

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.

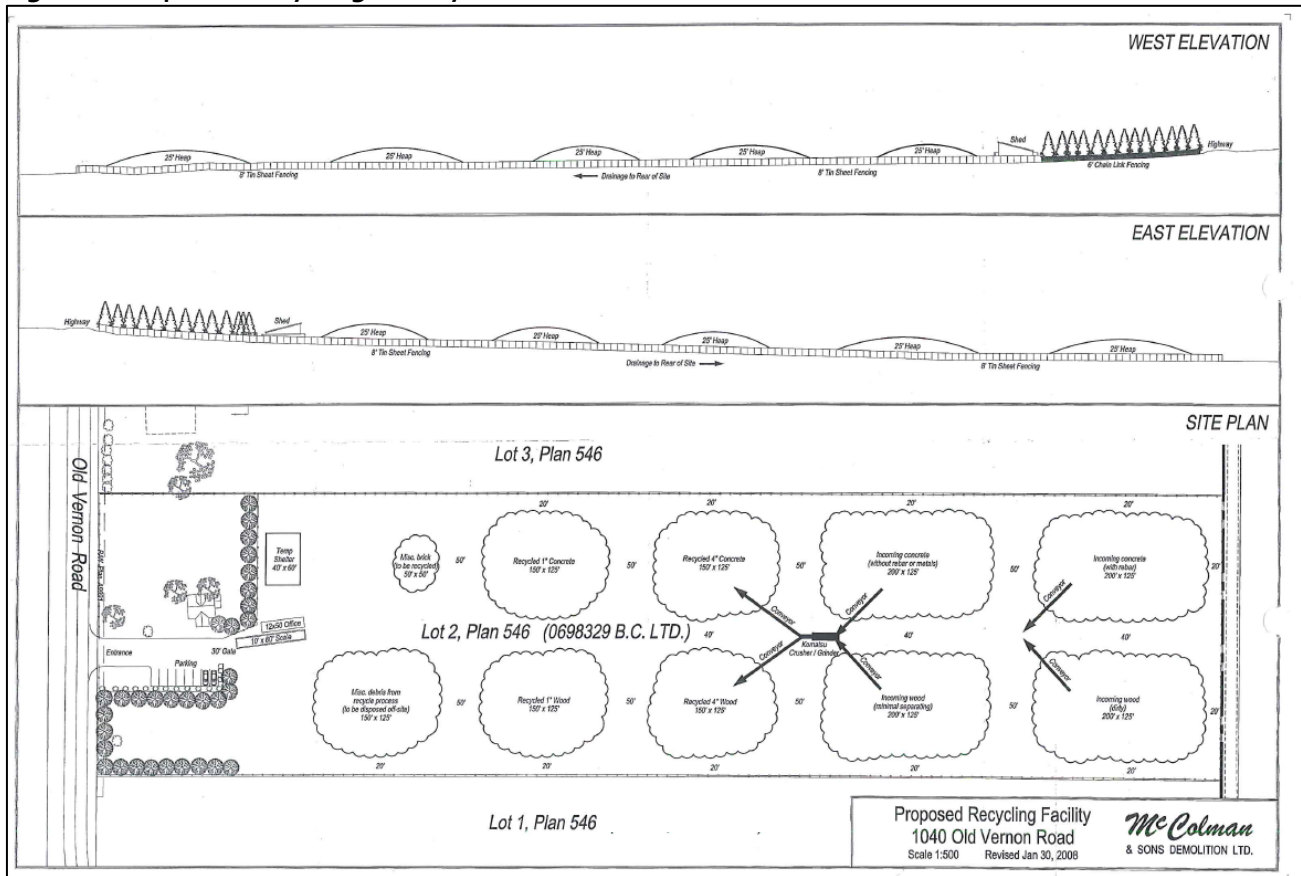
The City of Kelowna Landfill accepts demolition and construction waste at \$65.00 per metric tonne, and stumps at \$65.00 per metric tonne. Logs, limbs and branches are accepted at \$10.00 per metric tonne if they are cut to 1.2 m (4') lengths.

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

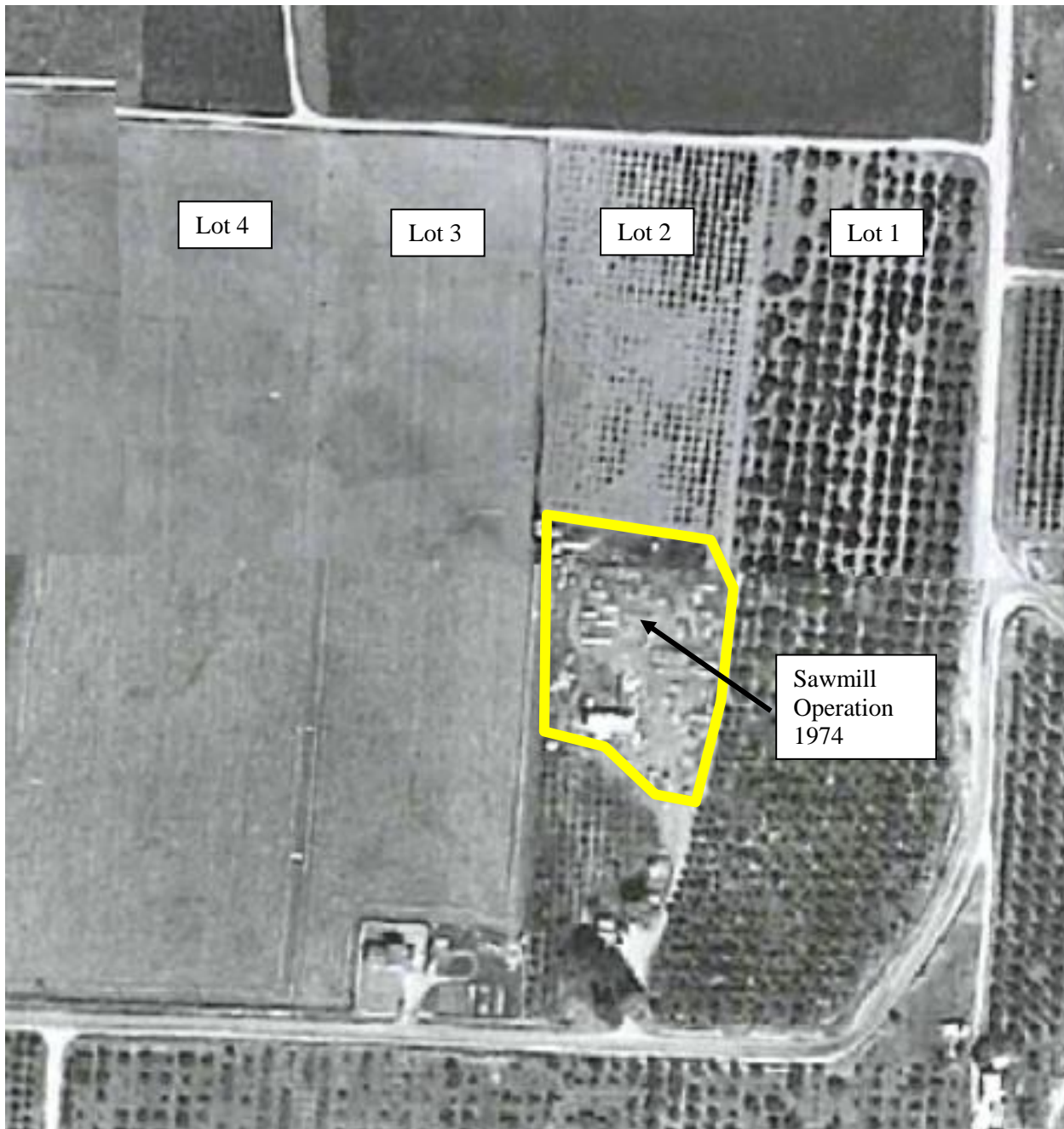
The site has a history of use as a sawmill. In 1972, at the creation of the ALR, and prior to amalgamation of the site into the City of Kelowna, the sawmill footprint was approximately 1.0 ha (2.47 acres).

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

Map 1 – Air Photo 1970

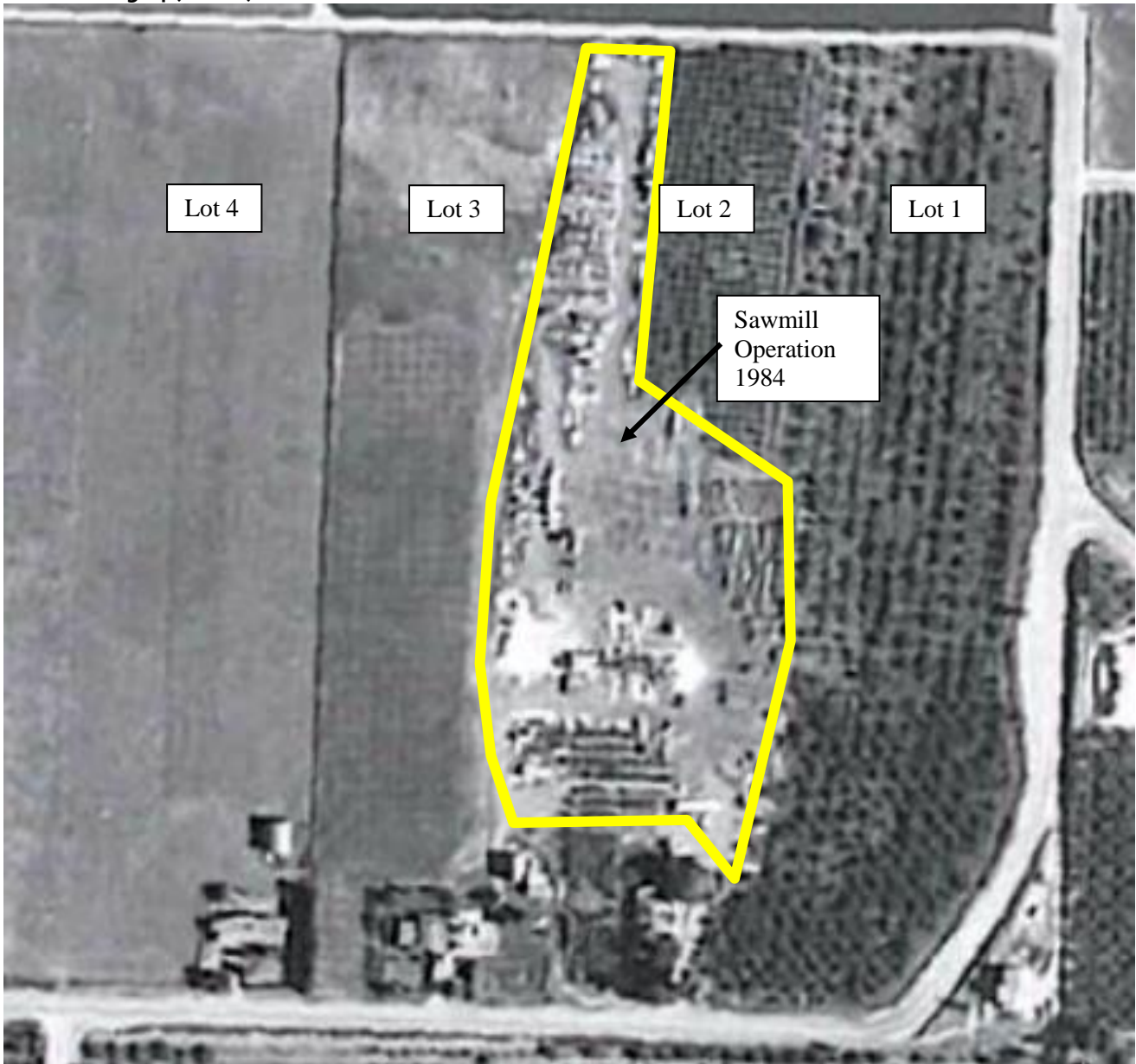


Air Photo 1976 (Russo)



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.

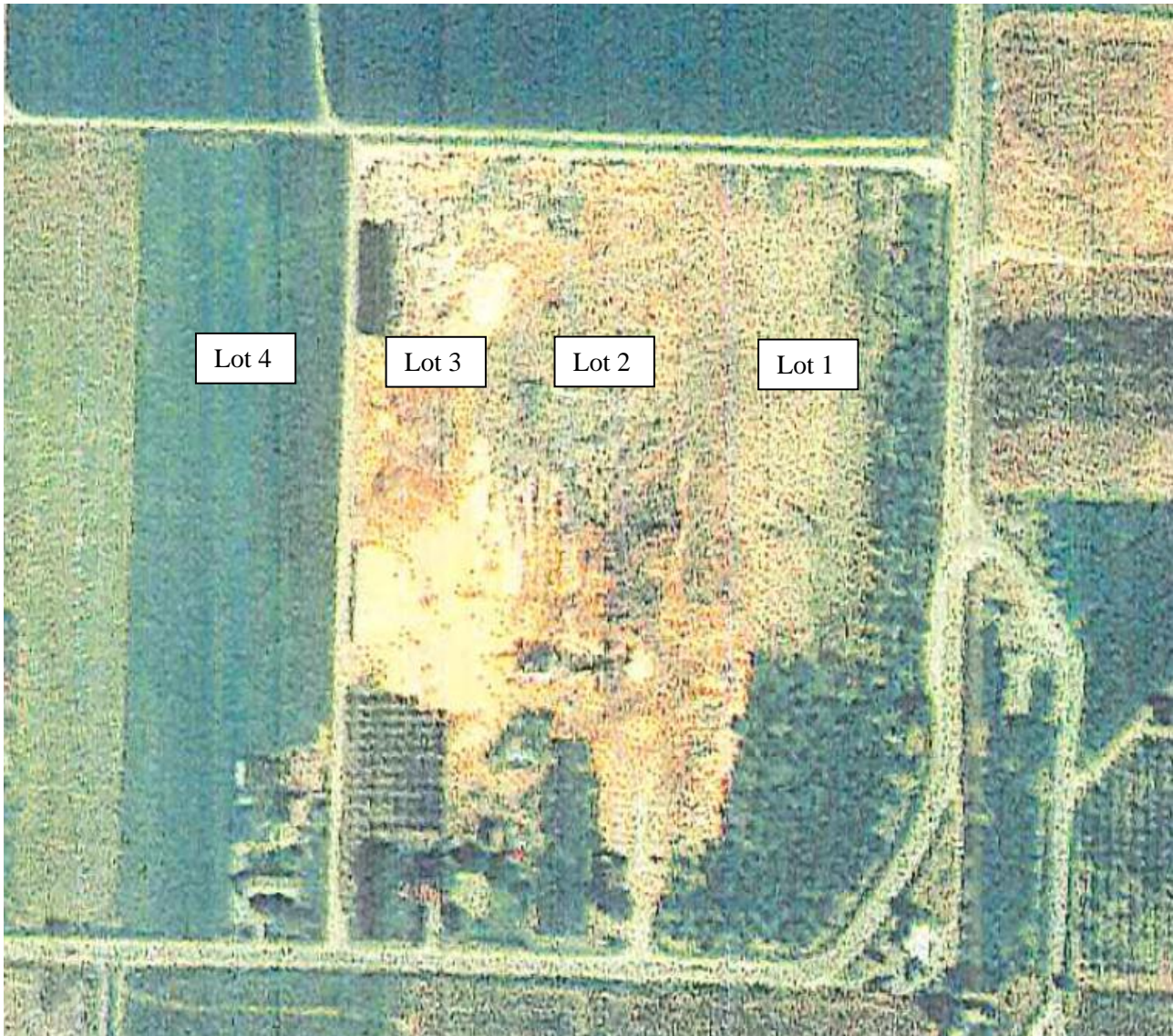
Air Photo 1985 (Russo)



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)

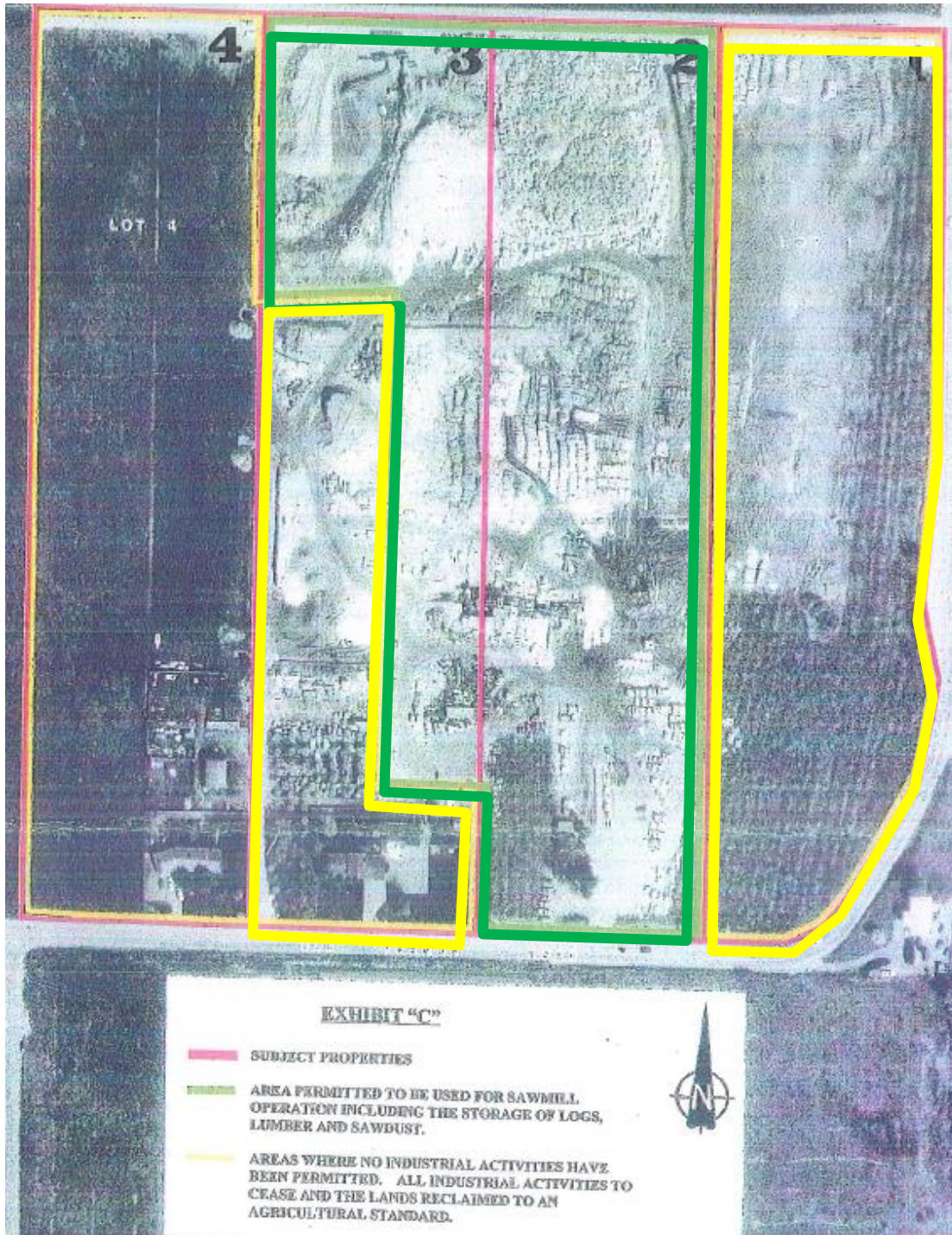


In 1998, due to neighbours complaints, the ALC conducted a site visit that revealed impacts on Lots 1, 2, 3 and 4, including a series of ditches and ponds to capture leachate from the operation. At the time, the ALC provided a letter in response to the expanded activities:

'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.

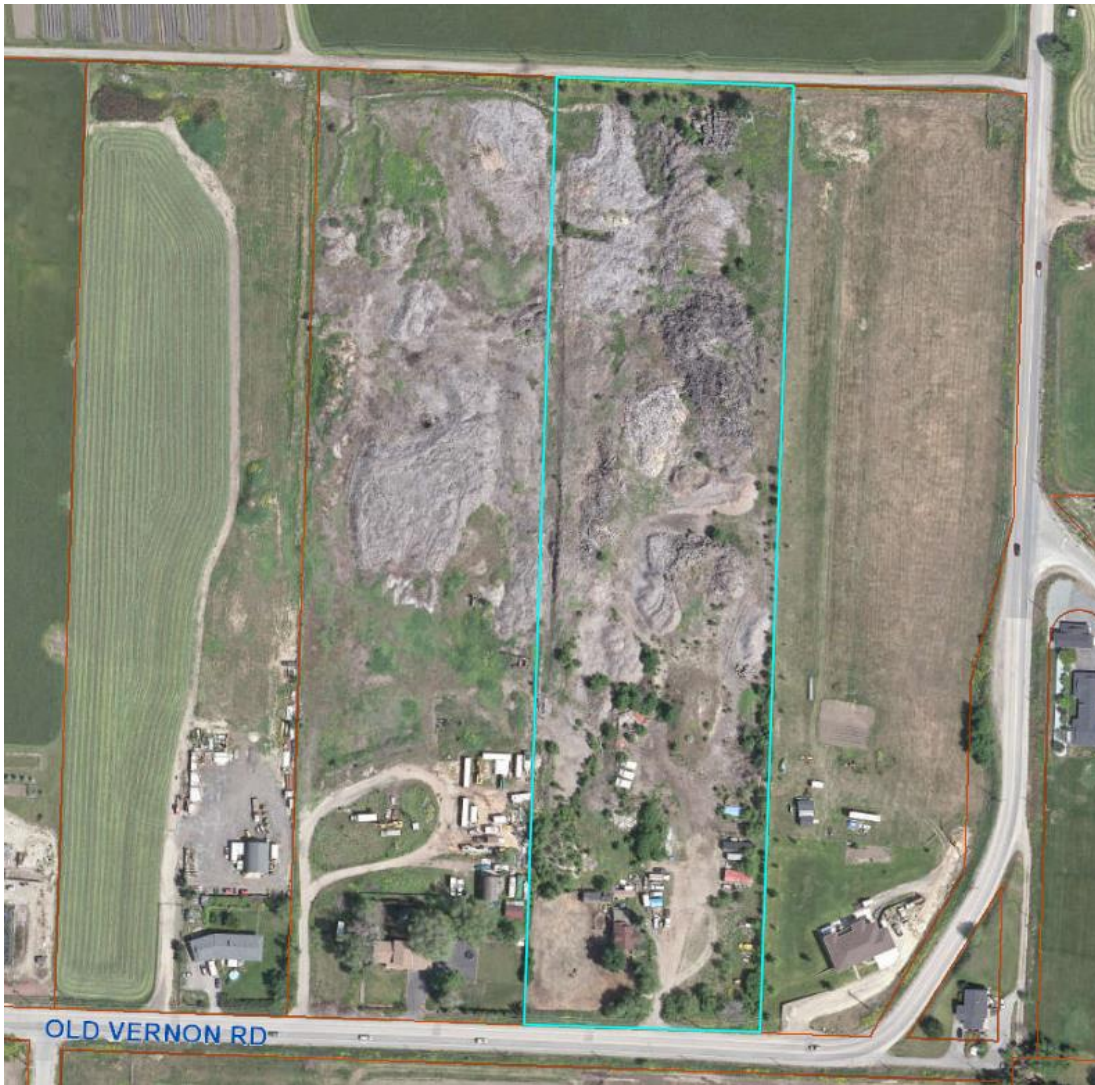
Air Photo 2012



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.

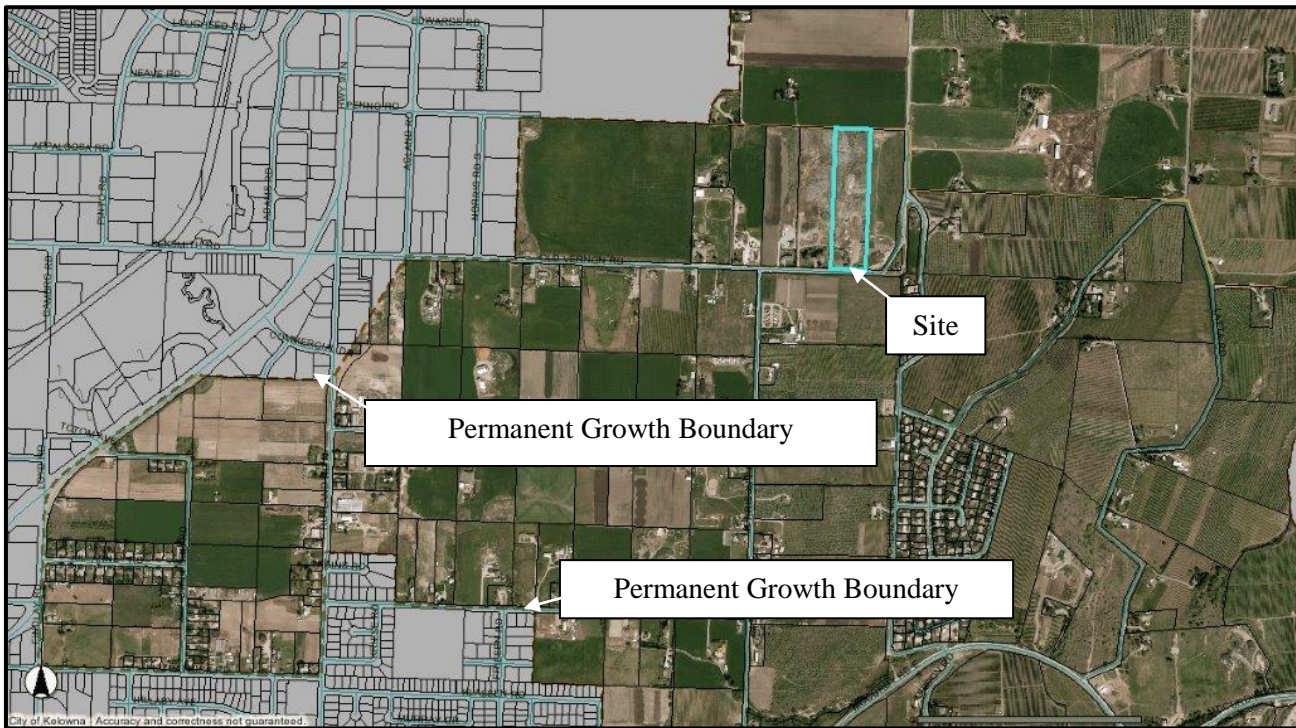
The adjacent land uses are as follows:

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

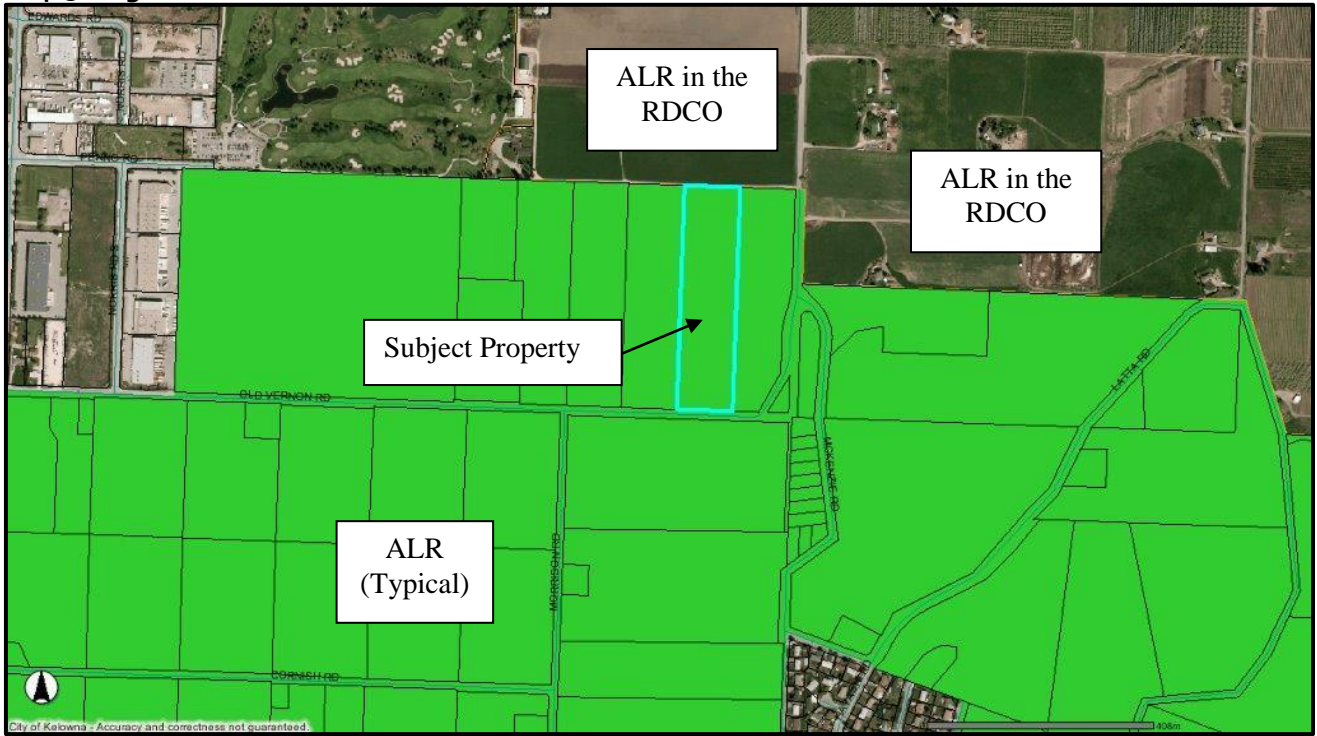
Map 1 – Neighbourhood Context



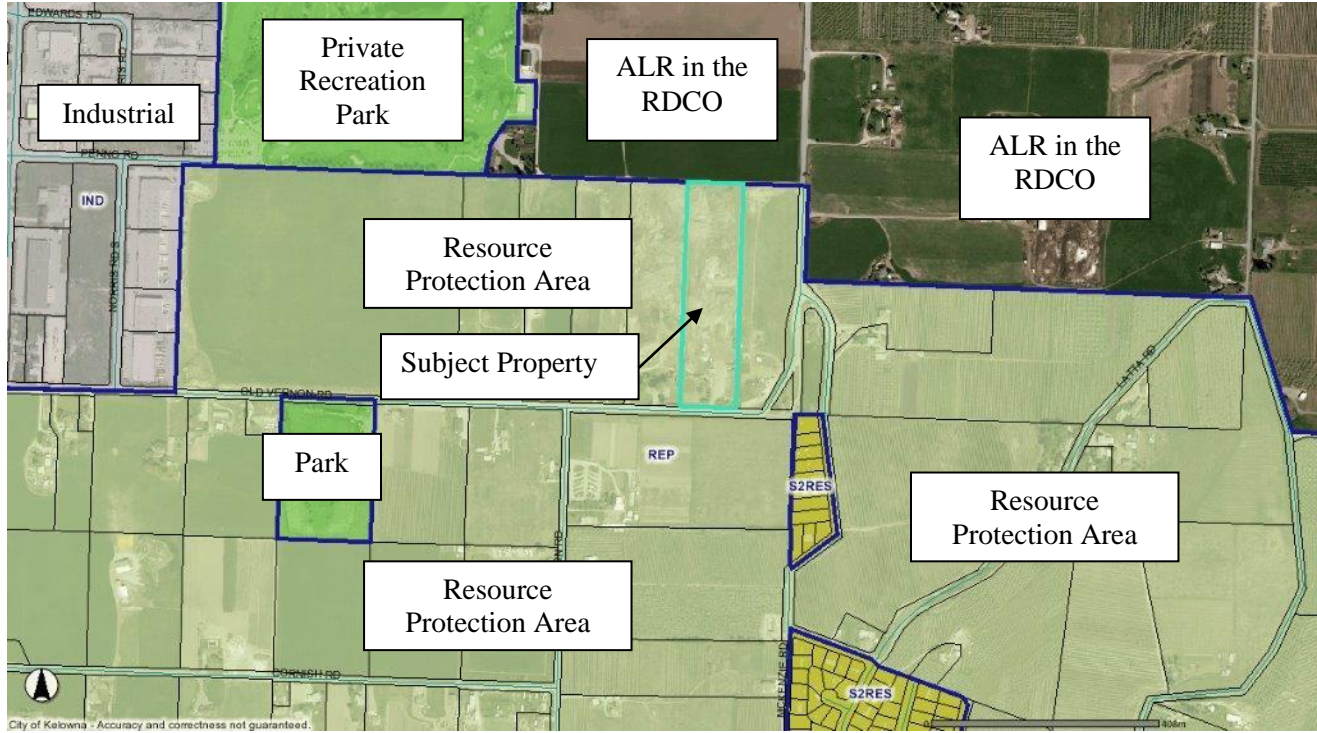
Map 2 – Permanent Growth Boundary



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 Valhalla 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)