

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63567
Application Status: Under LG Review
Applicant: Satvinder Shergill
Agent: Satvinder Shergill
Local Government: City of Kelowna
Local Government Date of Receipt: 07/21/2021

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| ATTACHMENT A |
| This forms part of application # FH21-0004 |
| Planner Initials GA |
| City of Kelowna DEVELOPMENT PLANNING |

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 are applying for the proposal in order to allow us to house our foreign farm workers. We need a large number of foreign workers since we have 5 properties that we farm (3 owned and 2 lease). A successful proposal will allow us to obtain the foreign workers we require and house them in a space that is cognizant of COVID-19 distancing requirements and that meets all WALI foreign worker housing requirements. We would like to note that we are not putting up any new building or structure - we are just renovating the inside of a previously built farm building such that it will be a safe, suitable foreign worker house that meets all BC requirements.

Agent Information

Agent: Satvinder Shergill
Mailing Address:
3775 East Kelowna Road
Kelowna, BC
V1W 4H1
Canada
Primary Phone: (250) 801-1887
Email: s_shergill23@hotmail.ca

Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 026-105-624
Legal Description: LOT B SECTION 15 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN KAP76792
Parcel Area: 5.8 ha
Civic Address: 3223 Reid Road, Kelowna BC V1W4H1
Date of Purchase: 04/16/2014
Farm Classification: Yes
Owners

Applicant: Satvinder Shergill

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 012-643-416
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 6.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

2. **Ownership Type:** Fee Simple
Parcel Identifier: 010-359-231
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 3.9 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

3. **Ownership Type:** Fee Simple
Parcel Identifier: 012-149-382
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 4.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

4. **Ownership Type:** Fee Simple
Parcel Identifier: 023-710-012
Owner with Parcel Interest: Satvinder Shergill
Parcel Area: 5.2 ha
Land Use Type: Agricultural/Farm
Interest Type: Unregistered Lease

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
PID: 026-105-624: 93% cherry crop.
2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**
Irrigation on 13.5 acres, Planted 13.5 acres
3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**
Two residential houses - no other non-agricultural activity

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Applicant: Satvinder Shergill

Specify Activity: Cherry farm

East

Land Use Type: Agricultural/Farm

Specify Activity: Cherry farm

South

Land Use Type: Agricultural/Farm

Specify Activity: Cherry farm

West

Land Use Type: Agricultural/Farm

Specify Activity: Cherry farm

Proposal

1. What is the purpose of the proposal?

We are applying for the proposal in order to allow us to house our foreign farm workers. We need a large number of foreign workers since we have 5 properties that we farm (3 owned and 2 lease). A successful proposal will allow us to obtain the foreign workers we require and house them in a space that is cognizant of COVID-19 distancing requirements and that meets all WALI foreign worker housing requirements. We would like to note that we are not putting up any new building or structure - we are just renovating the inside of a previously built farm building such that it will be a safe, suitable foreign worker house that meets all BC requirements.

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

We need the additional residence to house our workers for our cherry farms. The additional residence is exclusively for foreign workers. It will support our agriculture in the short and long term as we will be able to provide housing to the large number of foreign workers that we require to run our 5 owned and leased farms. The space will very clearly be made exclusively for foreign workers and will not be a rental property (built with multiple kitchens distanced from each other in the same space). The additional residence is necessary for our farming. This proposal preserves the agricultural land as we aren't putting up any new building.

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

There are two existing residential structures on the property.

One is a 3200 square foot residential home rental property - occupied by tenants.

The other is a 4400 square foot residential home rental property - occupied by tenants.

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

102 m²

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

The rationale for the proposed location of the additional residence is that it is already a building previously built from when we acquired the property. The foundation is already there. There is also already septic to the building and it already contained a kitchen, bathroom, and 3 rooms. All we are doing is renovating the inside to meet the WALI foreign worker housing standards. We are adding extra kitchens so the foreign workers can cook with distancing standards and adding in an extra bathroom. No new structure or building of any kind is being built. The size, integrity, and continuity of the land as agriculture land will not be compromised in any way - in fact, it only supports the agriculture by allowing us to use a previously built building as residence to support our farming.

Applicant: Satvinder Shergill

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

Absolutely NO new infrastructure is required. There is already septic, driveway, parking, etc. Total area of infrastructure necessary to support the additional residence is zero (0).

All we are doing is renovating the structure to meet safe housing requirements.

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

No

Applicant Attachments

- Agent Agreement-Satvinder Shergill
- Proposal Sketch-63567
- Certificate of Title-026-105-624

ALC Attachments

None.

Decisions

None.

CITY OF KELOWNA MEMORANDUM

Date: September 2, 2021
File No.: A21-0011
To: Land Use Planning Manager (WM)
From: Development Engineering Manager (RO)
Subject: Reid Road 3223-3257 Lot B Plan KAP76792 ALC application

Development Engineering has the following comments at this point in time with regard to this application for Non-Adhering Residential Use – Renovation to Farm Building for New Residence for TFW housing

Potential requirements are provided for information only and are subject to the policies in effect at the time when a formal building permit application is made by the owners.

1. Domestic water and fire protection.
 - a) Our records indicate that the subject property is provided with two 19mm domestic services. and one 50mm non-portable irrigation services.
 - b) On-site servicing including the utilisation of existing or proposed services as well as fire protection will be reviewed by Building & Permitting.
 - c) A Work Order Agreement is required with the property owner and the City to facilitate any service connection upgrades.
 - d) Payment is to be made prior to issuance of a building permit.
 - e) Meters with double check valve assemblies are required for all services.

2. Sanitary Sewer.
 - a) This subject parcel is currently not within the City sewer service area. Sanitary sewage is presently handled by an on-site sewage disposal system.
 - b) Existing and proposed on-site servicing upgrades will be reviewed by the Interior Health Authority and Building & Permitting.



Ryan O'Sullivan
Development Engineering Manager
JF

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| ATTACHMENT | B |
| This forms part of application # FH21-0004 | |
| Planner Initials | GA |
|  City of Kelowna DEVELOPMENT PLANNING | |

AGROLOGY REPORT

3257 Reid Road and adjoining properties, Kelowna, British Columbia

Prepared for:

Partap Singh Shergill
3775 East Kelowna Road
Kelowna, British Columbia

October 8th, 2021

Prepared by:

James Calissi,
B.Sc., M.Sc., P.Ag.

Calissi Farms Inc.
3810 East Kelowna Road
Kelowna, BC
V1W 4H2

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| ATTACHMENT | C |
| This forms part of application | |
| # FH21-0004 | |
| Planner Initials | GA |
|  City of Kelowna DEVELOPMENT PLANNING | |

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Scope

Partap Shergill has engaged Mr. James Calissi P.Ag of Calissi Farms Inc. to prepare a Professional Agrologist's Report to describe the agricultural operations in application for farm workers accommodations.

From this, Calissi Farms Inc. proposes to examine the soil characteristics and climate, agricultural capability of the land. An estimate of the number of workers required for the operations is included.

Site Description:

The property is located along the lower bench of East Kelowna, in the city of Kelowna. The operations consist of 4 orchards:

| | | | | |
|------------------------|-----------------|----------|------------------------|--------|
| 3795 East Kelowna Road | 8 Acres | Apples | Full production | Leased |
| | 4 Acres | Cherries | 25% of full production | Leased |
| 3775 East Kelowna Road | 15 Acres | Cherries | 25% of full production | Owned |
| 3913 East Kelowna Road | 5 Acres | Cherries | Non-producing | Owned |
| | 4 Acres | Apples | Full production | Owned |
| 3257 Reid Road | <u>15 Acres</u> | Cherries | 25% of full production | Owned |
| Total | 51 Acres | | | |

The operations consist of 51 acres of orchard. The later property located at 3257 Reid road is where the worker housing is located. It is important to note that 3795 East Kelowna Road, 3775 East Kelowna Road and 3257 Reid road are located side-by-side. 3913 East Kelowna road is ½ kilometer distance from the other three properties.

The lands are surrounded by orchards and vineyards. Apples and cherries are the predominant crops in the region, and have been for the past 100 years.

Aerial Photograph of 3257 Reid Road



Soils

The soils are predominantly classified as 100% Rutland Soils

Rutland Soils

Rutland soils occupy significant areas throughout the Okanagan valley. Topography is usually level to gently sloping although some terrace scarps are extremely sloping.

The parent material of Rutland soils is a moderately coarse textured veneer between 10 and 25 cm thick, which overlies gravelly and stony, very coarse textured glaciofluvial deposits. Surface soil textures are dominantly sandy loam or loamy sand which subsurface and subsoil textures are sand or gravelly sand. Stones and cobbles are also common. Rutland soils are classified as Orthic Dark Brown. They are rapidly drained, rapidly pervious, have slow surface runoff and low water holding capacity.

The main agricultural limitation are gravelly and stoney textures, rapid permeability and low water holding capacity. Tree fruits and grapes are presently grown in most cultivated and irrigated areas.

Climate

The climate for agriculture is considered class 5A due to aridity. The climate for agriculture with irrigation is considered class 1c, with 2,060 to 2,225 growing degree days above 5 degrees Celsius, this greater than 150 frost free days.

Land Capacity for Sweet Cherry Production

There are adequate frost free days and heat units to produce long season sweet cherry cultivars such as Staccato and Sentential. Minimum winter temperatures are not an issue, since there is adequate air drainage.

Irrigation is required to produce a marketable crop. Micro-sprinkler technology has been used in the Okanagan for over 35 years and is well suited to cherry production.

Estimate of Labour Requirements

The major labour requirement for this farm is cherry harvest labour. The cherry operations encompass 39 acres. Assuming 4 different varieties, the fruit would need to be harvested in a 3 week period. Assuming 20,000 lbs per acre of full production and the fact that one worker can harvest 500 to 1000 lbs of cherries per day.

$20,000 \text{ lbs} \times 39 \text{ acres} / 21 \text{ days} = 37,000 \text{ lbs per day}$

Therefore 37 to 72 workers would be required to harvest the cherry crop.

At this state of production, the orchards are at 25% production and 9 to 18 workers would be required in the 2022 season.

Worker Housing

The worker housing under construction at 3257 Reid road is approximately 30 x 60 feet and repurposes an older existing structure. The building has been completely refurbished, including a large kitchen area and laundry. It has the capacity to house 18 workers. Transit is approximately one kilometer away.

Worker Housing at 3257 Reid Road



References

1. Soils Map of the Okanagan and Similkameen Valleys. Map 82E.083 British Columbia Ministry of Environment.
2. Climate Capability for Agriculture. Kelowna. British Columbia Ministry of Environment.

TEMPORARY FARM WORKER HOUSING PERMIT



APPROVED ISSUANCE OF TEMPORARY FARM WORKER HOUSING PERMIT NO. FH21-0004

Issued To: Partap S. and Satvinder K. Shergill
Site Address: 3223-3257 Reid Rd
Legal Description: Lot B Section 15 Township 26 ODYD Plan KAP76792

Zoning Classification: A1 – Agriculture 1
Development Permit Area: Temporary Farm Worker Housing

ATTACHMENT D
This forms part of application # FH21-0004
City of Kelowna DEVELOPMENT PLANNING
Planner Initials GA

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 Temporary Farm Worker Housing Permit No. FH20-0004 Lot B Section 15 Township 26 ODYD Plan KAP76792 located at 3223-3257 Reid Road, Kelowna, BC to allow the development of temporary farm worker housing be approved subject to the following:

- a) The dimensions and siting of the buildings and structures to be constructed on the land be in accordance with Schedule "A";
- b) Registration of a Section 219 Restrictive Covenant restricting the use of the temporary farm worker housing to accommodation for temporary farm workers only, to a maximum sixty (60) temporary farm workers, and to a maximum occupation of ten (10) months of the year;
- c) Registration of a Section 219 Restrictive Covenant on all parcels owned or leased by the farmer in the Southeast Kelowna OCP Sector restricting the total number of temporary farm worker housing to sixty (60) on those parcels; and
- d) Registration of a Section 219 Restrictive Covenant on the farm unit parcels prohibiting the parcels from being sold or otherwise transferred separately; and

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

2. 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.

3. 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.

4. APPROVALS

Issued and approved by Council on the April 11th, 2022

Terry Barton, Development Planning Department Manager

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**

DRAFT

CHERRY FARM

EAST KELOWNA ROAD

EAST



House
3223

3675

House
751

REID ROAD

CHERRY FARM

PID 026-105-624
LOT B SECTION 15 Township 26
OSOYOOS Division Yale District Plan
SUBJECT PROPERTY KAP76792

CHERRY FARM

House

3257

CHERRY FARM

Proposed residence = 102m²
(no impact on agricultural land - cherry farm starts here)

PRIVATE DRIVEWAY

HILL

Driveway
HILL

279

House

CHERRY FARM

CHERRY FARM

HILL

House

House
3775

SCHEDULE A
 This forms part of application # FH21-0004
 Planner Initials GA

 City of Kelowna
 DEVELOPMENT PLANNING