

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 61770

Application Status: Under LG Review

Applicant: Dilbag Brar , Sarabjeet Brar

Local Government: City of Kelowna

Local Government Date of Receipt: 01/08/2021

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: This property was planted with apples and pears long time ago and the owner used the fourplex for farm workers and manager. Later the trees were pulled and converted into bare land. The conditions did not match the non adhering residential use so the city of Kelowna ordered to close the building . Applicant is currently living in Keremeos and running 15acres. Has recently bought this property in Kelowna and will plant an orchard in 2021. Applicant wants to use additional residence for himself, manager and four farm workers who will help him for planting and taking care of orchard.

Mailing Address:

2721 middle bench rd

Keremeos , BC

V0x 1n2

Canada

Primary Phone: (250) 499-1865

Mobile Phone: (250) 499-9745

Email: malke01636@gmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 012-019-771

Legal Description: LOT 7 BLOCK 9 SECTION 33 TOWNSHIP 26 OSOYOOS DIVISION
YALE DISTRICT PLAN 896 EXCEPT PLAN B3900

Parcel Area: 5 ha

Civic Address: East of Valley Rd., Glenmore Valley, City of Kelowna

Date of Purchase: 11/09/2020

Farm Classification: Yes

Owners

1. **Name:** Dilbag Brar

Address:

2721 middle bench rd

Keremeos , BC

V0x 1n2

Canada

Phone: (250) 499-1865

Cell: (250) 499-9745

Email: malke01636@gmail.com

2. **Name:** Sarabjeet Brar

Applicant: Dilbag Brar , Sarabjeet Brar

Address:
2721 Middle Bench Road
Keremeos, BC
V0X 1N2
Canada
Phone: (250) 499-9745
Cell: (250) 499-2101
Email: malke01636@gmail.com

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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).

No Agriculture

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

Clearing undertaken on parcel. Land is ploughed and levelled. The property is fenced on Dec, 4 2020. Trees are ordered to be planted in 2021. Plan is to plant peaches, apples and cherries.

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

Its a bare land which will be planted in 2021, May. It has a residential house on it which is on rent and is helping with the mortgage.

Adjacent Land Uses

North

Land Use Type: Commercial / Retail
Specify Activity: Houses and Plaza

East

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

South

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

West

Land Use Type: Other
Specify Activity: 13 acres bare land with 2 homes on it.

Proposal

1. What is the purpose of the proposal?

This property was planted with apples and pears long time ago and the owner used the fourplex for farm workers and manager. Later the trees were pulled and converted into bare land. The conditions did not match the non adhering residential use so the city of Kelowna ordered to close the building. Applicant is currently living in Keremeos and running 15 acres. Has recently bought this property in Kelowna and will

Applicant: Dilbag Brar, Sarabjeet Brar

plant an orchard in 2021. Applicant wants to use additional residence for himself, manager and four farm workers who will help him for planting and taking care of orchard.

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

This additional res will help applicant to hire temporary farm workers who can live on the property and help him in planting and taking care of Orchard and applicant can himself use one of the units of the fourplex to live as Keremeos is 110 km away from Kelowna and is hard to go back and forth everyday.

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

There is one building which is divided into four units. Each unit has two bedrooms , one bathroom, laundry, kitchen , and a living room with a total floor area of 500m2.

One unit will be used by the owner for himself.

2nd unit will be used by the manager.

Third and fourth units will be used for workers. two workers can use one unit.

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

1000 m²

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

The temporary farm workers and manager can use the additional residence to live on the farm and help applicant in running the orchard like planting, irrigation, spraying, pruning, thinning, and picking.

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

This non adhering residence building is already existing on the property and only needs approval to reopen for for farm workers which has a total floor area of 1000m2.

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

No

Applicant Attachments

- Proposal Sketch-61770
- Certificate of Title-012-019-771

ALC Attachments

None.

Decisions

None.

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**A Report to Support Temporary Farm Worker Housing:
Dilbag and Sarabjit Brar
355 Valley Road, Kelowna, B.C.**

December 4, 2020

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Report Prepared by Carl Withler P.Ag.

DBA "Green Spark Consulting"

Kelowna B.C.

This report has been prepared by a Professional Agrologist at the request of the City of Kelowna planning staff to give them confidence that the previously occupied, and residentially rented, house located at the forefront of 355 Valley Road in Kelowna will be used as Farm Worker housing as proposed by Dilbag and Sarabjit Brar of Keremeos, B.C.

To provide this recommendation, the following report has been prepared and follows a rigorous information search and review as well as experience-based observations and recommendations for the City to consider.

Report outline:

1. Arable land estimate and farm plan review.
2. Temporary Farm Worker Housing estimate.
3. General Commentary
4. Recommendations
5. Statement of Qualifications

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Arable Land Estimate and Farm Plan review: In order to attempt to determine the need for Temporary Farm Workers (TFW) either through the Federally administered Temporary Farm Worker program (TFWP) or by a supply of local labour an estimate of arable land for treefruit farming was made from Google Earth images and field review. It is estimated that a total of 3.9 ha. (refer to photo #1) of arable area is available on the property. Added to this review, the project proponents have provided a draft farm plan (Appendix #1) which was compared to basic soil classifications provided through the Provincial Government Soil Information Finder Tool (SIFT). From this review I am confident the proposed plantings fit well on the landscape and match the Glenmore soil profile.

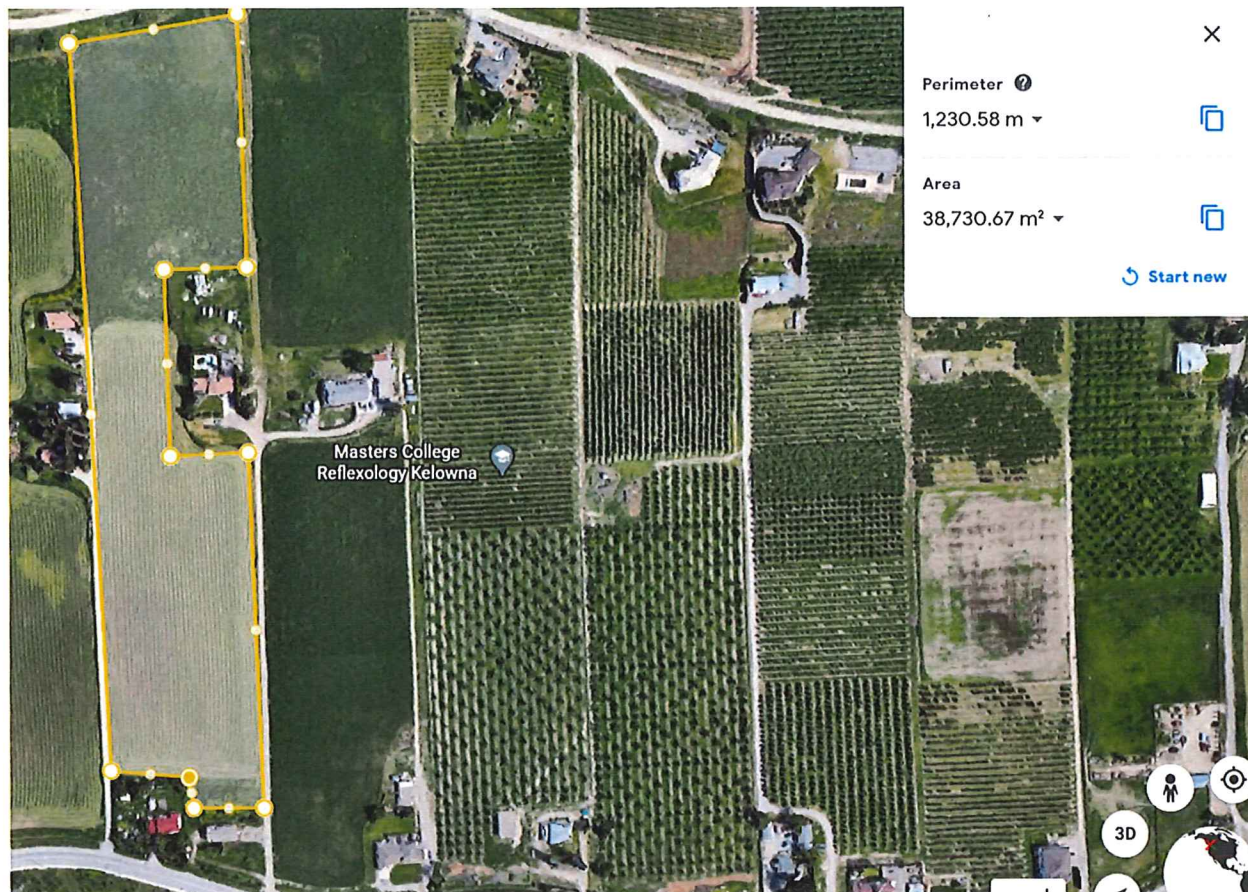


Photo 1: 355 Valley road Google Earth estimate of arable area.

Housing Need: There is not an easy spreadsheet or quick calculation available that directly equates a land area or crop type to the “need” for farm worker housing. That said, there are some general assumptions that can be made regarding farm worker housing for the property in question.

First, this farm is undergoing a significant transition from a traditional low input forage crop (photo#2) to a highly labour intensive treefruit orchard with cherries, apples, and peaches. Each of these treefruit crops require significant labour inputs to prepare the ground, install irrigation systems, build trellis’ and support systems, plant the trees and tend them as they mature and ultimately bare a crop annually. Once in production these crops will require annualized, pruning (March-May), thinning (June-July), weed control (March-October), pesticide spraying (April-October) and harvesting (June-October). As well, there are other activities related to machinery upkeep, trellis construction to support trees, fence repair and all sorting, grading and selling of fruit either to a packing facility or directly to the public off the property.

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The Brar's have done well in selecting crops that cover approximately 1/3 of the property each and move through a normalized harvest cycle starting with cherries in July and finishing with apples in October. This stabilizes the need for labour rather than needing it on a peak and laying it off when not needed.

There is some discussion in the cherry industry that in order to produce the high quality, sweet, crisp cherries that the Brar's are proposing to plant 1 worker/acre is needed, and I believe this to be true. Currently, the Brar's are proposing to plant approximately 3-4 acres of cherries as well as peaches and apples. As stated earlier, there are no similar labour estimates for apples and peaches, but from experience 1-2 workers will be needed to work through the peach and apple season.

As well as generalized labour, the Brar's will not immediately move to Kelowna as they have significant, fully productive orchard properties in Keremeos and Cawston, so there will be a need for "on-site" farm management to organize farm labour, secure supplies and equipment, deliver fruit to market and keep a presence on the property generally to ensure safety and security of the farm assets. This farm manager should be housed on the property to allow direct and rapid communication between the Brar's and Kelowna based farm personnel.

Even though the Brar's will not immediately move to Kelowna, they will continue to improve this property through the late winter of 2020/21 and wish to use the farm worker housing house proposed as a base of operations, staying in it when not farming in Keremeos or Cawston. Using the basement of the house located at 355 Valley road for this purpose will allow the Brar's to stay several days on their property, work with their farm manager and farm employees, reduce the risk of extended travel to/from Keremeos and Cawston after long days of farming.

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Photo #3: proposed farm worker housing at 355 Valley road.

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Photo #2: traditional forage production at 355 Valley road

General Commentary: I have only met, in person, the Brar's once, but from my previous role administering the Provincial Treefruit Replant Program remember their names from their orchards in Cawston and Keremeos which they have replanted successfully.

The Brar's came to Canada in 2009 and have worked on farms, and off, to purchase, or lease orchard properties in the Similkameen valley. I have reviewed each of these parcels and can confirm that they are fully planted out and producing orchards and expect the same of the Brar's efforts at 355 Valley road. They have already professionally installed \$30,000.00 worth

of deer fencing, invested \$18, 000.00 in land levelling and have ordered rootstock and trees to begin planting 355 Valley road in the spring of 2021. (Appendix 2) This is on top of a purchase price greater than \$1.5 million dollars for the property to start.

In dealing with the Brar’s they have provided me with all, any every piece of information I have asked to review, and I am confident their intent is to farm this property as successfully as they do their other orchards.



Arial view of 2721 Middlebench Road, Keremeos (leased/fully planted)

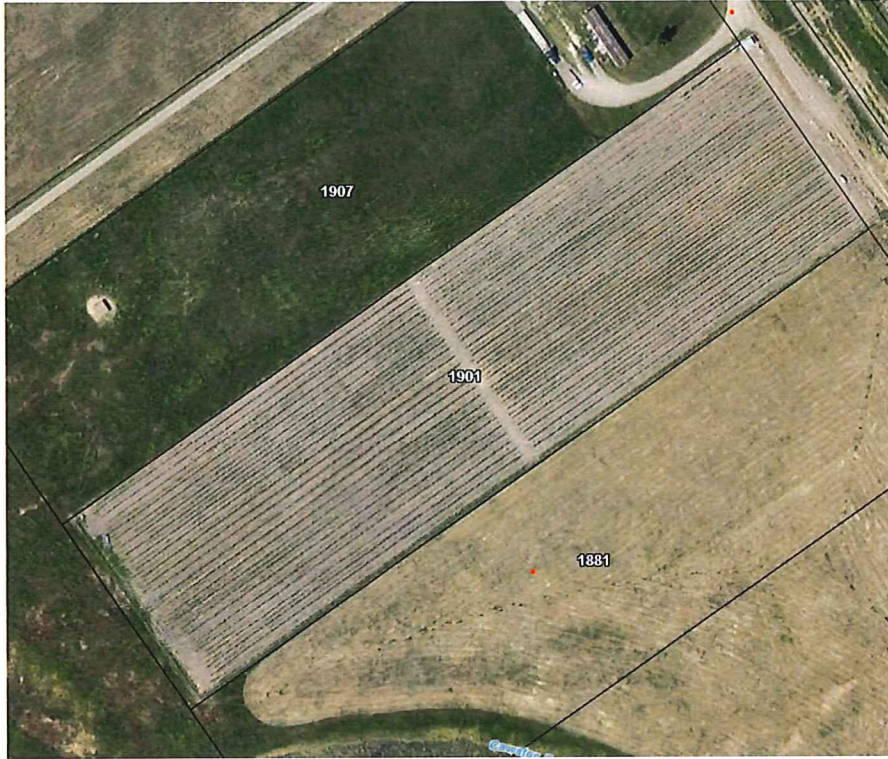
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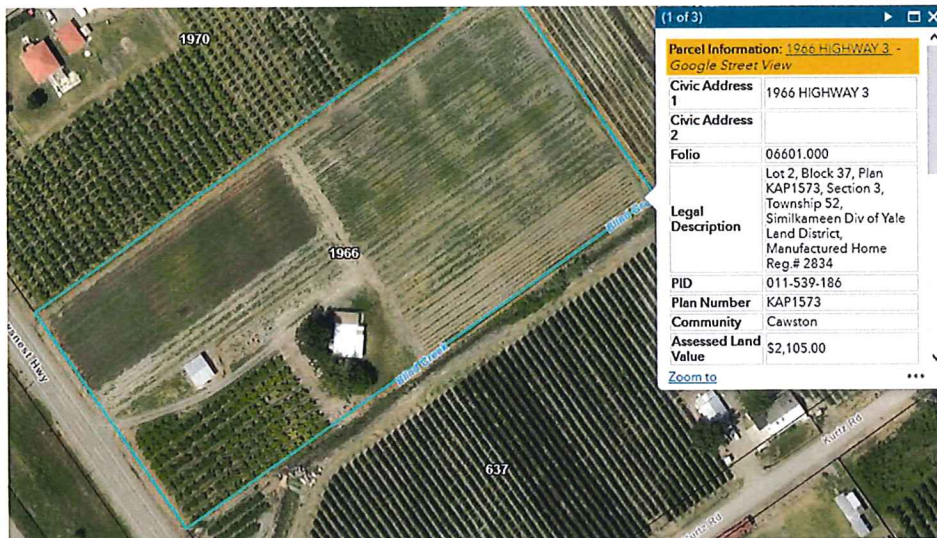
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Aerial view of 1901 Stewart road, Cawston (planted to Ambrosia/owned)



Aerial view: 1966 Highway 3, Cawston (peaches, apples/owned)

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Recommendations: Based on my review of various information sources, on site field review and interviews with the Brar's I would recommend that the City of Kelowna allow the Brar's to house farm workers at 355 Valley road generally following the existing layout of the house in question. That being a maximum of 4 workers on the upper levels of the house, a suite for a farm manager in the lower level and a suite for the Brar's to inhabit "as and when" in the lower level as well. It is also in the best interest of the City of Kelowna to place various covenants restricting use of the building as it would with any other farm worker housing within city limits. Lastly, a basic fence (chain link/wooden) should be built behind the house as outlined on the farm plan to protect workers from orchard activities when not in the orchard.

I hope that this report suffices in giving the City of Kelowna confidence to approve Mr. and Mrs. Brar's application, should further information be required the author remains available to either the Brars or City of Kelowna staff.

Respectfully submitted,



Carl Withler P.Ag. (#695)

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Statement of Qualifications: as required by the Professional Governance Act of British Columbia, I confirm the following to be a true statement of my qualifications with respect to the information in this report.

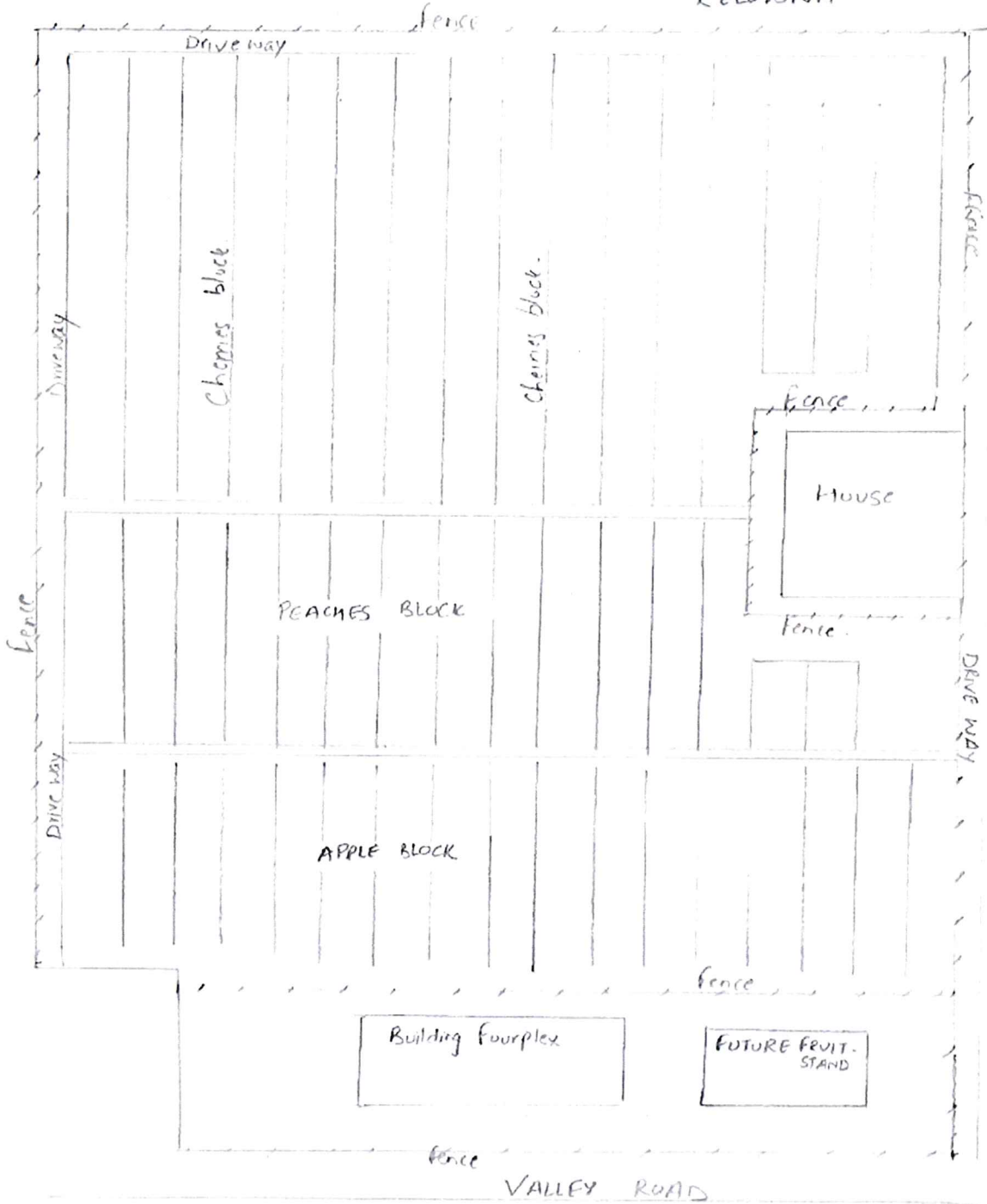
The author of this report is a Professional Agrologist (#695) registered and in good standing in the province of British Columbia and has been so for over 30 years. Because of this registration he is bound by a code of ethics, guided by standard and normal practices and uses scientific and field information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

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

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Appendix #1: Farm Plan 355 Valley Road.

355 Valley Road
KELOWNA



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Appendix#2: receipts supplied to confirm farm commitment.

6200 Millimore Avenue
Summerland, BC V0H 1Z4

Nov 20/20

DILBAG BRAR
SARABJEET BRAR
CAWSTON BC
499 1865

SPRING 2021

QUANTITY	DESCRIPTION	PRICE PER	UNIT	AMOUNT
4600	M9 BENCH GRAFTS 1.68 ROOT - 70 GRAFT CHARGE		238	10,948 -
	GROWER SUPPLIES GRAFT WOOD			
			GST	547 40
			TOTAL	11,495 40

DEPOSIT REQUIRED BY DEC 5/20
TO CONFIRM ORDER
DEPOSIT NON-REFUNDABLE
AMOUNT \$ 8500⁰⁰
DEPOSIT.

BALANCE DUE AT TIME OF PICK UP

PLEASE SIGN AND RETURN COPY BY DEC 5
ACKNOWLEDGING DEPOSIT TERMS

X _____

INVOICE
FACTURE

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A.G. Appel Enterprises Ltd.
1548 Gordon Drive
Kelowna, British Columbia V1Y 5E3

INVOICE

Invoice No: 26223
Date: 11/01/2020
Page: 1
No. of Copies: 1

Send to: Deer, Oling & Sandpiper C1
2721 Michal Street Rd
Kelowna, BC V1Y 5K6

Ship to: Deer, Oling & Sandpiper C1
Kelowna, BC V1Y 5K6
Nov 6-24

Quantity	Unit	Description	Tax	Unit Price	Amount	
1.1	Hour	1 Adult Labour	0%	150.00	225.00	
1.1	Hour	1 Adult Labour	0%	140.00	210.00	
2.2	Hour	2/18 Adult Labour	0%	170.00	340.00	
1.0	Hour	200 Excavator	0%	1.00	1.00	
3.0	Hour	Concrete Dumping	0%	200.00	600.00	
1.0	Hour	Labour	0%	200.00	200.00	
2.0	Hour	FE Trenching Fee	0%	100.00	200.00	
2.0	Hour	Hourly	0%	100.00	200.00	
1.0	Hour	200 Excavator	0%	100.00	100.00	
1.0	Hour	Labour	0%	100.00	100.00	
1.0	Hour	Concrete Dumping	0%	100.00	100.00	
		GST 13.0%			262.50	
		GST 5.0% (excl. tax)			17.50	
		PST				
Charged By: Working Number					Total Amount:	18,250.00
Comments:					Amount Paid:	0.00
Sub By:					Amount Owing:	18,250.00

Quaedvlieg Contracting Ltd.

INVOICE NO: 0290

DATE: Dec 14 2020
Tel: 250-499-6157 or Fax: 250-576-0064

GST# 751231317
quaedvlieg.net

SOLD TO: Dilling Bear +
ADDRESS: Sarnabjeet Bior

SHIP TO: ADDRESS: malke01636@gmail.com

QUANTITY	DESCRIPTION	PRICE	UNIT	AMOUNT
3210	ft Deer Fence	8.70	ft	27807.00
2	double gates	950.00	each	1900.00
2	man gates	230.00	each	460.00
				28040.00
				Plus GST 1402.00
				Plus PST
				Total 29442.00

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Van Well Nursery

LOCATION: 1575 APARTOS RD, SALEM, BC V6N 1K1
 PHONE: (250) 455-1545 FAX: (250) 455-1545

DATE: 04/11/2021
 TIME: 10:30 AM

SALE TO: DELMAS BEAR 3721 MIDDLE BENCH ROAD, KERRIMORE BC V0K 1W2
 RECEIVED BY: DELMAS BEAR

SHIP TO: VAN WELL LTD

DATE	TIME	ORDER NO.	CUSTOMER NO.	SOLD BY	SHIP TO	SHIPMENT DATE
04/11/2021	10:30 AM	7268	424247	DELA	3721 MIDDLE BENCH ROAD, KERRIMORE BC V0K 1W2	04/11/2021

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
600	PEACH BLOSSOM - FIVE 2.5LTS 1yr	\$2.00	\$1,200.00
600	PEACH BLOSSOM - FIVE 2.5LTS 1yr	\$2.00	\$1,200.00
600	PEACH BLOSSOM - FIVE 2.5LTS 1yr	\$2.00	\$1,200.00

\$1,200.00

APPROVED
 DATE: 04/11/2021 10:30 AM
 SIGNATURE: _____

TERMS: NET 30

IMPORTANT: PLEASE READ TERMS AND CONDITIONS OF SALE

Bylands Nurseries Ltd.

2020 Clean Plants Certificate

61-63732
ACKNOWLEDGEMENT

1008 Byland Road, West Kelowna, BC V2Z 1P8
 P: (250) 798-4430 F: (250) 793-5566
 www.bylands.com

Ship To: DELMAS BEAR 3721 MIDDLE BENCH ROAD, KERRIMORE BC V0K 1W2
 PH: (250) 455-1545

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
600	PEACH BLOSSOM - FIVE 2.5LTS 1yr	\$2.00	\$1,200.00
600	PEACH BLOSSOM - FIVE 2.5LTS 1yr	\$2.00	\$1,200.00
600	PEACH BLOSSOM - FIVE 2.5LTS 1yr	\$2.00	\$1,200.00

Extended Total: \$4,500.00
 GST: \$225.00
 Total: \$4,725.00

A DEPOSIT OF \$4,500.00 IS REQUIRED BY NOV 10, 2020. THANK YOU

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Bill of Sale

On this 7th day of Dec, 2020, a bill of sale is made between
DILBAG S. Bhat (Seller) and JALINDER KHOSLA
(Buyer)

The Seller hereby grants transfer or sale of the following goods:

Kubota Tractor 8540 with mint off Load.
Serial No. 88536

to the Seller in exchange for _____ in the amount of \$ 4000.00
Fourty thousand.

The Seller's signature below signifies that he is the lawful owner of the goods listed above, and the seller has the right to sell the goods as he/she chooses. After exchange of payment, the Buyer renders full rights and ownership of the goods listed above.

[Signature] _____ Dec 7/2020
Signature of Seller Date

[Signature] _____ Dec 7/2020
Signature of Buyer Date

Paid by Cheques 008

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ATTACHMENT C

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April 16, 2021
File No: 0280-30
Local Government File No: A21-004

City of Kelowna
1435 Water St
Kelowna BC V1Y 1J4
Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna planning staff:

Re: Non-Adhering Residential Use, 355-357 Valley Road, Parcel Identifier: 012-019-771

Thank you for providing B.C. Ministry of Agriculture, Food and Fisheries staff the opportunity to comment on the proposed non-adhering residential use application. From an agricultural perspective, we offer the following comments on the materials provided:

- The applicant has stated an intent to plant cherries, apples and peaches on the 12.3-acre property. As part of the orchard development and operation, the applicant has identified a residential need for both himself and farm workers. The applicant wishes to use an existing, unused residential structure for this purpose.
- Another residential structure exists on the property and is rented out. The applicant could re-purpose this for himself and farm workers, negating the need to re-open the non-adhering residential structure.
- Additional residential structures utilized by people other than the farmer or farm workers can lead to a rise in the cost of farmland unconnected to its agricultural capability as well as an increase in complaints about surrounding farm practices.

If you have any questions, please contact us directly by email or phone.

Sincerely,

Alison Fox, P.Ag.
Land Use Agrologist

Chris Zabek, P.Ag.
Regional Agrologist

B.C. Ministry of Agriculture, Food and Fisheries
Alison.Fox@gov.bc.ca
(778) 666-0566

B.C. Ministry of Agriculture, Food and Fisheries
Chris.Zabek@gov.bc.ca
(250) 861-7680

ATTACHMENT C

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