

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 62356

Application Status: Under LG Review

Applicant: LAKHWINDER BRAR

Agent: lakhwinder brar

Local Government: City of Kelowna

Local Government Date of Receipt: 04/03/2021

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: we wanted to use existing old house for farm workers and build new home for our self

Agent Information

Agent: lakhwinder brar

Mailing Address:

815 webster rd

kelowna, BC

V1P 1C1

Canada

Primary Phone: (250) 212-2224

Email: brar7272@hotmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 012-175-897

Legal Description: THE E 11 CHS OF L 3 MEAS ALONG THE NORTH BDY NOW BY THE FULL DEPTH OF SAID L SEC 25 TP 26 OSOYOOS DIVISION YALE DISTRICT PL 603 EXC PLS B797 CB 157 & B4993

Parcel Area: 3.8 ha

Civic Address: 815 webster rd

Date of Purchase: 02/09/2019

Farm Classification: Yes

Owners

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 012-108-472
Owner with Parcel Interest: LAKHWINDER BRAR
Parcel Area: 3.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

2. **Ownership Type:** Fee Simple
Parcel Identifier: 012-108-464
Owner with Parcel Interest: LAKHWINDER BRAR
Parcel Area: 4 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

3. **Ownership Type:** Fee Simple
Parcel Identifier: 012-574-121
Owner with Parcel Interest: LAKHWINDER BRAR
Parcel Area: 4.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Registered Lease

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
cherry orchard over 8 acres are planted into cherry orchard
2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**
this land was sitting empty for over 15 years. we purchased this parcel in February 2019. we cleaned up lot of garbage around five 40 foot garbage containers and cultivated. new automatic irrigation system was installed in spring 2019. we planted over 8 acre cherry orchard in may 2020.
3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**
small two bedroom house

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity: town houses

East

Land Use Type: Agricultural/Farm
Specify Activity: hay field

South



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

West

Land Use Type: Residential
Specify Activity: single family houses

Proposal

1. What is the purpose of the proposal?

we wanted to use existing old house for farm workers and build new home for our self

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

we are young couple with two kids got into farming 5 years ago. we are trying to grow our farming operation. to do so we required to hire some temporary foreign workers. we wanted to use that old house for accommodation for TFW. more labour force will help us to run the farm properly.

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

1200 sq feet two bedroom house

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

350 m²

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

there are around 3/4 of acre on north west corner land that are too steep to do any farming can be used for new resident. it will not impact farm operation caused that section is naturally subdivided by small ravine

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

it can be built right close to Webster rd. all the services are close to site include sewer, water and gas. there are row of town houses built right upto the north west corner property line. it will required around 600 sq meter to built this house

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

No

Applicant Attachments

- Agent Agreement-lakhwinder brar
- Proposal Sketch-62356
- Certificate of Title-012-175-897

ALC Attachments

None.

Decisions

None.

CITY OF KELOWNA
MEMORANDUM

Date: November 15, 2021
File No.: A21-0014
To: Land Use Planning (TC)
From: Development Engineering Manager (RO)
Subject: 815 Webster Rd Non-Adhering Residential

The Development Engineering Branch has the following comments with regards to this application for a Non-Adhering Residential Use Permit to allow the conversion of the existing dwelling into farm worker accommodation for three seasonal workers.

All works and servicing requirements will be applicable at time of Building Permit Application for construction of new building. The Development Technician for this file will be Sarah Kelly, skelly@kelowna.ca.

1. General

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application/PLR has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. The subject lot is within the ALR and subject to review by the Agricultural Land Commission.
- c. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

2. Domestic water and fire protection.

- a. The subject lot is within the Black Mountain Irrigation District (BMID) water service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b. Provide an adequately sized domestic water and fire protection system complete with an individual lot connection. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw No. 7900.

ATTACHMENT B

This forms part of application
A21-0014

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3. Sanitary Sewer Service

- a. This subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system. The existing on-site system are not shown on the submitted Site Plan.
- b. The applicant's consulting engineer will determine the requirements of the on-site disposal system that will support the proposed use. Existing and proposed on-site servicing will require review and approval by the Interior Health Authority and Building & Permitting.

4. Storm Drainage

- a. The developer must engage a consulting civil engineer to provide a stormwater management plan for the site, which meets the requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.

5. Road Improvements and Site Access

- a. Webster Rd is included in the 20 Year Major Roads Network as a 2-Lane Collector and must be upgraded to a rural standard (SS-R5) along the frontage of the subject property. Required upgrading must include road widening, addition of 1.5m paved and 1.5m gravel shoulders, guard rails or safety barriers as necessary along steep section, boulevard restoration, storm drainage ditch, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Only one driveway access, with a maximum of 6m, is permitted per lot. Include shared access for both buildings on site plan.

6. Electric Power and Telecommunication Services

- a. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

7. Geotechnical Study

- a. At the time of Building Permit application the applicant is required to provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

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NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

- b. The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - ii. Site suitability for development.
 - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - iv. Any special requirements for construction of roads, utilities, and building structures.
 - v. Recommendations for items that should be included in a Restrictive Covenant.
 - vi. Recommendations for roof drains, perimeter drains, and septic tank effluent on the site.
 - vii. Recommendations for erosion and sedimentation controls for water and wind.
 - viii. Any items required in other sections of this document.

8. Road Dedications

- a. A road dedication will be required along the full frontage of the subject lot to achieve a future, SS-R5, 2-Lane Collector 20m ROW. The dedication required varies along the property line, approximately 1.25m to 3m, and is to be confirmed by a BCLS.

9. 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.

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- 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.

10. Servicing Agreement for Works and Services

- a. A Servicing Agreement is required for all offsite 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.

11. Charges and Fees

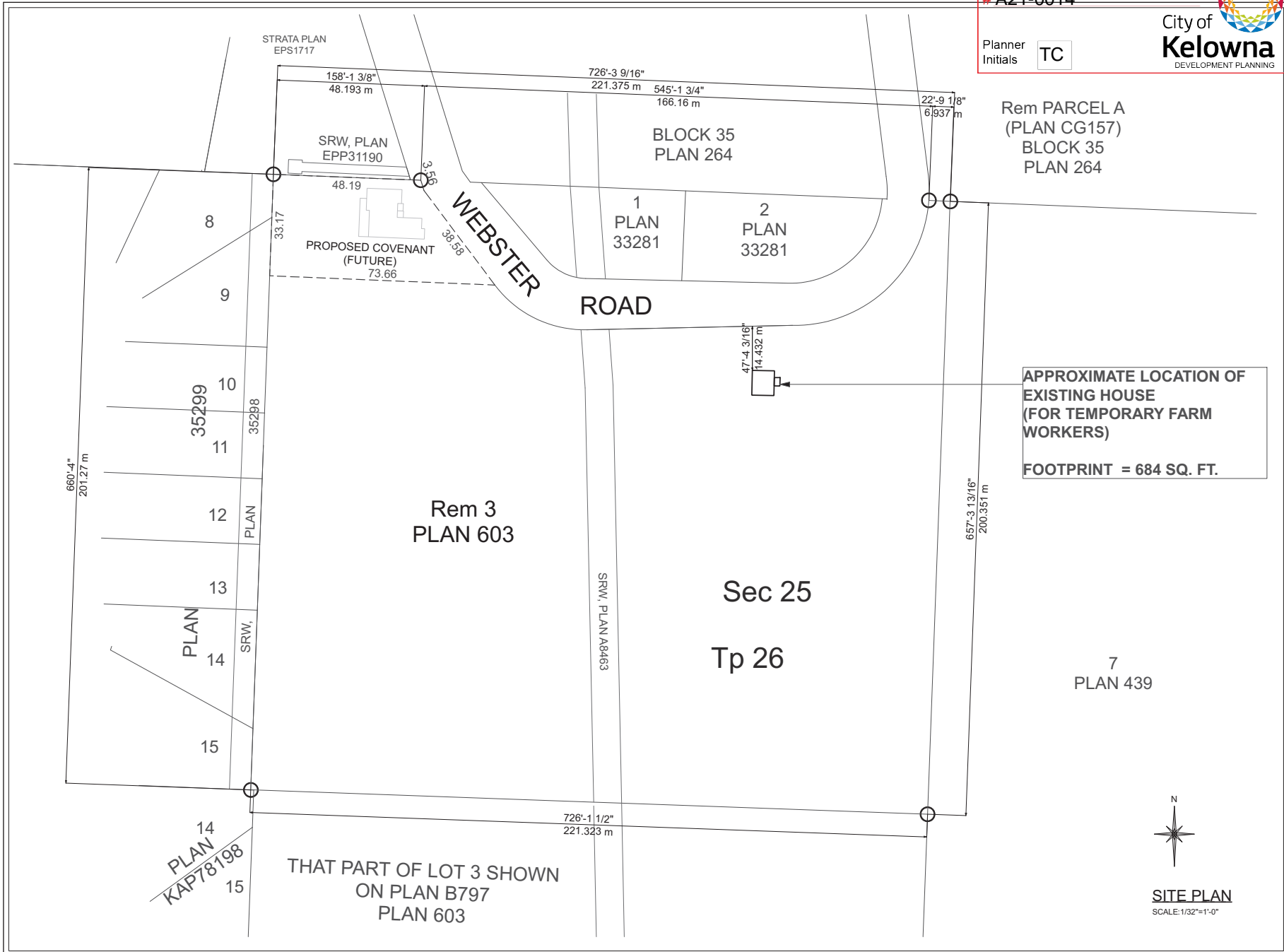
- a. Development Cost Charges (DCC’s) are payable.
- b. Fees per the “Development Application Fees Bylaw” include:
 - i. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - ii. Engineering and Inspection Fee: 3.5% of frontage upgrades (plus GST).

Ryan O'Sullivan

Ryan O’Sullivan
Development Engineering Manager

SK

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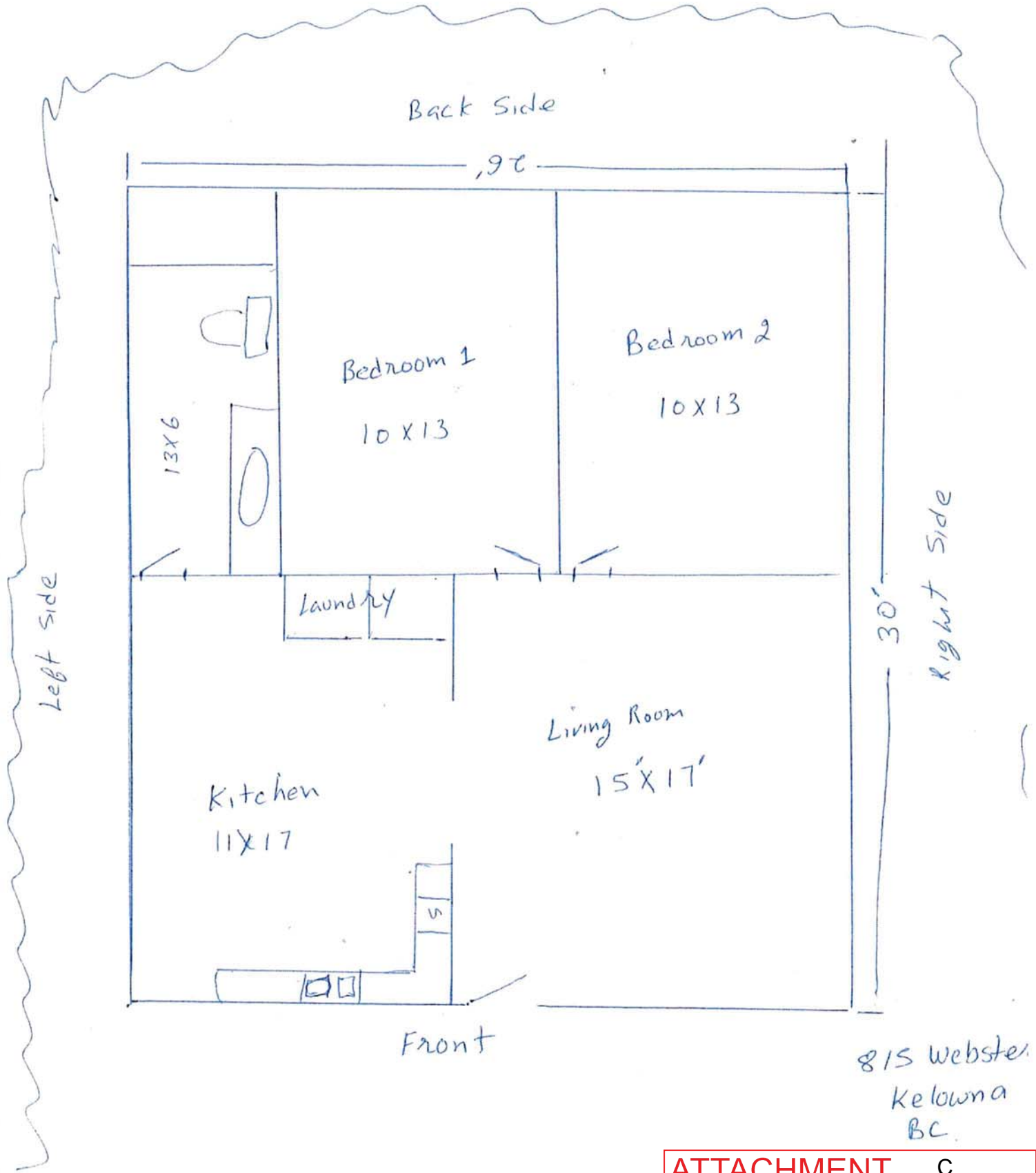
815 WEBSTER RD.
KELOWNA, BC

PROJECT TITLE	
TITLE	
SCALE	
ISSUE DATE	
OCT-27-2021	
PROJECT NUMBER	DRAWING NUMBER
Z-121	1.1
SHEET	
1 OF 1	



SITE PLAN
SCALE: 1/32"=1'-0"

cherry orchard



~~815~~ Webster Rd

ATTACHMENT C

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ATTACHMENT D

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A21-0014

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City of
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November 19, 2021

File No: 0280-30

Local Government File No: A21-0014

City of Kelowna Planning Staff
City of Kelowna
Via E-mail: planninginfo@kelowna.ca

Dear City of Kelowna planning staff:

Re: Non-Adhering Residential Use, 815 Webster Road, Parcel Identifier: 012-175-897

Thank you for providing 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 convert an existing house of approximately 111 m² into Temporary Farm Worker (TFW) housing to support eight+ acres of cherry production. Cherries are an intensive crop which require significant labour.
- The applicant further wishes to construct a new residence of 350 m² for his family.
- It is unclear how many TFWs will be housed in the dwelling. It is also unclear if the applicant has TFW housing on other farm properties in the community.
- The proposed location for the new house is close to Webster Road and appears to minimize the impact of the housing on the productive area of the parcel.

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
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(250) 861-7680

cc: Shannon Lambie, ALC