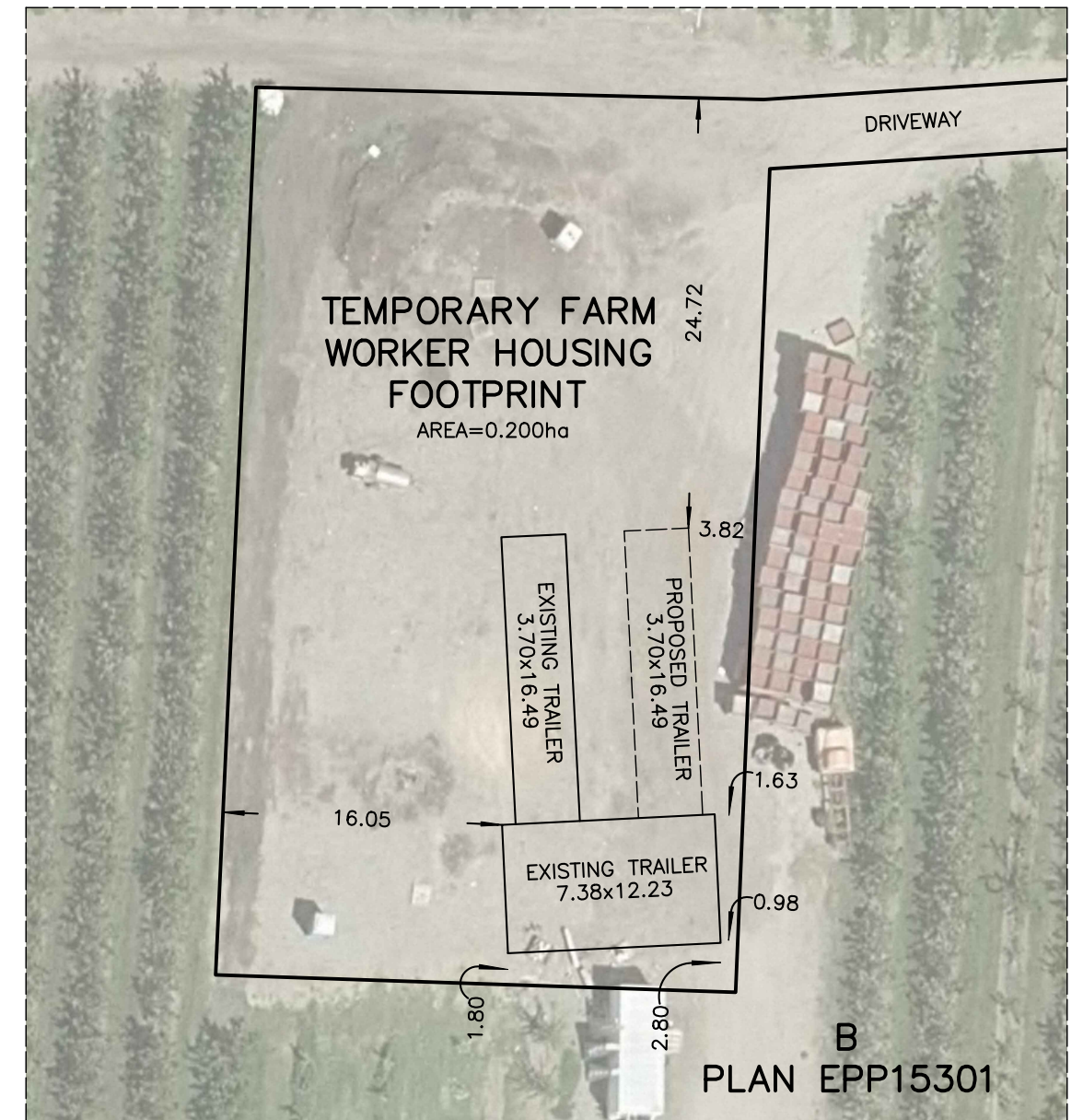
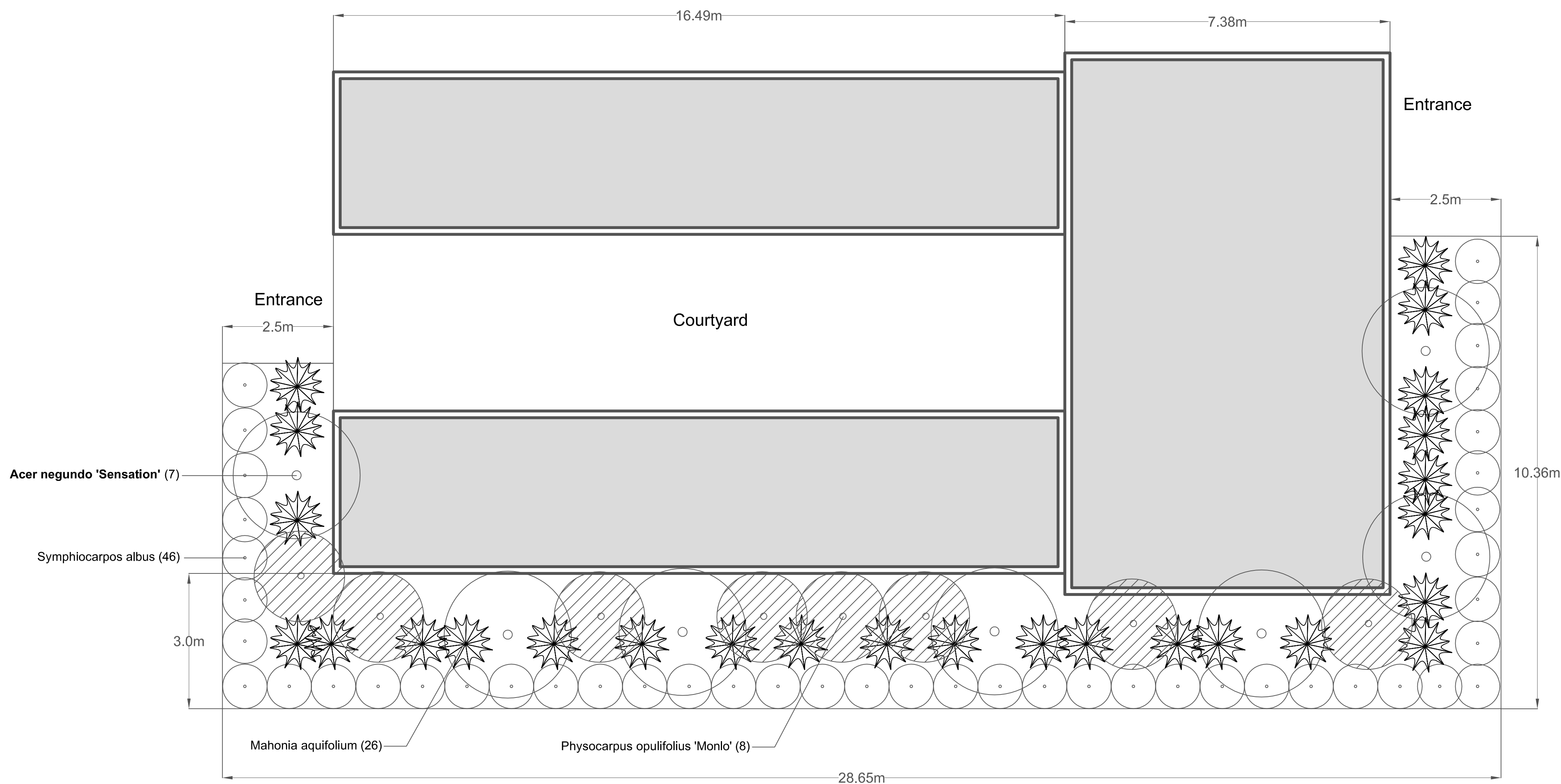


SCALE 1:400 METRES



City of Kelowna  
DEVELOPMENT PLANNING





**Plant List**

Amt	Botanical	Common	Size
7	Acer negundo 'Sensation'	Sensation Box Elder	2.0m Ht
46	Symphoricarpos 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.

**SCHEDULE**

B

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

Planner  
Initials

BC

City of  
**Kelowna**

DEVELOPMENT PLANNING



<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# A19-0012 and FH19-0003		
Planner Initials	BC	 City of <b>Kelowna</b> 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



# 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

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

---

**Applicant:** surinder boparai

## 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 a 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*

**Applicant:** surinder boparai



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**

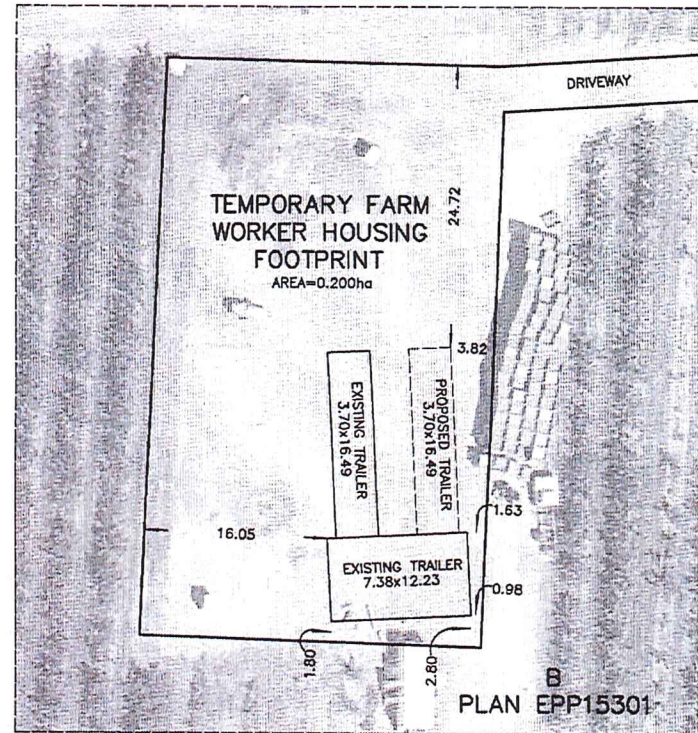
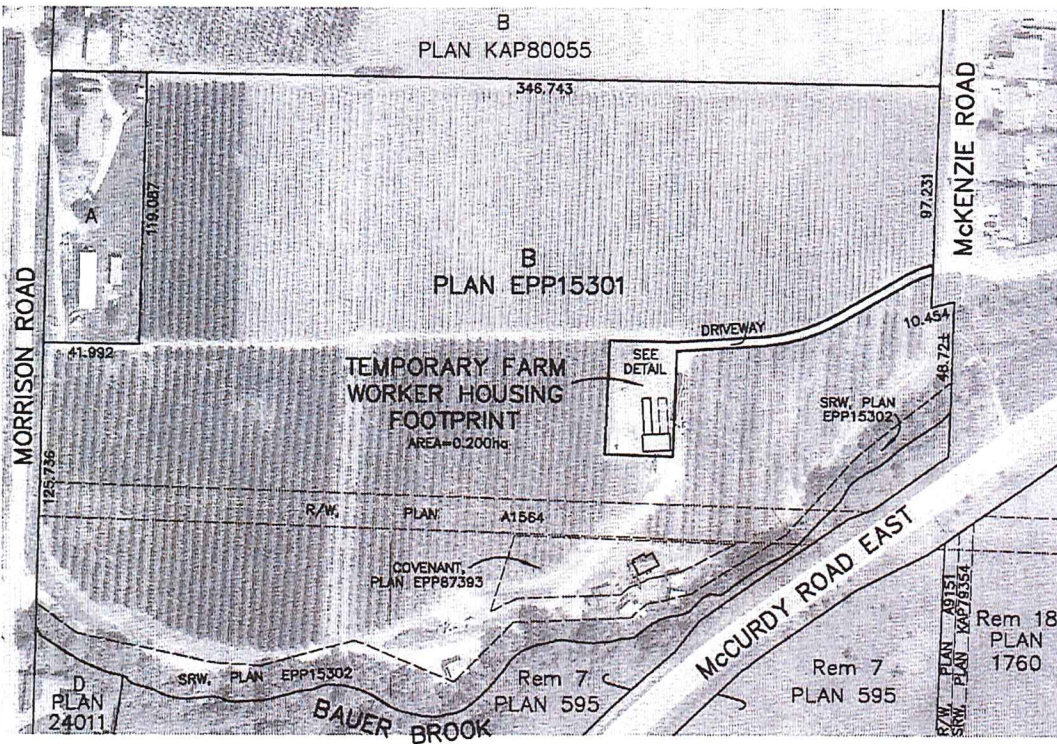
None.

**Applicant:** surinder boparai

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

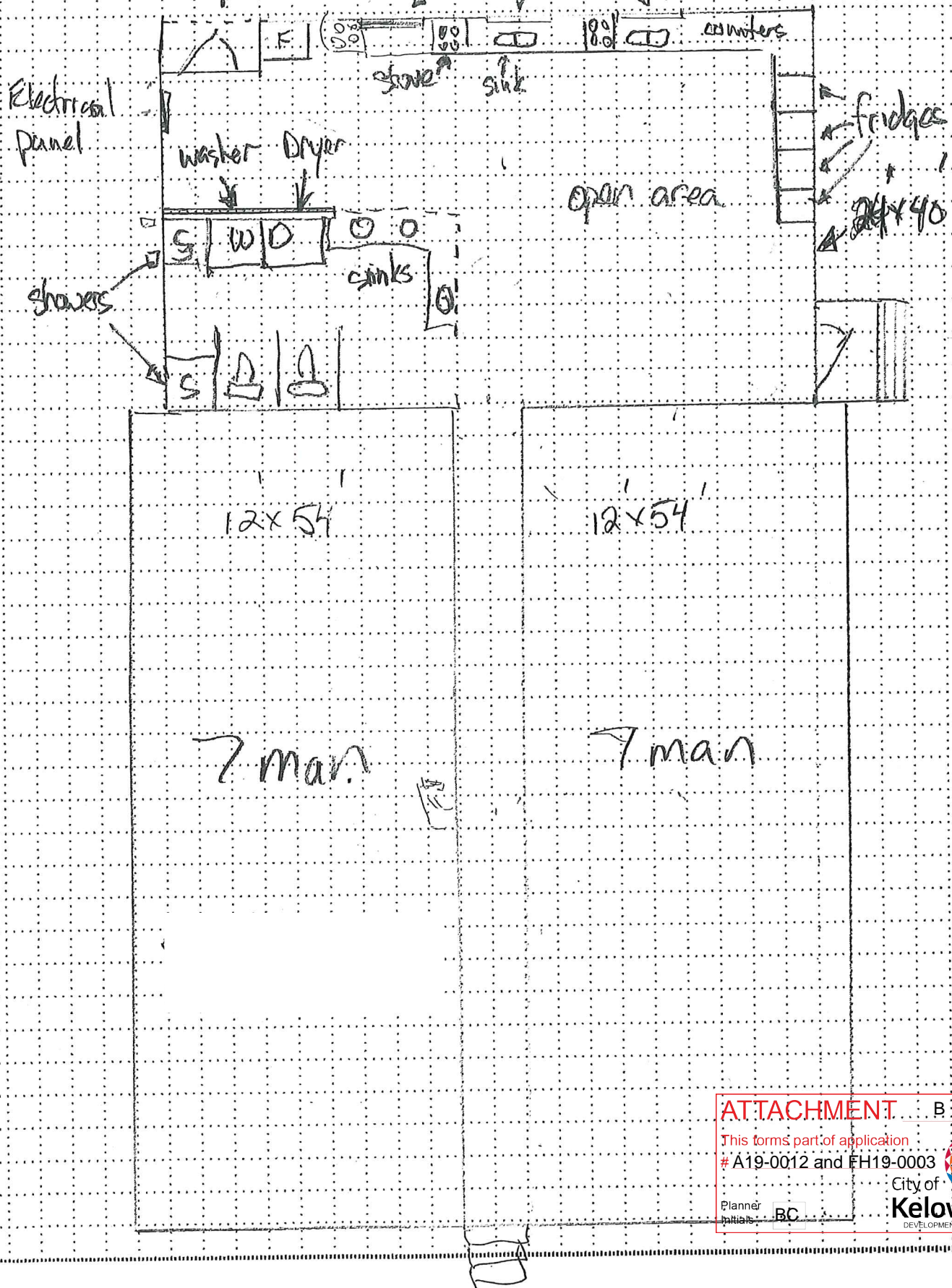


THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

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.	



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







December 3, 2018

CRA Business Number: 803268796

<b>SCHEDULE</b>		<b>B</b>
This forms part of application # A19-0012 and FH19-0003		
Planner Initials	BC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

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

c.c.

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

<b>SCHEDULE</b>		<b>B</b>
This forms part of application # A19-0012 and FH19-0003		
Planner Initials	BC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING



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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

**ATTACHMENT** C

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

Planner  
Initials BC



---

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.

A handwritten signature in cursive script that reads "James Kay".

---

James Kay, P. Eng.

Development Engineering Manager

JKH

---

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

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**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.

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

## 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.

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



James Kay, P. Eng.

Development Engineering Manager

JKH



# TEMPORARY FARM WORKER HOUSING PERMIT



## APPROVED ISSUANCE OF TEMPORARY FARM WORKER HOUSING PERMIT NO. FH19-0003

**Issued To:** Surinder K. Boparai and Avtar S. Boparai  
**Site Address:** 1425 Morrison Road  
**Legal Description:** Lot B, Section 36, Township 26, ODYD, Plan EPP15301  
**Zoning Classification:** A1 – Agriculture 1  
**Development Permit Area:** Temporary Farm Worker Housing

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Agricultural Land Reserve Appeal No. A19-0012 for Lot B, Section 36, Township 26, ODYD, Plan EPP15301 located at 1425 Morrison Road, Kelowna, BC for a non-adhering residential use permit pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration;

THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH19-0003 Lot B, Section 36, Township 26, ODYD, Plan EPP15301 located at 1425 Morrison Road, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A19-0012;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule A;
3. A vegetated buffer is provided for screening to adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule B;

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. Registration of a Section 219 restrictive covenant on title that states:
  - i. The dwellings will be used for temporary farm workers only;
  - ii. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
  - iii. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
  - iv. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
  - v. The temporary farm worker housing building footprint is a maximum of 0.3ha.

AND THAT this Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit or a Certified Cheque in the amount of **\$9,121.88**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**



#### 4. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

#### 5. APPROVALS

Issued and approved by Council on the TBD day of TBD, 2020.

\_\_\_\_\_  
Terry Barton, Development Planning Department Manager

\_\_\_\_\_  
TBD  
Date

The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or his or her designates