

# Agricultural Advisory Committee

## AGENDA



Thursday, December 12, 2019  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

### 1. Call to Order

THE CHAIR WILL CALL THE MEETING TO ORDER:

- (a) The purpose of this Meeting is to consider certain Development Applications as noted on this meeting Agenda.
- (b) The Reports to Committee concerning the subject development applications are available on the City's website at [www.kelowna.ca](http://www.kelowna.ca).
- (c) All representations to the Agricultural Advisory Committee form part of the public record.
- (d) As an Advisory Committee of Council, the Agricultural Advisory Committee will make a recommendation of support or non-support for each application as part of the public process. City Council will consider the application at a future date and, depending on the nature of the file, will make a decision or a recommendation to the Agricultural Land Commission.

### 2. Minutes

3 - 6

Approve Minutes of the Meeting of November 14, 2019.

### 3. Applications for Consideration

#### 3.1 Morrison Rd 1425, A19-0012 & FH19-0003, Application for a Non-Adhering Residential Use Permit for Temporary Farm Worker Housing - Surinder K. Boparai & Avtar S. Boparai

7 - 25

To consider a non-adhering residential use permit application to allow temporary farm worker housing to accommodate up to 14 workers on the subject property.

**3.2 Dunster Rd 3183, A19-0013, Application to the ALC for Non-Adhering Residential Use Permit - Gian & Kuldip Jaswal**

26 - 37

To consider an application to the Agricultural Land Commission to allow for a 650 square metre single detached house and to allow for the delayed demolition of an existing single detached house to allow for the existing single detached house to be occupied during the construction of the proposed 650 square metre single detached house.

**3.3 Gallager Road 2975, A19-0017 - David Geen**

38 - 54

To consider a Zoning Bylaw Text Amendment application, Non-Adhering Residential Use application to the Agricultural Land Commission, and a Farm Help Development Permit application that would facilitate temporary farm worker housing for up to 70 additional temporary farm workers on the subject property, which would result in a total of up to 130 temporary farm workers for a single farm unit located within the same City Sector.

**4. ALC Decisions - Update**

**5. New Business**

**6. Next Meeting**

January 9, 2019

**7. Termination of Meeting**



## Agricultural Advisory Committee Minutes

Date: Thursday, November 14, 2019  
 Time: 6:00 pm  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Committee Members Present: Derek Brown (Alternate), Keith Duhaime, Avi Gill, Yvonne Herbison (Vice Chair), John Janmatt (Chair), Domenic Rampone, Jeff Ricketts, Aura Rose, Pete Spencer (Alternate) and Jill Worboys

Committee Members Absent: none

Staff Present: Planner Specialist, Alex Kondor; Utility Services Manager, Kevin Van Vliet\*; Water Operations Manager, Andy Weremy\*; Sustainability Coordinator, Tracy Guidi; Legislative Coordinator (Confidential), Clint McKenzie

\* denotes partial attendance

### 1. Call to Order

The Chair called the meeting to order at 6:01 p.m.

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

### 2. Minutes

Moved By Yvonne Herbison/Seconded By Keith Duhaime

THAT the Minutes of the October 10, 2019 Agricultural Advisory Committee meeting be adopted.

**Carried**

### 3. Reports

#### 3.1 Agricultural Water Rate Structure - Consultation Update

Staff:

- Presented a PowerPoint presentation summarizing the proposed agricultural water rate structure.
- Reviewed the results of the online survey.
- Reviewed the criteria to qualify for lower rates.
- Reviewed the development of the Water Supply Policy and its adoption by Council October 28, 2019.
- Confirmed that farm status properties will be provided the agricultural water rate.
- Provided an overview of the blended rate structure.
- Confirmed rates are based on customer class and not land grades.
- Reviewed next steps including the development of a water allotment structure.
- Discussed further review of incentives for unused farm allotment portions.- The 2019 SEKID rates and rate structure will be retained through 2020.

- The Water Rate Regulation bylaw will be amended to put City of Kelowna Agricultural customers, SOMID and former SEKID customers on the same water rates and rate structure.
- Reviewed upcoming public open houses on the proposed rate structure: Nov 26<sup>th</sup> & 28<sup>th</sup>.

Discussion ensued regarding the Benvoulin/South Kelowna water user group.

Staff:

- Responded to questions from the Committee.
- Provided the allotments given in other irrigation districts.
- Confirmed the City allotments are based on the size of the property and not the crop type.
- Advised water security is not guaranteed. A drought situation would require notices with reduced allotments. Prioritization of water use by crop type is not currently in place and would need to be discussed.
- Advised that radio-read water meters will be implemented and will allow for better detection of leaks.

Moved By Domenic Rampone/Seconded By Jeff Rickets

THAT the Agricultural Advisory Committee recommends that Council support the City of Kelowna's proposed agricultural rate design that includes the use of a fixed fee allotment and three increasing tiers for customers that exceed their base farm allotment, in order to update the City's Water Regulation Bylaw as presented to the Committee dated November 14, 2019.

Carried

ANEDOTAL COMMENTS:

- The Committee appreciates the work that the City has completed on the agricultural water rate structure.
- Points to exemplify include the maintenance of reasonable rates and water security.

The meeting recessed at 6:55 pm.

The meeting reconvened at 7:01 pm.

### **3.2 Agriculture Plan Progress Report**

Staff:

- Presented a PowerPoint presentation providing the Committee an update on the progress of actions within the Agricultural Plan.
- Provided examples of the actions that are in progress.
- Reviewed how indicators are evaluated.
- Compliance and enforcement files: 21 files closed for contravention to the ALC Act the last two years.
- Reviewed properties with farm status within the City boundaries since 2017. The number of farms are down 3.9% and hectares in production are down 7.2%.
- Reviewed next steps.
- Responded to questions from the Committee.
- Provided background on the Kelowna initiatives of the collaborative farming network, the Young Agrarians.
- Reviewed the policy for Temporary Farm Worker Status.
- The addition of an ALC enforcement officer being established the last two years in the Okanagan is having a positive impact on compliance and enforcement.

Moved By Yvonne Herbison/Seconded By Keith Duhaime

THAT the Agricultural Advisory Committee receives for information, the report from the Policy and Planning Department, dated November 14, 2019, with respect to progress on implementing the recommended actions in the Agriculture Plan.

Carried

ANEDOTAL COMMENTS

- The Committee expressed appreciation for the thoroughness and the continued evaluation and follow through of the action items in the Agriculture Plan.

- The Committee strongly encourages Council to find additional resources to support the plan.

**3.3 Official Community Plan Update - Agriculture Policy**

## Staff:

- Displayed a PowerPoint presentation providing an overview of the draft future land use map and agricultural policy that is being considered for the Official Community Plan update.
- Reviewed the key focus areas in the OCP 2040 update:
  - Complete the final suburban neighbourhoods
  - Promote more housing diversity in the core area
  - Connect our urban centres with transit oriented urban cores
  - Prioritize parks and public spaces in the core areas
  - Prepare a resilient community that is adaptable to change
- Reviewed city-wide future land use designations and the draft future land use map.
- Highlighted some of the land use changes that will impact agriculture (including land adjacent and south of the airport and land adjacent to the wastewater treatment facility).
- Advised that the engagement information for the Transportation Master Plan will be circulated to the Committee.
- Responded to questions from the Committee.

Moved By Keith Duhaime /Seconded By Domenic Rampone

THAT the Agricultural Advisory Committee recommends that Council support the draft 2040 Future Land Use map with the changes noted in the Report from the Policy and Planning Department dated November 14, 2019.

Carried  
Jeff Ricketts - Opposed

ANEDOTAL COMMENTS:

- The Agricultural Advisory Committee encourages the City to actively pursue the maximization of agricultural land.
- The Committee requests clarification of what types of lands are classified as Private Recreation on the draft 2040 Future Land Use Map.

## Staff:

- Presented OCP Agriculture Policy and its impact on the Rural and Gateway Districts.
- Reviewed specific policies including encouraging local food production, protecting and enhancing local agriculture, preserving productive agricultural land, maintain biodiversity and connectivity in agricultural environments, infrastructure and agriculture.

Moved By Yvonne Herbison/Seconded By Aura Rose

THAT the Agricultural Advisory Committee recommends to Council the continued use of the existing Agricultural Land Policy in the OCP 2040 update.

Carried

ANEDOTAL COMMENTS:

- The Agricultural Advisory Committee highlights the need to consider that in some parts of the City the benefits to expanding sewer utility to agriculture land outweighs the speculation that nonagricultural development will occur as a result of upgrading services.
- The Committee encourages staff to review sewer upgrade projects in Kelowna to confirm if sewer expansions have been detrimental to agriculture lands.

**Staff:**

Presented a PowerPoint presentation showing "land adjacent to" agriculture policies including:

- Focus development to designated areas
- Protect and enhance local agriculture
- Reviewed urban side policies to consider in order to protect agricultural lands.

Discussion ensued regarding updates to the provincial Guide to Edge Planning. Revisions to the farm development permit guidelines will be presented to the Committee at a future meeting.

Discussion ensued regarding how to encourage agricultural awareness.

- Reviewed next steps for the OCP 2040 revision. Completion is anticipated in Spring 2021.

**Moved By Domenic Rampone/Seconded By Aura Rose**

THAT the Agricultural Advisory Committee recommends to Council the continued use of land adjacent to agriculture (urban side) policies be considered in the OCP 2040 update;

AND THAT the policies be expanded to include:

- Encourage farm compatible urban development
- Design subdivisions to limit encroachment into agricultural areas
- Ensure stable urban agricultural boundary to limit speculation
- Enhance agricultural awareness
- Direct urban traffic away from agriculture
- Ensure continuous buffer along urban agricultural boundary
- Ensure Urban development doesn't impact hydrogeological system on adjacent farms

**Carried**

**4. ALC Decisions - Update**

There were no updates.

**5. New Business**

There was no new business.

**6. Termination of Meeting**

The Chair declared the meeting terminated at 8:34 pm.

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Chair

# COMMITTEE REPORT



**Date:** December 12, 2019

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Development Planning Department (BBC)

**Application:** A19-0012 and FH19-0003      **Owner:** Surinder K. Boparai and Avtar S. Boparai

**Address:** 1425 Morrison Road      **Applicant:** Surinder K. Boparai

**Subject:** Application for a Non-Adhering Residential Use Permit for Temporary Farm Worker Housing

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## 1.0 Purpose

To consider a non-adhering residential use permit application to allow temporary farm worker housing to accommodate up to 14 workers on the property located at 1425 Morrison Road.

## 2.0 Proposal

### 2.1 Background

The subject property is an active apple and cherry orchard, is approximately 22.49 acre (9.10 ha) in size and is located on Morrison Road, within the Rutland City Sector. The parcel is accessible from Morrison Road to the west and McKenzie Road to the east. The subject property is bordered by Bauer Brook to the south which defines the southern property boundary.

The property is owned and farmed by the applicant and applicant's family. In addition to the subject property, the applicant owns and operates three additional agricultural properties within the Rutland Sector, totaling 90 acres. There are currently 12 farm workers housed at the applicant's 2105 Morrison Road property and three workers are at 1995 Swenson Road property. In 2018 the applicant brought in seasonal staff under the Seasonal Agricultural Workers Program (SAWP) from Mexico.

There are three legal non-conforming accessory structures currently located within the 15 metre high water mark of the riparian area along the southern property boundary. In 2017 a principle dwelling that was located at the south-central portion of the property was destroyed by fire. In 2018, the applicant submitted a development permit application to reconst a single detached dwelling (DP18-0223) and install a new septic area within the footprint area of the previously destroyed dwelling. A building permit was issued in May 2019.

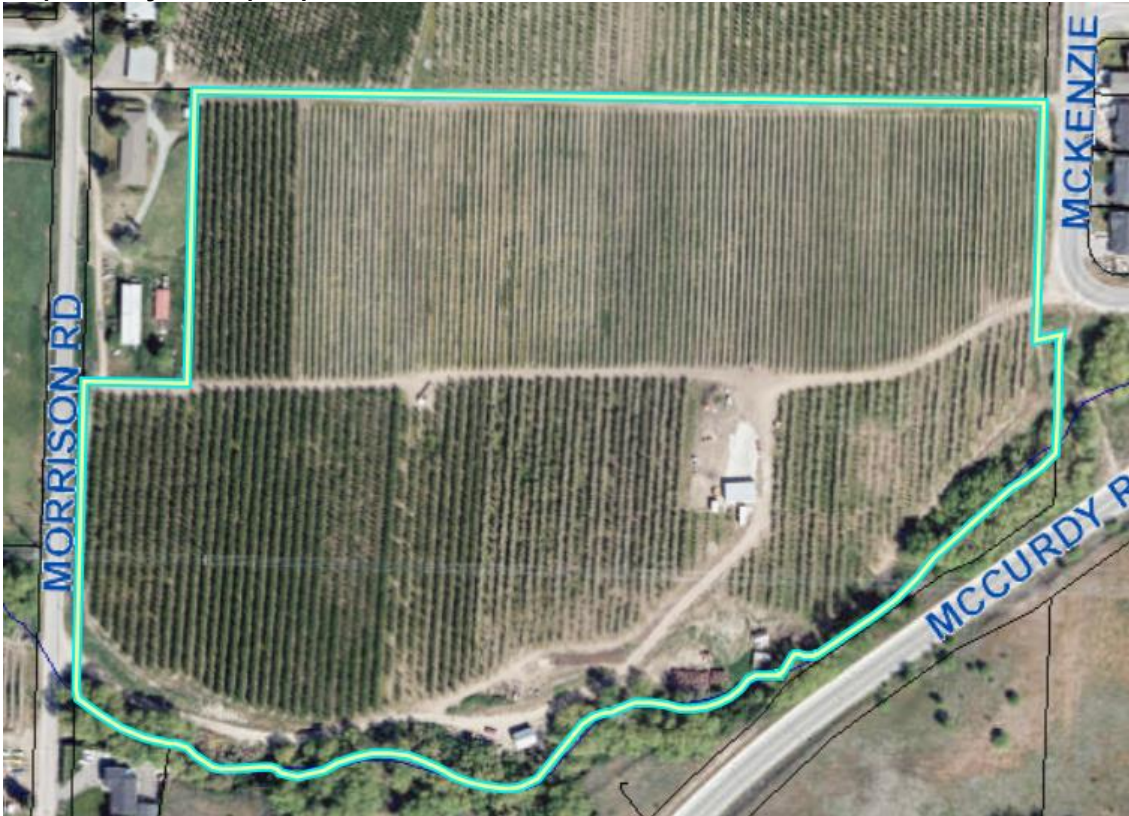
During a site visit on May 14, 2019, a 24ft x 40 ft (7.4 m x 12.2 m) non-permitted "ATCO" trailer and a smaller office trailer were identified on the property. The trailers were located at a pre-cleared area near

the center of the property and the larger trailer appeared to be under construction with bathroom fixtures and a kitchen area being installed. A stop work order was placed on the property and a meeting was held with the property owner. The owner submitted Non-Adhering Residential Use Permit and a Farm Worker Housing Permit applications in order to bring the property into conformance.

## 2.2 Site Context

The subject property is located on Morrison Road in Rutland, approximately 200 metres north of the intersection of McCurdy Road East and Morrison Road. The parcel is accessible from Morrison Road to the west and McKenzie Road to the east. The roughly rectangular shaped lot has a riparian area (Bauer Brook) along the full extent of its southern property boundary. The property is zoned A<sub>1</sub> – Agriculture 1 and is designated Resource Protection Area (REP) in the City's Official Community Plan (OCP). The property is located with the Agricultural Land Reserve (ALR).

**Map1 – Subject Property: 1425 Morrison Rd**

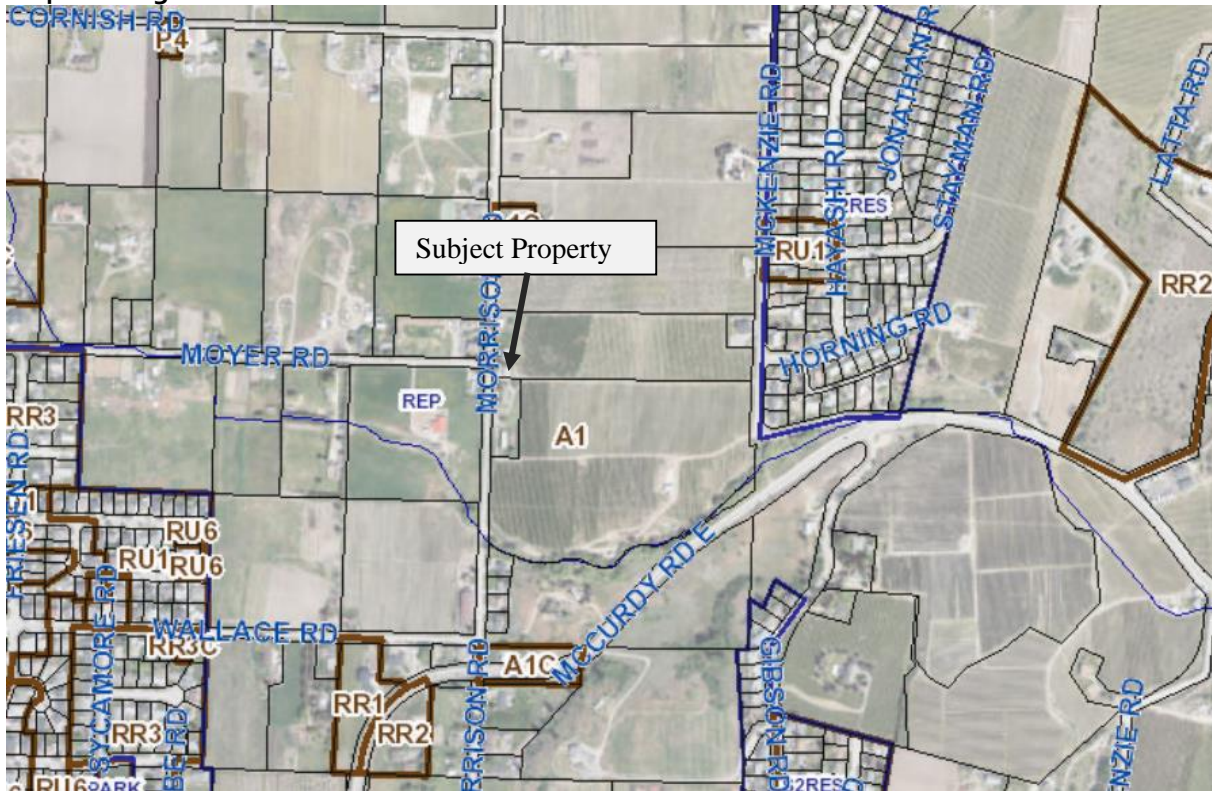




### 2.3 Neighbourhood Context

The area is predominantly surrounded by Agriculture lands, and with the exception of a rural residential neighbourhood located to the northwest, the surrounding lands are in the ALR. The subject property is bordered by Bauer Brook to the south.

**Map 2 – Neighbourhood Context**



### 2.4 Project Description

The proposal is to place mobile trailers on non-permanent foundations on the subject property to house up to 14 temporary farm workers.

The following approvals are required for this proposal:

1. Non-Adhering Residential Use Permit (A19-0012) – Owners of land within the Agricultural Land Reserve (ALR) are required to obtain approval from the Agricultural Land Commission (ALC) for dwellings for Temporary Farm Help.
2. Farm Worker Housing Permit (FH19-0003) – A Temporary Farm Worker Housing (TFWH) permit must be approved by Council confirming the proposal meets the City of Kelowna regulations related to temporary farm worker housing.

The proposed mobile configuration consist of two seven-person sleeper units and a single trailer used as a common area including kitchen, washrooms and laundry facility. The proposed housing location is on a topographically high-point of the property and at a pre-cleared area near the center of the property used to store and stage farming equipment and fruit storage crates. The proposed location is meant to minimize

impact to the existing and active cherry and apple orchard. A new septic field is proposed for the TFWH. A site plan is attached showing the layout of the proposed housing. The housing is required to provide accommodation for farm help working at the subject property, however there may be some overlap with the other orchards owned by the applicant.

The applicant has provided Development Planning Staff with copies of previous year's federal farm worker application and contract for one of the other agriculture properties owned by the applicant. The applicant is proposing to apply to the Government of Canada to bring in the proposed 14 temporary farm workers under the SAWP from Mexico. In addition to the existing 15 farm workers currently located at two other properties owned by the applicant, the addition of 14 temporary farm workers at the subject property would result in a total of 29 farm workers located at the Rutland City Sector. It is anticipated that the proposed TFWH would be occupied between March and October annually.

In accordance with the City of Kelowna Farm Protection Development Permit Guidelines, the application includes a landscape plan, which provides a buffer between the TFWH and the active agriculture land surrounding the housing. The landscape buffer would surround the trailers on the north, south and west sides, as shown on Attachment A. The landscape plan includes a 3.0 metre wide vegetative buffer with a variety of native tree and shrub species along the western side of the TFWH. However, due to farm vehicular activities and emergency exit doors that are located at the northern and southern ends of the trailers, a 2.5m vegetative buffer is planned for the northern and southern sides of the TFWH, and no buffer will be planted along the east side.

## 2.5 Community Planning

The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw. The proposal is also consistent with Ministry of Agriculture standards for temporary farm worker accommodation.

The City of Kelowna OCP policy on Farm Help Housing states accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel;
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary; and,
- TFWH (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

The Farm Protection Development Permit Guidelines state to design TFWH such that:

- TFWH should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.
- TFWH footprint should be contiguous with the residential footprint (i.e. homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.

- TFWH should have a minimum 3.0 metre wide vegetated buffer for screening to adjacent property lines and between the TFWH and active farming areas.

The City of Kelowna Agriculture Plan recommends to:

- Allow TFWH, as permitted by City of Kelowna Bylaw. TFWH, as permitted by the City of Kelowna, should be allowed. The TFWH footprint means the portion of a lot that includes all structures, driveways and parking areas associated with the temporary farm worker housing, including but not limited to structures.

In keeping with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas and the City's policy for Temporary Farm Worker Housing, Community Planning Staff recommend the registration of Section 219 Restrictive Covenants which state:

- The TFWH shall be used for temporary farm workers only;
- The owner will remove the TFWH if the farm operation changes such that it is no longer required;
- The dwellings will only be used for farm workers for a maximum of eight (8) months of the year;
- The maximum number of accommodation permitted on this farm unit within this City sector is 60 workers; and,
- The TFWH building footprint is a maximum of 0.3ha.

The proposed housing meets the needs of the farming operation and is located in an area of the property that minimizes the residential impact to agriculture.

**Report prepared by:** Barbara Crawford, Planner II

**Reviewed /Approved for Inclusion:** Alex Kondor, Acting Approving Officer/Agricultural Planning Manager

**Attachments:**

Attachment A – Site Plan and Landscape Plan

Attachment B – Letter from the Ministry of Agriculture

Attachment C – ALC Non-Adhering Residential Use Application

Attachment D – Development Engineering Memorandum

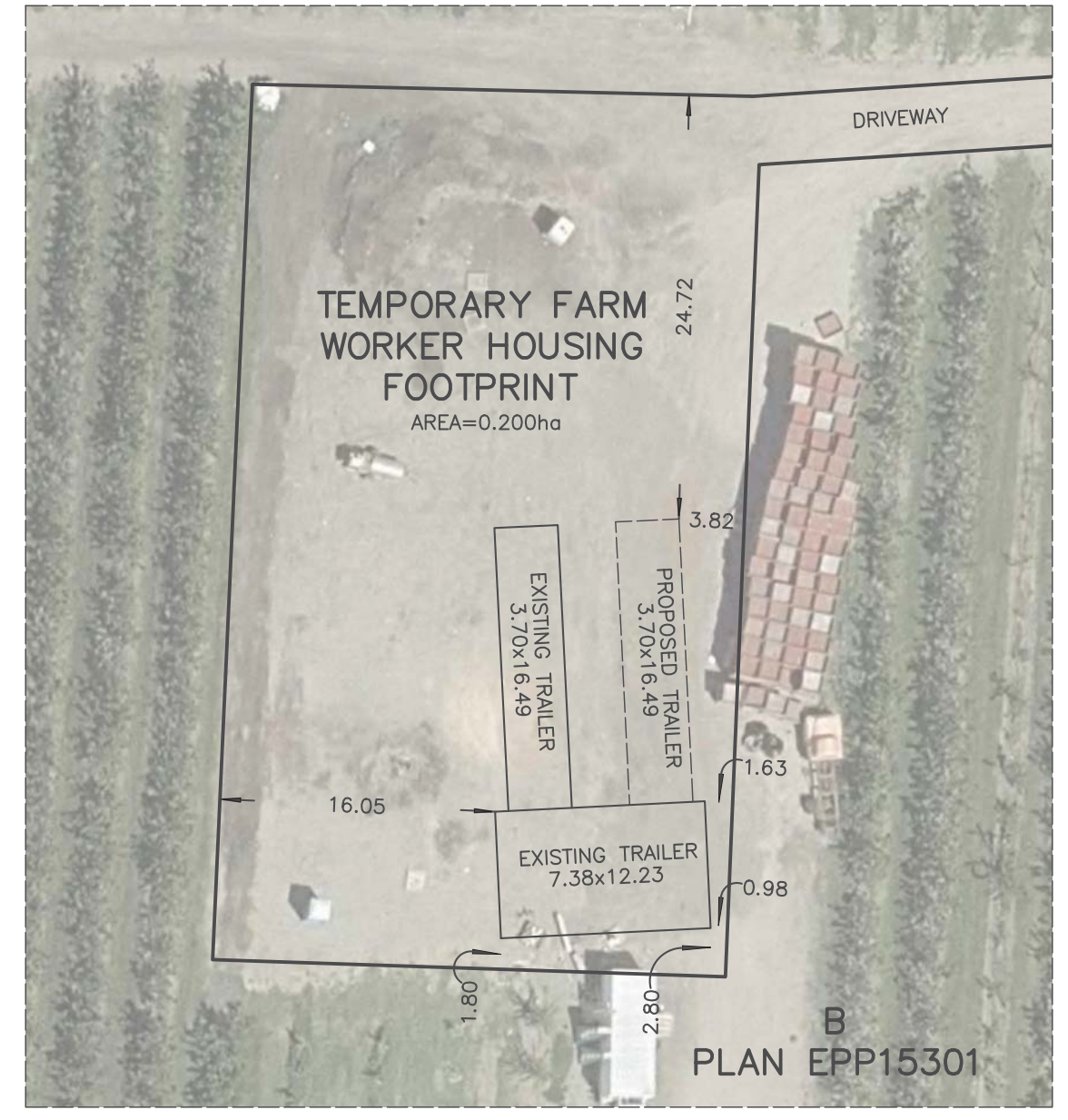
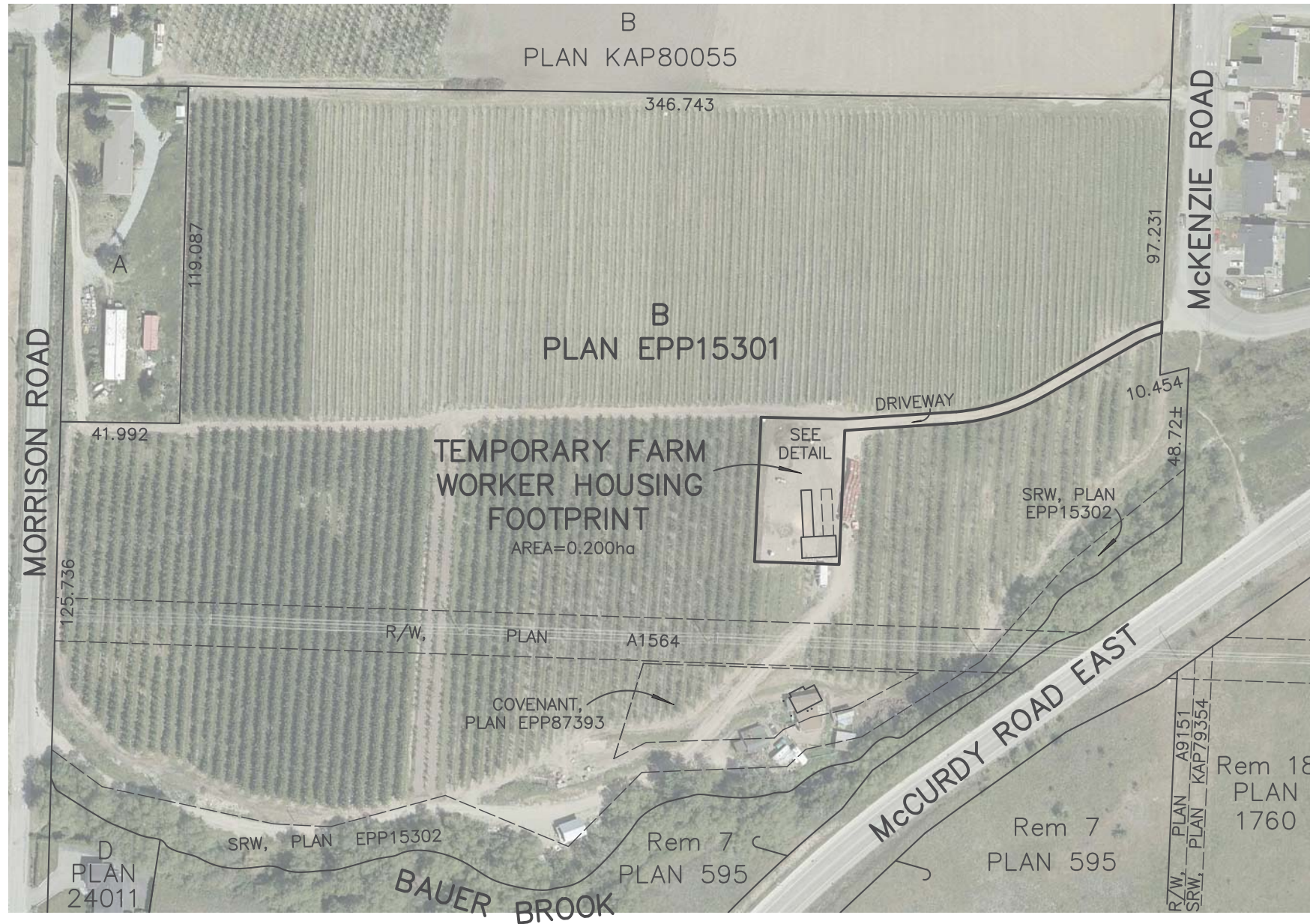
SITE PLAN SHOWING TEMPORARY FARM WORKER HOUSING  
FOOTPRINT AND EXISTING AND PROPOSED TRAILERS ON LOT B  
SECTION 36 TOWNSHIP 26 ODYD PLAN EPP15301

PID: 028-792-360

1425 MORRISON ROAD,  
KELOWNA

DETAIL

SCALE 1:400 METRES



THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

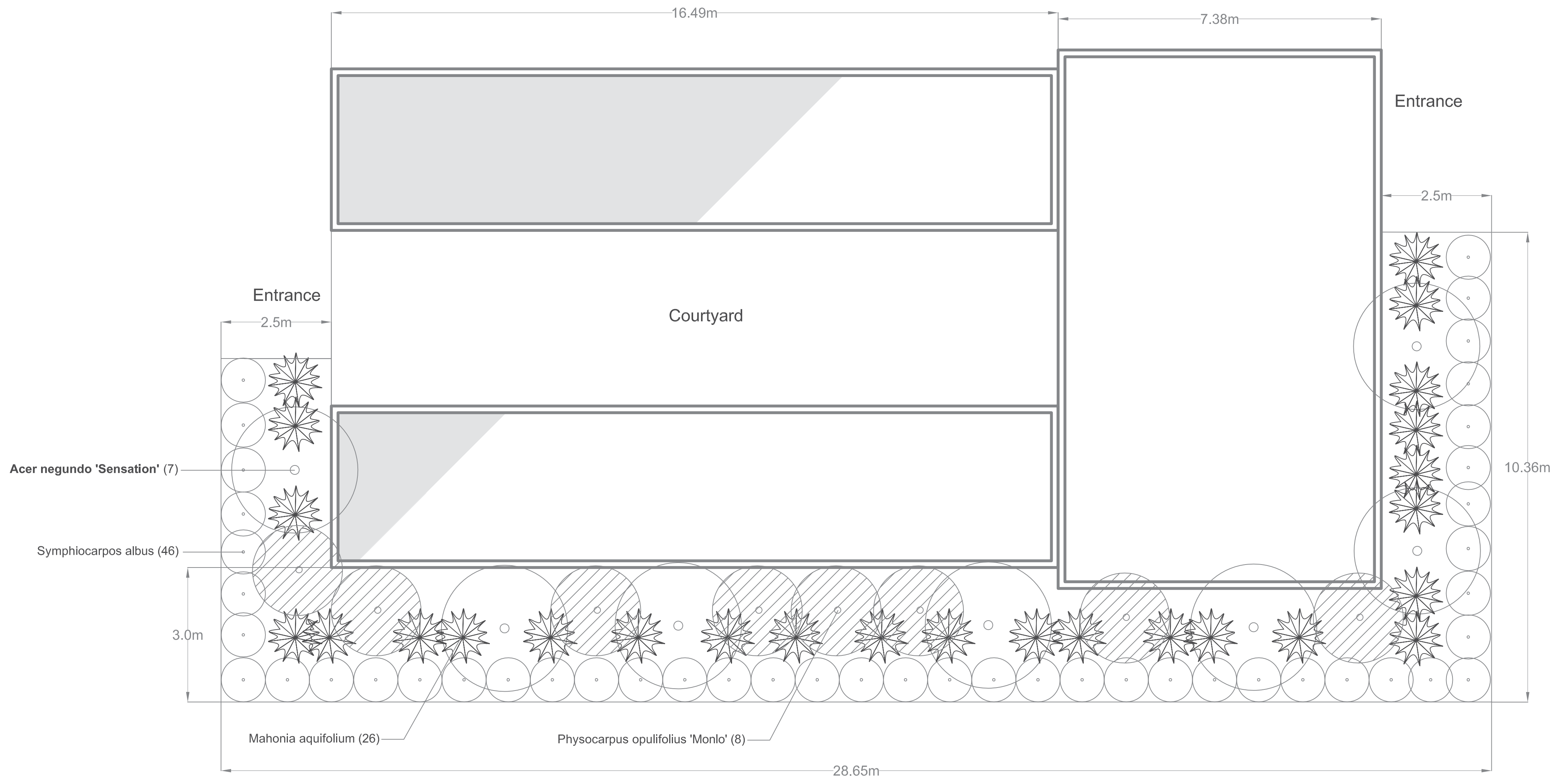
|                                  |                      |
|----------------------------------|----------------------|
| CLIENT: AVTAR & SURINDER BOPARAI | DATE: AUGUST 9, 2019 |
| SCALE: 1:2000 METRES             | FILE: 21696          |
|                                  | DRAWN BY: AI         |

**Ferguson Land Surveying & Geomatics Ltd.**  
BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC  
PHONE: (250) 763-3115 FAX: (250) 763-0321  
Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.

**ATTACHMENT A**

This forms part of application  
# A19-0012 and FH19-0003

Planner Initials **BC**



**Plant List**

| Amt | Botanical                | Common              | Size    |
|-----|--------------------------|---------------------|---------|
| 7   | Acer negundo 'Sensation' | Sensation Box Elder | 2.0m Ht |
| 46  | Symphiocarpus albus      | White Snowberry     | #2      |
| 26  | Mahonia aquifolium       | Oregon Grape        | #2      |
| 8   | Physocarpus opulifolius  | Diabolo Nine Bark   | #5      |

**Notes:**

1. Planting beds to be dressed with black bark mulch.
4. Site to be watered with a fully automatic drip irrigation system.
5. Site Grading to ensure that all structures have positive drainage.

**ATTACHMENT A**

This forms part of application  
 # A19-0012 and FH19-0003

Planner Initials **BC**



City of Kelowna  
DEVELOPMENT PLANNING

1425 MORRISON ROAD KELOWNA, BC  
 TEMPORARY WORKER HOUSING LANDSCAPE PLAN

**Planting Plan**

Date: Nov 07, 2019  
 Revised: Nov 20, 2019

Client: Surinder Boparai  
 Designer: Meghan Nimegeers Landscape Design  
 meghanimegeers@gmail.com - 250-864-3873



Scale: 3/16" = 1'0"

**L1**



**ATTACHMENT** B

This forms part of application  
# A19-0012 and FH19-0003

Planner Initials **BC**

City of **Kelowna**  
DEVELOPMENT PLANNING

October 3 2019

File: A19-0012

City of Kelowna  
1435 Water Street  
Kelowna BC V1Y 1J4  
E-mail: [planninginfo@kelowna.ca](mailto:planninginfo@kelowna.ca)

Re: A19-0012 ALC Non-Adhering Residential Application at 1425 Morrison Road

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the ALC Non-Adhering Residential application to allow temporary farm worker accommodation for the property located at 1425 Morrison Road. I have reviewed the documents you have provided and can provide the following comments:

- Ministry staff support the development of farm worker accommodation appropriate to the farm operation’s agricultural activity and consistent with the ALC’s Act and Regulations.
- Kelowna’s Temporary Farm Worker Housing Criteria refer to physical accommodation requirements including temporary foundations and no permitted basements. This application could benefit with additional descriptions of these criteria.
- From the written description of the application, the proposed accommodation will be located near the property line; however it appears from the proposed site plan that the housing will be placed closer to the centre of the parcel, attached to a pre-existing trailer in a cleared work area. Clarifying from an agricultural productivity perspective why the proposed housing will be placed there may be helpful during the application process.

If you have any questions, please contact me directly at [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca) or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag  
Regional Agrologist  
B.C. Ministry of Agriculture – Kelowna  
Office: (250) 861-7201  
E-mail: [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca)  
Email copy: ALC Planner, [ALC.Okanagan@gov.bc.ca](mailto:ALC.Okanagan@gov.bc.ca)



**ATTACHMENT** C  
This forms part of application  
# A19-0012 and FH19-0003  
City of Kelowna  
DEVELOPMENT PLANNING  
Planner Initials BC

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 59746

**Application Status:** Under LG Review

**Applicant:** surinder boparai

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 09/11/2019

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

**Proposal Type:** Non-Adhering Residential Use - Non-Adhering Accommodation

**Proposal:** short term farm workers

14 farm workers needed at 1425 morrison parcel to work on , as well as the other 3 parcels

temp. farm workers required approx. march to october

worker duties to be, pruning planting, picking and cleaning

lay out new irrigation as needed

government documents for temporary farm worker will be provided for previous year 2018

current will be approved following final inspection by mexican consulate once the housing is done 100

per cent



## Parcel Information

### Parcel(s) Under Application

- Ownership Type:** Fee Simple  
**Parcel Identifier:** 028-792-360  
**Legal Description:** lot b plan epp15301  
**Parcel Area:** 9.1 ha  
**Civic Address:** 1425 morrison road  
**Date of Purchase:** 06/01/2012  
**Farm Classification:** Yes  
**Owners**

- Name:** surinder boparai  
**Address:**  
1865 tree top road  
kelowna, BC  
v1p 1c5  
Canada  
**Phone:** (250) 862-1026  
**Email:** surinderboparai@icloud.com

**Current Use of Parcels Under Application**

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

*orchard - apples and cherries, approx. 50 % cherries & 50 % apples  
 on 22 acre lot plus 3 more lots total 90 acres  
 workman do:  
 pruning - winter, thinning - summer  
 planting - spring, irrigation - april to november  
 spraying march to october  
 other work as required*

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

*Since 2012 22 acres removal of old trees, old main waterline & install new sprinkler system and new main waterline. for the complete 22 acres.  
 rototilled existing soil and brought in new top soil per each tree as required.  
 purchased new apple and cherry trees. and grow nursery for property for new planting*

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

*current property at 1425 has i trailer to be used as commercial kitchen and bathroom (approx 1,000 sq. ft.)  
 at 2105 morrison property currently has for 12 workers and 1995 swenson road currently houses 3 farm house*

**Adjacent Land Uses**

**North**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** orchard

**East**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** orchard

**South**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** orchard

**West**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** orchard

**Proposal**

**1. What is the purpose of the proposal?**

*short term farm workers  
 14 farm workers needed at 1425 morrison parcel to work on , as well as the other 3 parcels  
 temp. farm workers required approx. march to october*



*worker duties to be, pruning planting, picking and cleaning  
 lay out new irrigation as needed  
 government documents for temporary farm worker will be provided for previous year 2018  
 current will be approved following final inspection by mexican consulate once the housing is done 100  
 per cent*

**2. Describe any agri-tourism that is currently taking place on the property.**

*none*

**3. What is the total floor area of the proposed accommodation in square metres?**

*146 m<sup>2</sup>*

**4. How many "sleeping units" in total are proposed?**

*2*

**5. Describe the rationale for the proposed location of the accommodation.**

*the proposed location of the accommodations is on the orchard land close to all locations, due to the fact  
 of  
 transportation issues. they do not drive.*

**6. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.**

*one kitchen, bathroom building  
 two sleeping unit*

**7. Describe any agri-tourism accommodation or tourist accommodation currently located on the property.**

*none*

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

*short term  
 march to october*

**9. What is the total area of infrastructure necessary to support the proposed accommodation?**

*accommodation located near property line. no parking lot,*

**10. Do you need to import any fill be required to construct the accommodation?**

*No*

**Applicant Attachments**

- Proposal Sketch - 59746
- Certificate of Title - 028-792-360

**ALC Attachments**

None.

**Decisions**

None.

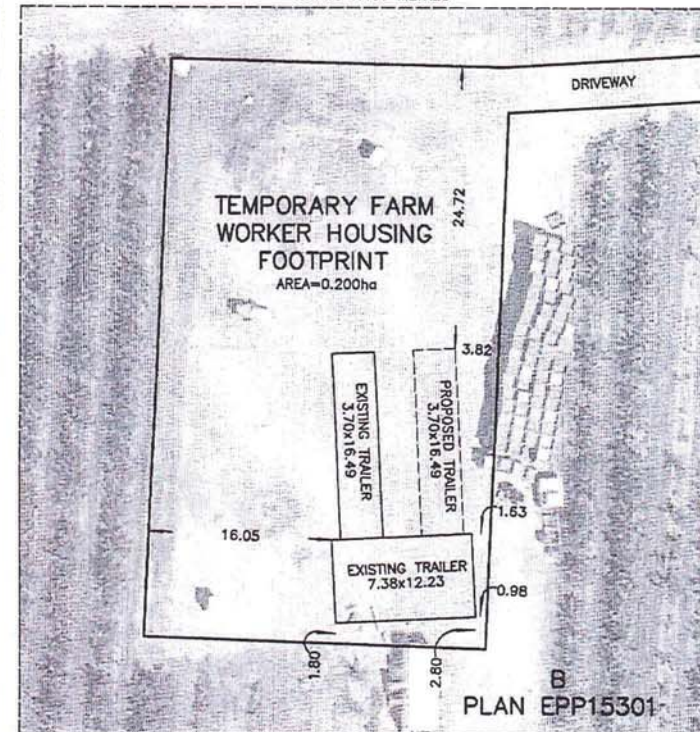
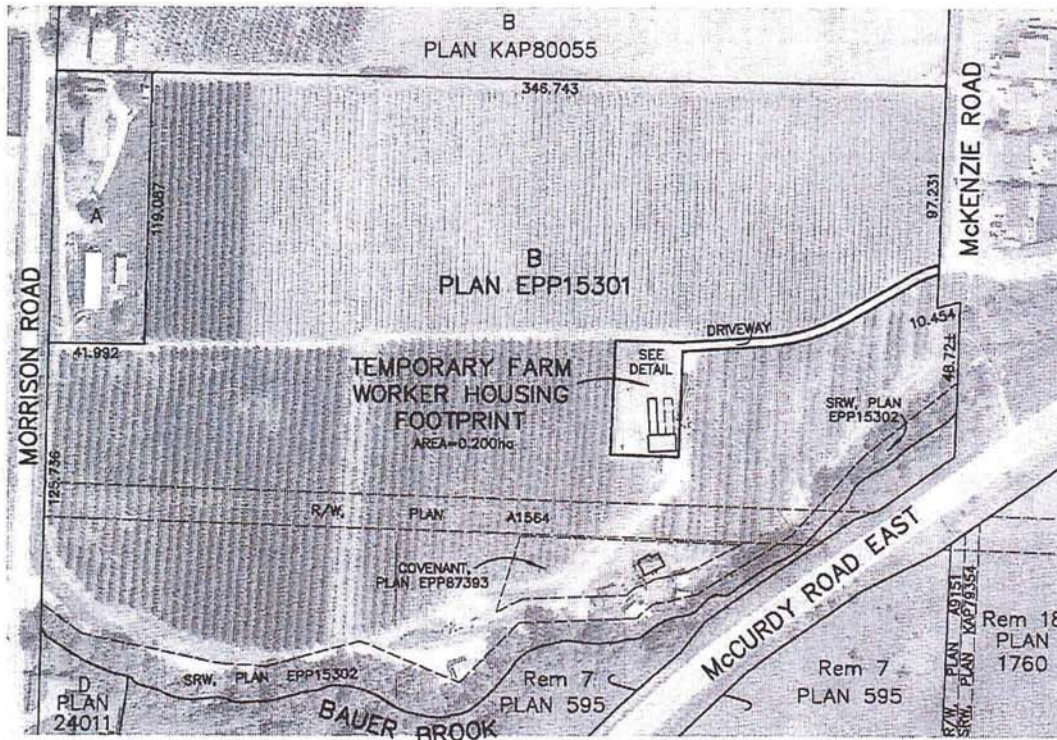


SITE PLAN SHOWING TEMPORARY FARM WORKER HOUSING FOOTPRINT AND EXISTING AND PROPOSED TRAILERS ON LOT B SECTION 36 TOWNSHIP 26 ODYD PLAN EPP15301  
PID: 028-792-360

1425 MORRISON ROAD,  
KELOWNA

DETAIL

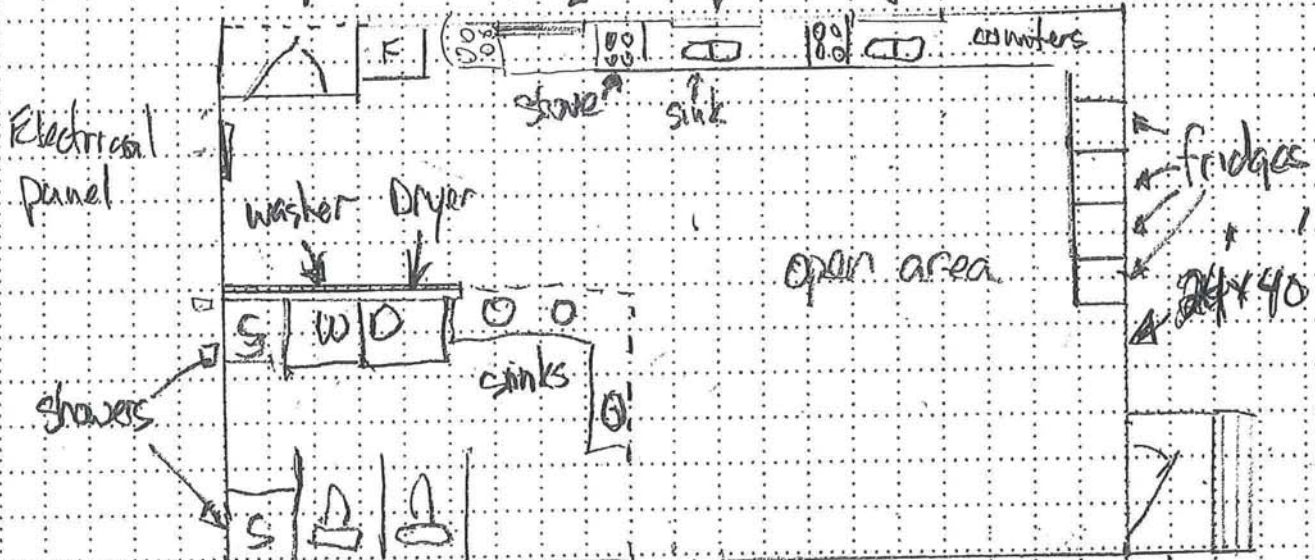
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THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

|   |                      |
|---|----------------------|
| CLIENT: AVTAR & SURINDER BOPARAI                                  | DATE: AUGUST 9, 2019 |
| SCALE: 1:2000 METRES  | FILE: 21696          |
| DRAWN BY: AJ  |                      |
| Ferguson Land Surveying & Geomatics Ltd.                          |                      |
| BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC |                      |
| PHONE: (250) 763-3115 FAX: (250) 763-0321                         |                      |
| Ferguson Land Surveying & Geomatics Ltd., ALL RIGHTS RESERVED.    |                      |

From the workbench of: Dean Keller window  
Date: JAN 23/19



12x54

12x54

7 man

7 man

**ATTACHMENT C**  
 This forms part of application  
 # A19-0012 and FH19-0003  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials: BC



December 3, 2018

CRA Business Number: 803268796



Surinder Boparai,

This is to inform you that Employment and Social Development Canada (ESDC) /Service Canada (SC) has completed the processing of your Labour Market Impact Assessment (LMIA) application received on November 14, 2018 for 15 Fruit farm worker(s) at 1995 Swainson Road, Kelowna , BC.

It has been determined that hiring foreign nationals in the specified occupation and at the specified work location is likely to have a positive or neutral impact on the Canadian labour market. **This positive LMIA expires on December 15, 2019**; prior to this date, the foreign national(s) must submit their work permit or permanent residency application(s) to Immigration, Refugees and Citizenship Canada (IRCC).

This positive LMIA is based on the information and supporting documentation you provided in your application. It is subject to your compliance with legal requirements related to the employment of the foreign worker. Employers are responsible for:

- ensuring they comply with all of the conditions and requirements of the Immigration and Refugee Protection Act (IRPA), the Immigration and Refugee Protection Regulations (IRPR), and the Temporary Foreign Worker (TFW) Program, as outlined in documents such as the LMIA application, the LMIA decision letter and annexes;
- keeping all records associated to their LMIA application and any other documents that demonstrate their compliance with the program conditions that are set out in the LMIA decision letter and annexes for a period of six years; and
- informing ESDC/SC of any changes or errors relating to an approved LMIA or the temporary foreign worker.

To view the Program Requirements you agreed to comply with as part of your application submission, please visit: <https://www.canada.ca/en/employment-social-development/services/foreign-workers.html>.

This LMIA may be **revoked or suspended** if:

- (a) new information becomes known after the time the LMIA is issued that, if known before, would have led to a different result or indicate that the employment of the foreign worker under the work permit is having, or will have, a significant negative effect on the labour market in Canada;
- (b) you, your third-party, or the group of employers of which you are part of provided false, misleading or inaccurate information in the context of the request for the LMIA;
- (c) your name has been added to the list referred to in subsection 209.91(3) of the IRPR (<http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/>);
- (d) there are reasonable grounds to suspect that you are not complying with the conditions set out in IRPR.

If you decide to cancel your offer of employment or that you no longer need to hire a foreign national before their entry to Canada, you must immediately contact the affected foreign national(s) and notify Service



Canada by contacting the Employer Contact Center at 1-800-367-5693, or by dialing 1-866-840-0222 if the employment location is within the province of Quebec. Failure to do so could impact the outcome of future LMIA applications.

**WORK PERMIT OR PERMANENT RESIDENCY APPLICATION**

Employers must provide copies of this LMIA Letter and the annexed Employment Details page to the foreign nationals in order for them to apply for a work permit or permanent residency. To obtain more information, please visit Immigration, Refugees and Citizenship Canada (IRCC) at: [www.cic.gc.ca](http://www.cic.gc.ca).

**FOREIGN WORKER RIGHTS**

To obtain information on the rights of people temporarily working in Canada, see 'Understand Your Rights - Foreign Workers' at <http://www.cic.gc.ca/english/work/tfw-rights.asp>.

**REPORTING ABUSE OR MISUSE**

To report abuse or misuse of the Temporary Foreign Worker Program, see the 'Online Fraud Reporting Tool' at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or call the Service Canada Confidential Tip Line at 1-866-602-9448. Callers can choose to remain anonymous.

**NOTE:** inspections with or without prior notice can be conducted anytime within a six-year period beginning on the first day of employment of the foreign worker.

If you have any questions or concerns regarding this letter, please refer to the contact information provided below.

Sincerely,

Katie Tuttle  
Program Officer  
(800) 367-5693

|                                |    |  |
|--------------------------------|----|--|
| <b>ATTACHMENT</b>              |    | C  |
| This forms part of application |    |  |
| # A19-0012 and FH19-0003       |    |  |
| Planner Initials               | BC | <br>City of Kelowna<br>DEVELOPMENT PLANNING |

c.c.

Bunvir Nijjer  
BC Fruit Growers Association  
880 VAUGHAN AVE  
KELOWNA, BC, V1X 7E4

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# CITY OF KELOWNA

## MEMORANDUM

---

**Date:** July 25, 2019  
**File No.:** A19-0012  
**To:** Suburban and Rural Planning (BC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1425 Morrison Rd



---

The Development Engineering comments and requirements regarding this application to allow temporary farm worker accommodation for up to 14 temporary farm workers are as follows:

1. **General.**

- a) All offsite infrastructure and services upgrades are addressed in the Development Engineering Memo FH19-0003.

  
\_\_\_\_\_

James Kay, P. Eng.

Development Engineering Manager

JKH

---

**CITY OF KELOWNA****MEMORANDUM**

---

**Date:** July 25, 2019  
**File No.:** FH19-0003  
**To:** Suburban and Rural Planning (BC)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1425 Morrison Rd



---

The Development Engineering comments and requirements regarding this application to allow temporary farm worker accommodation for up to 14 temporary farm workers are as follows:

**1. Sanitary sewer service**

- a) This subject parcel is within the City of Kelowna Sewer Connection Area No. 20 (North Rutland). Sanitary sewage is presently handled by an on-site sewage disposal system. The applicant's consulting engineer will determine the requirements of the on-site disposal system that will support the proposed use. The disposal system shall be reviewed by the Interior Health Authority and Building & Permitting. Should the Interior Health Authority and/or Building & Permitting not be supportive of the any proposed on-site sewage disposal system, the applicant at their own cost will be required to connect to the City's sanitary sewer network.
- b) As per the technical notes for this application, the proposed upgrades will result in up to 14 persons living part-time on the property. These 14 part-time residents equate to five (5) single-family equivalents (SFEs) ( $14 \text{ persons} / 3 = 4.7$ , rounded to 5) for sanitary sewer connection charges. As the property exists in the sewer connection area No. 20 - Rutland North, the sewer connection charges for this property will be \$10,500 ( $5 \text{ SFEs} \times \$2,100/\text{SFE} = \$10,500$ ) (as per BYLAW NO. 11540). All sewer connection charges must be paid to the City prior to and as a condition of allowing installation or usage of a sewer connection to this parcel, payable in accordance with the charges prescribed above.
- c) Should the applicant require connection to the City of Kelowna's sanitary sewer network, service will be provided off Morrison Rd. The 200-mm PVC sanitary main in Morrison Rd will require extension to the frontage of 1425 Morrison Rd. As per the Subdivision, Development & Servicing Bylaw No. 7900, a manhole is required at the upstream end of every sewer line.
- d) If construction is to occur in the City' right-of-way, section 4. and 5. of this memorandum will be applicable.

## **2. Domestic Water and Fire Protection**

- a) The property is located within the Black Mountain Irrigation District (BMID).
- b) Provide an adequately-sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw (7900) for a residential property.
- c) Design drawings must be reviewed by BMID. Confirmation of their review must be provided to the City.

## **3. Driveway**

- a) Ensure that all driveways are compliant with the geometric standards for multi-family driveways outlined in section 4.3 of Schedule 4 of the *Subdivision, Development & Servicing Bylaw No. 7900*.

## **4. Design and Construction**

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## **5. Servicing Agreement for Works and Services**

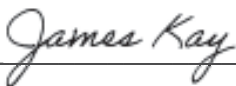
- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.





## 6. Agricultural Land Commission

Development Engineering has no additional comments at this point in time with regard to this application, however, the Land Capability Assessment Report will be assessed at the time of development application submission when the Agricultural Land Commission agrees to the proposed activity on the subject property.

  
\_\_\_\_\_  
James Kay, P. Eng.  
Development Engineering Manager

JKH



# AAC COMMITTEE REPORT



**Date:** December 12<sup>th</sup> 2019

**RIM No.** 1210-21

**To:** Agricultural Advisory Committee (AAC)

**From:** Development Planning Department (AK)

**Application:** Non-Adhering Residential Use      **Owner:** Gian & Kuldip Jaswall

**Address:** 3183 Dunster Road      **Applicant:** Gian Jaswal

**Subject:** Application to the ALC for Non-Adhering Residential Use Permit

---

## 1.0 Purpose

The applicant is requesting permission from Agricultural Land Commission to allow for a 650sqm single detached house and to allow for the delayed demolition of an existing single detached house to allow for the existing single detached house to be occupied during the construction of the proposed 650sqm single detached house.

## 2.0 Proposal

### 2.1 Background

The subject site at 3183 Dunster Road is a 10 acre agricultural parcel located near the intersection of Dunster Road and East Kelowna Road. There is an existing single detached house on the property. There is also a carriage house and mobile home on the property. According to the applicant the carriage house is in disrepair and is not occupied. The mobile home is also not occupied the property owners considering to potentially use the dwelling to house immediate family members. The property owners are proposing to build a new single detached house and delay demolition of the existing residence until construction is complete on the new residence.

The ALC has restricted the total floor area of a principal residence to 500m<sup>2</sup> to “End the proliferation of large mansions and lifestyle estates in the ALR which inflate land prices and place agricultural land out of the reach of current and new farmers and ranchers”. The Ministry of Agriculture has recognized the important role that multigenerational farming families play in agriculture, and acknowledge that large farming families may need additional living space over and above that listed in the regulation. In a press release issued on February 23, 2019 (one day after the new regulation took effect) the Ministry issued the following quote:

“Multigenerational farming families are the backbone of agriculture throughout B.C.” / “...we’re supporting larger farming families by ensuring that those who need extra living space to support their farming operations have a path forward at the ALC to build a larger home”

The City of Kelowna Agriculture Plan (2017) recommends investigating the adoption of a maximum total floor area for a principal dwelling in the A1 zone based on Ministry of Agriculture guidelines. The reason offered for pursuing such an investigation is to address the concern of “the purchase of farmland with no intention of farming, followed by construction of significantly large homes” (Agriculture Plan, p. 15). The Agriculture Plan is silent regarding multigenerational farming families.

The ALC Act states a property owner may apply for a non-adhering residential use permit for any proposed residence larger than the 500sqm. ALC staff have also advised that a non-adhering residential use permit is required to authorize the delayed demolition of the existing residence as technically the issuance of a building permit for the proposed dwelling will result in an additional residence on land within the ALR will at least for a temporary period of time. A “non-adhering residential use” means any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m<sup>2</sup>; (c) a use of a residential structure that contravenes the regulations.

## 2.2 Purpose

A preliminary site plan and house plan have been provided in support of the application (See attached Schedule A). The proposed dwelling is 2 stories, 6 bedrooms in total and includes one secondary suite. The main residence is proposed to be 5,925sqft (550sqm) the proposed suite is 1,075sqft (99sqm), the total floor area is 7,000sqft (650sqm). A 448sqft (42sqm) detached garage is also part of the proposal, as garage is detached is not included in the overall floor area of propose house.

A detailed project description has been provided in the attached ALC Applicant Submission (See attached Schedule B). The property is maintained by a multi-generational farming family (three generations) the applicants state that construction of the new residence is necessary in order to allow for the continued expansion of their agricultural operation. Following completion of the residence the existing residence will be demolished and area of the existing dwelling will be planted with high density apples. The applicant are offering to enter into a restrictive covenant to enforce the delayed demolition of the existing structure once the proposed structure is complete.

## Neighbourhoods Context

The subject property lies within the East Kelowna City Sector. The adjacent properties are all zoned A1 – Agriculture and designated REP – Resource Protection Area in the Official Community Plan.

## 3.0 Current Development Policies

### 3.1 Kelowna Official Community Plan (OCP)

## Chapter 5: Development Process

*Objective 5.33 Protect and enhance local agriculture.*

Policy 5.33.1 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.

Objective 5.33 Protect and enhance local agriculture.

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.

### **Agricultural Land Commission Act (ALCA)**

Purposes of the commission – Section 6

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Residential use of agricultural land – Section 20.1

- (1) Unless permitted under section 20.2, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:
  - (b) the total floor area of a principal residence must be 500m<sup>2</sup> or less
- (2) an owner may apply
  - (a) to the commission for permission under section 25 for a non-adhering residential use

**Prepared, Reviewed, Approved for Inclusion by:**

Alex Kondor, Planner Specialist

### **Attachments:**

Attachment A – House Plans

Attachment B – ALC Application Submission

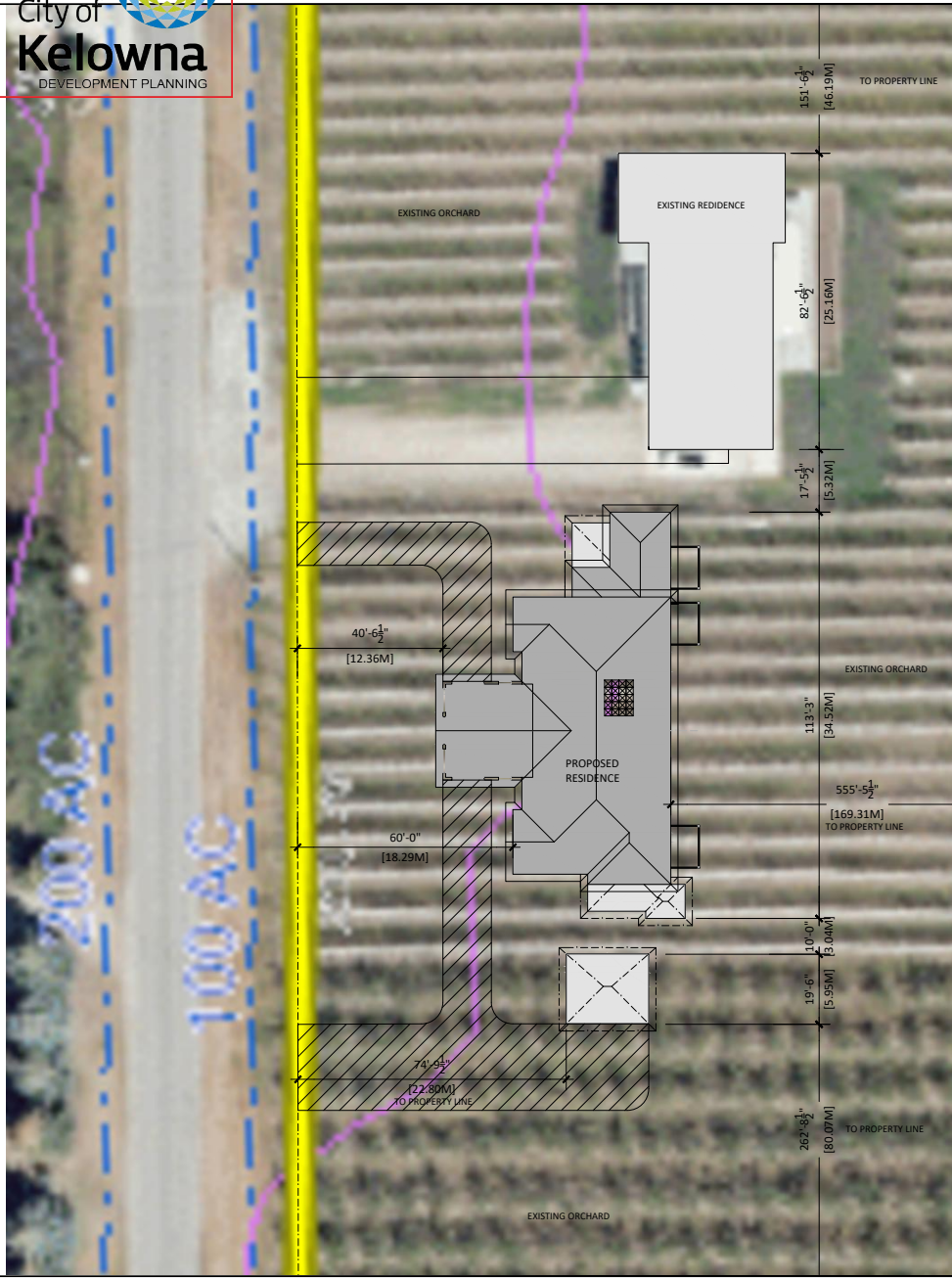
# SCHEDULE A

This forms part of application  
# A19-0013



City of  
**Kelowna**  
DEVELOPMENT PLANNING

Planner Initials **ak**



3183 DUNSTER ROAD  
OVERALL SITE PLAN  
SCALE

| Dunster Road Project   |             |               |
|------------------------|-------------|---------------|
|                        | square feet | square meters |
| Lower Floor Area       | 3,096       | 287.6         |
| Main Floor Area        | 3,520       | 327           |
| Upper Floor Area       | 2,323       | 225           |
| <b>Residence</b>       |             |               |
| Main Floor             | 3,520       | 327           |
| Upper Floor            | 2,405       | 223.3         |
| Total Residential Area | 5,925       | 550.3         |
| <b>Suite Area</b>      |             |               |
| Main Floor             | 563         | 52.3          |
| Upper Floor            | 512         | 47.6          |
| Total Suite Area       | 1,075       | 99.9          |
| <b>Overall Area</b>    |             |               |
| Overall Area           | 7,000       | 650.3         |
| Garage                 | 448.5       | 41.66         |

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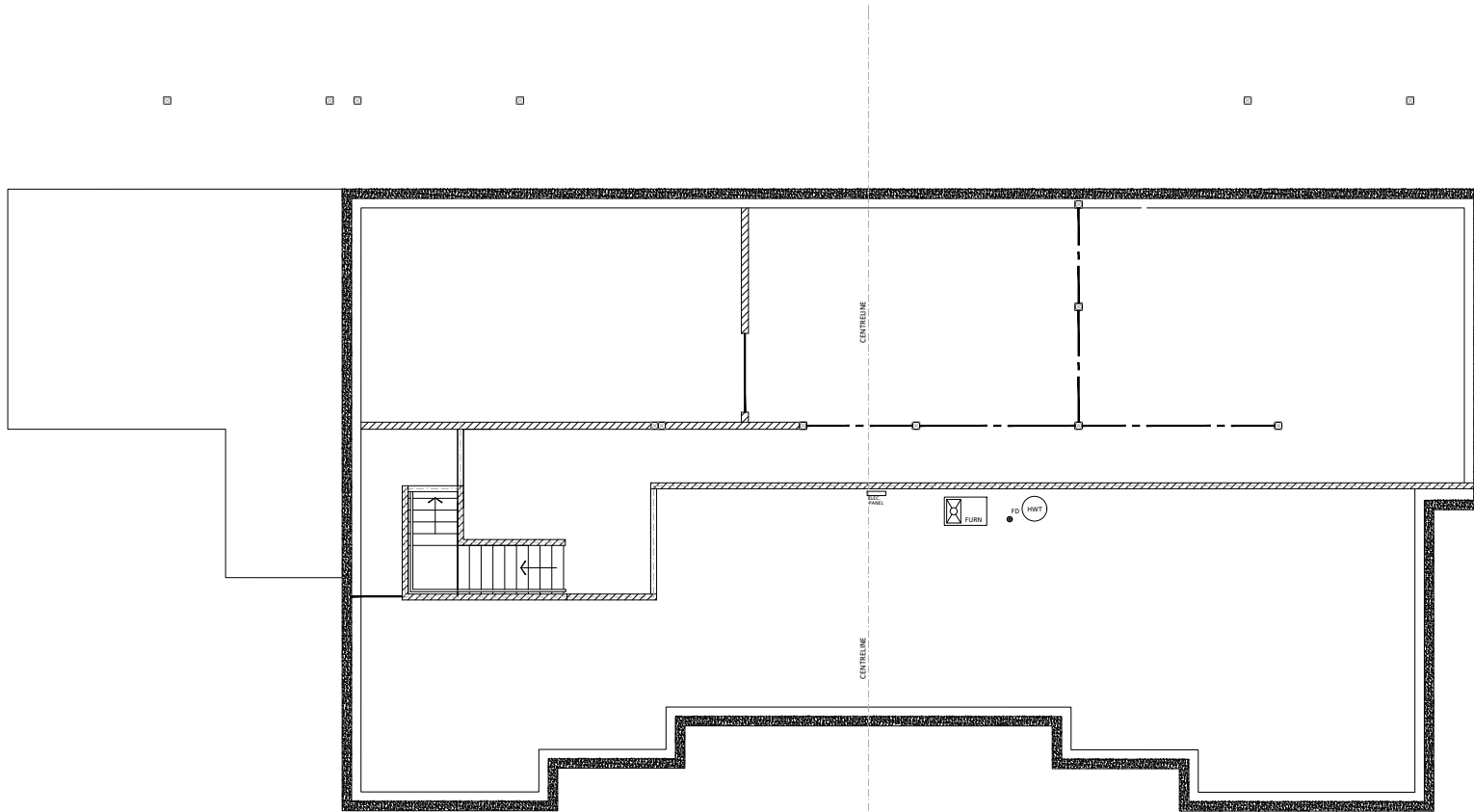
**HOLDEN'S DRAUGHTING & DESIGN**  
832 SAUCER AVENUE  
KITIMATI, B.C.  
Phone: 250-868-0962  
Fax: 250-868-0962  
Email: h Holden@shaw.ca

PROJECT  
**NEW RESIDENCE**  
3183 DUNSTER ROAD  
KELOWNA, B.C.

SHEET TITLE  
**SITE PLAN & NOTATION**

3183 DUNSTER ROAD  
PARTIAL SITE PLAN  
SCALE

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| CHECKED  | R.I.       | <b>A 1</b> |
| SCALE    | 1/8"=1'-0" | Rev. 0     |
| DATE     | 11/15/2019 |            |



1 LOWER FLOOR PLAN  
A 2  
SCALE: 1/8" = 1'-0"

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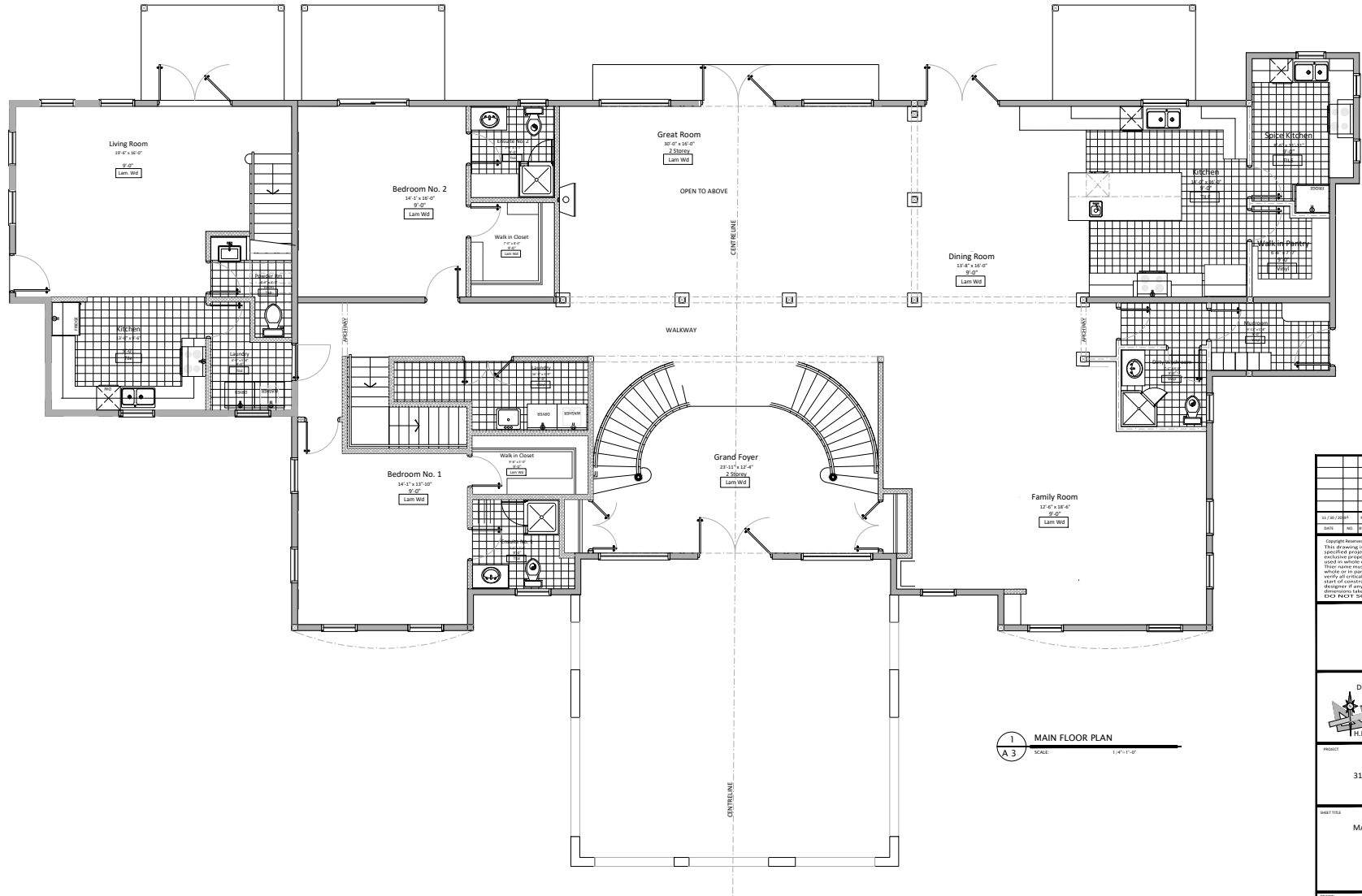
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KITSONVILLE, B.C.  
V2Y 1G1  
Phone: 250-868-2962  
Fax: 250-868-2962  
Email: hdd@hdd.ca

PROJECT:  
NEW RESIDENCE  
3183 DUNSTER ROAD  
KELOWNA, B.C.

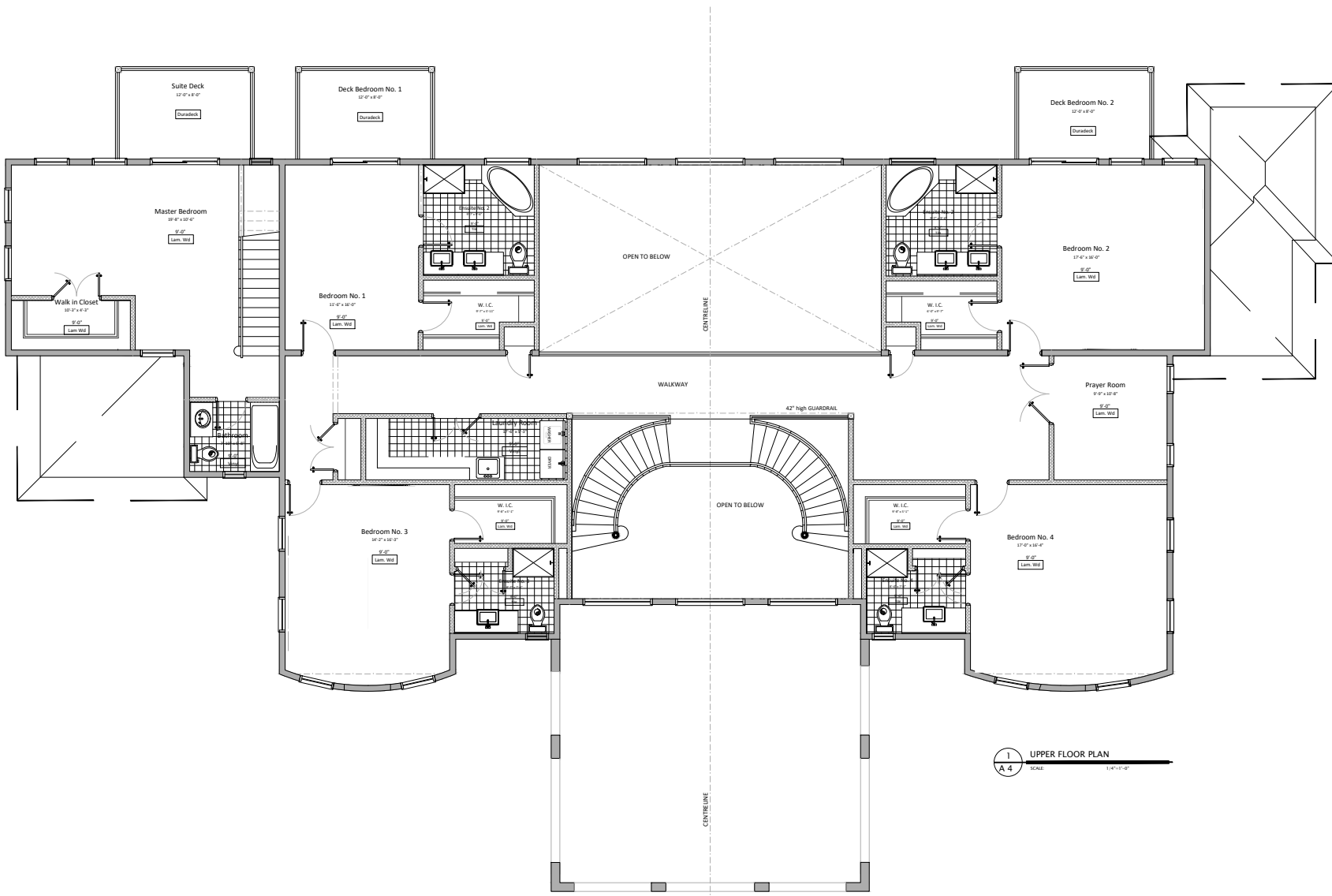
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LOWER FLOOR PLAN

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| CHECKED BY:<br>R 1  | SCALE:<br>1/8" = 1'-0" |            |
| DATE:<br>11/15/2019 | REV:<br>Rev. 0         |            |



1 MAIN FLOOR PLAN  
SCALE: 1/8" = 1'-0"

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| PROJECT   |                            |
| NEW RESIDENCE<br>3183 DUNSTER ROAD<br>KELOWNA, B.C.   |                            |
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| <b>HOLDEN'S DRAUGHTING &amp; DESIGN</b><br>832 SAUCER AVE. S.<br>KELOWNA, B.C. V1Y 2W3<br>Phone: 250-868-2952<br>Fax: 250-868-2952<br>Email: h-holden@shaw.ca   |                            |
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1 UPPER FLOOR PLAN  
 SCALE: 1/4"=1'-0"

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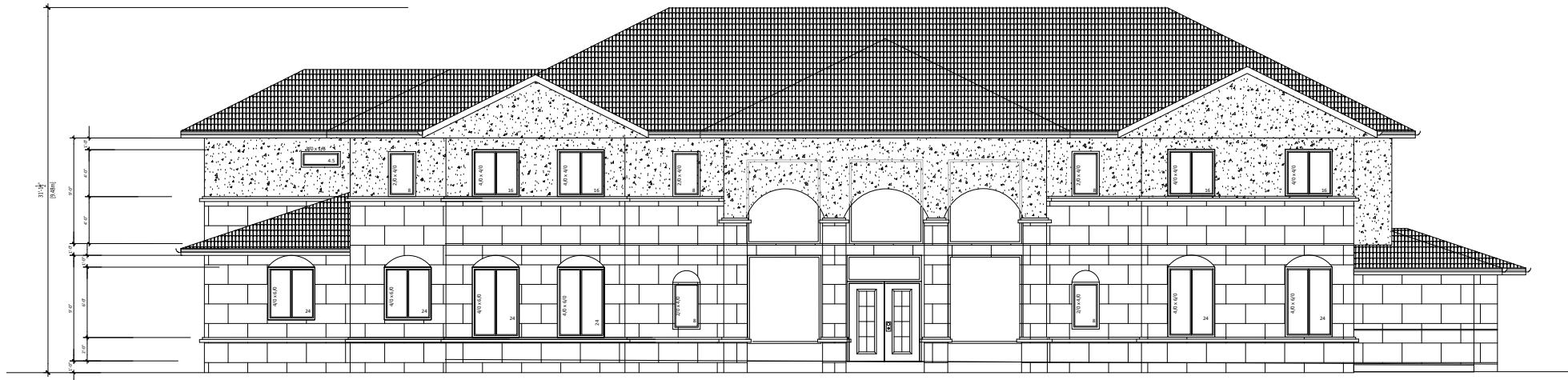
**HOLDEN'S DRAUGHTING & DESIGN**  
 832 SAUCER AVENUE  
 KITCHEN, B.C.  
 Phone: 250-868-0962  
 Fax: 250-868-0962  
 Email: hholden@shaw.ca  
 H.D.D.

PROJECT  
 NEW RESIDENCE  
 3183 DUNSTER ROAD  
 KELOWNA, B.C.

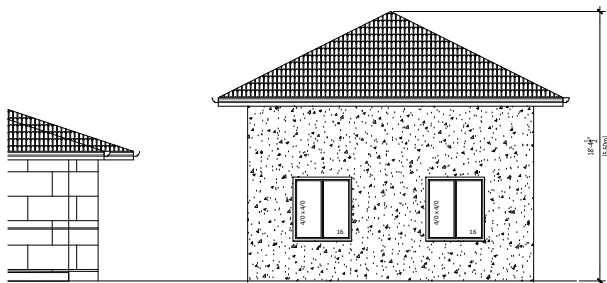
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| CHECKED BY<br>R1   | SCALE<br>1/8"=1'-0" |                         |
| DATE<br>11/15/2019 | Rev. 0              |                         |





1  
A 5  
STREET VIEW  
WEST ELEVATION  
SCALE 1/8"=1'-0"



2  
A 5  
STREET VIEW  
WEST ELEVATION  
SCALE 1/8"=1'-0"

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**HOLDEN'S  
 DRAUGHTING & DESIGN**  
 832 SAUER AVENUE  
 KITCHENER, ONT.  
 L3N 9L7  
 Phone: 226-888-2962  
 Fax: 226-888-2962  
 Email: hholden@shaw.ca

PROJECT  
 NEW RESIDENCE  
 3183 DUNSTER ROAD  
 KELOWNA, B.C.

SHEET TITLE  
 FRONT / STREET VIEW  
 ELEVATION

|                     |                    |                         |
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| DESIGNER<br>RAH     | DRAWN BY<br>J.R.   | SHEET NO.<br><b>A 5</b> |
| SCALE<br>1/8"=1'-0" | DATE<br>11/15/2019 |                         |
| REV. 0              |                    |                         |



**SCHEDULE** **B**  
This forms part of application  
# A19-0013  
Planner Initials **ak**  
City of **Kelowna**  
DEVELOPMENT PLANNING

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 59183

**Application Status:** Under LG Review

**Applicant:** Gian Jaswal , Kuldip Jaswal

**Agent:** Gian Jaswal

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 06/04/2019

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

**Proposal Type:** Non-Adhering Residential Use - Additional Residence for Farm Use

**Proposal:** The purpose of this proposal is to allow for delayed demolition of the existing primary residence, in order to allow for construction of a new primary residence, such that the effects on the agricultural practices on this property, and the adjacent leased agricultural property are minimized. As this agricultural property is maintained by our multi-generational farming family (spanning three generations), the construction of a new expanded residence is an absolute necessity in order to allow for continued expansion of our agricultural portfolio. Following completion of construction, the existing residence will be immediately demolished, and the resulting area will be planted with high density apples, maintaining the current agricultural footprint of the parcel. Please note that we are happy to participate in a carefully worded legal covenant outlining our commitment to delayed demolition, affirming by penalty of law our agreement to demolish our existing home on this property, and to continue to respect the agricultural footprint of this farm.

## Agent Information

**Agent:** Gian Jaswal

**Mailing Address:**

3183 Dunster Road

Kelowna, BC

V1W 4H3

Canada

**Primary Phone:** (250) 899-1501

**Email:** ramseyjaswal@gmail.com

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 012-643-238

**Legal Description:** NORTH 1/2 OF S 1/2 OF L 5 SHWN ON PL B1156 SEC 15 TP 26  
OSOYOOS DIVISION YALE DISTRICT PL 187

**Parcel Area:** 3.9 ha

**Civic Address:**

**Date of Purchase:** 01/31/2011

**Farm Classification:** Yes

**Owners**

1. **Name:** Gian Jaswal

**Address:**

3183 Dunster Road  
Kelowna, BC  
V1W 4H3  
Canada

**Phone:** (250) 899-1501

**Email:** ramseyjaswal@gmail.com

2. **Name:** Kuldip Jaswal

**Address:**

3183 DUNSTER ROAD  
KELOWNA, BC  
V1W 4H3  
Canada

**Phone:** (250) 861-8924

**Email:** ramseyjaswal@gmail.com

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### **Ownership or Interest in Other Lands Within This Community**

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 012-149-241

**Owner with Parcel Interest:** Gian Jaswal

**Parcel Area:** 3.6 ha

**Land Use Type:** Agricultural/Farm

**Interest Type:** Unregistered Lease

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2. **Ownership Type:** Fee Simple

**Parcel Identifier:** 010-194-622

**Owner with Parcel Interest:** Gian Jaswal

**Parcel Area:** 9.3 ha

**Land Use Type:** Agricultural/Farm

**Interest Type:** Unregistered Lease

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### **Current Use of Parcels Under Application**

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

*This parcel is a fully producing high density apple, and cherry orchard. The apple varieties produced here include Ambrosia, Gala, and Honeycrisp apples. The cherry varieties produced here include Sweetheart, and Staccato cherries.*

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

*Since purchase of this property (2011), agricultural improvements made to this parcel include the removal of previously unmaintained apples varieties, followed by addition of high density apples varieties (Ambrosia, Gala, Honeycrisp apples), and cherry varieties (Sweetheart, Staccato cherries). Over ten thousand apple trees have been planted, and over one thousand cherry trees have been planted. Additionally, to adequately service this orchard's irrigation needs, an automatic irrigation system has been installed.*

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

*As of now, and into the foreseeable future, there are no non-agricultural uses that take place on this parcel.*

## Adjacent Land Uses

### North

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Apple Orchard

### East

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Apple Orchard

### South

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Cherry Orchard

### West

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Cherry Orchard

## Proposal

### 1. What is the purpose of the proposal?

*The purpose of this proposal is to allow for delayed demolition of the existing primary residence, in order to allow for construction of a new primary residence, such that the effects on the agricultural practices on this property, and the adjacent leased agricultural property are minimized. As this agricultural property is maintained by our multi-generational farming family (spanning three generations), the construction of a new expanded residence is an absolute necessity in order to allow for continued expansion of our agricultural portfolio. Following completion of construction, the existing residence will be immediately demolished, and the resulting area will be planted with high density apples, maintaining the current agricultural footprint of the parcel. Please note that we are happy to participate in a carefully worded legal covenant outlining our commitment to delayed demolition, affirming by penalty of law our agreement to demolish our existing home on this property, and to continue to respect the agricultural footprint of this farm.*

### 2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

*The proposal for delayed demolition of the existing primary residence, and construction of an additional residence absolutely supports agriculture, whether it be in the short or long term. Our request is the result of a number of reasons. As bonafide orchardists, it is critical for us to reside within the orchard, to ensure we are near and able to maintain our agriculture operation. It would be an immense burden for my elderly father in law, wife, our children and their respective spouses, and myself to commute to our acreage if the existing residence is prematurely demolished, and would ultimately affect our success as orchardists. Please note that in addition to this agricultural parcel, we lease the agricultural property directly across from this parcel, and another agricultural parcel within a few kilometers. Our agricultural business is not one that can be operated from a distance, therefore we would like to construct a primary residence that sufficiently will house all members of our household, as all members contribute to our agricultural operation. The existing residence is not of appropriate size to adequately house our multi-generational family. Moreover, as our family expands to a fourth generation, we are certain that there will not be sufficient space for all members. Therefore, we do request for this new residence to be larger than the recently tabled 500 meters squared. In the immediate and long term future, it is our intent to continue to expand our agricultural portfolio, and an expanded primary residence will allow for this to be feasible.*

**3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.**

*The existing primary residence proposed for delayed demolition is approximately 3000 square feet in size. A total of seven members live in this residence, including my father in law, wife, two adult sons, their respective spouses, and myself. All members of this household contribute to the agricultural operation of this orchard, as we are a multi-generational farming family. There is an unoccupied manufactured home (~550 sqf), and abandoned carriage house (~500 sqf) currently on this property as well.*

**4. What is the total floor area of the proposed additional residence in square metres?**

650 m<sup>2</sup>

**5. Describe the rationale for the proposed location of the additional residence.**

*The rationale for the proposed location of the additional residence is to ensure that the agricultural footprint of this property is not disturbed. The immediate area surrounding the existing primary residence will allow for construction of the new residence, without causing any disturbance to the remainder of the agricultural land in production. Additionally, by constructing a new residence adjacent to the existing residence (to be demolished following construction), the existing septic tank, and utilities can be utilized, minimizing the need to disturb any agricultural production. The area that will result following demolition of the existing primary residence will be planted in Gala, and Ambrosia apple trees, again minimizing any disturbance to the agricultural footprint.*

**6. What is the total area of infrastructure necessary to support the additional residence?**

*Given our proposal to construct the new primary residence adjacent to the existing primary residence proposed for delayed demolition, the total area of infrastructure necessary to support the new primary residence will be minimal. Namely, the existing septic tank, and utilities can be utilized, minimizing the need to disturb any agricultural production.*

**7. Do you need to import any fill to construct the additional residence or infrastructure?**

No

## **Applicant Attachments**

- Agent Agreement - Gian Jaswal
- Proposal Sketch - 59183
- Certificate of Title - 012-643-238

## **ALC Attachments**

None.

## **Decisions**

None.

# REPORT TO COMMITTEE



**Date:** December 12<sup>th</sup> 2019

**RIM No.** 1250-01

**To:** Agricultural Advisory Committee (AAC)

**From:** Development Planning Department (AK)

**Application:** A19-0017, FH19-0006, TA19-0017      **Owner:** Geen, David

**Address:** 2975 Gallagher Drive      **Applicant:** Sellinger, Bob

**Subject:** Zoning Bylaw Text Amendment, ALR Non-Adhering Residential Use Permit and Temporary Farm Worker Housing Permit

Existing OCP Designation:      REP – Resource Protection Area

Existing Zone:      A1 – Agriculture 1

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## 1.0 Purpose

To consider a Zoning Bylaw Text Amendment application, Non-Adhering Residential Use application to the Agricultural Land Commission, and a Farm Help Development Permit application that would facilitate temporary farm worker housing for up to 70 additional temporary farm workers on the subject property, which would result in a total of up to 130 temporary farm workers for a single farm unit located within the same City Sector.

## 2.0 Proposal

The proposed application would result in a total of up to 130 temporary farm workers for a single farm unit located within the same City Sector. The property owners have previously been granted approval for 60 workers within the same Sector on the subject property early in 2019 (A19-0005 AND FH19-0001). The City's Zoning Bylaw limits the amount of housing for temporary farm workers per farm unit in each City Sector to avoid an excessive concentration of workers in agricultural areas that lack amenities such as shops, services, parks, and access to transit.

If the text amendment is supported by council the applicant will also be required to obtain a 'non-adhering residential use permit' to be issued the Agricultural Land Commission and a 'Farm Help Development Permit' approved by the City of Kelowna.

The proposed temporary farm worker accommodation meets all other regulations of the Zoning Bylaw and the guidelines stated in Official Community Plan. The proposal is also consistent with Ministry of Agriculture standards for temporary farm worker accommodation. Specifically, agriculture is the principal use on the parcel, and the applicant has demonstrated that the housing is necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm.

The proposed accommodation is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified. The proposed housing meets the needs of the farming operation and is located in an area of the property that minimizes the residential impact to agriculture.

## 2.1 Background

The property is farmed by Coral Beach Farms Ltd. The company currently has 930 acres of cherries planted with an additional 250 acres planned in 2020 for a total of 1,180 acres. 300 of those acres are in the City of Kelowna. The majority of land owned or leased by the company is in the Central and North Okanagan. In 2018 the company produced 3,750 tons of cherries, and upwards of 6,000 tons is expected by 2021. The cherries are currently packed at the company's facility in Carr's Landing and a new packing facility under construction on a property on Shanks Road near Highway 97 N is anticipated to be used in 2020.

Coral Beach Farms employs approximately 1,000 staff in the peak summer season. By 2023 the company expects to employ over 1,400 staff. Approximately 60% of seasonal staff are brought in under the Seasonal Agricultural Workers Program (SAWP) program from Mexico and Jamaica, with the remainder primarily being international backpackers and out-of-province Canadians.

The applicants have provided a detailed letter (attached) which states the company currently has 222 beds in City of Kelowna and 474 beds for workers in Lake Country and Vernon as they are trying to distribute their workers across the valley instead of concentrating workers in Kelowna. The proposed location is meant to be efficient and minimize impacts on farmable land as well as prevent impacts on residents living near other locations farmed and owned by Coral Beach Farms within the City of Kelowna.

The applicants have also provided a letter from an agrologist (attached) which states the proposed worker accommodation will be ideally located on this property and will have the least impact on the agricultural capability of the land base.

Effective February 22, 2019, the Agricultural Land Commission Act and the ALR Use Regulation has been amended. If a landowner wishes to have residences for temporary farm worker accommodation the landowner must submit an application to the Agricultural Land Commission, through the local government, seeking Commission approval (ALCA, ss. 20.1(2), 25). This type of application is deemed to be an "application for a non-adhering residential use". In addition to the Zoning Bylaw Text Amendment and Temporary Farm Worker Housing Permit the property owners have also applied to the ALC for a non-adhering residential use.

## 2.2 Project Description

The property owners have applied for permits to accommodate 70 additional workers on the subject site located at 2975 Gallagher Road which will mean up to 130 workers will be housed on the property. The subject property is zoned for A1 - Agriculture and located within the Agricultural Land Reserve (ALR). The lot is 61 hectares (151 acres) in area. Approximately 96 acres are presently planted as cherry orchard and cherry/apple tree nursery. The proposed accommodation is required in order to house seasonal workers to maintain the cherry orchard on the property and nearby orchards of Coral Beach Farms.

The application is for 70 additional beds for temporary farm worker housing (TFWH) in temporary structures on non-permanent foundations. Specifically, the proposal is to accommodate 70 additional seasonal farm workers by placing 12 'ATCO' trailers on the property. The housing will be located in two 'pods' of 6 trailers each. Each pod includes bedrooms, shared washrooms and a common kitchen area.

The trailers are located near a low-point of the property that is not being farmed as it deemed to be a frost pocket. The proposed location is not highly visible from the surrounding area. Additionally, the proposed location of the trailers is near an access easement used as a driveway to the site and is meant to minimize any potential conflicts with the orchard.

In accordance with the City of Kelowna Farm Protection Development Permit Guidelines a 3m wide landscape buffer will be required for screening to adjacent properties liens and between the temporary farm working housing and active farming areas.

Several approvals are required for this proposal:

1. Zoning Bylaw Amendment (TA19-0017) - The property owners have applied for a site-specific text amendment to the Zoning Bylaw to allow for structures to accommodate a maximum of 70 temporary farm workers on the property, and to accommodate a maximum of 130 temporary farm workers on this farm unit in the Belgo-Black Mountain City Sector. A text amendment is also required to increase the maximum Temporary Farm Worker Housing Footprint from 0.4ha to 0.95ha to accommodate the proposed structures. In 2018 the property owners obtained permission for Temporary Farm Worker Housing to house 140 workers at another location on Shanks Road (TA18-0001/FH18-0001). In 2019 the property owners obtain permission for Temporary Farm Worker Housing to house 60 workers on the subject site at 2975 Gallagher Road (A19-0017, FH19-0006, TA19-0017).

In 2017, Council adopted new regulations for Temporary Farm Worker Housing (TFWH) following consultation with the Ministry of Agriculture, the farming industry, and the public. The regulations were intended to address concerns related to:

- Potential misuse of farm worker housing;
- Loss of agricultural land;
- Changes to the agricultural landscape;
- Increased demands on municipal infrastructure; and
- A perceived 'detachment' of the workers having no connection to the community.

The regulations allow farmers to have accommodations for up to 40 temporary farm workers on parcels less than 8 ha and up to 60 temporary farm workers for parcels 8 ha or greater on farm units within each City sector. This maximum applies to each 'farm unit', which is defined as the group of parcels owned, rented, or leased by an individual farmer. This enables farmers to have multiple TFWH locations within the City but not in the same Sector of the City. The main reason for the limit on worker allocation is to avoid concentrating a large amount of workers in an otherwise agricultural or rural area where there are typically not many amenities such as transit or grocery stores. The limit on the number of farm workers per City Sector is also in place to minimize impacts such as traffic and noise on surrounding properties. It was acknowledged at the time that applications for structures to accommodate more temporary farm workers per sector would require a site specific text amendment with a demonstrated need for the added housing in that location.

2. Non-Adhering Residential Use (A19-0017) – Owners of land within the Agricultural Land Reserve are required to obtain approval from the Agricultural Land Commission for dwellings for temporary farm help where it exceeds what would be considered one dwelling unit on a property. Should Council choose to support the site specific text amendment and non-adhering residential use



application, approval from the Agricultural Land Commission would be required prior to adoption of the text amendment.

3. Temporary Farm Worker Housing Permit (FH19-0006) – A Farm Worker Housing permit must be approved by Council confirming the proposal meets the City of Kelowna regulations and guidelines related to temporary farm worker housing. In keeping with the Ministry of Agriculture’s Guide to Bylaw Development in Farming Areas and the City’s regulations for TFWH, the property owner would be required to register Section 219 restrictive covenants on title that generally state:
  - The TFWH will be used for temporary farm workers only;
  - The owner will remove the TFWH if the farm operation changes such that it is no longer required; and
  - The TFWH will only be used for farm workers for a specified number of months of the year (typically a maximum of eight, though may be increased to ten).

### 2.3 Site Context

The site is located outside of the Permanent Growth Boundary and within the Belgo-Black Mountain City Sector. The site is located on a portion of Layer Cake Mountain and was planted with cherries starting in 2017/18. The lot is adjacent to Mission Creek to the south and west which is designated as Park in the Official Community Plan and Zoned P3 – Parks and Open Space. The lot is adjacent to Kirschner Mountain to the north which is designated S2Res – Single/Two Unit Residential in the OCP and zoned A1 – Agriculture 1. The property is accessed by easement from Gallagher Road to the east, and the location of the access easement will likely become a future road to service Kirschner Mountain development.

## 3.0 Current Development Policies

### 3.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

*Objective 5.33 Protect and enhance local agriculture.*

Policy 5.33.1 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.

*Objective 5.34 Preserve productive agricultural land.*

Policy 5.34.2 Farm Help Housing. Accommodation for farm help on the same agricultural parcel will be considered only where:

- Agriculture is the principal use on the parcel; and
- The applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.
- Temporary farm worker housing (e.g. bunkhouse accommodation on non-permanent foundations) is the preferred solution where the need for farm worker housing is justified.

#### Chapter 15 Farm Protection Development Permit Guidelines.

Design temporary farm working housing such that:

- Temporary farm worker housing should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.
- Temporary farm worker housing footprint should be contiguous with the residential footprint (i.e. homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- Temporary farm worker housing should have a minimum 3 metre wide vegetated buffer for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.

3.2 City of Kelowna Agriculture Plan

- Allow Temporary Farm Worker Housing, as permitted by City of Kelowna bylaw. Temporary Farm Worker Housing, as permitted by the City of Kelowna, should be allowed. The TFWH footprint means the portion of a lot that includes all structures, driveways and parking areas associated with the temporary farm worker housing, including but not limited to structures for cooking, sanitary, living and sleeping. The footprint does not include the vegetated buffer.

**Prepared, Reviewed, Approved for Inclusion by:**

Alex Kondor, Planner Specialist

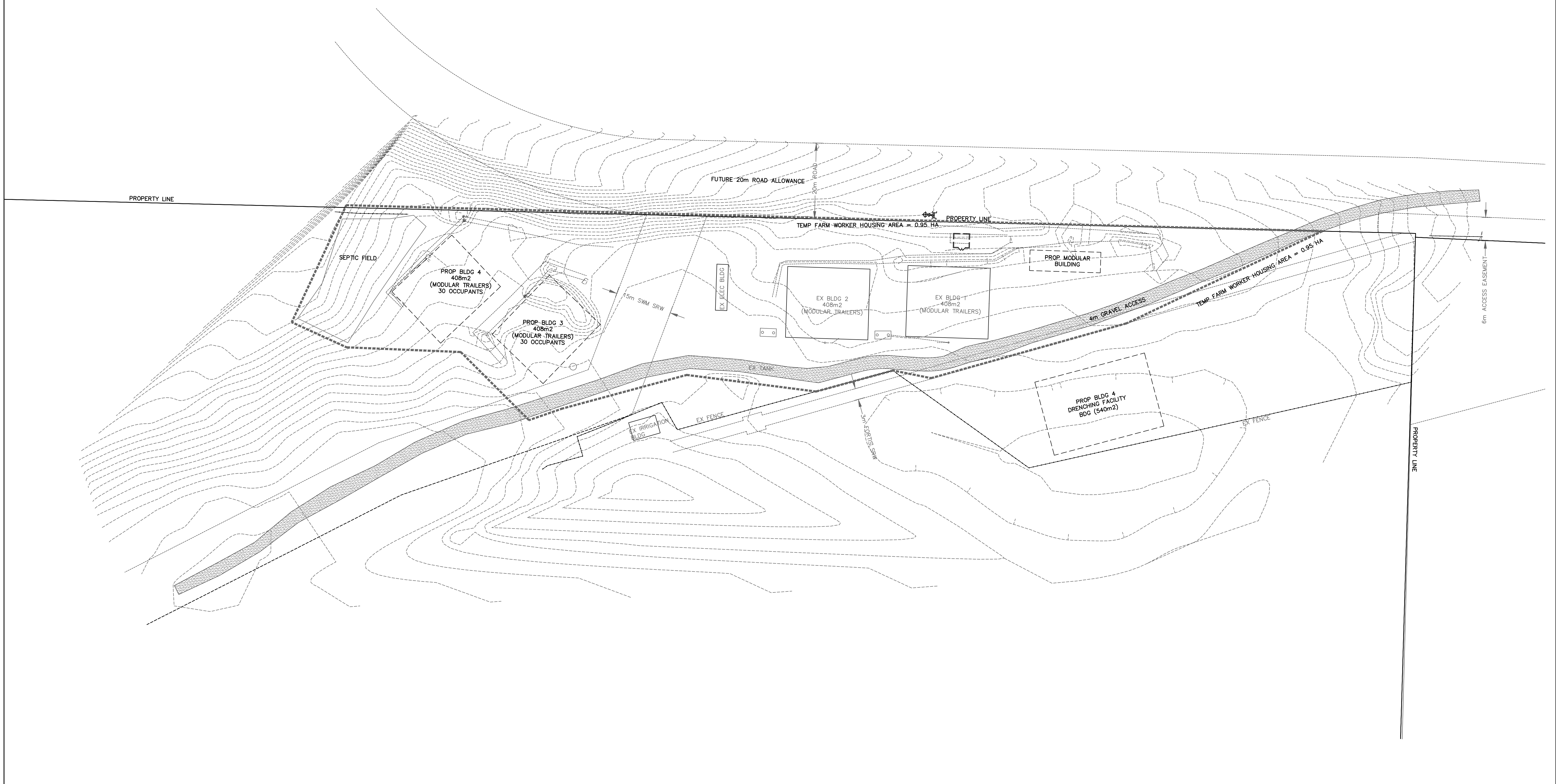
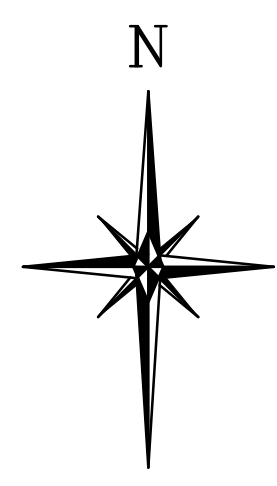
**Attachments:**

Schedule A – Site Plan

Schedule B – Letter from Applicant

Schedule C – Agrologist Report

Schedule D – ALC Non-Adhering Residential Use Application



THE LOCATION: P:\PROJECTS\19027-01\19027-01\_2019\_Schedule A\Drawn - Coral Beach Farms\1 - 19027-01\19027-01\_01.dwg  
 PLOTTED ON: 10/28/2019 8:57 AM

| Legend          |             |
|-----------------|-------------|
| Water           |             |
| San. Sewer      |             |
| Storm Sewer     |             |
| Gas             |             |
| U.G. Telephone  |             |
| U.G. Electrical |             |
| Manhole         |             |
| Power Pole      |             |
| Lamp Standard   |             |
| Catch Basin     |             |
| Hydrant         |             |
| Trees           |             |
| ○ MH            | I.C. (SAN)  |
| □ L.S.          | I.C. (STM)  |
| ⊗ c.b.          | C.S.        |
| ●               | LPT         |
| □               | SERVICE BOX |

**PROTECH CONSULTING 2012**  
 200 - 1461 St. Paul Street Kelowna B.C. Phone 860-1771  
 FAX 860-1994

| NO. | DATE        | BY  | REVISION       | CHKD |
|-----|-------------|-----|----------------|------|
| 1   | OCT 28 2019 | DJP | ADD SITE AREAS | DJP  |

|          |           |
|----------|-----------|
| DRAWN    | DS        |
| DESIGN   | DJP       |
| APPROVED | DRP       |
| DATE     | JULY 2019 |
| SCALE    |           |
| HORIZ.   | 1:500     |

**THE CITY OF KELOWNA**  
 ENGINEERING DEPARTMENT

**CORAL BEACH FARMS**  
 2975 GALLAGHER ROAD  
 SITE LAYOUT

|             |          |
|-------------|----------|
| DIVISION    |          |
| DRAWING NO. | 19027-01 |
| REV. NO.    | 1        |

This forms part of application

# A19-0017

Planner  
Initials  
akSept 23<sup>rd</sup>, 2019

## CITY OF KELOWNA PLANNING DEPARTMENT

My company, Coral Beach Farms Ltd, presently has 930 acres of cherries planted, with another 250 being planted in spring of 2020. 300 of these acres are in Kelowna, with the balance predominantly in Lake Country, and Vernon. As you are likely aware, sweet cherries are one of the most labour intensive crops grown in BC, and peak labour needs are concentrated in a very short time span over the summer months.

The 2019 season was our last year packing fruit at our Lake Country facility in Carr's Landing, as we are moving into our 140,000 square foot packing facility located in North Kelowna, in April of 2020.

Specifically, in Kelowna, we are farming the following blocks, which total 300 acres:

- 1) 100 acres on Gallagher Road (subject property)
- 2) 50 acres on Bal Court, off Highway 33 (long term lease)
- 3) 80 acres of mixed deeded and lease land in East Kelowna (Dendy orchards)
- 4) 25 acres in the Glenmore valley (leased)
- 5) 10 acres in Okanagan Mission (leased)
- 6) 25 acres on Joe Rich Road in the Black Mountain area (being planted in spring of 2020)
- 7) 10 acres on Shanks Road.

We presently have the following accommodation in the city of Kelowna:

- 1) 140 beds at Shanks road (dedicated to packing staff in peak season)
- 2) 6 beds at Bal Court
- 3) 16 beds at Dendy farm in East Kelowna
- 4) 60 beds at Gallagher Road

Total beds: 222 beds

Beds servicing strictly Kelowna farms (net of Shanks beds, which serve packing needs for all 1200 acres of cherries, operation wide): 82 beds

82 beds in Kelowna leaves us in a severe shortfall as our young trees come into production, as we calculate we need approximately  $\frac{3}{4}$  worker per bearing acre of cherry trees. Our intent is to build another 80 beds at the Gallagher road site for 2020 (the subject of this application), and for 2021 or 2022, to build 44 additional beds in East Kelowna.

Owing to the sector plan in the present COK farm worker housing bylaw, we do understand that this request will require a site-specific text amendment, and a more detailed process to obtain permitting. However, we have looked at other options and ruled them out: For example, we considered building at Bal Court to remain to compliant with the bylaw. However, this would involve removing producing cherry trees in good soil, and the camp would be located in full view of all the residents of the Toovey road subdivision. On the other hand, adding additional units at Gallagher road places the camp on an area poorly suited to farming (in a frost pocket), and well set back and out of sight from residential areas. This choice is also efficient for us, being both easier to manage when more workers are at one site, and also being located on our largest single property, minimizing the transportation needs for the workers. We note that council members remarked positively on our previous choice of this Gallagher road site for phase #1, and were appreciative of the pains we took to site the camp well.

As a final note, please understand that we also presently have 474 beds (mostly our own, but a percentage rented) in Lake Country and Vernon. We are not concentrating our beds in Kelowna, but rather distributing the beds as evenly as possible, to have the employees located as close as possible to the tasks at hand.

Should you have any further questions, please call me at 250 878 3025

Sincerely,

David Geen

**FarmQuest Consulting Ltd****3755 Haskins Road East****Creston, B.C. V0B 1G1****Mobile: (250) 428-1742 Email: dholder@telus.net**

November 2, 2018

To Whom It Concerns;

I visited the "Layer Cake" farm site owned and operated by David Geen of Coral Beach Farms on Wednesday, October 31<sup>st</sup> to assess the proposed location for worker accommodation on this farm.

It is my view that the proposed worker accommodation site will be ideally located on this property and will have the least impact on the agricultural capability of the land base. The proposed accommodation site has the following characteristics:

- It is located in the least productive area of the property due to the topography of the land. If planted, the proposed accommodation site would have a high risk for crop loss due to the potential for spring frost.
- It is a highly suitable for worker accommodation facilities due to:
  - o Easy and immediate access to the property entrance
  - o Located on the perimeter of the farming operation
  - o Convenient access to power and water sources
  - o Shade from existing conifers for housing and worker rest area

There are approximately 100 acres currently under cultivation on this farm which have been fenced, planted to cherries or prepared for planting in 2019 and 2020. As the cherry orchard matures, the labour requirement during the peak demand for labour at harvest is estimated to be 1 worker per acre.

The photos included in this report illustrate the proposed worker accommodation site and the view of the current farming operation from that site.

Kind Regards,

  
Duane Holder P.Ag.

FarmQuest Consulting Ltd.

Photo 1. Proposed Worker Accommodation site.



Photo 2. Existing farming operation adjacent to proposed accommodation site.







# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 59983

**Application Status:** Under LG Review

**Applicant:** David Geen , Laura Geen

**Agent:** Kent-Macpherson

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 11/05/2019

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

**Proposal Type:** Non-Adhering Residential Use - Additional Residence for Farm Use

**Proposal:** To build 2 drill camp style dormitories to accommodate an additional 70 seasonal farm workers. Each drill camp consists of 6 ATCO trailers (12x62) mounted on steel skids. We have planted a cherry orchard on the property and will be planting more this spring. Harvesting cherries is labour intensive, and the industry requires more seasonal workers than reside in the Okanagan. In order for the farm to have a sufficient number of workers there is no alternative to hiring workers through the SAWP program, which requires the farmer to provide accommodation. These 70 workers will allow us to harvest approximately 20ha of cherries.

## Agent Information

**Agent:** Kent-Macpherson

**Mailing Address:**

304 - 1708 Dolphin Avenue

Kelowna, BC

V1Y 9S4

Canada

**Primary Phone:** (250) 763-2236

**Email:** jhettinga@kent-macpherson.com

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 030-555-787

**Legal Description:** LOT A SECTION 12 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP71625

**Parcel Area:** 61.3 ha

**Civic Address:** 2975 Gallagher Rd, Kelowna, BC, V1P 1H1

**Date of Purchase:** 06/09/2017

**Farm Classification:** Yes

**Owners**

1. **Name:** David Geen

**Address:**

16351 Carrs Landing

Winfield, BC

V4V 1A9

- Canada  
**Phone:** (250) 878-3025  
**Email:** david@jealousfruits.com
2. **Name:** Laura Geen  
**Address:**  
16351 Carrs Landing  
Winfield, BC  
V4V 1A9  
Canada  
**Phone:** (250) 878-3025
- 

### **Ownership or Interest in Other Lands Within This Community**

1. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 012-296-660  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 4.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership
- 
2. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 012-296-643  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 4.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership
- 
3. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 003-919-447  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 3.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership
- 
4. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 013-576-941  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 19.4 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership
- 
5. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 012-643-408  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 5.3 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership
- 
6. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-344-385  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 10.9 ha

**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership

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7. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 004-566-238  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 19.6 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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8. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 004-566-246  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 8.4 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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9. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 003-621-634  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 4.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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10. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-844-493  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 3.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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11. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 023-482-770  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 1.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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12. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-507-039  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 1.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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13. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 023-482-842  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 2.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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14. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-506-903  
**Owner with Parcel Interest:** David Geen

**Parcel Area:** 3.8 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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15. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 023-239-638  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 7.7 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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16. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 003-268-993  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 8.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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17. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 004-713-982  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 11.7 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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18. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 003-990-371  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 9.4 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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19. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 013-786-733  
**Owner with Parcel Interest:** David Geen  
**Parcel Area:** 3.2 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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## **Current Use of Parcels Under Application**

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

*8.5 ha Nursery (cherry and apple trees)*

*30.5 ha Cherry Orchard*

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

*26 ha cleared in 2017*

*15 ha of land contouring in 2017 and 2018*

*39 ha of Land prep in 2017 and 2018*

*Irrigation mainline to connect to irrigation district and pump house built in 2018*

*39 ha fenced in 2018*

*39 ha irrigation mains and sub-mains installed in 2018*

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

*There is no current non-agricultural use; however there is an ALC approved easement for a stormwater abatement pond for the adjacent planned subdivision.*

#### **Adjacent Land Uses**

##### **North**

**Land Use Type:** Residential

**Specify Activity:** Future Residential Subdivision

##### **East**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Single Family Homes and Livestock

##### **South**

**Land Use Type:** Recreational

**Specify Activity:** Regional Park

##### **West**

**Land Use Type:** Recreational

**Specify Activity:** Regional Park

#### **Proposal**

##### **1. What is the purpose of the proposal?**

*To build 2 drill camp style dormitories to accommodate an additional 70 seasonal farm workers. Each drill camp consists of 6 ATCO trailers (12x62) mounted on steel skids. We have planted a cherry orchard on the property and will be planting more this spring. Harvesting cherries is labour intensive, and the industry requires more seasonal workers than reside in the Okanagan. In order for the farm to have a sufficient number of workers there is no alternative to hiring workers through the SAWP program, which requires the farmer to provide accommodation. These 70 workers will allow us to harvest approximately 20ha of cherries.*

##### **2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.**

*In the short term, the accommodations are required in order to house seasonal workers to maintain the 8.5 ha nursery and the 30.5 ha of orchard. We are also depending on these 70 workers to harvest some 500 tons of cherries from our other orchards in the vicinity this coming year. We have no alternative accommodation, and rental accommodation is not a viable option in the peak of the Okanagan's tourism season.*

*In the long term, the accommodation will house seasonal workers to prune, spray, harvest, etc the minimum of 39 ha of orchard we are planting on the property. Cherries are a labour intensive crop that cannot be farmed without workers that are not available locally. Building accommodations and hiring seasonal workers is critical to bringing this farmland into full productive capacity. The proposed farm worker housing is located between the orchard and the future neighbouring subdivision. In effect, the farm worker housing will act as a buffer between the orchard and future homes, and reduce residential conflicts with farming operations such as spraying and helicopter use. Additionally, the proposed farm worker housing is built on steel skids and will have no permanent foundation. City of Kelowna bylaws require that if the accommodations are unused for 2 consecutive years they must be removed from the property.*

**3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.**

*There are currently two 'drill camps' consisting of 12 ATCO trailers (12' x 62') mounted on steel skids to accommodate 60 seasonal farm workers.*

**4. What is the total floor area of the proposed additional residence in square metres?**

*816 m<sup>2</sup>*

**5. Describe the rationale for the proposed location of the additional residence.**

*The proposed site is located on the worst farmland on the property, being that it is located at a local low point in the terrain, and as such is a frost pocket. This is land that will not be farmed regardless of the outcome of this application. Additionally it is located very close to the entrance of the property which does two things: it satisfies the City of Kelowna's requirement that the accommodation be located within 60m of the property line, and it minimizes use conflict between the accommodation and the orchard. Any other site on the property would require workers to travel through the orchard to reach the accommodation and would require significantly more buffering of the accommodation. The location of the proposed camp between the orchard and the future subdivision to the north also means that the camp acts as a buffer between the orchard and the future residences.*

**6. What is the total area of infrastructure necessary to support the additional residence?**

*The buildings, buffers, septic field, parking, road, and all associated infrastructure will be 0.3 ha (already in place). The entire temporary farm worker housing area, including the existing and proposed camps, will be 0.95 ha.*

**7. Do you need to import any fill to construct the additional residence or infrastructure?**

*No*

## **Applicant Attachments**

- Agent Agreement - Kent-Macpherson
- Professional Report - Agrologist Letter
- Other correspondence or file information - Justification of Site
- Proposal Sketch - 59983
- Certificate of Title - 030-555-787

## **ALC Attachments**

*None.*

## **Decisions**

*None.*