory Committee Minutes

Date:	Thursday, August 10, 2017
Location:	Council Chamber City Hall, 1435 Water Street
Committee Members Present:	John Janmaat (Chair), Yvonne Herbison (Vice Chair), Domenic Rampone, Keith Duhaime and Jill Worboys (Interior Health))
Committee Members Absent:	Ed Schiller, Pete Spencer and Tarsem Goraya,
Staff Present:	Planner Specialist, Melanie Steppuhn; and Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

The Chair called the meeting to order at 6:03 p.m.

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

2. Applications for Consideration

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

Staff:

- Displayed a PowerPoint presentation summarizing the application before the Committee.
- Staff advised that:
 - o the proposal is for a non-farm use to permit long term, year round rentals of recreational vehicles specifically for low cost housing on the subject property.
 - o the OCP Policy states non-farm use support where:
 - 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.
- Staff advised of the public notification for the original Application for Exclusion in 2015.
- Staff advised of the following Ministry of Agriculture Comments:
 - Non-farm uses intended for ultimate reclamation to agriculture
 - Farming requires access to land in farming areas, while industrial uses can occur elsewhere
 - Potential impacts adjacent agriculture – noise, dust or contamination
 - Buffers should be addressed
 - Potential of property for non-soil based agriculture
 - Temporary non-farm uses are preferred.

AAC/Staff Discussion:

- A Committee Member inquired if some RV's that had been placed on this property had remained there since that time.

- Staff confirmed that some existing RV's have stayed year round and that the applicant would be able to provide background history of RV status.

Calvin Kuipers, Applicant

- Provided a brief background of the usage of RV's on the subject property since 2009.
- Confirmed that currently some RV's have been on the property for 3 years.
- Asking for a non-farm use for a portion of the property and noted that the low income individuals residing on the property depend on this housing.
- Advised that due to the high water table in this area grape plantings were severely damaged and have been unsuccessful replanting around this area.
- Advised that this non-farm use will provide a year round income that will help with significant replanting and noted that this RV site is only using a small portion of the property which has never been able to grow anything.
- Advised that the high water table also affects the RV Park and that large RV units are unable to be placed as they have sunk into the ground in this area.
- Confirmed that they currently farm 13 acres and supply a winery with their grapes.
- Advised that they have a full shower and bathroom facility for their farm workers and the workers are also allowed to stay in the RV Park as well.
- Believes that having year round tenants is less disruptive and is quieter than having seasonal tenants coming and going.
- Believes they are providing value to the community.
- Confirmed they will not and cannot expand the RV site.

AAC/ Applicant Discussion:

- Applicant confirmed that there were no RV's on the property in 2009.

AAC/ Staff Discussion:

- Staff clarified that covenant that allowed RV site; states that the use should be temporary and seasonal only.

Moved by Keith Duhaime/ Seconded by

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0006 for the property located at 3317 McCulloch Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to permit long term, year round rentals of recreational vehicles on the subject property.

The motion failed as there was not a Secoder.

Moved by Yvonne Herbison/ Seconded by Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council NOT support Agricultural Land Reserve Application No. A17-0006 for the property located at 3317 McCulloch Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to permit long term, year round rentals of recreational vehicles on the subject property.

Carried

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee expressed concerns with setting a precedence that ALR land be the solution for low cost housing in Kelowna. The Committee also expressed concerns that other RV site applications could come forward suggesting that sections of their farm land was not suitable for farming and suggested this land could be used for other agricultural activities. The Committee noted that this application does not support agriculture or the preservation of Agricultural land.

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

Staff:

- Displayed a PowerPoint presentation summarizing the application for non-farm use.
- Noted that the proposal is to operate a recycling facility for construction and demolition waste, specifically concrete and wood on the subject property.
- Displayed the Development Application process.
- Displayed a context map and provided the background history of the subject property.
- Noted that the Land Capability for a majority of the subject property is Class, improvable to Class 3.
- Confirmed the existing wood debris is too old and degraded for use in cogeneration or compost.
- Displayed the proposed recycling facility site plan.
- Staff advised of the following Ministry of Agriculture Comments:
 - Non-farm uses intended for ultimate reclamation to agriculture
 - Farming requires access to land in farming areas, while industrial uses can occur elsewhere
 - Long term access to ALR lands is in the interest of food security.
 - Potential impacts to adjacent agriculture – noise, dust or contamination.
 - Potential of property for non-soil based agriculture
- Staff advised of the Official Community Plan Policy.
- Responded to questions from the Committee.

Bret Sanguin Counsel Representative for Applicant:

- Displayed a PowerPoint Presentation, re:1040 Old Vernon Road – Non Farm Use Application
- Advised that the Applicant is out of town.
- Provided historical information regarding the land use of the subject property and correspondence between city staff and the owner dating back to 2006.
- Provided remediation attempts from 2006 to 2017.
- Noted the “potential” for non-soil based agriculture and asked who would want to eat anything grown on that land.
- The Committee Report states that 91% of the Kandola’s property has an agricultural capability rating of Class 5 improvable to Class 3 (prime agricultural land) -this is at an expense of over \$1,000,000.00, based on the assumption that the land is generally free of waste and contamination which is not the case.
The proposed operation is for a recycling facility for wood, concrete and trees; some metal as by-product or concrete (rebar) and construction materials.
Metal recycling not intended to be a significant part of the operation; all metal to be collected in on-site containers and removed to scrap metal dealers.
- It has always been the owner’s intention to rehabilitate the property but in order to do so the recycling operation is needed. This allows an income stream to be created at the same time of remediation.
- The proposal allows for reclamation of property to a state where agriculture will be possible in the future and does not need to be a permanent venture.
- Reference impact analysis report on Industrial Uses and noted that required buffering measures such as fence or greenery will mitigate the negative impacts of future land uses on the neighbouring agricultural operations and properties; a remediated industrial site including perimeter buffers would be an improvement for all neighbouring properties.
- Believes this is an opportunity for all involved to clean up what is one of the worst sites in Kelowna.

AAC/ Applicant Discussion:

- Applicant confirmed that discussions with the applicant to remove wood has not occurred.
- Applicant confirmed that there is no succession plan for the property.
- A Committee Member raised concern with spreading concrete and creating an issue with agricultural use of farm land and inquired why a concrete operation.
- The Applicant noted that concrete will clean up the property and stated that the wood has been on the property for 17 years and is contaminating the land further. Concrete goes hand in hand with wood and is part of the recycling facility.

Moved by Keith Duhaime/ Seconded by Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A16-0011 for the property located at 1040 Old Vernon Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to operate a recycling facility for construction and demolition waste on the subject property.

Defeated

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee expressed concern that the application is not consistent with Policies and preservation of agricultural land and negatively impacts surrounding agriculture. The Committee also expressed concern that this places undo-strain on existing utilities not resourced for industrial use and opens industrial activity in a large ALR area and places negative impact on maintenance of ALR land. The Committee noted that the proposal does not meet OCP policy for support of non-farm uses in that:

- It is not consistent with OCP and zoning regulations;
- It does not bring significant benefits to local agriculture;
- It would be an additional strain on existing infrastructure (e.g. roads);
- It opens up an industrial use in an agricultural area;
- It does not minimize potential impacts on adjacent agriculture; and
- There are alternative industrial sites for this activity.

The Agricultural Advisory Committee commented that should the city move forward with this application a Temporary Use with no extension from 3 years to 6 years unless there is progress on the subject property is recommended; ensure concrete can be kept to a minimum; and request ALC receive sufficient bonding to clean the mess if the owner walks away.

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

Staff:

- Displayed a PowerPoint presentation summarizing the application for non-farm use.
- Noted that the proposal is to operate a storage facility for boats and recreational vehicles, composting and storage for a tree service company on specific areas of the property.
- Provided an overview of the development process.
- Provided an overview of the background of the subject property.
- Reviewed previous and current land capability of the subject property.
- Confirmed with the Landfill Manager and City Orogrow Specialist that the existing wood debris is too old and degraded for use in cogeneration or compost.
- Displayed photos of the proposed Non-Farm Use Plan
- Made reference to the Ministry of Agriculture comments.
- Provided an overview of the Official Community Plan Policy.
- Responded to questions from Committee Members.

Manraf and Jeetender Kandola, Owners

- Purchased the property in 2005 and noted the Sawmill was not operable.
- Spoke to contemplation of wood waste removal and remediation and noted trench burn used as efforts to take care of the significant amount of wood, however, this was expensive to do and shut down after 3 months.
- Confirmed that 150,000 yards of wood has been removed from their property with 30,000 yards of wood remaining.
- Commented on the three separate non-farm uses and noted that landscaping and tree services will only take place on the south side of the property; from 1 to 15 acres; the rest of it would be used for composting and remediation of the land.
- Confirmed that other materials are not accepted on the land.
- Spoke to Egrologist and Planners and there is no good plan to get rid of the wood waste, however, a good portion of the land has already been reclaimed.
- Asking for a Temporary Use Permit to provide income to offset costs of remediation.

AAC/Applicant Discussion

- Confirmed that the Tree Service is not the Applicant's business.
- Confirmed that there currently is no agriculture production and that the 30,000 yards of wood waste has to be dealt with first then ground will need to be screened. Will take some time to return to agriculture.
- Confirmed the owner's intention is to return the land to agriculture.
- Seeking City help to resolve bylaw issue with non-compliance of the tree service.
- Applicant advised that only 8 to 10 RV's would fit in storage and would not create a lot of income.

AAC/Staff

- Confirmed that washrooms are not provided for RV storage area.

Moved by Yvonne Herbison/ Seconded by Keith Duhaime

THAT the Agricultural Advisory Committee recommends that Council support Agricultural Land Reserve Application No. A17-0003 for the property located at 982 Old Vernon Road, Kelowna, BC to request permission from the Agricultural Land Commission for a Non-Farm Use to operate a storage facility for boats and recreational vehicles, composting and storage for a tree service company on a portion of the subject property.

Carried
Domenic Rampone - Opposed

ANEDOTAL COMMENTS:

The Agricultural Advisory Committee recommended support for this application and acknowledged that the owners have been working diligently on remediation and therefore recommend a 3-year Temporary Use Permit with an extension if there is continued progress. The Committee would expect non-farm use activities to cease when the remediation is completed. The Committee recommended visual screening for the purpose of respecting the neighbourhood. The Committee does not want the support of this application to set a precedence for other farmers and support is only being considered due to the history of this particular property and the clear goal of remediation on this property.

3. MinutesMoved by Domenic Rampone/ Seconded by Keith Duhaime

THAT the Minutes of the May 11, 2017 and June 8, 2017 Agricultural Advisory Committee meetings be adopted.

Carried

4. Next Meeting

The next Committee meeting has been scheduled for September 14, 2017.

5. Termination of Meeting

The Chair declared the meeting terminated at 8:27 p.m.

John Janmaat, Chair