

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

The AAC recommended that Council support the proposal. The Committee also acknowledged that the owners had been working to remediate the property and therefore recommended a 3-year Temporary Use Permit (TUP) with an extension if continued progress was demonstrated. The Committee expected NFU activities to cease when the remediation was completed and recommended visual screening for the purpose of respecting the neighbourhood. The Committee did not want the support of this application to set a precedence for other farmers and support was only being considered due to the history of this particular property and the clear goal of remediation on this property.

The NFU application was brought before Council in October of 2017 and was defeated. Council did not approve the proposed boat and RV storage on the property, however composting operations including vehicle and equipment storage directly related to composting operations was considered acceptable.

Bylaw enforcement was initiated and by the fall of 2018 all outdoor storage of C-cans, boats and RVs were removed from the subject property. Additionally, throughout 2018 the property owner worked with the City along with the landscaping companies operating from the property to remove all non-essential vehicles, materials, supplies and equipment that did not benefit the composting operations off the subject property. By spring of 2019 the operational footprint of the tree service company was reduced, and non-essential equipment and materials were removed from the property.

A new application for an NFU in the ALR (Attachment A) was submitted for the subject property in May of 2019 (application file number A19-0018). Details of this application are outlined in the following sections.

3.0 Proposal

The applicants are requesting approval from the ALC for the following NFU on the subject property:

1. Composting operations
2. Tree and landscaping services company - vehicle and equipment storage

The proposed uses are not permitted under the current A1 – Agriculture 1 zone, however the main purpose for the NFU request is to continue work towards reclaiming the land for agricultural use. The proposal is part of a long-term plan to reduce and eliminate the existing wood waste on the property which currently prohibits the use of the site for agriculture, and ultimately to rehabilitate the parcel for a permitted non-soil-based agriculture use, such as green houses, nursery or animal farming.

Should the proposed NFU use be permitted, under the conditions and requirements of a TUP, a time period could be established to provide an opportunity for the applicants to undertake the NFU. A TUP would limit the time permitted for a maximum of three years with a possible three-year extension, for a total of six years, with annual reports submitted by the applicant outlining the progress made on the subject property. This approach would help finance equipment needed to assist the wood composting operations 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. Should the proposal be approved by the ALC, and further should Council approve a TUP, the use would then be consistent with Official Community Plan (OCP) policy.

3.1 Project Description

Approximately the northern two-thirds of the subject property contain wood waste piles of varying size and volume, primarily deposited from the mid 1980's to the early 2000's from a previous Sawmill and wood recycling facility. Over the course of time, the wood lost much of its carbon value, such that the BTU potential has been reduced. Similarly, the nitrogen values have also degraded from the time of deposition.

Therefore, the value for cogeneration has been significantly reduced and the wood waste does not hold value as a compost additive without significantly augmenting the wood waste by introducing organics and other supplemental materials.

Since acquiring the property in 2005, the current property owners have been working diligently by removing and recycling the wood waste as compost material as they work towards rehabilitation of the parcel. In general, the applicants' long-term plan towards reclaiming the land to a viable agriculture consist of sorting, grinding and screening the wood waste, and then introducing fresh wood chips and yard waste material (the latter adds carbon back into the composting process) in order to produce compost material.

Currently there are two companies associated with composting operations which are located on the subject property; TNT Trucking Ltd. (TNT) and A1 Tree Services (A1). A1 provides fresh wood chips brought in from off-site between the spring and fall seasons, and works with TNT to process the materials. A1 also store vehicles and equipment year-round on the property which are related to composting operations.

With six-person on-site staff, TNT oversees the main composting operations at the property. Since TNT started the composting work in 2017, it is estimated that 3,000 m³ to 4,500 m³ (4,000 yard³ to 6,000 yard³, or approximately 5%) of wood waste has been removed off the property. During composting activities, it was identified that the wood waste piles are mixed with variety of other waste material left from the time of the Sawmill operations. Waste materials include metals, plastics, and rock aggregates of various size, all of which require additional handling, sorting, screening and sieving. A crusher was purchased and brought onto the property to crush the aggregate material, which in part is used to mix with and create the compost material.

As part of this NFU application, the applicant and TNT provided supplemental documents that outline the on-site operations which help build the framework around the proposed rehabilitation plan. These documents and their objectives are described below:

1. Site Plan and Non-Farm Use Operations Rationale

The applicant submitted a detailed site plan and a rationale outlining the existing and proposed NFU operations (Attachment B). In general, the site consists of the following locations and operations:

- an existing single-family dwelling and driveway to the south;
- storage area for equipment and vehicles for A1, located along the southeast property boundary (NFU);
- interior driveways, compost operations and staging areas and storage area for equipment and vehicles for TNT, located within the central part of the property (NFU);
- future proposed driveways required to access the wood waste piles along the centre and north end of the property (NFU).

A list of the on-site equipment and structures as well as a detailed operation rationale for compost production at the site is outlined in Attachment B.

2. Guidelines for Remediation of 982 Old Vernon Rd ('Guideline')

The applicant submitted a proposed guideline that outlines the current on-site operations and equipment rationale (Attachment C). The following is a summary of TNT's current on-site activities, making up the framework for on-going and future composting plan to eliminate the wood waste:

- excavation, grinding, screening and sieving of wood waste piles;
- aggregate recycling (crushing) of waste rock found within the wood waste piles;

- provide fresh wood and landscaping cuttings brought in from off-site used to blend with wood waste;
- production and distribution of compost material;
- on-site vehicle and equipment storage that are related to composting operations.

In addition to fire and dust suppression and noise mitigation plans, the Guideline also outlines a proposed 5-year plan to reduce and ultimately eliminate the wood waste piles from the property through compost production. The compost production projection is based on "a maximum mix ratio of approximately 25% wood waste ¹". At current level of compost productions, "TNT estimates the need for roughly 7,500 yards³ (5,734 m³) of earth material (soils, sands, clay and rock mix), with compost and woodchips at pre-shred volume of 7,500 yards³ annually in order to produce a goal of 5,000 yards³ (3,827 m³) of wood waste reduced annually ²" over 5-years.

3. Topographic Survey

A survey company was engaged to produce a topographic survey of the existing wood waste piles (Attachment D). This survey establishes a current baseline of the approximate total volume of Sawmill waste that is on the subject property. An estimated 11,114 m³ (14,536 yard³) of Sawmill waste currently remain on the property. When compared to the compost production projections provided by the applicant in aforementioned section, the topographic survey appears to support the viability of the proposed 5-year plan to reduce and eliminate the wood waste from the property.

3.2 Site Context

The subject property is located in the Rutland Sector of the City, is within the Agricultural Land Reserve and lies within the Resource Protection Area for land use according to the Official Community Plan (OCP). 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 property is zoned A1 – Agriculture 1 and is outside of the Permanent Growth Boundary. There is currently a single-family dwelling located near the southern property 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.

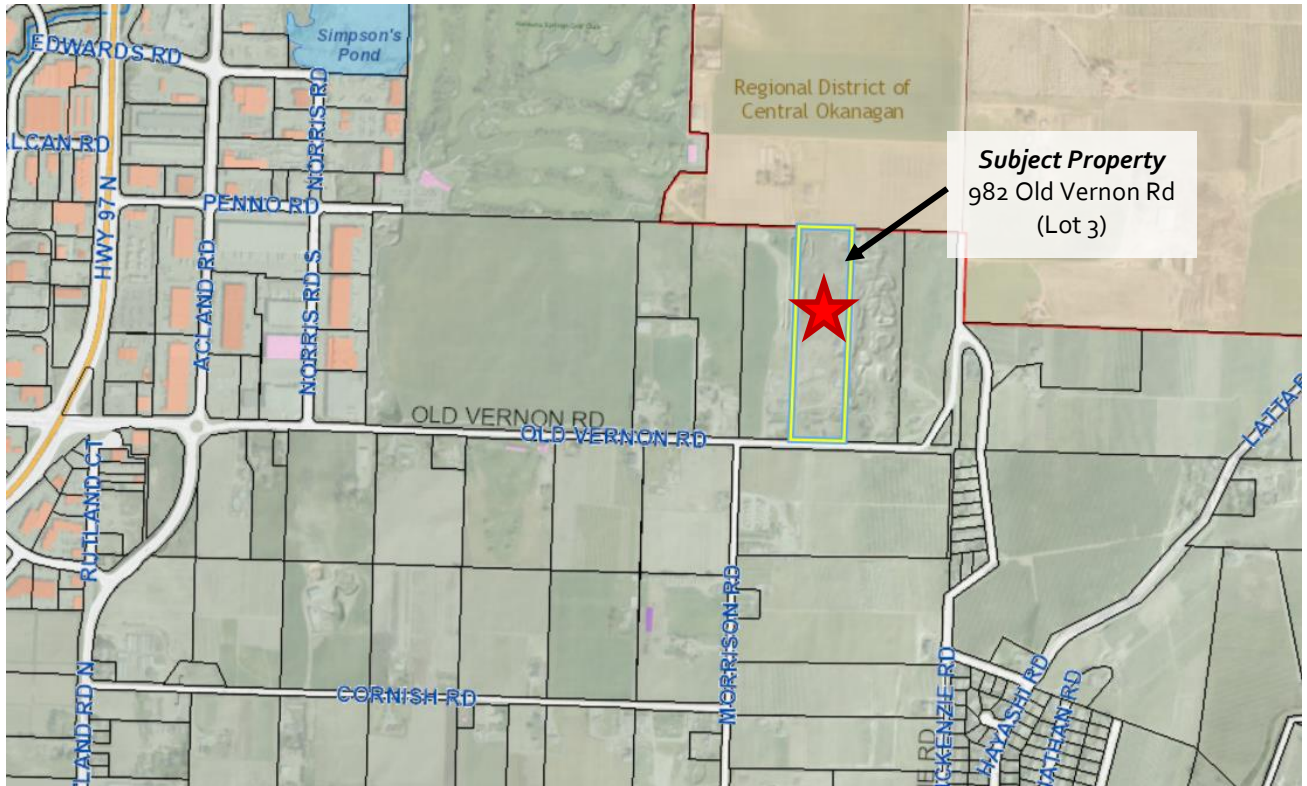
The property slopes gently from the southeast corner to the northwest, with less than 2.5% grade change, from 416 metres above sea level (masl) at the northwest corner up to 426 masl at the southeast corner.

Parcel Summary – 982 Old Vernon Road:

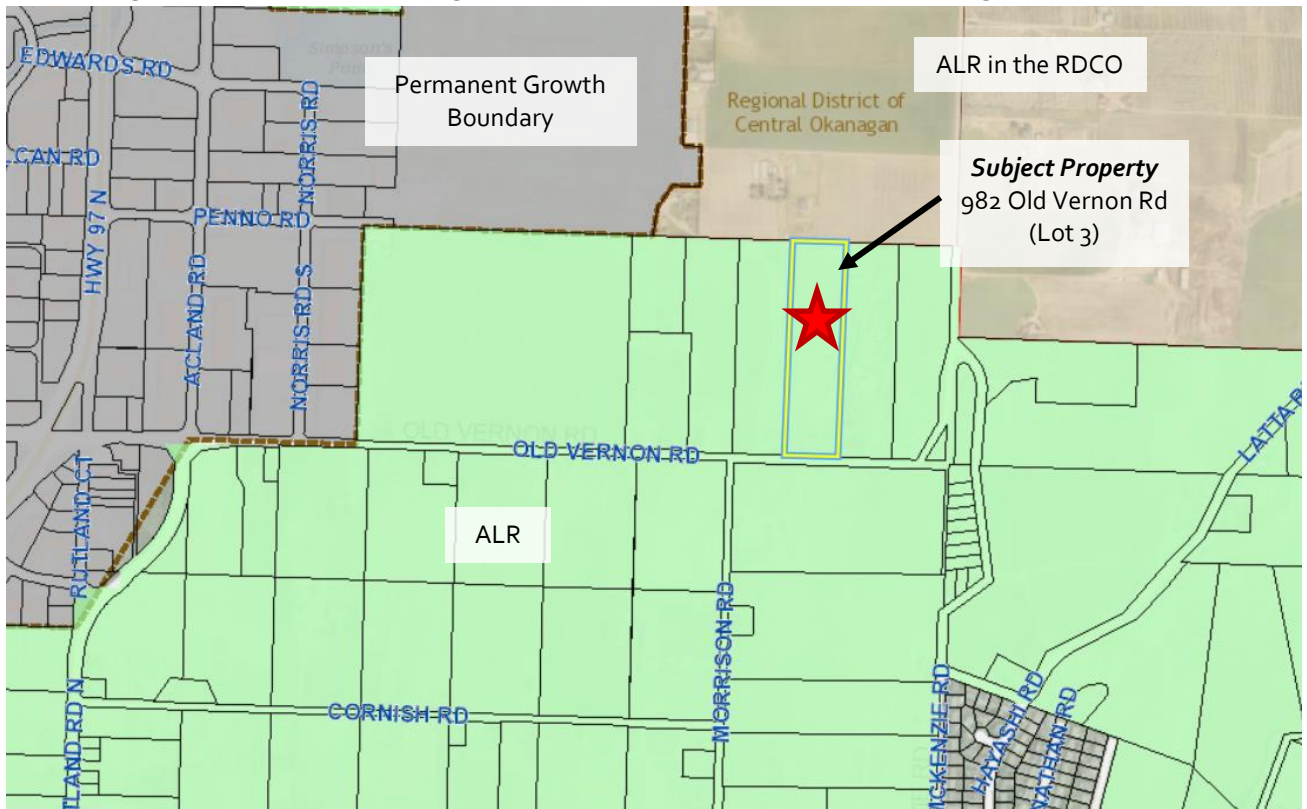
Parcel Size:	4.04 ha (10 acres)
Elevation:	414 to 423 metres above sea level (masl) (approx.)

^{1,2} TNT, Guidelines for Remediation of 982 Old Vernon Rd (2020) - Estimated Projections section

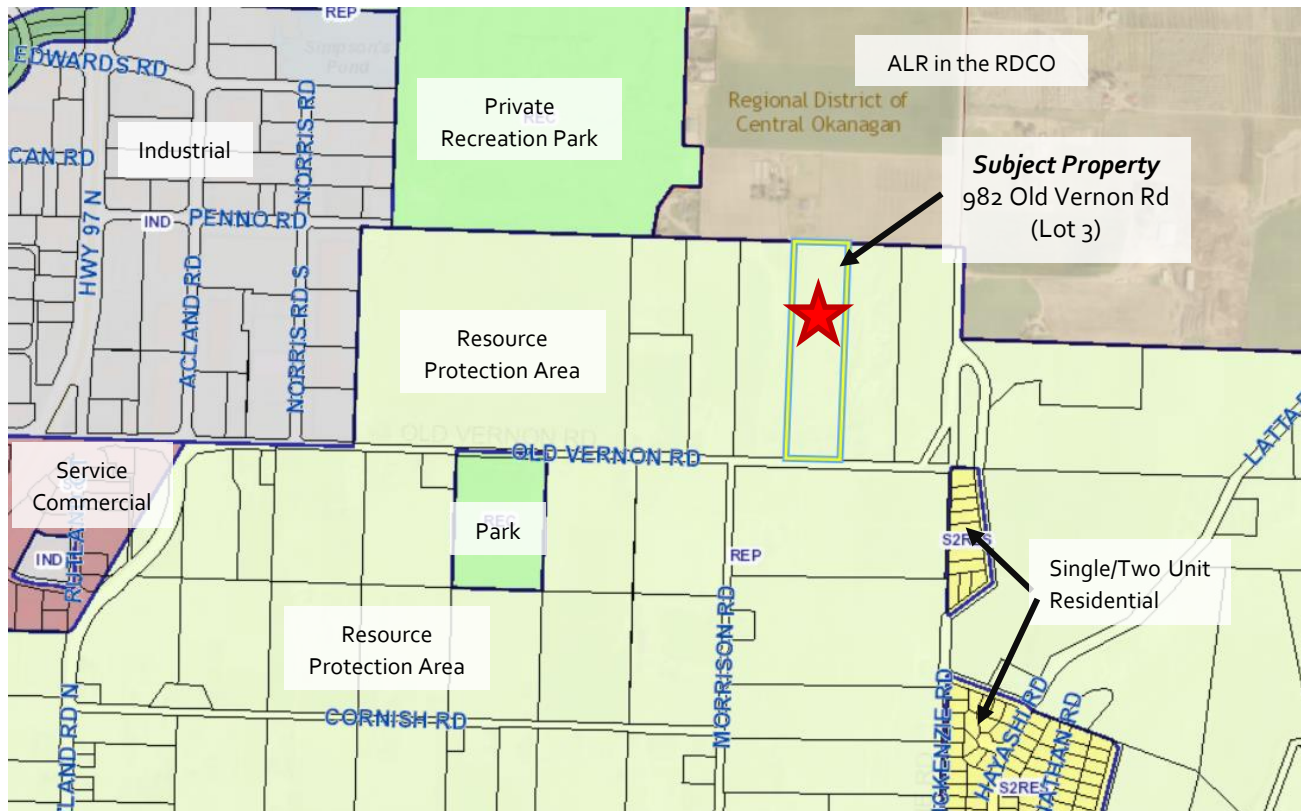
Map 1 – Neighbourhood Context



Map 2 – Agricultural Land Reserve (green) and Permanent Growth Boundary (grey)



Map 3 – Future Land Use



Agricultural Capability Assessment

A land capability assessment report that was conducted in 2013³, indicated 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 and/or artificial drainage in the spring, and irrigation in the summer months.

An estimated cost and associated requirements to rehabilitate and improve the soil to a point where it could support soil-based agriculture was broken down as follows:

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

The total estimated cost to improve the soil at the subject parcel in order to support soil-based agriculture at the site was estimated to be \$1,040,639. The report cites that the soil rehabilitation costs prohibit soil-based agriculture.

For Intensive Non-Soil Bound Livestock, the report states:

For access reasons and potential conflict with neighbouring property owners this site is not suitable for 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 Valhalla Environmental Consulting, Jan. 2013. Land Capability Assessment 982 Old Vernon Road, (Lot 3) Kelowna, BC

For Intensive Non-Soil Bound Horticulture, the report states:

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.

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 ALC resolution of 2014 (#92/2014) for the property 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-based agriculture is possible, including greenhouses.

4.0 Application Chronology

Date of Application Received:	May 17, 2019
Date of Supporting Documents Received:	June 10, 2020
Date of Revised Application Received:	June 22, 2020
Date Public Consultation Completed:	None required for Non-Farm Use Applications

Report prepared by:	Barbara B. Crawford, Planner II
Reviewed by:	Alex Kondor, Planner Specialist
Approved for Inclusion:	Dean Strachan, Community Planning & Development Manager

Attachments:

- Schedule A – Development Planning Department Policies
- Schedule B – Technical Comments
- Appendix A – Site History and Aerial Photograph Chronology
- Attachment A - Applicants' ALC Act Application for Non-Farm Use (June 2020)
- Attachment B – Site Plan and Non-Farm Use Operations
- Attachment C – TNT, Guidelines for Remediation and Phasing Plan of 982 Old Vernon Rd (June 2020)
- Attachment D – BC Surveyors, Topographic Survey (June 2020)
- Attachment E – Valhalla Environmental Consulting Inc., 982 Old Vernon Rd (2013)
- Attachment F – Development Engineering Memorandum, dated November 26, 2019
- Attachment G – Ministry of Agriculture Letter, dated November 25, 2019

SCHEDULE A – Development Planning Policies



Subject: 982 Old Vernon Rd
Application to the ALC for a Non-Farm Use on a property in the ALR

5.0 City of Kelowna Agriculture Plan (1998)

ALR Application Criteria⁴

Exclusion, subdivision, or NFU 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.

5.1 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.

5.2 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.

Chapter 5 – Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .1 Permanent Growth Boundary⁹. 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

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.

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 agriculture¹⁰.

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 NFU application 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 infrastructures;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

⁹ City of Kelowna 2030 Official Community Plan. Development Process Chapter. P. 5.2.

¹⁰ City of Kelowna 2030 Official Community Plan: Agricultural Land Use Policies Chapter. P. 5.35.

SCHEDULE B – Technical Comments



Subject: 982 Old Vernon Rd
Application to the ALC for a Non-Farm Use on a property in the ALR

6.0 Bylaw Services

Bylaw Services has one open file for this property regarding unsightly property/zoning issues.

6.1 Development Engineering Department

No concerns noted. See attached November 26, 2019 dated memorandum (Attachment F).

6.2 Fire Department

- No objections to the application.
- No burn permits will be issued for this property if requested due to the delivery of off-site clippings and wood as per Bylaw 10760.

6.3 Regional District of the Central Okanagan (RDCO)

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

RDCO Planning staff are generally in support of the referral application, as the proposal intends to revitalize and reclaim the land to viable agricultural standards. It is recommended that the following should policies of the Regional Growth Strategy Bylaw No. 1336 be considered during the decision-making process:

3.2.5.6 - "Promote the use of agriculture and ALR lands for food production and ancillary agriculture processing and retailing consistent with uses outlined in the Agricultural Land Commission Act and Regulation".

3.2.5.7 - "Protect the supply of agricultural land and promote agricultural viability".

6.4 Ministry of Agriculture

See attached letter (Attachment G).