

Appendix A: Site History and Aerial Photograph Chronology**Table 1:** History of the Sawmill and the subject property located at 982 Old Vernon Road (Lot 3).

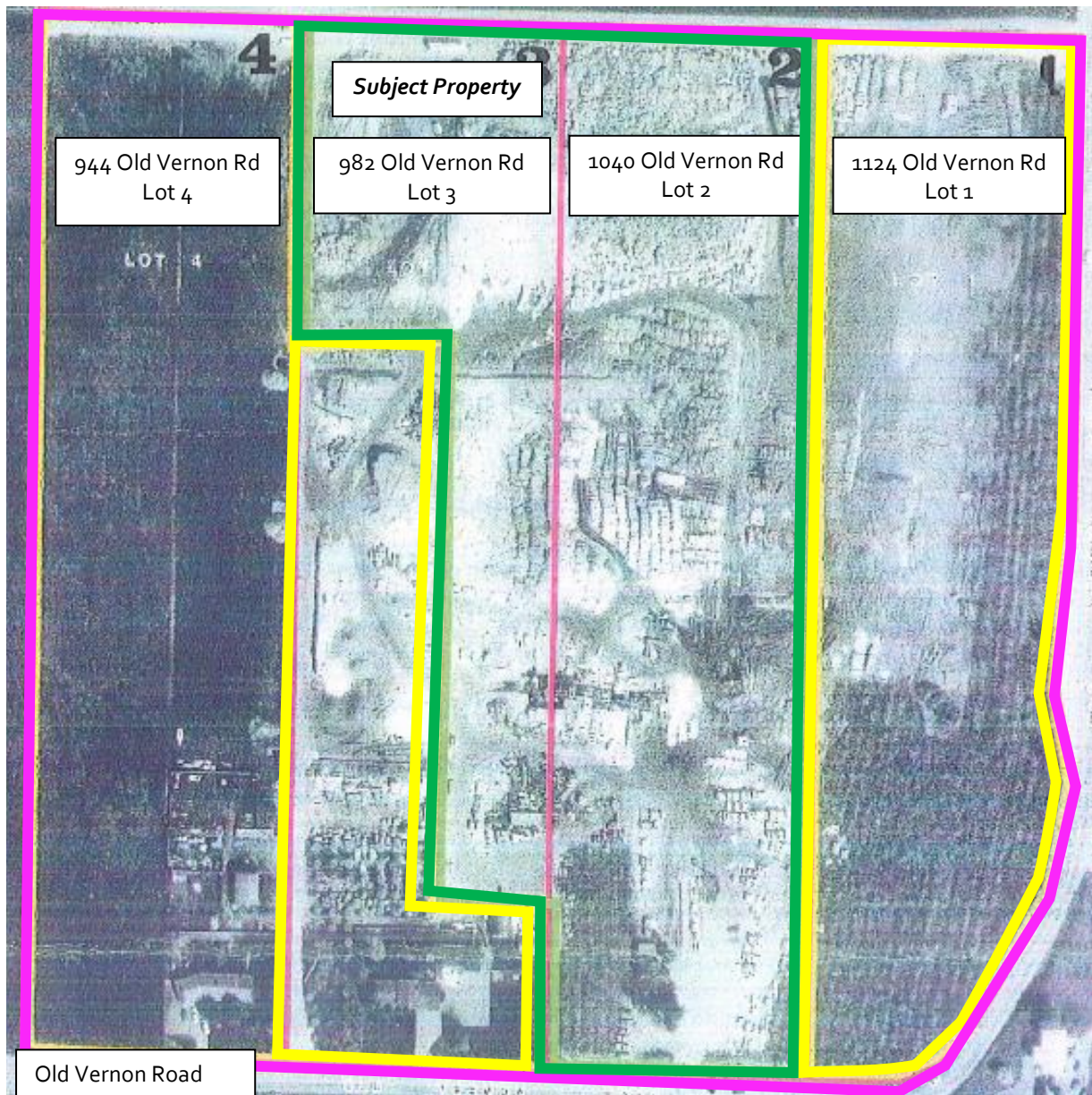
Date / Aerial photo reference	Historical Comment
Circa 1959/ Photo #1	➤ The Sawmill operation footprint on Lot 2
Circa 1972 / Photo #2	➤ At the creation of the ALR, and prior to amalgamation of the site into the City of Kelowna, the Sawmill operation footprint was approximately 1.0 ha (2.47 acres).
Circa 1976 / Photo #3	➤ The Sawmill operation focused on the subject property. This was shortly after the establishment of the ALR.
Circa 1984 / Photo #4	➤ The storage of logs and lumber had encroached onto the subject property and Lot 1.
1985 / Photo #5	<ul style="list-style-type: none"> ➤ The Sawmill operation had expanded to 1.7 ha on the subject property. ➤ In response to complaints from a neighbour, the previous owner made an application to the ALC to expand the Sawmill operations to the subject property. By ALC Resolution #993/85, 1.7 ha of the subject property was approved for the storage of logs, lumber, and sawdust. Based on a complaint by the neighbouring Lot 4, this Resolution was subject to not placing gravel on the subject property.
June 4, 1998	<ul style="list-style-type: none"> ➤ Due to neighbours' complaints, ALC Compliance and Enforcement staff 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. The ALC issued a letter that stated that the Sawmill operation had exceeded previous approvals. ➤ The previous owner submitted a reconsideration of ALC Resolution #993/85, and by ALC Resolution #738/98 were directed to submit a restructuring plan to the ALC for the sawmill operation. ➤ A subsequent site visit identified the previous owner had undertaken unauthorized non-farm uses (NFU) including storage and processing of waste material and pallet recycling on Lots 1 and 3. In June of 1999, the ALC issued ALC Order #368/99 and #369/99 to restore all lands not approved for NFU by ALC Resolution #993/85 (Figure 1) to an agricultural standard.
2000 / Photo #6 & #7	<ul style="list-style-type: none"> ➤ The Sawmill activities decreased, and the site had become a construction material waste operation. In addition, it had expanded beyond Lot 2 and the 1.7 ha of Lot 3 permitted in 1985, to Lot 1 to the east and part of Lot 4 to the west. A series of complaints had been lodged to the ALC: <ul style="list-style-type: none"> i. Activities were inconsistent with the ALC and Soil Conservation Act; ii. Demolition debris (e.g. drywall) did not make acceptable compost for a turf operation in the ALR; iii. Demolition debris could contain chemicals from glues and preservatives. ➤ Subsequently an application was submitted to the ALC for the NFUs and by ALC Resolution #437/2000, the ALC approved the use of Lots 2 and 3 for sawmilling, wood waste recycling/composting and pallet recycling of "clean wood" only. This approval was subject to the conditions that Lot 1 would be reclaimed to agriculture, and that a fence be erected on the east, north and west property boundaries.
2005 / Photo #8	➤ The subject property was purchased by the current owners with approximately 122,330 m ³ (160,000 yard ³) of wood waste stockpiled at the site.

Date / Aerial photo reference	Historical Comment
2006	<ul style="list-style-type: none"> ➤ A controlled burner was set up for three months to help reduce and eliminate the wood waste. The current owners spent approximately \$100,000 for this method of wood waste reduction.
2007	<ul style="list-style-type: none"> ➤ Wood rows were established to initiate more rapid composting. This method resulted in numerous fires due to spontaneous combustion erupted with the introduction of oxygen into the lower levels. The largest one took 3 days to contain, costing the City of Kelowna \$80,000 in firefighting costs. ➤ The current owners employed full time private water tankers and excavators to control the fires, at an approximate cost of \$50,000.
2008 to 2012 / Photo #9 & #10	<ul style="list-style-type: none"> ➤ Current owners hired a contractor to haul wood waste to a cogeneration plant in Armstrong (Tolko) for an additional \$25,000. This effort was discontinued due to the low burning potential (BTU potential) of the old timber. ➤ Throughout this period, the current owners worked with several landscape companies to screen, mulch and compost the wood waste, mixing it with green yard waste to create compost for market at different scales, capacity, and compost production levels. ➤ By 2012, approximately 100,000 m³ (130,000 yard³) of the original 122,330 m³ of wood waste had been processed and/or removed from the subject property, with an approximate 23,000 m³ (30,000 yard³) remained on the property.
2013 and 2014	<ul style="list-style-type: none"> ➤ An exclusion application (A13-0004) was submitted to the ALC for the subject property: <ul style="list-style-type: none"> ▪ The Agricultural Advisory Committee (AAC) did not support the application for exclusion, however, encouraged the applicants to bring back another application if a net benefit to agriculture could be demonstrated. ▪ The AAC was 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 was unclear as to viable agriculture opportunities on the property, the AAC recommended that the applicants 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 compost product. ▪ Other recommended options included a greenhouse operation or other activities that does not involve soil-based agriculture. ▪ Despite the AAC recommendations the application was forwarded to the ALC for decision. ➤ By ALC Resolution #92/2014, the exclusion application was refused on the grounds that the subject property could be reclaimed to an agricultural standard and that areas that could not be fully reclaimed could be used for non-soil based operations.

Date / Aerial photo reference	Historical Comment
2017 / Photo #11	<ul style="list-style-type: none"> ➤ An NFU application (A17-0003) was submitted to the ALC for the subject property to operate a storage facility for boats and recreational vehicles, composting, and tree service and land scaping company that includes the storage of vehicle and equipment. <ul style="list-style-type: none"> ▪ The AAC recommended that Council support the proposal. ▪ The AAC 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 AAC expected NFU activities to cease when the remediation was completed and recommended visual screening for the purpose of respecting the neighbourhood. ▪ The AAC 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.
2018	<ul style="list-style-type: none"> ➤ On August 23, 2018, ALC Compliance and Enforcement (C&E) directed the current owners to submit a NFU application or cease the commercial activities on the subject property. ➤ By the fall of 2018 all outdoor storage of C-cans, boats and RVs were removed from the subject property. ➤ 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.
2019 / Photo #12	<ul style="list-style-type: none"> ➤ Spring of 2019 the operational footprint of the tree service company was reduced, and non-essential equipment and materials were removed from the property. However, not all commercial activities had ceased. ➤ On May 2019, the current NFU application (A19-0018) was submitted to the ALC to operate a composting business and allow storage for tree service companies on a short-term basis (the Original Proposal). ➤ The intent of the Original Proposal was to allow the non-farm uses on the subject property to continue until the time that the remaining wood waste from the Sawmill operation was removed and the subject property could be rehabilitated to an agricultural standard.

Date / Aerial photo reference	Historical Comment
2020 – Present / Photo #13 & #14	<ul style="list-style-type: none"> ➤ In November 2020, the NFU application (A19-0018) outlining the Original Proposal was brought before the AAC, with the following outcome (Attachment D): <ul style="list-style-type: none"> ▪ The AAC recommended that Council support the proposal. ▪ The Committee recommended to Council that consultation with Ministry of the Environment (MOE) takes place prior so that any issue can be identified for this site. ▪ The Committee expressed that continual slow progress is being made to reclaim farmland and they are optimistic it will continue and is a reasonable alternative for a very complicated situation/property. ➤ Following the AAC meeting, staff alerted the applicant of the AAC's request to consult with the MOE and on May 19, 2021, the City submitted Site Disclosure Statement (SDS) on behalf of the applicants. ➤ June 1, 2021, MOE responded that the SDS submitted for the site was reviewed and determined to be incomplete, missing a map of appropriate scale showing the location and boundary of the site. To date, the application remains instream with the MOE. ➤ On June 24, 2021, staff informed ALC C&E of the application with MOE and were directed to continue with the current NFU application. ➤ Subsequently, staff and ALC C&E completed site visits and determined that a restoration report completed by an Agrologist would be required. ➤ Staff confirmed that the applicants / lessee had hired an Agrologist on November 17, 2021, and received a restoration report, dated March 31, 2022 (Attachment B). ➤ Subsequently on September 23, 2022, September 28, 2022, and December 7, 2022, staff requested additional information from the applicants / lessee to clarify the volume of remnant wood waste and other materials on the subject property, and a more robust restoration plan that included timelines for rehabilitating the subject property to an agricultural standard and removing all non-farm uses. ➤ On January 4, 2023, additional information submitted by the applicants / lessee stated that the Original Proposal was to be amended and the applicants / lessee are now applying to conduct the non-farm uses on the subject property indefinitely (Attachment C). ➤ Prior to receiving this additional information, staff have been operating under the pretense that once the remaining wood waste has been processed and removed, the commercial uses on operating on the subject property will cease and the property will be restored and remediated to an agricultural standard. As this is no longer the case, the remainder of this application report is based on the information received by Carl Withler, P. Ag. And Catherine Piedt P. Ag. on January 4, 2023 (the Report).

Figure 1 - ALC Order #368 and 369/99 (1999)



As per ALC Order #368 and 369/99 (1999):

Pink Area – Subject properties.

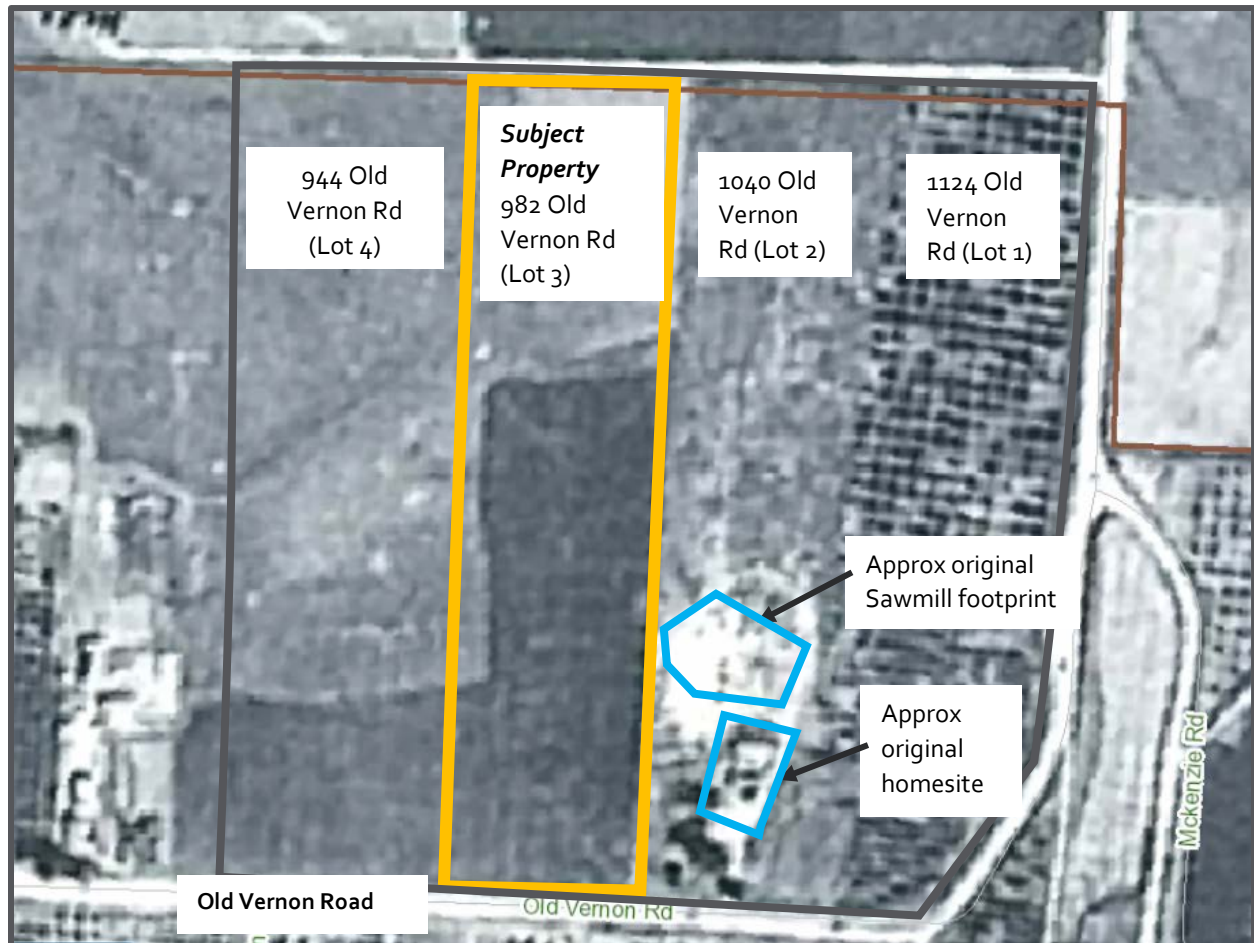
Green Area – Area Permitted to be used for Sawmill operation including the storage of logs, lumber, and sawdust.

Yellow Area – Areas where no industrial activities have been permitted. All industrial activities to cease and the lands reclaimed to agricultural standards.

Aerial Photographs

A historical review through aerial photos of the subject property at 982 Old Vernon Road (Lot 3) and neighbouring lots at 944 Old Vernon Road (Lot 4), 1040 Old Vernon Road (Lot 2) and 1124 Old Vernon Road (Lot 1).

Air photo 1 – Air photo circa 1959 of subject property and neighbouring lots.



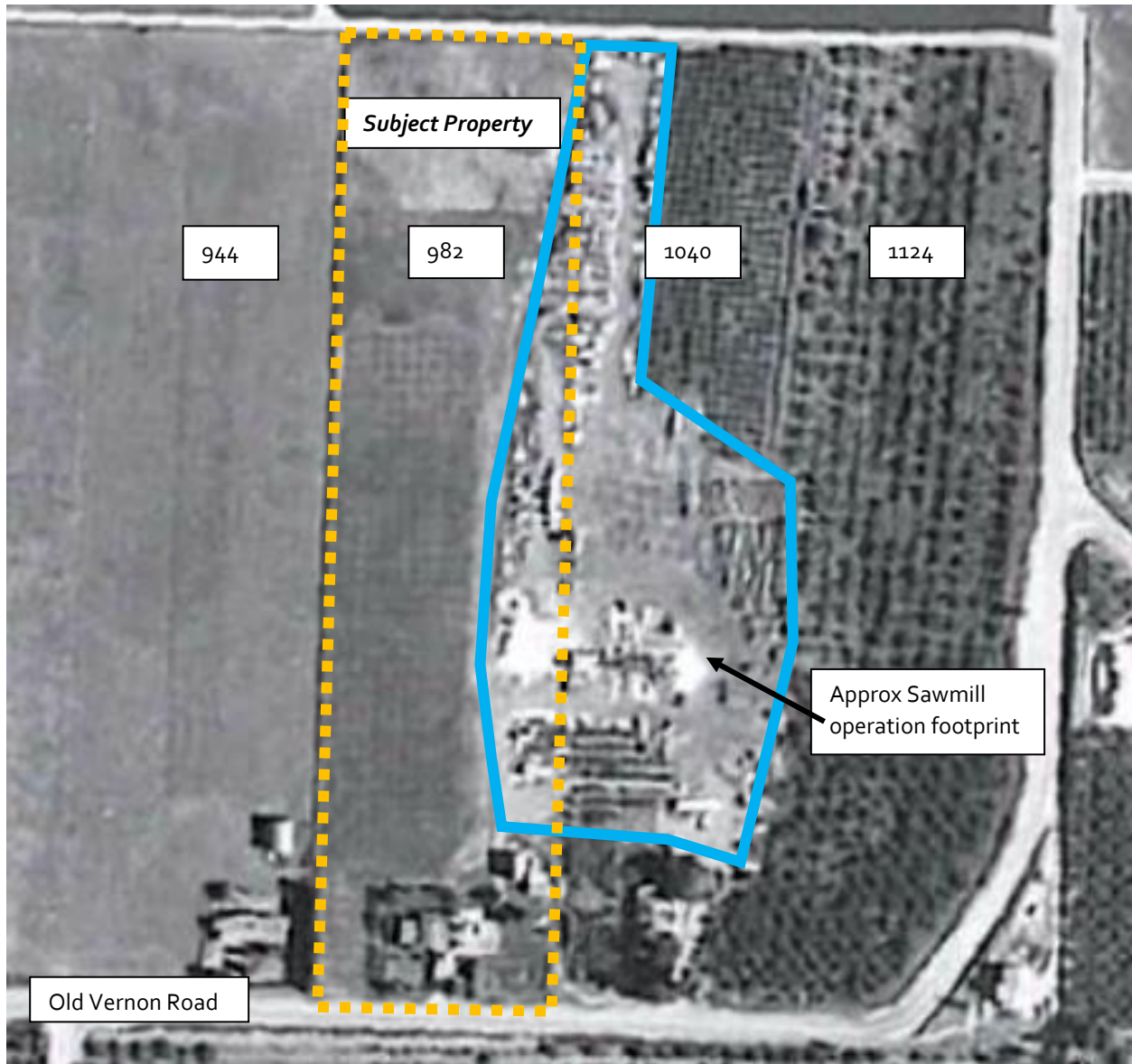
Air Photo 2 – Air photo circa 1970 of subject property and neighbouring lots.



Air Photo 3 – Air photo circa 1976 of subject property and neighbouring lots.



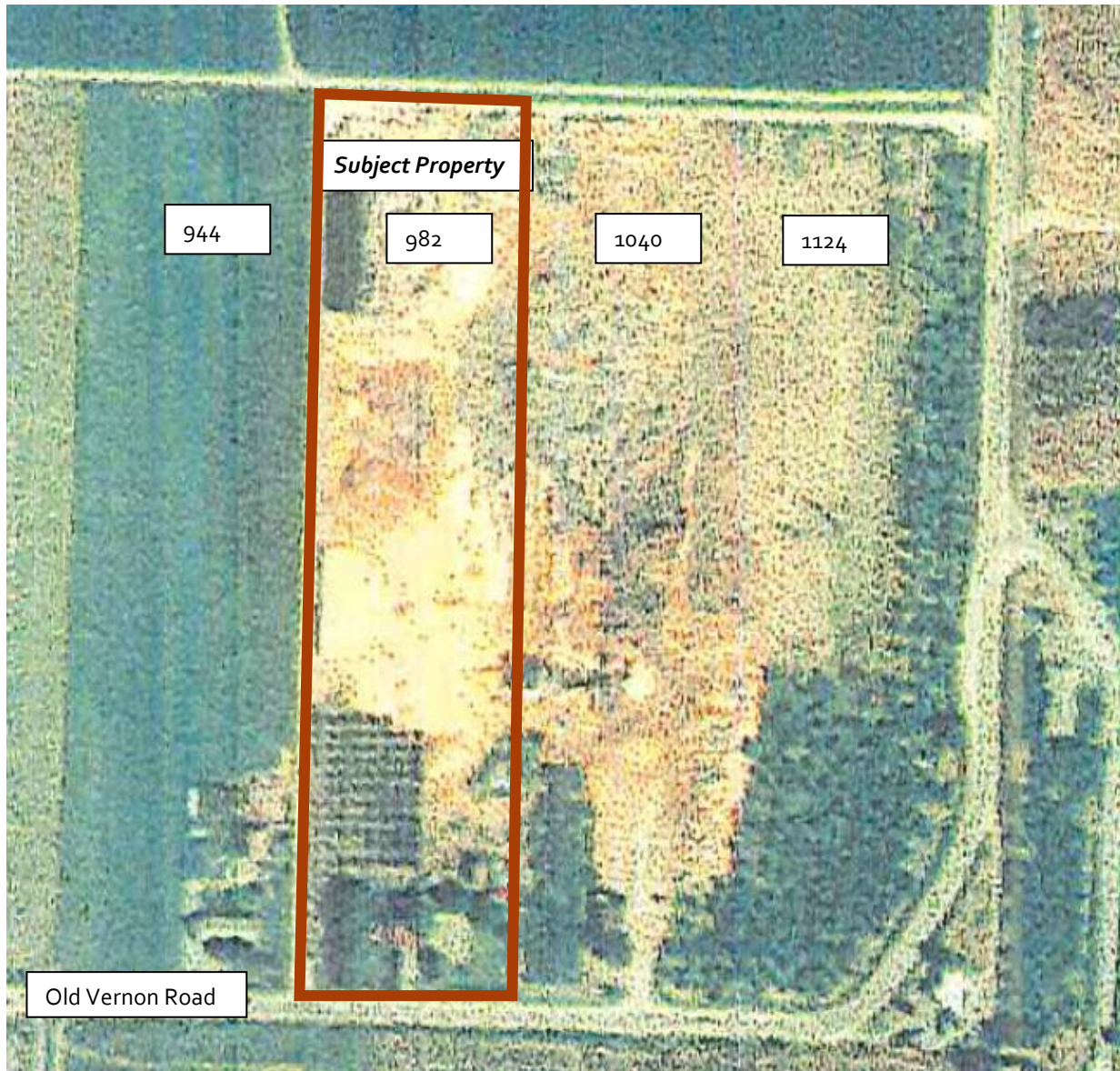
Air Photo 4 – Air photo circa 1984 of subject property and neighbouring lots.



Air Photo 5 – Air photo circa 1985 of subject property and neighbouring lots. Through ALC Resolution # 993/85, authorization was granted, for a limited area of 1.7 ha, specifically for storage of logs, lumber, and sawdust.



Air Photo 6 – Air photo circa 1999 of subject property and neighbouring lots.



Air Photo 7 – Air photo 2000 of subject property and neighbouring lots.



Air Photo 8 – Air photo 2006 of subject property and neighbouring lots. The subject property was purchased by current owners in 2005.



Air Photo 9 – Air photo 2009 of subject property and neighbouring lots.



Air Photo 10 – Air photo 2012 of subject property and neighbouring lots. Land use seen in the 2012 air photo shows 1124 Old Vernon Rd (Lot 1) reclaimed for agriculture as required by the ALC Resolution #437/2000, permitting on-farm use of the subject property and 1040 Old Vernon Rd “for sawmilling, wood waste recycling/composting and pallet recycling”.



Air Photo 11 – Air photo 2017 of subject property and neighbouring lots.



Air Photo 12 – Air photo 2019 of subject property and neighbouring lots.



Air Photo 13 – Air photo 2021 of subject property and neighbouring lots.



Air Photo 14 – Air photo 2023 of subject property and neighbouring lots at current time.



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 58053

Application Status: Under LG Review

Applicant: MANRAJ KANDOLA

Local Government: City of Kelowna

Local Government Date of Receipt: 06/22/2020

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

Proposal Type: Non-Farm Use

Proposal: We are applying for a non farm use as the property was historically utilized as an industrial sawmill operation. The operations seized in 2005 and since then lots of effort has been made to reclaim land back to farm land.

The future proposal for next 6 years is to move towards reclaiming the land to a viable agriculture standard by grinding, screening and composting the remaining wood waste material and introducing fresh wood chips and yard waste adding carbon to the composting process as existing wood debris has no heat value.

Tree service on site (A1 Tree) provides fresh wood chips brought in from off site and working with the composting company processing the materials.

The tree service will work out of the property and provide us with fresh wood chips. Only the equipment required to be used in the business will be parked on the property.

Fresh product being brought on the property for composting will be approximately 15,000 yards. We will have projected volumes and will bring on material as required for the job. Maximum 2000 to 4000 maximum at any one time. We are currently moving 500 to 1000 yards per month and rest depends on the market.

We have a non permanent structure for dry storage of different amendments and sand as well. Covered area will also be utilized for repairs on equipment.

There are approximately 6 employees working.

Since the start of this remediation, equipment such as screener and grinder have been purchased to help with the remediation. We have invested lots of money to make this project a success and have this land reverted back to some form of agriculture status.

Please see the attached Site Plan Map and Detailed Information for Remediation.

Mailing Address:

982 OLD VERNON ROAD

KELOWNA , BC

V1X 6T8

Canada

Primary Phone: (250) 870-3294

Email: manraj kandola@hotmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 012-206-687

Legal Description: Lot 3 Section 1 Township 23 ODYD (Osoyoos Div of Yale) Plan 546

Parcel Area: 546 ha

Applicant: MANRAJ KANDOLA

Civic Address: 982 Old Vernon Road Kelowna BC V1X6T8
Date of Purchase: 06/01/2005
Farm Classification: Yes
Owners

1. **Name:** MANRAJ KANDOLA
Address:
982 OLD VERNON ROAD
KELOWNA , BC
V1X 6T8
Canada
Phone: (250) 870-3294
Email: manraj kandola@hotmail.com
-



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, as it was previously operated as an Industrial Sawmill.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
*When sawmill operation seized in 2002, wood piles debris on site was approximately estimated at 160,000 cubic meters.
We have diligently been removing the wood waste and now have approximately 30,000 cubic meters of wood left over.*

Land improvements made to date in remediating the land towards agriculture standard:
- trench burn to remove oversize debris
- grinding and trucking wood waste to Tolko Cogen Plant, unfortunately not enough heat value in the material
- screening the pile of wood debris and sold directly to market

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
*Grinding, Screening, Composting of the wood waste.
Bringing in clean wood chips for composting.*

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 Accommodation (RV Park)

Applicant: MANRAJ KANDOLA

West

Land Use Type: Agricultural/Farm

Specify Activity: Residential

ATTACHMENT		A
This forms part of application		
# A19-0018		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

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 a non farm use as the property was historically utilized as an industrial sawmill operation. The operations seized in 2005 and since then lots of effort has been made to reclaim land back to farm land.

The future proposal for next 6 years is to move towards reclaiming the land to a viable agriculture standard by grinding, screening and composting the remaining wood waste material and introducing fresh wood chips and yard waste adding carbon to the composting process as existing wood debris has no heat value.

Tree service on site (AI Tree) provides fresh wood chips brought in from off site and working with the composting company processing the materials.

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We have a non permanent structure for dry storage of different amendments and sand as well. Covered area will also be utilized for repairs on equipment.

There are approximately 6 employees working.

Since the start of this remediation, equipment such as screener and grinder have been purchased to help with the remediation. We have invested lots of money to make this project a success and have this land reverted back to some form of agriculture status.

Please see the attached Site Plan Map and Detailed Information for Remediation.

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 therefore was grandfathered to continue operating as a sawmill operation on ALR land. This orphaned sawmill on ALR land needs to be reclaimed back to agriculture status. Therefore the reason for asking "non-farm" use is to continue reclaiming farmland.

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

In the long run there be will 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 it's challenges. The property wasn't monitored over the years as there are other products other than wood dumped on this property . There will definitely be lots of challenges ahead of us.

Our long term plan for next 6 years is to keep remediating the land and hopefully work towards utilizing this property for agriculture use for non soil based farming. (green houses, animal farming or nursery)

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

Applicant: MANRAJ KANDOLA

Applicant Attachments

- Professional Report - Agrologist Report
- Professional Report - Agrologist Report, Appendix E
- Professional Report - Agrologist Report, Appendix B
- Professional Report - Agrologist Report Addendum
- Professional Report - Agrologist Report, Appendix A
- Professional Report - Agrologist Report, Appendix C
- Professional Report - Agrologist Report, Appendix D
- Professional Report - Plan Map
- Professional Report - Survey Plan
- Other correspondence or file information - Site Map/Plan
- Other correspondence or file information - Site Map/Plan TNT
- Other correspondence or file information - Detailed Remediation Plan TNT
- Site Photo - 2018 sawmill pic1
- Site Photo - 2018 sawmill pic2
- Site Photo - 2018 sawmill pic3
- Site Photo - 2018 sawmill pic4
- Site Photo - 2018 sawmill pic5
- Site Photo - 2018 sawmill pic6
- Site Photo - 2018 sawmill pic7
- Site Photo - 2018 sawmill pic8
- Site Photo - 2018 sawmill pic9
- Site Photo - 2018 sawmill pic10
- Site Photo - 2018 sawmill pic11
- Site Photo - 2018 sawmill pic12
- Site Photo - 2008 sawmill pic1
- Site Photo - 2008 sawmill pic2
- Site Photo - 2008 sawmill pic3
- Site Photo - 2008 sawmill pic4
- Site Photo - 2008 sawmill pic5
- Proposal Sketch - 58053
- Certificate of Title - 012-206-687

ALC Attachments

None.

Decisions

None.

**982 Old Vernon Rd
Sawmill Photos
Circa 2008**

ATTACHMENT A

This forms part of application
A19-0018

Planner
Initials **BC**

City of
Kelowna
DEVELOPMENT PLANNING



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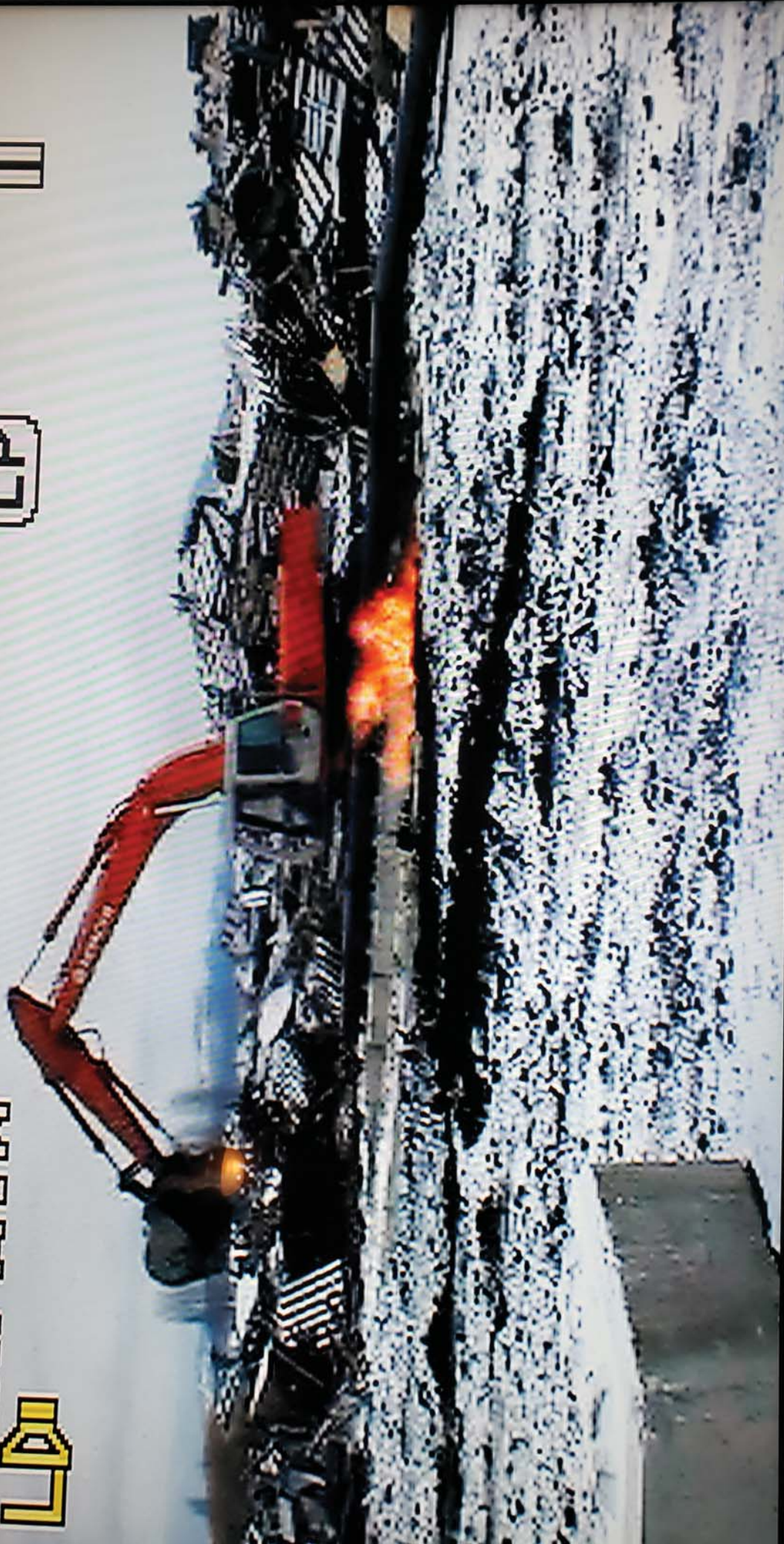
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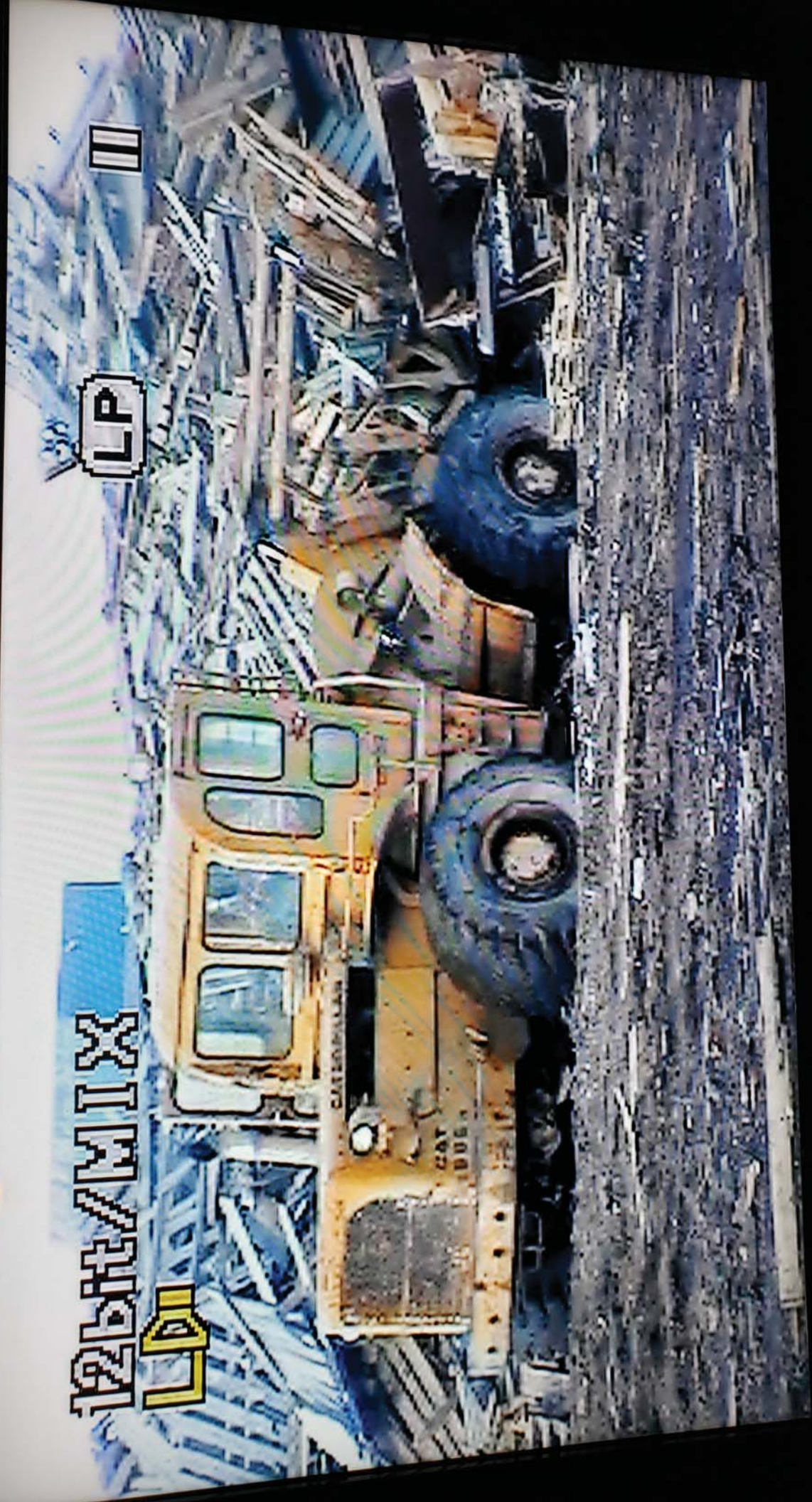


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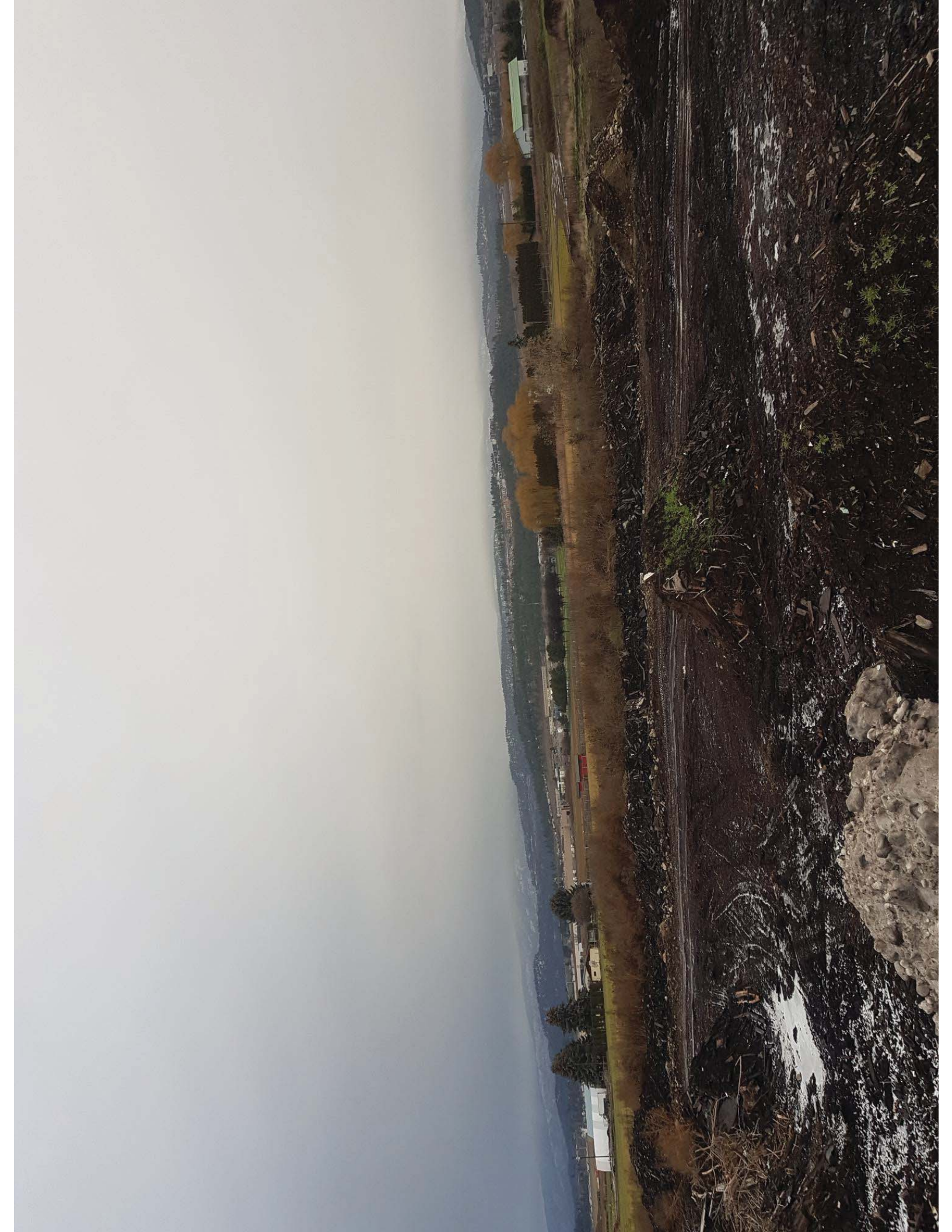
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III



982 Old Vernon Rd
Current Property Photos
2018 and 2019







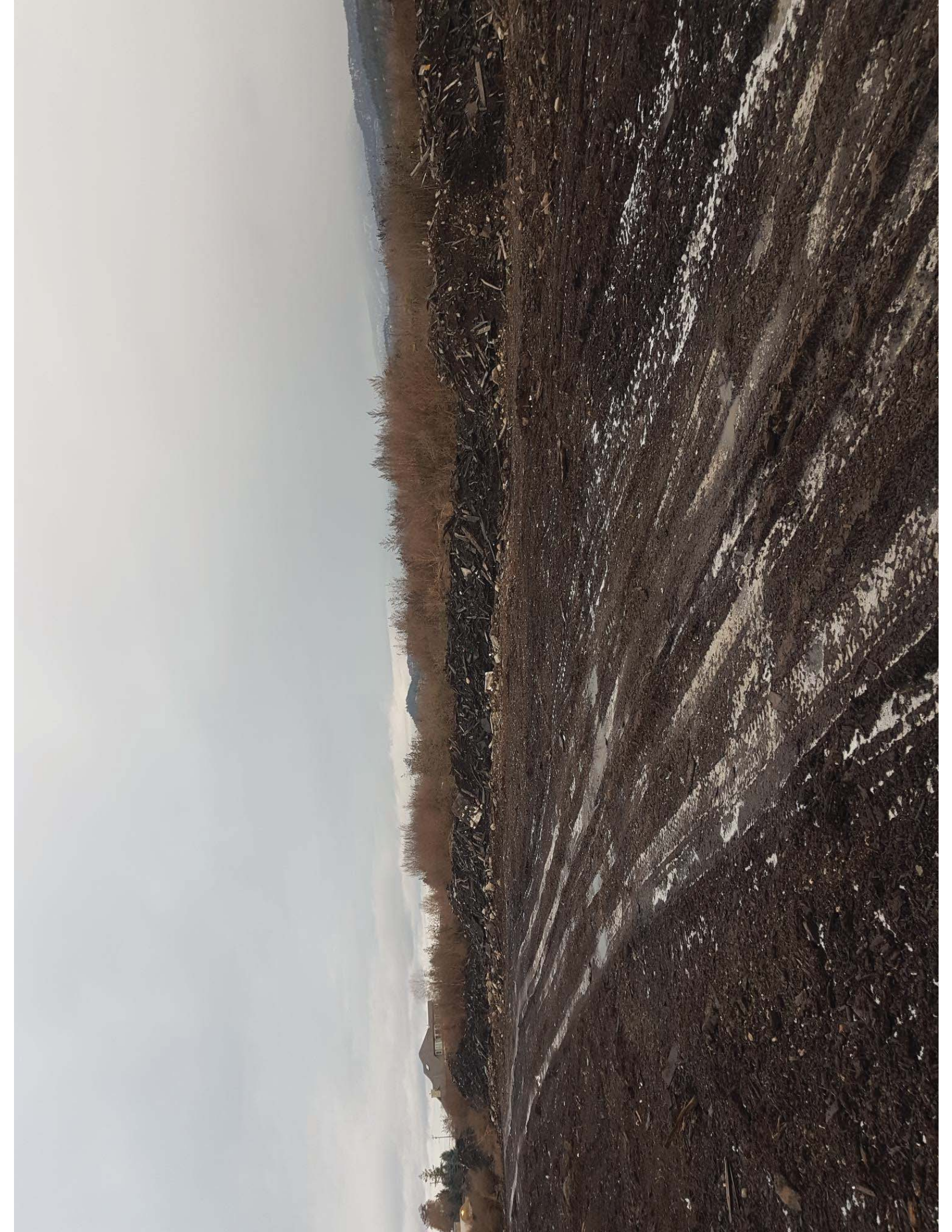




















Green Spark Consulting

ATTACHMENT	B
This forms part of application # A19-0018	
Planner Initials	BC
 City of Kelowna DEVELOPMENT PLANNING	

March 31, 2022

Mr. Ryan Nixon
385 Moyer Road
Kelowna, BC V1X 4R9

Attention: Mr. Ryan Nixon

Reference: Agrolgist's Report to Support City of Kelowna Temporary Use Permit Application

Introduction

This report has been prepared at the request of Mr. Ryan Nixon, lessee at 982 Old Vernon Road, Kelowna, BC. Mr. Nixon is requesting a Temporary Use Permit (TUP) from the City of Kelowna to continue to operate as a commercial activity on lands provincially designated as Agricultural Land Reserve (ALR). This report is intended to support the application for a TUP with the intent to continue to conduct current operations on the leased property.

A background review of available information was completed along with a site visit to further assess activities on the property. This Agrolgist's Report describes the current site conditions and operational activities, and summarizes the best management practices being administered on and near the property.

Background

It is the author's understanding that a non-farm use application to the ALC for the operation of a commercial business on the property was submitted to the ALC on June 22, 2020. The application was forwarded to the City of Kelowna prior to being submitted to the ALC for review. It is expected that this report will support the review by the City of Kelowna for the TUP.

Prior to Mr. Nixon leasing the land, the site was previously managed by Better Earth and previous to that, the site operated as a sawmill for many years. It is the author's understanding that the mill operated prior to the land being designated under the ALR and was included in once the property was mapped and designated as ALR.

Of notable mention, the adjacent property at address 1040 Old Vernon Road also contains remnant wood waste from the mill. However, Mr. Nixon's lease is on 982 Old Vernon Road; he does not conduct operations on the adjacent property.

Assessment/Review Methods

To fulfill Mr. Nixon's request, the following was completed in preparation of the Agrologist's Report:

- Review history of site through publicly available information
- Review of City of Kelowna's bylaw information on temporary use permits
- Review Agriculture Land Commission's soil placement and fill policies
- Site visit on March 10 to meet with Mr. Nixon to assess site information including documenting observations of current operations, measuring soil piles, and collecting photo documentation.

Site Description

The site is a 10-acre property located at 982 Old Vernon Road, Plan KAP546 Lot 3 (Images 1, 2, 3 below, and Image 4 at the end of this report). The soil is labelled silty clay loam, as per the Soil Information Finder Tool (SIFT)¹. Portions of the property have wood waste remaining from the time the site was operating as a sawmill. The site also contains some landscape materials including boulders, orchard and organic landscaping waste that Mr. Nixon accepts as part of his commercial operation. In addition to organic material on site, large machinery, trucks and office trailers were observed on site. The equipment was identified onsite for the purposes of moving material and the facilities were for general administration operations.

There are various piles of soil, wood, and rock in different stages of processing throughout the property. As mentioned in the section above, Mr. Nixon screens out undesirable (large woody debris) material from the soil piles to produce two piles; one woody debris pile and one amended soil pile to be sold his commercial operation. Sections of the property to the northwest are also designated for red wiggler vermiculture and observations of vermiculture were documented (Photo 3).

General measurement of soil piles were taken to estimate volume; the volume of soil on site is estimated at 1122 m³. The volume of the pile was 374 m³. There were approximately 3 piles of soil on the property roughly this size, so the total estimated volume of soil is approximated as 1122 m³.

¹ BC Soil Information Finder Tool. <https://www2.gov.bc.ca/gov/content/environment/air-land-water/land/soil/soil-information-finder>. March 14

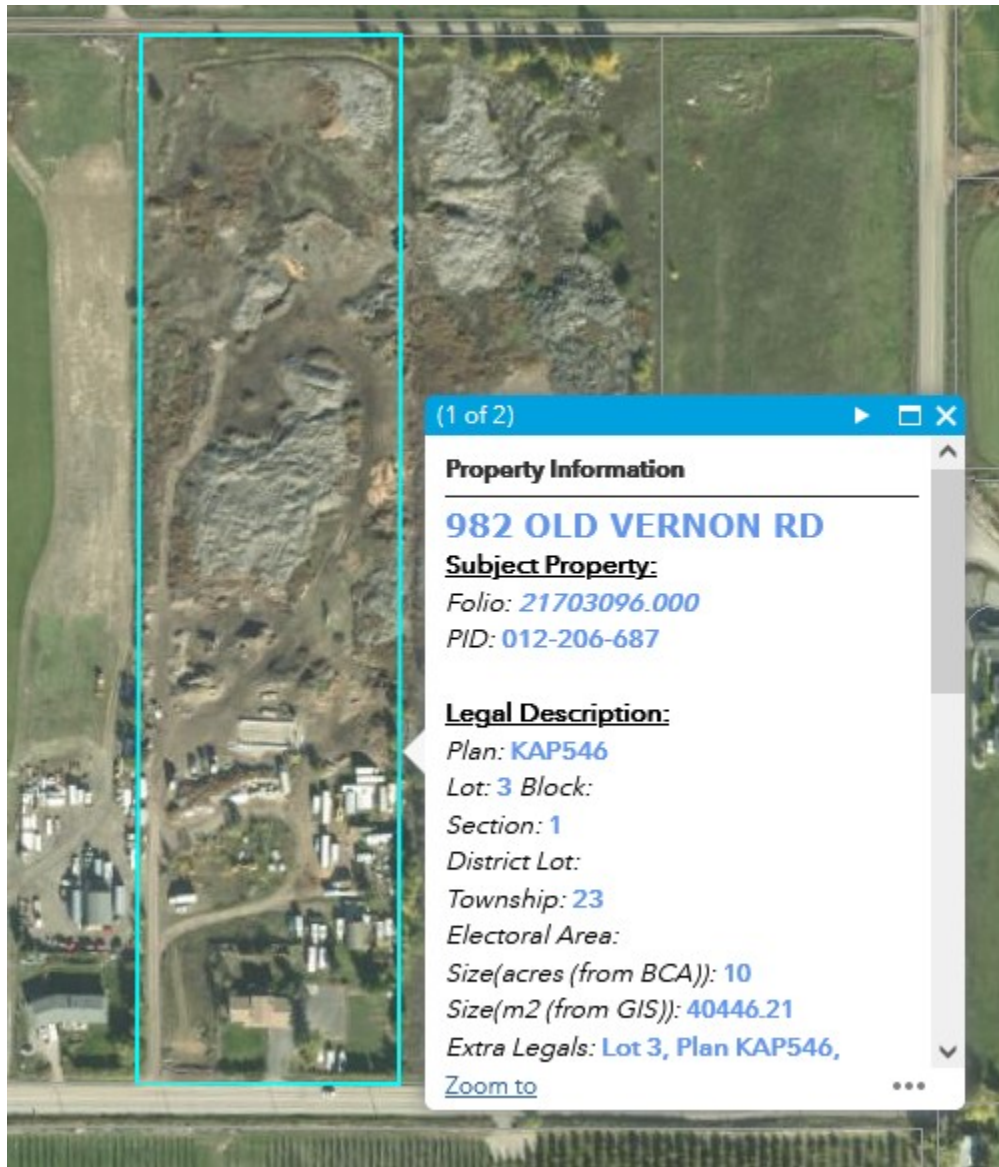


Image 1. The assessed property is at the centre of the image. Facilities and equipment are at the south end of the property, while remnant wood waste and processed soil are at the north end. Taken from City of Kelowna online mapping tool at <https://www.kelowna.ca/city-services/maps-open-data/orthophotos>.



Image 2. Close up of northern half of property Taken from City of Kelowna online mapping tool at <https://www.kelowna.ca/city-services/maps-open-data/orthophotos>



Photo 3. Close up of southern half of property. Taken from City of Kelowna online mapping tool at <https://www.kelowna.ca/city-services/maps-open-data/orthophotos>

ATTACHMENT		B
This forms part of application # A19-0018		
Planner Initials	BC	 City of Kelowna <small>DEVELOPMENT PLANNING</small>

Current Operations on the Property

A site visit of 982 Old Vernon Road was conducted on March 10th, 2022 between 9am and 11:30am. The property was assessed by Carl Withler, P.Ag. and Catherine Piedt, P.Ag. with the objective of better understanding the property's history and the nature of current and proposed activities on site.

The site continues to have remnant wood waste around the property. Mr. Nixon is in the process of reducing the existing wood waste through soil amendments and processing, as well as creating a small vermiculture operation with red wiggler worms to be sold for landscaping material. Mr. Nixon understands he is operating his business contrary to ALR regulations and seeks to receive a TUP to continue conducting the current operations while working to clean up the sawmill's wood waste. The operational activities currently taking place on the property included the following:

- Reducing remnant wood waste from the old mill by screening and separating material (Photo 1)
- Operating a vermiculture operation (Photo 2)
- Accepting outside material for use in soil amendment processing, such as boulders, orchard and other waste material (photo 3)
- Grinding up orchard waste
- Amending soil (photo 4)
- Grinding up boulder material
- Selling amended soil

Further to Mr. Nixon's operations, A1 Tree Falling Services were on the property. This report does not provide comment on their operation on this property.

Best Practices

During the site visit, Mr. Nixon reviewed the best management practices being utilized to minimize potential for effects resulting from dust generation and dispersal, noise disturbance, contaminant leaks and spills, ignition and spread of fire, and introduction / spread of invasive species. This includes the measures listed below.

- A berm has been built on the north end of the property to reduce potential for noise pollution to south facing neighbours (to the north). The berm will be seeded with approved seed mixes to reduce potential for introduction and spread of invasive plants.
- A water truck is brought in at required frequencies to control for dust. The owner is aware that calcium chloride may be required during the heat of the summer.
- Street sweepers are used as needed along Old Vernon Road to limit accumulation of dirt and mud from the road surface.
- Past fire history related to remnant materials are known to the operator. Given this potential, there is an active fire monitoring program to prevent spontaneous combustion.
- The requirement for all contractors to bring clean (not hydrocarbon-soaked material) onsite is communicated. Random inspections occur on delivered material.
- Frequent inspection of equipment for potential oil leaks.

General Commentary and Recommendations

Mr. Nixon is aware his operations are running contrary to current ALC regulation by carrying out commercial activity and is aware of the need for a TUP to continue such operations. Despite the commercial activity, Mr. Nixon is cleaning up remnant wood waste and processing what would have been waste material into a useable product. In carrying out this activity, there is a significant reduction in potential fire risk (spontaneous combustion of piles). Large piles of waste material are processed into smaller, useable piles of landscaping material and sold to local landscapers.

Observations on site confirmed he is managing the operation in a manner to reduce potential effects related to noise, dust, fire and environmental considerations.

It is the author's recommendation that despite the ALR contraventions, the operation to clean up the previous sawmill's wood waste is, overall, a beneficial activity that needs to be completed. Specific recommendations are provided below.

- Create a 3 meter wide no operating buffer inside the property boundary.
- Vegetate and seed the berm on the north of the property.
- Continue with dust control as needed; potentially including calcium chloride treatment..
- Monitor site activities on a semi-annual basis with reporting submitted to project proponent and city staff.

Provided the recommendations are followed, this report recommends issuing a temporary use permit with the option to renew after the first term. If a first and second term are granted, and if the operator wishes to renew after the second term, a full application to the ALC must be made at that time.

Photo Documentation (all photos taken March 10, 2022)



Image 4. Overview of 982 Old Vernon Road and adjacent property (taken from <https://maps.kelowna.ca/public/mapviewer/>)



Photo 1. View of typical pile of remnant wood waste



Photo 2. View of vermiculite operation (forefront), and noise berm in the background



Photo 3. View of orchard waste brought in for processing



Photo 4. View of property with amended soil



Photo 5. View of machinery and site office in the background



Photo 6. Berm constructed to reduce noise pollution

ATTACHMENT		B
This forms part of application # A19-0018		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

Closing

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely



Carl Withler, BSc., P.Ag. (#695)
Withler@shaw.ca



Catherine Piedt, B.Sc., P.Ag (#3258)
Catherine.piedt@ecora.ca

Statements of Qualifications as Required by the Professional Governance Act of B.C.

C.E. Withler B.Sc. P.Ag-Statement of Qualifications.

Carl Ernest Withler, is a Professional Agrologist (#695) registered and in good standing in the province of British Columbia and has been so for over 30 years. Because of this registration he is bound by a code of ethics, guided by standard and normal practices and uses scientific and field information to come to logical and rational recommendations and decisions.

Specific to this report Mr. Withler has spent 40 years in production agriculture working in every commodity from land levelling to viticulture management in Canada and abroad. During his working career Mr. Withler worked very closely with the Agricultural Land Commission (ALC), Ministry of Agriculture Strengthening Farming program staff and Local Government planners to create and review bylaws related to agricultural production. As well, Mr. Withler is relied on by Farm Industry Review board hearings as a “Knowledgeable Person” and allowed to offer opinion regarding normalized farming practices. Recently, the author retired from the provincial civil service as the Industry Specialist for the Tree fruit and Grape industries and is working as an Environmental Farm planner and replant inspector for the Treefruit Replant program. Mr. Withler is now the lead Agrologist for Green Spark Consulting.

Catherine Piedt, BSc., P.Ag – Statement of Qualifications.

Catherine Piedt is a Professional Agrologist (#3258) with 16 years of experience in environmental management. A professional agrologist registered in good standing in the province of British Columbia for five years, she began her agrology career working on agriculture capability assessments around the Okanagan.

Her most recent experience includes working on environmental land management planning with a focus on impact assessment from resource and industrial development to environmental, cultural, and agricultural values. She has been collaborating with First Nations to complete detailed reviews, on their behalf, of a broad range of permits across BC. Through diligence to technical standards and sensitivity to local knowledge and traditions, she ensures that all concerns regarding effects on environmental and traditional values are respectfully and confidentially voiced and incorporated into the regulatory and consultation processes. Catherine currently manages an environmental sciences team at Ecora Engineering & Resource Group in Kelowna. She is bound by a code of ethics through the British Columbia Institute of Agrology, and by a set of standards in the recent Professional Governance Act.

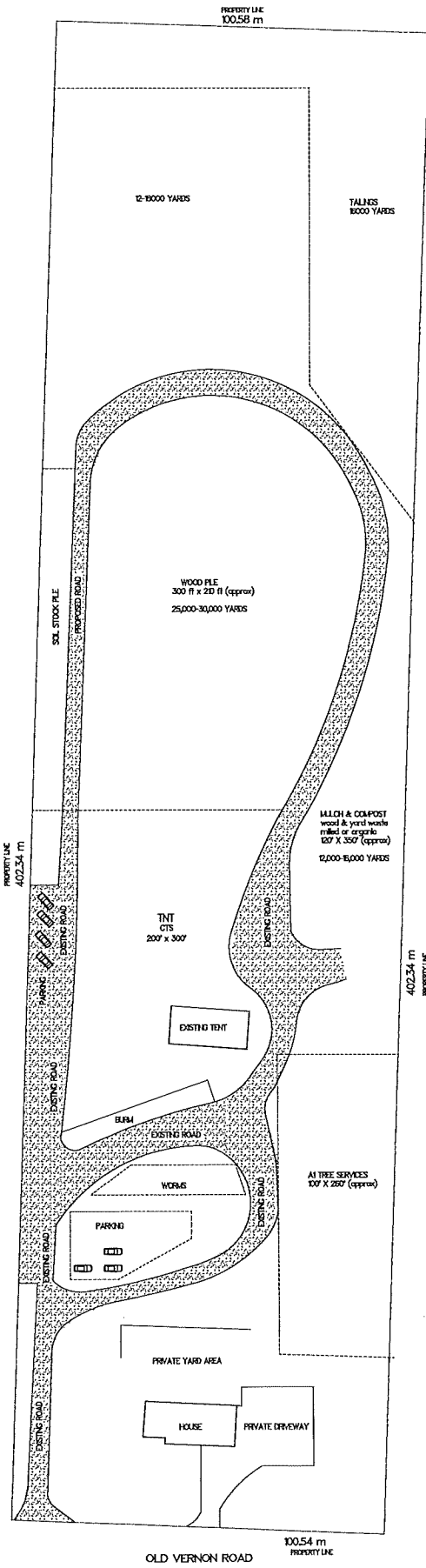
ATTACHMENT B

This forms part of application # A19-0018



City of Kelowna
DEVELOPMENT PLANNING

Planner Initials **BC**



NOTES

No.	Date	Description

982 Old Vernon Rd

SITE PLAN

SCALE 1" = 32'
 DRAWN BY M. GRIFF
 CHECKED BY
 DATE APRIL 2, 2020
 DATE OF PRINT

PROJECT NO. SITE PLAN 1
 19127-103
 Drawn by: DYNACORP

January 4, 2023

City of Kelowna
 1435 Water Street
 Kelowna BC V1Y 1J4

Via email: BCrawford@kelowna.ca

Attention: Barbara Crawford

Reference: 982 Old Vernon Road

Ryan Nixon, lessee, is pleased to provide this letter with supplemental information, as requested by the City of Kelowna, to support an existing temporary non-farm use application at 982 Old Vernon Road (previously applied for in June 2020). The request was sent through City of Kelowna email correspondence from Barbara Crawford dated September 29, 2022.

Specific requests included:

- Volumetric estimates of waste wood and soil required for restoration;
- Land use information including revised site plan, land uses and purpose/size, future approach; and
- Fire management and monitoring plan.

The requested information for volumetric estimates, land use information, and the monitoring plan are presented below with the site plan and fire management plan presented as appendices at the end of this letter.

Volumetric Estimates

Material	Measurement (m)	Total Volume (m ³)
Worm Farm	30 x 30 x 0.9	822
Screened soil	6 x 35 x 3.7	777
Mix off, mill waste	40 x 20 x 3.7	2,920
Processed mill waste	10 x 75 x 3.7	2,775
Tailings	75 x 75 x 4.9	27,562
Green waste	30 x 80 x 3.7	8,880
Below grade materials	Visual estimate	30,582
To be screened	15 x 15 x 4.9	1,102
Topsoil bulk	20 x 7 x 3.7	518
Wood pile	20 x 20 x 2.1	840
Berm and tailings	40 x 10 x 4.9	1,960

Material volume measurements were completed with a standard tape measure measuring length, width and height. Standard geometric volumetric calculations were then used for total cubic meters of each pile.

Land Use Information and Future Plan

Current Land Use

TNT Trucking (owner Ryan Nixon) manages a remediation operation on the property of 982 Old Vernon Road. The operation includes accepting sand, soils, subsoils, aggregates, and inert earth materials for mixing and blending with composted or decayed mill waste which is remnant material at 982 Old Vernon road from past milling operations.

To create finished soil products and vermiculture medium, the above noted materials go through the scanner; unless oversized, in which case they go into the mixed tailings piles. As time permits, and as mixed tailings compost, they are re-ground and re-screened multiple times. Garbage and contaminants are removed. Oversized rock is crushed, ground and shredded with oversize wood waste. Any materials left after this processing are trucked from site to the municipal landfill for disposal.

The green waste pile is used for the worm farm (vermiculture) and for blending and disposing of the tailings pile. As it is oversized, it is expected to take time to grind down. Fresh inputs are needed to continue the soil production along with the incoming soils, subsoils, sands and aggregates with the other piles.

As well as producing high organic matter, topsoils for landscaping, and home gardening purpose, a small portion of the property is used as a vermiculture operation. It is the interest of Ryan Nixon to expand vermiculture production across the whole property into the future, continuing to process green waste and sell worm castings. This activity will be considered into the future through a Non-Farm Use application to the ALC nearer the expiration date of the T.U.P. currently under consideration.

In addition to the remediation and vermiculture operations, TNT operates a general hauling business on the property which consists of moving material on and off the property. The equipment required for operations includes excavators, crushers, and grinder shredders. A Gradeall cover is established onsite for use during equipment repairs and maintenance. Parking and equipment are kept separate from the operations area. Parking remains along the side of the property near the front and in the center between equipment.

Future approach

At this time, the lessee's intent is to conduct current operations in a manner that will contribute to reclaiming the land for future agricultural use; vermiculture and soil production. The operations are on track to operate a temporary use on a short-term basis only, with the goal to reduce all remnant materials remaining from the sawmill operation. Remnant waste is being managed and actively being reduced to meet this goal. Operations onsite will continue to manage remnant waste and work towards reducing material on site and return the land to an approved agricultural use .

We understand that the City has requested specific details on timelines for how quickly the material will be reduced. This is currently unknown, and any estimates at this time to determine how fast the piles will be reduced would be premature and inaccurate. However, to address the request, it is proposed that follow up measurements of each of the piles be completed in three months time. At that point, a comparison table detailing the first set of measurements and the second set can be reviewed and a more accurate estimate of timelines for eliminating the waste altogether can be provided. It is anticipated that all remnant waste material will be processed within the period time allowed by the issuance of one T.U.P and assuming monitoring is confirming continued waste reduction as second T.U.P. This is a maximum of 6 years from time of issuance.

After the remnant mill waste is processed, the lessee intends to continue the trucking operation, accepting material, and grow the vermiculture operation. It is acknowledged that a N.F.U. application will need to be submitted to carry on activity beyond T.U.P. issuance and will be undertaken by the lessee.

The current N.F.U. application in the ALC portal does not reflect the intention of the lessee and should be removed at this time so that there is no confusion between the landowners past intentions and current lessee's vermiculture intentions for this property.

Restoration Plan

It is understood that there is a request from the City of Kelowna for a restoration plan with details for restoring the land to agricultural standard. The following steps (at a minimum) would likely be required to complete restoration:

1. Process all remnant waste from the sawmill operation.
2. Remove non-farm use structures, with the exception of property and structures associated with the residence and any future approved operations.
3. Identify areas on site suitable for potential agriculture capability and soil productivity (with the addition of topsoil).
4. Spread topsoil in suitable amounts in the areas identified. At this time, it is estimated that about 61,000 m³ of soil would be required to meet the agricultural standard for productivity.

The lessee is unable to commit to all four of these steps at this time due to the significant associated financial burden and uncertain future land use. The operator will commit to continuing to work on reducing the remnant mill waste, which, regardless of the current operations on the property, is the necessary first step towards restoring the land to productive agriculture land. The lessee requests approval of this temporary use permit application with the ability to review steps two through four annually, under the permit, to determine feasibility in subsequent years.

Monitoring Plan

The following monitoring plan is proposed to ensure land use remains on track with the City of Kelowna's future land requirements.

- Ensure that equipment, parking and non-farm activities remain within the defined area in red on the submitted site plan.
- Ensure no large boulders or trash remain on site between inspections.
- Ensure all materials involved in the working operations on the property do not overlap or extend into neighbouring properties.
- Ensure volume of remnant mill waste continues to be reduced. With a target date of 2026 for none being on site.

Monitoring of the above bullets is proposed at a frequency of one site visit every six months to ensure compliance.

Site Plan Details

The information provided below provides details on the site plan, attached as Appendix A at the end of this letter.

Starting at the south end of property and moving north:

- Residence and yard
- TNT work area to the West, A1 Tree Service to the East
- Parking to the West, green waste to the East
- Incoming, unprocessed materials to the West. These materials get screened and separated into fines, midsize and oversize. The fines are used in topsoil production and sold as they become available. Midsize material is sold and used for road topping. Unprocessed material is used to fill large cavities after excavation of below grade material. Oversized rock is crushed and sold as compactable base material.
- Grinder and mixed tailings to the East
- Mixed mill waste with soil is blended with leftover mill waste and screened soil
- Worm farm is to the Northwest, Topsoil bulk and material to be screened to the Northeast
- Berm and tailings at the north end (back of the property) to be addressed as bulk materials are needed

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

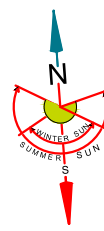
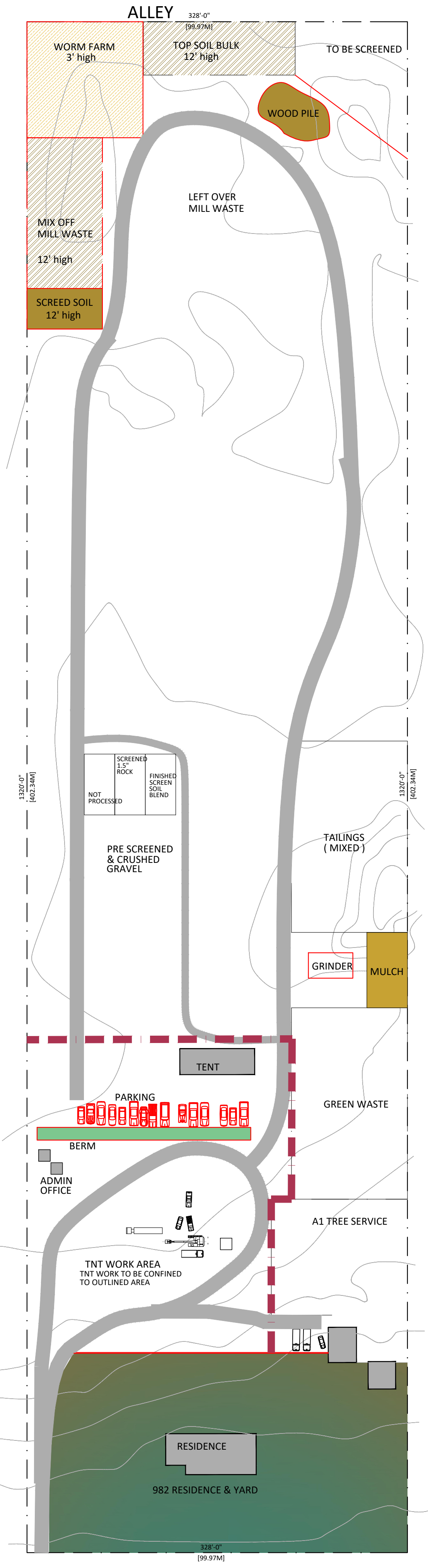
Respectfully submitted,



Catherine Piedt, P.Ag (Registrant #3258)

Appendix A

Site Plan



ATTACHMENT C

This forms part of application
A19-0018

Planner Initials **BC**

PROJECT INFORMATION:

982 OLD VERNON ROAD
KELOWNA, B.C.
V1X-6T8

LOT 3
PLAN KAPS46
LOT SIZE
10 ACRES

KID 236036

PID 012-206-687

ZONING A1

WATER PROVIDER
BMID

DATE	NO.	BY	REVISION

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**TUP Application Plan
2023-2026
982 OLD VERNON ROAD**

CONSULTANT
HOLDEN'S
DRAUGHTING & DESIGN
832 SAUCIER AVENUE
KELOWNA, B.C.
V1Y-6A3
Phone: 250.868.0952
Fax: 250.868.0952
Email: h.holden@hhd.ca

PROJECT
982 OLD VERNON ROAD
KELOWNA, B.C.

SHEET TITLE
SITE PLAN & NOTATION

DRAWN	RAH	SHEET NO.	A 1
CHECKED	C.W.	Rev. 0	
SCALE			
DATE	Nov. 28, 22		

OLD VERNON ROAD

Appendix B

Fire Management and Monitoring Plan



Fire Management and Monitoring Plan

982 Old Vernon Road

Attention:
Barbara Crawford, P.Geo.
Planner II | City of Kelowna

November 10, 2022



Photo 1. Property located at 982 Old Vernon Road

Purpose and Background

This report is written in response to the request from City of Kelowna staff for a Fire Management and Monitoring Plan for 982 Old Vernon Road, 'the subject property' and is a follow up to the plan prepared and submitted in the spring of 2022. The subject property, currently operated by Mr. Ryan Nixon, is associated with an ongoing file with the City of Kelowna in which a Temporary Use Permit (TUP) is currently under review. This Fire Management and Monitoring plan:

- provides a description of site activities;
- presents fire management resources;
- describes the identified potential fire hazards; and
- provides specific mitigation measures to reduce fire risk.

A site visit was conducted on March 10, 2022 to assess site information to support The TUP application. A follow up site visit was conducted on November 2, 2022 to obtain additional information to further support the application, and to develop the fire management and monitoring plan.

Site Activities

As detailed in the Agrologist's report provided in the spring of 2022, the current activities on site include:

- reducing remnant wood waste from the old mill by screening and separating material;
- operating a vermiculture operation;
- accepting outside material for use in soil amendment processing, yard waste, orchard prunings and other waste material;
- grinding up orchard waste;

- Amending soil;
- Grinding up boulder material; and
- Selling amended soil .

Fire Management Resources

The Regional District of Central Okanagan provides information on fire protection on their FireSmart webpage. The information provides recommendations for home, property and neighbourhood protection¹.

Furthermore, FireSmart Canada offers recommendations for actions that alleviate fire risk².

Taken from the FireSmart Canada webpage, the ten recommended actions are listed in Table 1 below.

Table 1.

FireSmart Tips	
Download the FireSmart begins at home app	Remove combustible material from under decks. Keep a non-combustible zone around the house and deck.
Clean and maintain gutters. Keep decks and balconies clear of leaves and debris.	Keep grass and weeds below 10 centimeters
Plant wildfire resistant vegetation	Add non combustible 3-millimetre screens to external vents
Prune trees to create a two-metre clearance from ground	Move firewood at least 10 metres away from home
Hold sheds and other structures to the same standards as your home	Have a wildfire evacuation plan

Specific Mitigation

Mr. Nixon has communicated that he is taking the following mitigation measures as part of his fire management activities.

Table 2.

Activity	Description
Planning	Resources such as the FireSmart references (as mentioned above) will be reviewed and communicated with on site staff to discuss how planning and mitigation will occur.

¹ <https://www.rdco.com/en/living-here/fire-protection.aspx?mid=39882>

² <https://firesmartcanada.ca/homeowners/>

Vegetation Management	Vegetation is managed in a way to lessen the severity of impact from a potential fire. This is achieved on site by fuel removal or reduction, debris clean up, and segregation of piles. Woody debris piles have been reduced. Grinding of the woody orchard waste is scheduled to take place this year. Green waste and piles are watered regularly.
Preparedness	The site is kept clean with all woody debris in specific piles that are separated from the building structures. The site is segregated with a material receiving area separate from the operations area. Piles are deliberately kept spaced apart for spread prevention.
Fire fighting Equipment	Equipment on site includes a front-end loader, pump and hoses, hand shovels and a pick. A truck with a 2000L tank is accessible to deliver water to potential fires. A fire hose is left on site laid out along the property line to tee off at any location and get to all sites within the property as needed. As well, on site staff are trained in basic fire fighting skills.
Monitoring	Site operations occur 7am to 4 pm most days as well as daily site visits occur when staff are not working. Mr. Nixon frequently checks over all piles looking for hot spots.



Photo 1. Orchard waste has been and will continue to be reduced as part of the site operations.



Photo 2. Remnant wood waste has been and will continue to be reduced as part of the site operations

**Agricultural Advisory Committee
Minutes**

ATTACHMENT		D
This forms part of application # A19-0018		
Planner Initials	BC	 City of Kelowna DEVELOPMENT PLANNING

Date: Thursday, November 12, 2020
Time: 6:00 pm
Location: Council Chamber
City Hall, 1435 Water Street

Members Present: Domenic Rampone, Aura Rose, Yvonne Herbison (Vice Chair)
Members Attending Virtually: John Janmaat (Chair)
Members Absent: Keith Duhaime, Derek Brown (Alternate), Avi Gill, Jeff Ricketts, Jill Worboys, Peter Spencer (Alternate), Derek Brown (Alternate)
Staff Present: Barb Crawford, Planner; Alex Kondor, Planner Specialist; Tyler Caswell, Planner; Wesley Miles, Planner Specialist; Clint McKenzie, Legislative Coordinator (Confidential)

1. Call to Order

The Chair called the meeting to order at 6:00 p.m.

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

2. Minutes

Moved by Domenic Rampone/Seconded by Yvonne Herbison

THAT the Minutes of the August 13, 2020 Agricultural Advisory Committee meeting be adopted.

Carried

3. Applications for Consideration

3.1 Old Vernon Road 982, A19-0018 - Jeetender S. Kandola & Manraj K. Kondola

Staff:

- Displayed a PowerPoint presentation outlining the application.
- Responded to questions from the Committee.
- Reviewed enforcement of a Temporary Use Permit.

Manraj Kondola, Old Vernon Rd, Kelowna, Applicant

- Bought the property in 2005.
 - Provided an overview of the history of the site.
 - Explained that TNT Services are partners with onsite crushing and screening and are showing steady progress reclaiming the land back to farmland.
 - Responded to questions from the Committee.
- The applicant provided an overview of previous ALC applications.

Ryan Nixon, TNT Services

- Reviewed materials being removed from the site.
 - Explained that a crusher, grinder, shredder is being used.
 - Reviewed the 3-6 year plan to remove soil.
 - Reviewed drainage onsite.
- Staff responded to questions from the Committee.

Confirmed annual reports were submitted by the applicant over the three years of the Temporary Use Permit.

Moved by Yvonne Herbison/Seconded By Domenic Rampone

THAT the Committee recommends that Council approves the Non-Farm Use to allow a composting operation and storage for tree service companies for a portion of the subject property.

CARRIED

Anecdotal Comments

- The Committee recommends to Council that consultation with MOE takes place prior so that any issue can be identified for this site.
- The Committee expressed that continual slow progress is being made to reclaim farmland and they are optimistic it will continue. and reasonable alternative for a very complicated situation/property.

4. ALC Decisions - Update

Staff provided an overview of recent decisions in the last few months including applications on Rose Road, East Kelowna Road and Cornish Road.

June Springs Road subdivision application for 2 lots, was given nonsupport by Council and was not forwarded to the ALC.

Staff introduced the new staff liaison for the Committee, Wesley Miles.

5. Next Meeting

The next Committee meeting has been scheduled for December 10, 2020.

6. Termination of Meeting

The Chair declared the meeting terminated at 7:10 p.m.

Chair