



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 63489

**Application Status:** Under LG Review

**Applicant:** JEALOUS FRUITS LTD.

**Agent:** Kent-Macpherson

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 07/16/2021

**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:** To build two (2) drill camp style dormitories (of 6 trailers each) to accommodate ~48 seasonal farm workers to support the existing cherry orchard on the properties (2 contiguous titles). This temporary farm worker housing will impacting ~0.25 ha of ALR.

## Agent Information

**Agent:** Kent-Macpherson

**Mailing Address:**

304-1708 Dolphin Ave

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:** 031-090-249

**Legal Description:** LOT C SECTIONS 11 AND 14 TOWNSHIP 26 OSOYOOS DIVISION  
 YALE DISTRICT PLAN EPP98515

**Parcel Area:** 19.9 ha

**Civic Address:** 3700 Pooley Road, Kelowna

**Date of Purchase:** 04/14/2018

**Farm Classification:** Yes

**Owners**

1. **Name:** JEALOUS FRUITS LTD.

**Address:**

7980 Highway 97 North

Kelowna, BC

V4V 1T3

Canada

**Phone:** (250) 766-5393

**Email:** david@jealousfruits.com

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

1. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 012-296-660  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 4.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership

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2. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 012-296-643  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 4.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership

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3. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 003-919-447  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 3.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership

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4. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-344-385  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 10.9 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Partial Ownership

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5. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 004-566-238  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 19.6 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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6. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 004-566-246  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 8.4 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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7. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 003-621-634  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 4.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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8. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-844-493

**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 3.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Registered Lease

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**ATTACHMENT** A

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# A21-0012

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9. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 023-482-770  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 1.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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10. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-507-039  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 1.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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11. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 023-482-842  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 2.5 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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12. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 011-506-903  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 3.8 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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13. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 023-239-638  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 7.7 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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14. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 003-268-993  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 8.1 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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15. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 004-713-982  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 11.7 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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16. **Ownership Type:** Fee Simple

**Applicant:** JEALOUS FRUITS LTD.

**Parcel Identifier:** 030-944-988  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 9.3 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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17. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 013-786-733  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 3.2 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Unregistered Lease

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18. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 030-555-787  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 61.3 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Full Ownership

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19. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 031-090-222  
**Owner with Parcel Interest:** JEALOUS FRUITS LTD.  
**Parcel Area:** 4.7 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Full Ownership

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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).**

*12.2 ha Cherry Orchard*

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

*26 ha cleared and planted for over 50 years*

*Historic packing plant located on site*

*Fully irrigated and fenced*

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

*There is no current non-agricultural use on this property.*

### Adjacent Land Uses

#### North

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Orchard

#### East

**Land Use Type:** Unused

**Specify Activity:** Mission Creek

**Applicant:** JEALOUS FRUITS LTD.

## South

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

## West

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

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## Proposal

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

*To build two (2) drill camp style dormitories (of 6 trailers each) to accommodate ~48 seasonal farm workers to support the existing cherry orchard on the properties (2 contiguous titles). This temporary farm worker housing will impacting ~0.25 ha of ALR.*

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

*The accommodation will house seasonal workers to prune, spray, harvest, etc the farm that the dorms will be place on (~60 acres) in addition, they will work on surrounding cherry farms that Jealous Fruits either owns or leases.*

*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 ensure these farmlands are used to their full productive capacity.*

*Additionally, the proposed farm worker housing is built on steel skids to reduce the impact on the ALR lands.*

*We have no alternative accommodation, and rental accommodation is not a viable option in the peak of the Interior's tourism season.*

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

*There is currently a single dorm that accommodates 12 workers on this site (adjacent title). In addition, there is a small house and cabin on the property that were part of the original farm.*

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

*836 m<sup>2</sup>*

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

*The northwest corner of the subject site is low lying and requires the least amount of disturbance for utilities to service the dorms. The location also provides adequate drainage for the necessary septic fields, and produces the lowest quality fruit on the existing farm. Additionally, this area will require the fewest fruit trees from being removed.*

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

*Each of the two dorms are 19m x 22m for a combined footprint of 836 sq m. The total area including landscape buffer, recreational area and septic fields is 0.25 ha.*

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

*No*

## Applicant Attachments

- Agent Agreement-Kent-Macpherson
- Proposal Sketch-63489
- Other correspondence or file information-Landscape Plan
- Site Photo-Site Photos
- Certificate of Title-031-090-249

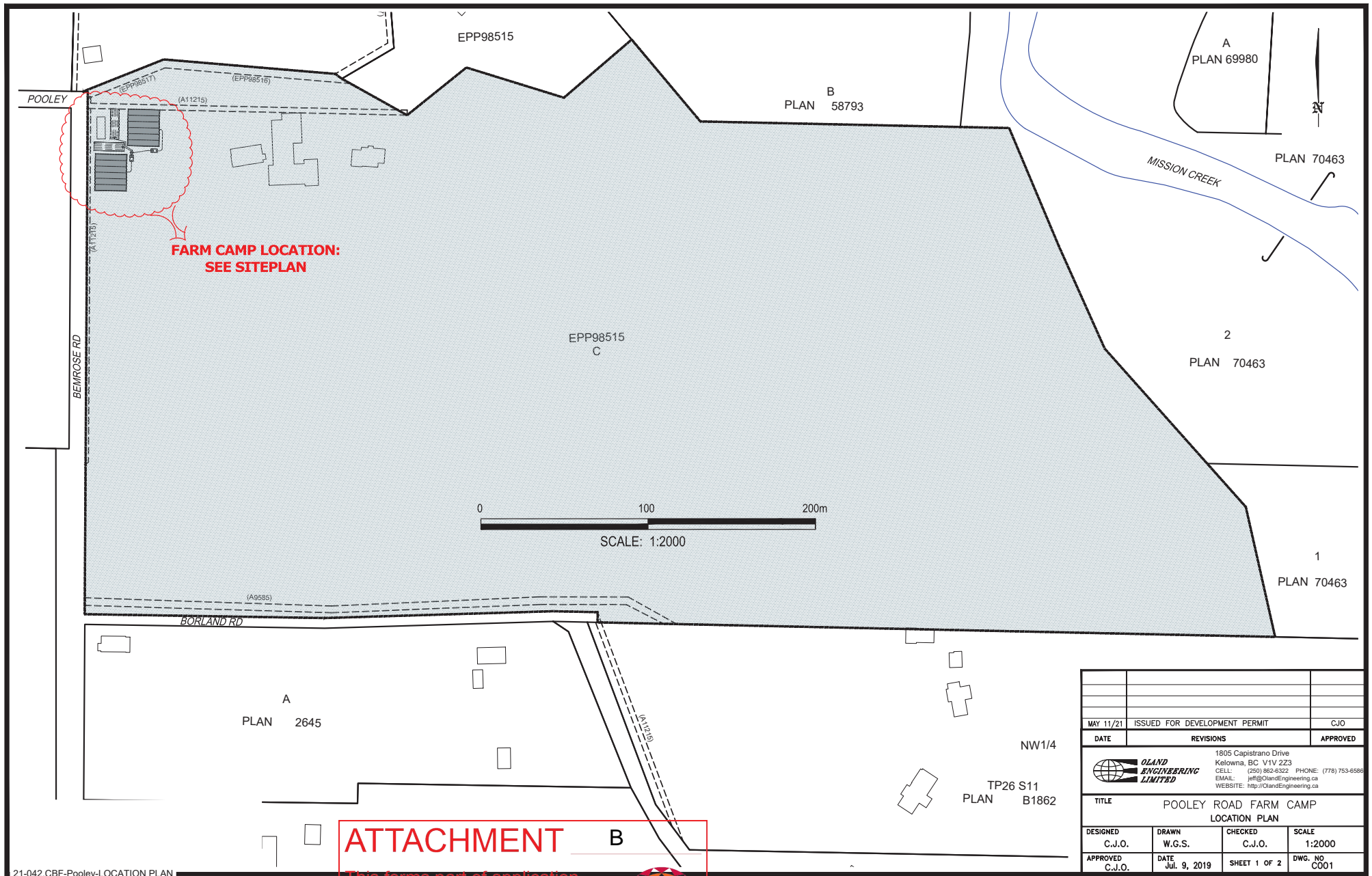
<b>ATTACHMENT</b>	<b>A</b>
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## ALC Attachments

None.

## Decisions

None.



21-042.CBF-Pooley-LOCATION PLAN

**ATTACHMENT B**

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DESIGNED	C.J.O.	DRAWN	W.G.S.	CHECKED	C.J.O.	SCALE	1:2000
APPROVED	C.J.O.	DATE	Jul. 9, 2019	SHEET	1 OF 2	DWG. NO	CO01

MAY 11/21	ISSUED FOR DEVELOPMENT PERMIT	CJO
DATE	REVISIONS	APPROVED

1805 Capistrano Drive  
Kelowna, BC V1V 2Z3  
CELL: (250) 862-6322 PHONE: (778) 753-6586  
EMAIL: jrf@OlandEngineering.ca  
WEBSITE: http://OlandEngineering.ca

**OLAND ENGINEERING LIMITED**

TITLE: POOLEY ROAD FARM CAMP  
LOCATION PLAN

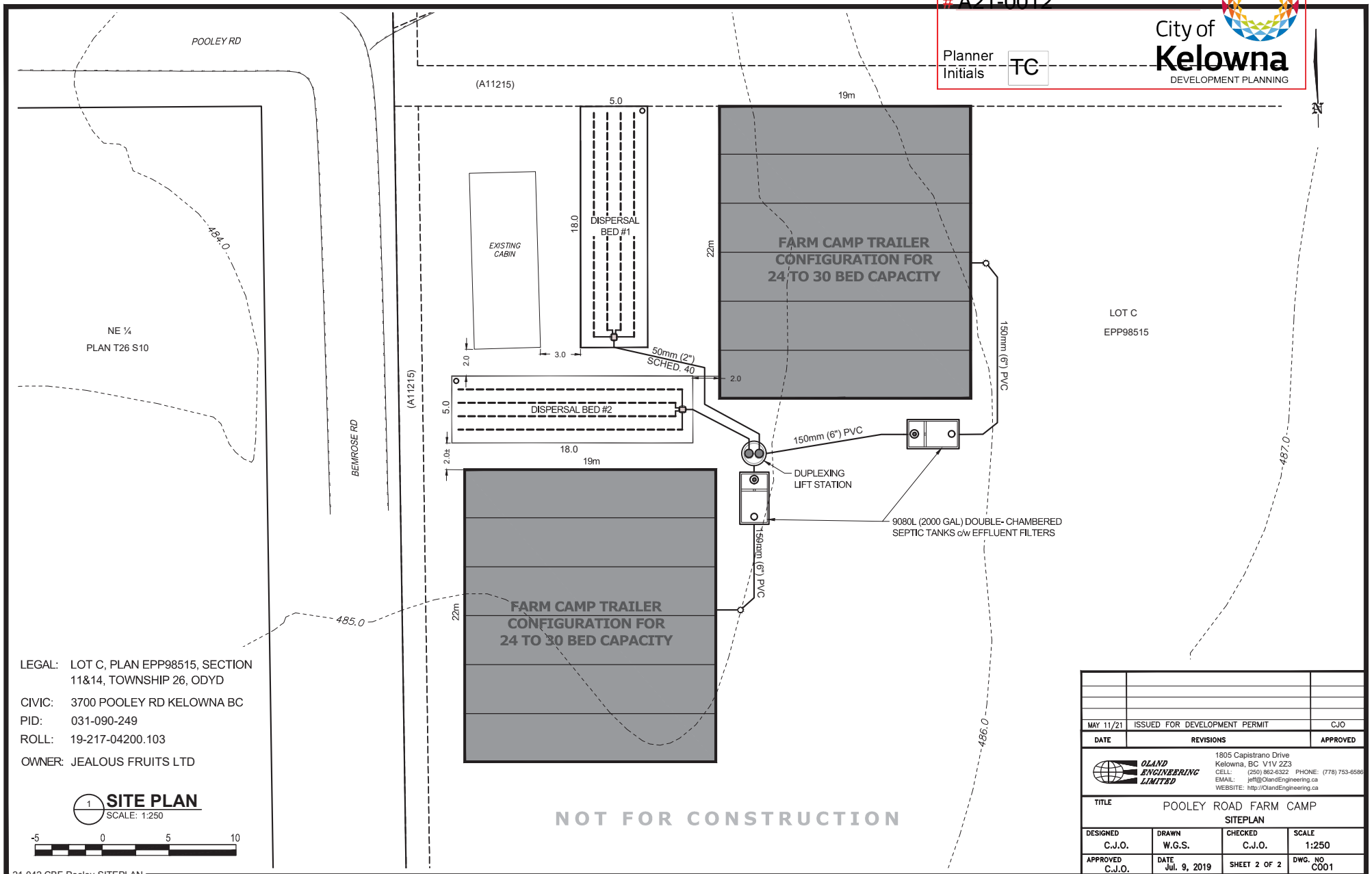
# ATTACHMENT B

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Planner  
Initials **TC**



LEGAL: LOT C, PLAN EPP98515, SECTION 11&14, TOWNSHIP 26, ODYD  
CIVIC: 3700 POOLEY RD KELOWNA BC  
PID: 031-090-249  
ROLL: 19-217-04200.103  
OWNER: JEALOUS FRUITS LTD

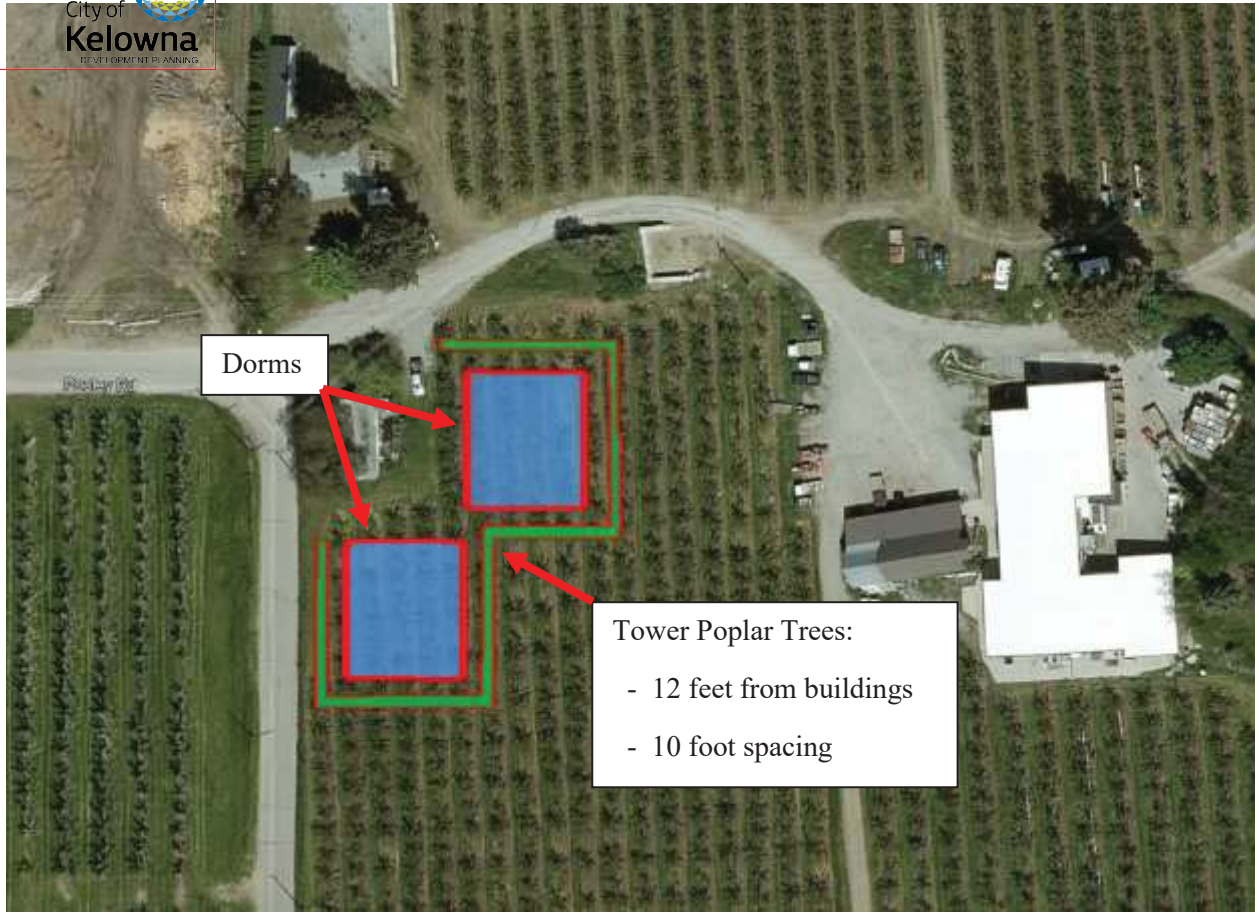
**1 SITE PLAN**  
SCALE: 1:250

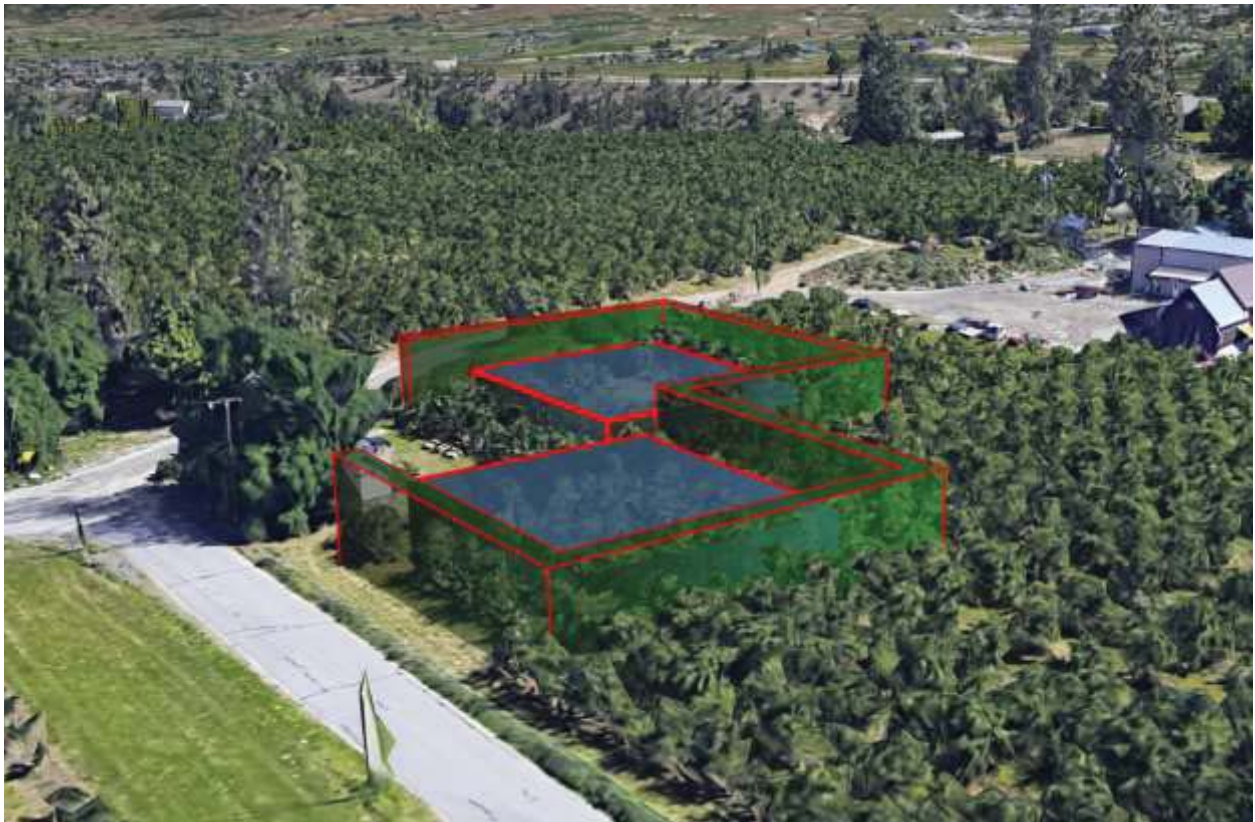


NOT FOR CONSTRUCTION

MAY 11/21	ISSUED FOR DEVELOPMENT PERMIT	CJO
DATE	REVISIONS	APPROVED
1805 Capistrano Drive Kelowna, BC V1V 2Z3 CELL: (250) 862-6322 PHONE: (778) 753-6586 EMAIL: jff@OlandEngineering.ca WEBSITE: http://OlandEngineering.ca		
TITLE POOLEY ROAD FARM CAMP SITEPLAN		
DESIGNED C.J.O.	DRAWN W.G.S.	CHECKED C.J.O.
APPROVED C.J.O.	DATE Jul. 9, 2019	SHEET 2 OF 2
		SCALE 1:250 DWG. NO C001







# ATTACHMENT D

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# A21-0012



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# A21-0012

Planner  
Initials

TC

City of  
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September 3, 2021

File No: 0280-30

Local Government File No: A21-0012

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

Dear City of Kelowna planning staff:

**Re: Non-Adhering Residential Use, 3700 Pooley Road, Parcel Identifier: 031-090-249**

Thank you for providing the 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 wishes to house Temporary Farm Workers (TFW) that are part of the federal Seasonal Agricultural Worker Program (SAWP) on-site to support cherry production on multiple properties. Cherries are a labour-intensive crop which require a significant number of people for a property of 19.9 ha in size. The applicant owns or leases 19 other properties in the region in addition to this one.
- The applicant proposes to build two drill camp style dormitories of six trailers each for this purpose. The trailers will be built upon skids instead of permanent foundations and can therefore be removed if no longer required.
- The trailers will be located at the corner of the lot which will minimize the impact of the housing on the productive area of the parcel. It does appear, though, that some cherry trees will need to be removed in order to provide room for the housing and septic systems.
- The total floor area of the trailers will be 836 m<sup>2</sup> which works out to more than 17 m<sup>2</sup> per worker. This is more than the 10 m<sup>2</sup> maximum useable floor area per worker recommended by the Minister's Bylaw Standard for Temporary Farm Worker Housing (TFWH) in the [Guide for Bylaw Development in Farming Areas](#); however, the TFWH Standard was developed in 2009 and is due for a review. Covid-19 has posed significant challenges with regard to housing of SAWP workers in such a way as to achieve good public health outcomes. The applicants may be attempting to address public health issues by providing more space for each worker.

- Suitable housing is a requirement of the SAWP program.
- Based on the information provided, the proposal appears reasonable based upon the crop, scale, and location.

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

Sincerely,



Alison Fox, P.Ag.  
Land Use Agrologist  
Ministry of Agriculture, Food and Fisheries  
Alison.Fox@gov.bc.ca  
(778) 666-0566



Chris Zabek, P.Ag.  
Regional Agrologist  
Ministry of Agriculture, Food and Fisheries  
Chris.Zabek@gov.bc.ca  
(250) 861-7680

Cc: Sara Huber, ALC

<b>ATTACHMENT</b>	<b>E</b>
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# A21-0012	
Planner Initials	<b>TC</b>
<b>City of Kelowna</b> DEVELOPMENT PLANNING 	