



SCHEDULE		A
This forms part of application		
# A19-0003		
Planner Initials	AK	 City of Kelowna DEVELOPMENT PLANNING

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 58553

Application Status: Under LG Review

Applicant: OTG Developments Ltd.

Agent: OTG Developments Ltd.

Local Government: City of Kelowna

Local Government Date of Receipt: 01/27/2019

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

Proposal Type: Non-Farm Use

Proposal: Please accept this letter as it pertains to the Non-Farm Use application to bring the subject property into compliance for a time duration of 5 years. It is understood that this application, if approved, would be for three (3) years, and would need to be renewed for an additional two (2) years.

As noted above, we are proposing to apply for a time specific Non-Farm Use Application in the ALR which would be supplemented by a Temporary Use Permit (TUP). This would bring the property into compliance during the specified time period.

The City of Kelowna OCP allows for a TUP for time periods less than three years. Additionally, the Local Government Act allows for a TUP to be renewed once.

The owner is in the process of selling the business to its employees. It is important to note that the pending sale does not include the sale of the land (3019 Leader Road). As the business transitions to the new ownership, the business will relocate to a more suitable property. This process is expected to take no more than 5 years.

Agent Information

Agent: OTG Developments Ltd.

Mailing Address:

#520-45715 Hocking Ave

Chilliwack, BC

V2P 6H3

Canada

Primary Phone: (604) 217-7953

Email: ryan.anderson@otgdevelopments.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
Parcel Identifier: 024-098-558

Applicant: OTG Developments Ltd.

Legal Description: L A DL 131 & SEC 16 TP 26 OSOYOOS DIVISION YALE DISTRICT PL KAP61419

Parcel Area: 2.3 ha

Civic Address: 3019 Leader Road

Date of Purchase: 01/26/2019

Farm Classification: Yes

Owners

1. **Name:** OTG Developments Ltd.

Address:

#520-45715 Hocking Ave

Chilliwack , BC

V2P 6H3

Canada

Phone: (604) 217-7953

Email: ryan.anderson@otgdevelopments.com

Current Use of Parcels Under Application

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

When the owner purchased the property essentially none of the land was used for agricultural purposes. The previous owners grazed horses followed by many years of no farm use, and then leased the land for fruit tree production and strawberry farming. These ventures were unsuccessful due to a high infestation of wire-worm in the soil.

Immediately after purchasing the property the owner began working the land, installing irrigation, and planting and tilling in cover crops to replenish soil nutrients and structure and to control weeds. Since then, there has been perennial propagation, ornamental shrub and tree growing and a well-known certified organic vegetable operation owned by John Hofer of Wise Earth Farms. Mr. Hofer provides many of the top end restaurants like Raudz Round Table, Mission Hill and Quails Gate Winery to name a few. In addition, they have a Community Supported Agriculture (CSA) program and a regular spot at the local farmers market.

It has taken a considerable amount of work to get the land to the stage it is at now. The philosophy of Wise Earth is not traditional, nor will it ever be. Of the 5.75 acres of land there are approximately 3 acres being used for agricultural purposes (vegetable and ornamental plant nursery), and 2 acres for driveways, the residence and surroundings, the farm accessory building (in which 1/3 is dedicated to vegetable production - cleaning, sorting, and packaging), 500 linear feet of irrigation ditch, a pump house, and a composting area. Approximately two years later, Mr. Hofer began leasing the land.

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

In order to expand onto the remaining 0.75 1.0 acres of land to maximize agricultural use, Mr. Markewich has been researching various options. Using the actual soil on this remaining area is not an option. Thoughts of doing year round production of vegetables and mushrooms in shipping containers is sitting at the top of his list as 100% of Kelowna produce comes from foreign countries during the winter. Also of interest is a small but very focused business to produce the high biological life compost which would be used to increase the fertility of the soil. This, is in sharp contrast to other available composts which are void of and quantity of biological diversity are simply used to amend soil. This is something that is not done anywhere else in the Okanagan and is the key to unlocking a far more safe, sustainable and nutrient rich food source (Mr. Hofer

Applicant: OTG Developments Ltd.

has done extensive research on this subject).

Last, but not least, will be the expansion of the ornamental plant nursery that will focus primarily on deer resistant and native plants.

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

The property is primarily used for agricultural purposes for growing vegetables and ornamental plants and trees. However, the property is also used for storing landscaping materials and for office use. These uses do not interfere with the agricultural production on the property.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: single family dwellings on urban lots

East

Land Use Type: Recreational

Specify Activity: park

South

Land Use Type: Other

Specify Activity: park and agricultural

West

Land Use Type: Residential

Specify Activity: single family dwellings on urban lots

Proposal

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

0.2 ha

2. What is the purpose of the proposal?

Please accept this letter as it pertains to the Non-Farm Use application to bring the subject property into compliance for a time duration of 5 years. It is understood that this application, if approved, would be for three (3) years, and would need to be renewed for an additional two (2) years.

As noted above, we are proposing to apply for a time specific Non-Farm Use Application in the ALR which would be supplemented by a Temporary Use Permit (TUP). This would bring the property into compliance during the specified time period.

The City of Kelowna OCP allows for a TUP for time periods less than three years. Additionally, the Local Government Act allows for a TUP to be renewed once.

The owner is in the process of selling the business to its employees. It is important to note that the pending

Applicant: OTG Developments Ltd.

sale does not include the sale of the land (3019 Leader Road). As the business transitions to the new ownership, the business will relocate to a more suitable property. This process is expected to take no more than 5 years.

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.

Yes, it is theoretically possible to find another parcel of land for the proposed use. However, it is not financially possible for the owner. Further, the relationship between the ornamental plant nursery and the landscaping business cannot be achieved on a parcel not zoned for agricultural use.

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

As noted, the owner has worked hard to improve the agricultural capability of the parcel. Creating a nursery and vegetable farm which produces food and ornamental plants which are used by viable businesses. If allowed to proceed, the property will produce agricultural products for the foreseeable future.

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

Applicant Attachments

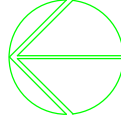
- Agent Agreement - OTG Developments Ltd.
- Proposal Sketch - 58553
- Other correspondence or file information - Application Letter
- Certificate of Title - 024-098-558

ALC Attachments

None.

Decisions

None.





Via Electronic Delivery

File No.: 18-021

October 18, 2018

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Attention: Ryan Smith, BA, RPP, MCIP, Department Manager, Community Planning - City of Kelowna

Re: 3019 Leader Rd – Kelowna BC – Temporary Use Permit and Non-Farm Use Application

Mr. Smith,

Please accept this letter as a supplement to the above noted Temporary Use Permit Application (TUP) and Non-Farm Use to bring the subject property into compliance for a time duration of 5 years. It is understood that this application, if approved, would be for three (3) years, and would need to be renewed for an additional two (2) years.

Temporary Use Permit

As noted above, we are proposing to apply for a time specific Non-Farm Use Application in the ALR which would be supplemented by a Temporary Use Permit (TUP). This would bring the property into compliance during the specified time period.

The City of Kelowna OCP allows for a TUP for time periods less than three years. Additionally, the *Local Government Act* allows for a TUP to be renewed once.

Timeframe

As discussed at the meeting on March 16, 2018, the owner is in the process of selling the business to its employees. It is important to note that the pending sale does not include the sale of the land (3019 Leader Road). As the business transitions to the new ownership, the business will relocate to a more suitable property. This process is expected to take no more than 5 years.



Non-Farm Use

The owner will start limiting the non-farm uses to the permitted footprint. ALC Policy L-07 – Activities Designated as a permitted Non-Farm use: Home Occupation Use in the ALR allows for a non-farm use on a legal parcel in the ALR, to be a maximum area of 100 m² (1,076 square feet).

During the transition stage of Creative Roots will ensure that storage of any landscaping equipment and material is stored within the designated 100m² on the subject property. There is a lean-to on the subject property that is about 90m² that can house this equipment temporally.

Site Description

The subject property is 5.78 acres and is zoned Agricultural 1(A1). There is a Single-family home, lean-to, four greenhouses, and a farm accessory building located on the subject property. The greenhouses are used by Wise Earth Farms who lease approximately 3 acres to grow produce.

Picco Pond is in the North East of the subject property and to the East is Mission Creek. There is a no disturbance covenant on title of the subject property to protect the natural environment of Picco Pond.

Background Information

Historical Increase to Agricultural Activity

When the owner purchased the property essentially none of the land was used for agricultural purposes. The previous owners grazed horses followed by many years of no farm use, and then leased the land for fruit tree production and strawberry farming. These ventures were unsuccessful due to a high infestation of wire-worm in the soil.

Immediately after purchasing the property the owner began working the land, installing irrigation, and planting and tilling in cover crops to replenish soil nutrients and structure and to control weeds. Since then, there has been perennial propagation, ornamental shrub and tree growing and a well-known certified organic vegetable operation owned by John Hofer of Wise Earth Farms. Mr. Hofer provides many of the top end restaurants like Raudz Round Table, Mission Hill and Quails' Gate Winery to name a few. In addition, they have a Community Supported Agriculture (CSA) program and a regular spot at the local farmers market.

It has taken a considerable amount of work to get the land to the stage it is at now. The philosophy of Wise Earth is not traditional, nor will it ever be. Of the 5.75 acres of land there are approximately 3 acres being used for agricultural purposes (vegetable and ornamental plant nursery), and 2 acres for driveways, the residence and surroundings, the farm accessory building (in which 1/3 is dedicated to vegetable production - cleaning, sorting, and packaging), 500 linear feet of irrigation ditch, a pump house, and a composting area. Approximately two years later, Mr. Hofer began leasing the land.

Proposed Increase to Agricultural Activity

In order to expand onto the remaining 0.75 – 1.0 acres of land to maximize agricultural use, Mr. Markewich has been researching various options. Using the actual soil on this remaining area is

not an option. Thoughts of doing year round production of vegetables and mushrooms in shipping containers is sitting at the top of his list as 100% of Kelowna produce comes from foreign countries during the winter. Also of interest is a small but very focused business to produce the high biological life compost which would be used to increase the fertility of the soil. This, is in sharp contrast to other available composts which are void of and quantity of biological diversity are simply used to amend soil. This is something that is not done anywhere else in the Okanagan and is the key to unlocking a far more safe, sustainable and nutrient rich food source (Mr. Hofer has done extensive research on this subject).

Last, but not least, will be the expansion of the ornamental plant nursery that will focus primarily on deer resistant and native plants.

The "Trickle Effect" of Immediate Compliance

Creative Roots and their owners have a great respect for the opinions of others. The City of Kelowna is certainly no exception. The owner was born, raised, and still lives with his family on the property directly to the North. His father built the house located on the farm for the original owner in 1970 and he, knowing that this will be a farm land for generations to come, invested a lot of time and capital into turning it into a place he and the community are proud of.

It has taken years to get to this point of agricultural use and it would not have been possible without the support from the landscape business. It will take another 5 years to ensure the new and expanded ventures will be successful in a sustainable way. If there is a reputation attached to either Wise Earth or Creative Roots it is one of accuracy, high quality, community and the betterment of all persons associated with every dealing.

If the land is not able to continue as is for the years it will take to properly expand agricultural use there is a very real threat of not expanding and losing what has been created here. It is imperative that the properties operations contribute and cover the cost of operation. Expansion will take further capital and more time. If the owner is not given adequate time to see these goals to their end, the reality is that he will most likely be forced to sell the land and give no guarantee to Wise Earth nor Creative Roots.

Land for commercial use to rent or purchase has become unattainable in Kelowna. There is little hope the farmer could purchase the property and would be put out of business. The good people of Creative Roots would also have a massive cultural shift. A comparative space to operate this small business will cost in the neighbourhood of 2-3 times what it cost where it is. It will add to more traffic congestion in areas where the zoning is.

For 10 years Creative Roots has taken the position that to create a truly amazing culture within its organization it would have to grow internally, create a business of business minded people by including all involved in the all aspects of running the business. They have purposely and strategically built a culture of high involvement and transparency based on the operating principle of Open Book Management. This style has all staff involved in planning; budgeting, creating, meeting and sharing in the outcome win or lose with a proven profit share program that is discussed and updated on a weekly basis. Every Thursday at 4:30 for the past 8 years the team at Creative Roots meets for 1 hour to discuss the company's health, do financial literacy training and discuss actions that will keep them on target with all aspects of their annual plan to be profitable and build strong relationships with each other, their clients, sub-contractors, suppliers,

community, etc... During this time every staff member has chosen to donate the 1-hour meeting time to the company and in turn the company then donates to those who are less fortunate in our community. Through cash and the value time donated during yearly in-kind events they have given back in excess of \$125,000 to charities like the KGH Foundation, HOPE Outreach, Okanagan Boys and Girls Club, BC Easter Seals, Arion Farms and about 40 others. Recently they have created an amazing give back initiative called Yard Angels. The effort that this company goes to be an active part of bettering others is truly outstanding. I encourage you to have a look for yourself at what they are doing.

<http://www.creativerootslandscaping.com/giveback>

Creative Roots is able to make such efforts for many reasons, which will not be possible if the business is forced to move, or shut down, in the short term. These reasons include:

- 1) Creative Roots keeps overhead expenses in check and in turn spend money where it is better used - to build the strongest relationships possible within their team and every person they come into contact with. Increasing overhead during this stage of business and their long-term planning will have a trickle effect that will affect many negatively; and
- 2) Spending many years of profit to purchase or lease a comparative property will only benefit the owner of such land and in turn result in decreased profit share compensation for the staff, reduced ability to remain as generous with local charities and the needed capital to invest into the expansion of agriculture.

Application Package

Please find the following documents submitted with this letter:

- Temporary Use Permit Application
- Title and Two Covenants
- Letter of authorization
- Application fee
- Site Profile
- Site Concept Plan
- Photos and Site Maps (4)

Thank you for your time and consideration. If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Ryan Anderson, Project Manager
OTG Development Concepts

Phone: 604-217-7953

Email: ryan.anderson@otgdevelopments.com