

This forms part of application

# A21-0010

Planner  
Initials

GA



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 63476

**Application Status:** Under LG Review

**Applicant:** Khela Orchards

**Agent:** Carl Withler

**Local Government:** City of Kelowna

**Local Government Date of Receipt:** 07/05/2021

**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:** House 60 TFW currently in the SAWP program

## Agent Information

**Agent:** Carl Withler

**Mailing Address:**

2612 Woodland Cres.

Kelowna, BC

v1w 2R4

Canada

**Primary Phone:** (250) 870-2137

**Email:** withler@shaw.ca

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 028-135-351

**Legal Description:** LOT 3 SECTIONS 3 AND 4 TOWNSHIP 26 OSOYOOS DIVISION YALE  
DISTRICT PLAN KAP90274

**Parcel Area:** 13 ha

**Civic Address:** 3845 hart Road, Kelowna

**Date of Purchase:** 04/29/2019

**Farm Classification:** Yes

## Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 016-767-721  
**Owner with Parcel Interest:** Khela Orchards  
**Parcel Area:** 22 ha  
**Land Use Type:** Agricultural/Farm  
**Interest Type:** Full Ownership
- 

## Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**  
*Late season cherry production.*
2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**  
*Equipment shed and farm manager trailer*
3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**  
*27 acres of high value cherry production.*

## Adjacent Land Uses

### North

**Land Use Type:** Transportation/Utilities  
**Specify Activity:** Hart Road

### East

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** cherry production

### South

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** cherry production

### West

**Land Use Type:** Transportation/Utilities  
**Specify Activity:** Hart Road

## Proposal

1. **What is the purpose of the proposal?**  
*House 60 TFW currently in the SAWP program*
2. **Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.**  
*Housing is a requirement of the SAWP program and on-site housing is preferred to reduce travel time to work sites.*

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

*A farm managers trailer (registered on title) is on the property currently.*

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

*200 m<sup>2</sup>*

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

*The site is not farmable due to extremely sandy soils, steep terrain and standing yellow pine on site.*

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

*.2 ha per City of Kelowna farm footprint bylaw.*

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

*No*

### **Applicant Attachments**

- Agent Agreement-Carl Withler
- Proposal Sketch-63476
- Other correspondence or file information-lot plan
- Certificate of Title-028-135-351

### **ALC Attachments**

None.

### **Decisions**

None.

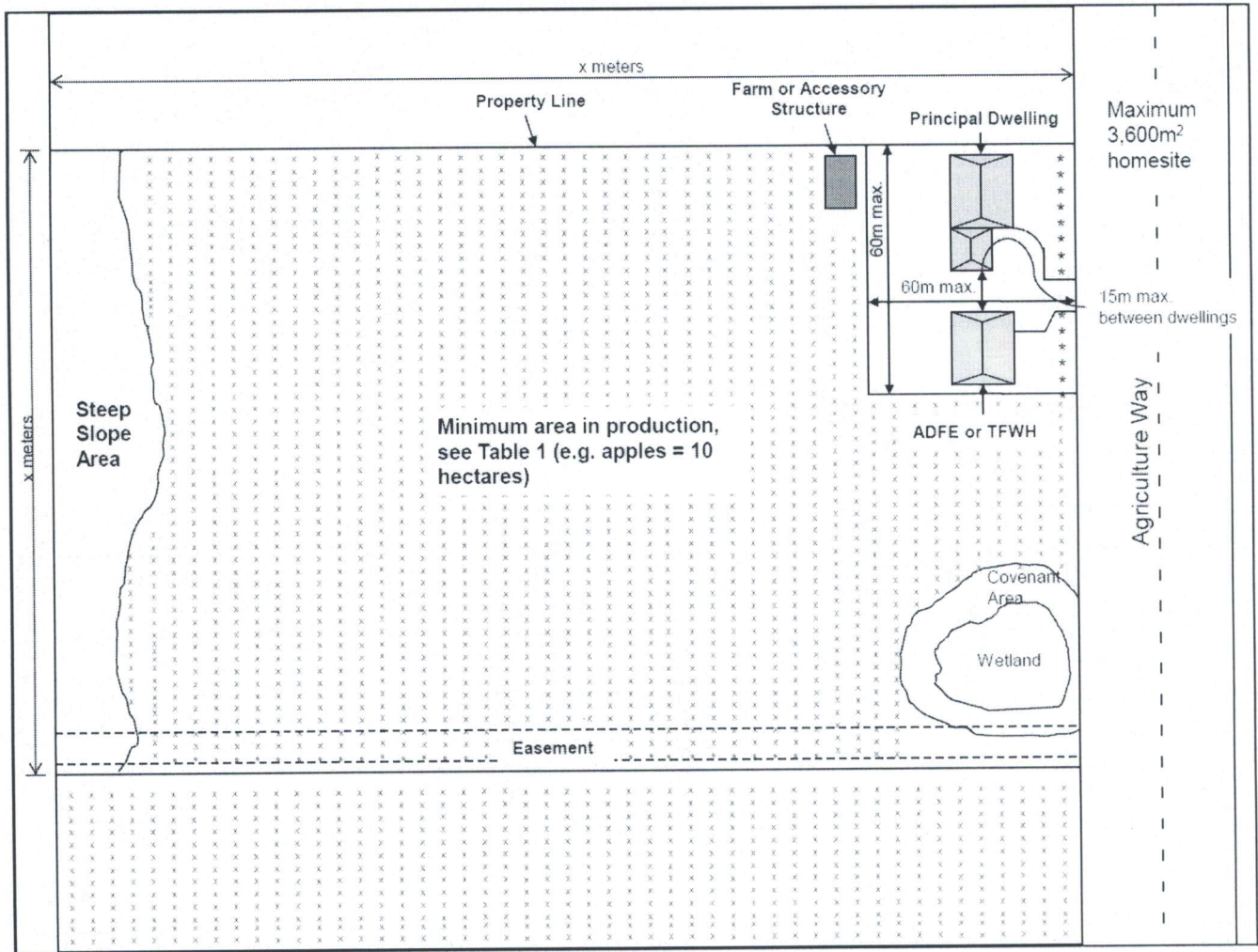
## Appendix 6: Temporary Farm Worker Housing Criteria (TFWH)

1. TFWH should be provided as “bunkhouse” style accommodation which is very minimalist in nature.
2. New TFWH should be in an existing building, or a manufactured home. Housing should be constructed or manufactured in a manner that makes it easily movable from one location to another for residential use or offsite if the housing is no longer required.
3. Housing is to be provided on a temporary foundation (no concrete footings) and no basement permitted.
4. Housing must be located on a declared home plate. A home plate must be contained within a contiguous area no greater than 3,600 m<sup>2</sup> including those portions of existing farmhouses and their associated ancillary farm residential that are located more than 60 metres from the front, interior, rear or exterior property lines. Consideration will be given where a hardship (e.g. topography or agricultural viability) can be demonstrated.
5. Total useable floor area should be in the range of 7.44 m<sup>2</sup> minimum and 10 m<sup>2</sup> maximum. Total useable floor area does not include washrooms, laundry rooms, mechanical rooms, or storage rooms.
6. Sleeping areas must be a minimum of 8.5 m<sup>3</sup> per person.

The following recommendations are consistent with the Federal Seasonal Agricultural Worker Program (SAWP):

1. One washbasin for every seven occupants.
2. One shower for every ten occupants.
3. One toilet facility for every ten occupants.
4. At least one laundering machine in good working order for every fifteen bunks or the equivalent.
5. One unit (2 burners) stove or hot plate for every four workers.
6. One refrigerator unit for every six workers.

Appendix 3: Sample Site Plan (Required for Both ADFE and TFWH Requests)



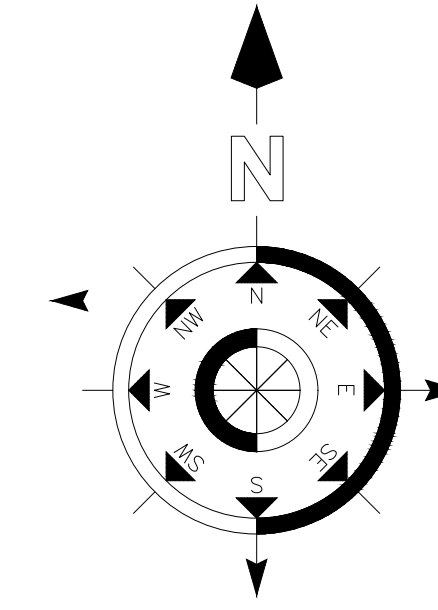
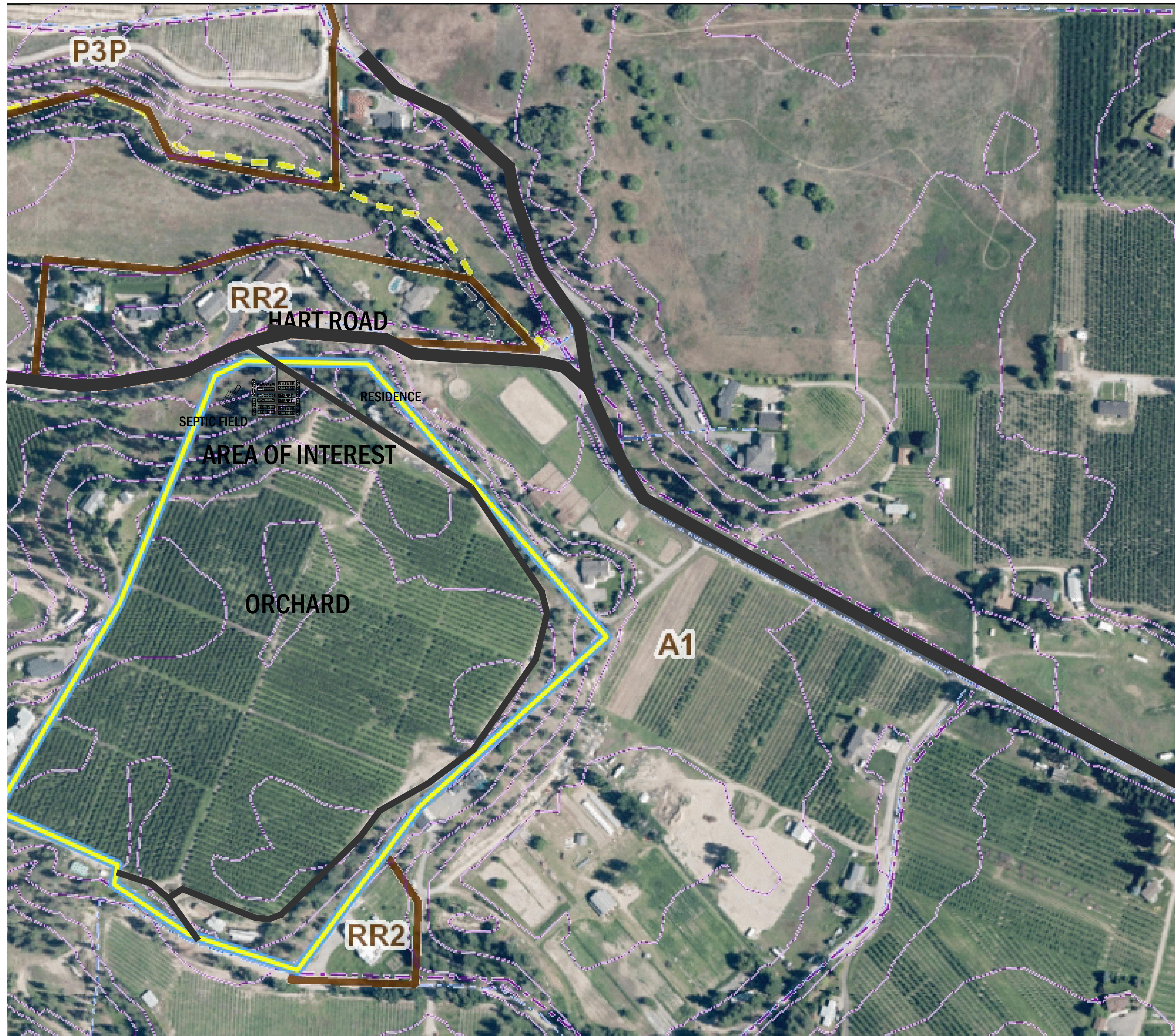
**ATTACHMENT B**

This forms part of application  
**# A21-0010**

Planner Initials **GA**

City of **Kelowna**  
 DEVELOPMENT PLANNING





MUNICIPAL ADDRESS  
 3845 HART ROAD  
 KELOWNA, B.C.  
 V1W-4B2

LEGAL ADDRESS  
 LOT 3 BLOCK  
 PLAN KAP 90274  
 KID 728799  
 PID 028-135-351

28.91 Acres / 11.70 Ha.

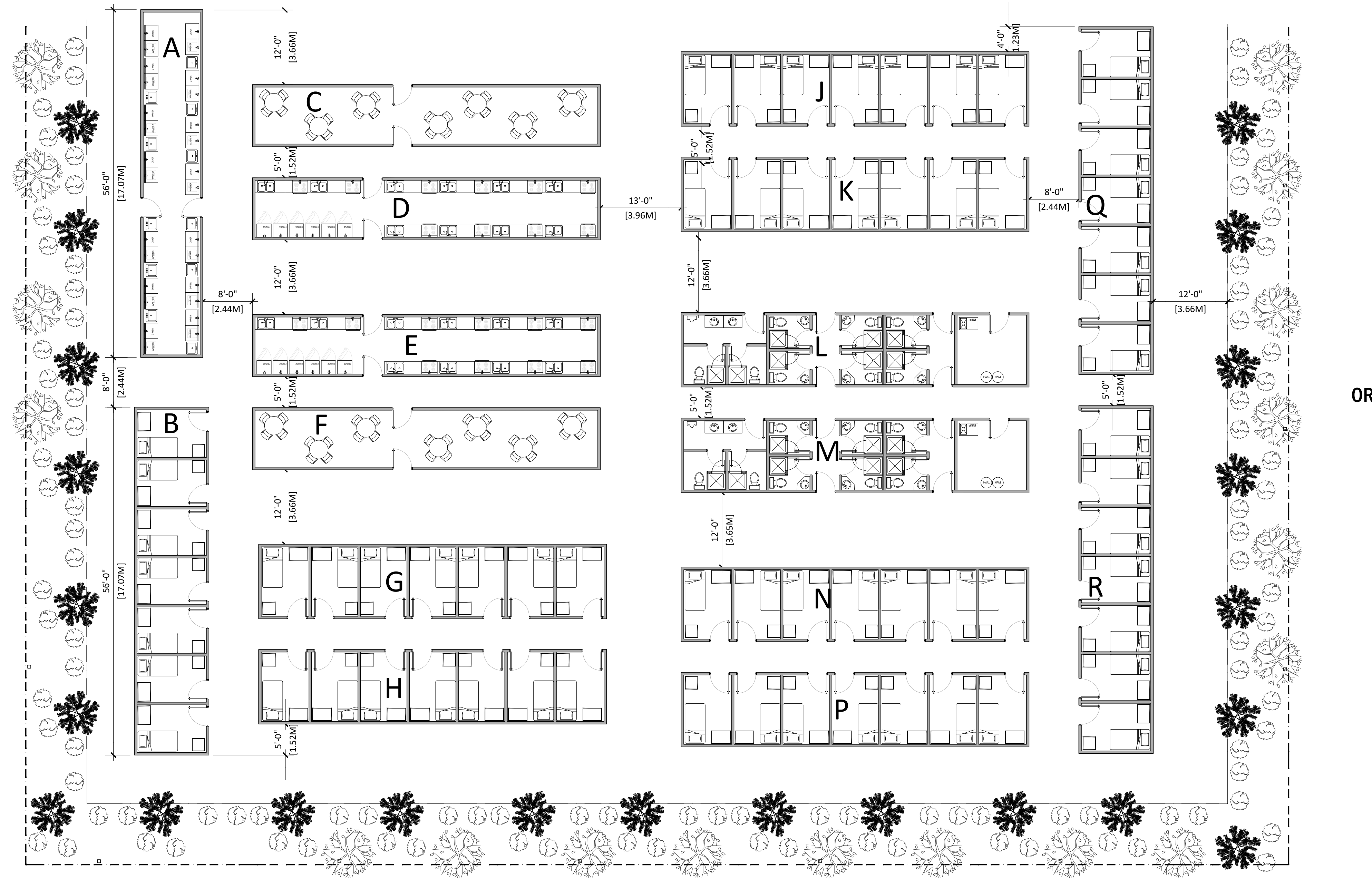
**3845 HART ROAD**

No.	Type	Per Unit	Per Unit	Total Amount
4	12' SLEEPING UNIT	672 sq. ft.	62.4 m2	2,688 sq. ft. 249.7 m2
3	10' SLEEPING UNIT	560 sq. ft.	52.0 m2	1,680 sq. ft. 156.0 m2
2	12' KITCHEN	672 sq. ft.	62.4 m2	1,344 sq. ft. 124.8 m2
2	12' WASHROOM	672 sq. ft.	62.4 m2	1,344 sq. ft. 124.8 m2
2	10' RECREATIONAL	560 sq. ft.	52.0 m2	1,120 sq. ft. 104.0 m2
1	10' LAUNDRY UNIT	560 sq. ft.	52.0 m2	560 sq. ft. 52.0 m2
				<b>8,736 sq. ft. 811.6 m2</b>

DATE		NO.		BY		REVISION	
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<b>HOLDEN'S DRAUGHTING &amp; DESIGN</b> <small>832 SAUCIER AVENUE          KELOWNA, B.C.          V1Y-6A3          Phone: 250.868.0962          Fax: 250.868.0962          Email: h.holden@shaw.ca</small> <b>H.D.D.</b>							
PROJECT <b>HART ROAD ORCHARD</b> 3845 HART ROAD KELOWNA, B.C. V1W-4B2							
SHEET TITLE <b>SITE PLAN &amp; NOTATION</b>							
DRAWN		RAH		SHEET NO.		<b>A 1</b>	
CHECKED		R.G.		DATE		Oct. 25, 21	
SCALE				Rev.		0	

3845 HART ROAD

ATTACHMENT C  
 This forms part of application  
 # A21-0010  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials GA



ORC

ORCHARD

TRAILER DESIGNATION

- A 3.66 m x 17.0 m 12'-0" x 56'-0" LAUNDRY
- B 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- C 3.0 m x 17.0 m 10'-0" x 56'-0" RECREATIONAL
- D 3.0 m x 17.0 m 10'-0" x 56'-0" KITCHEN
- E 3.66 m x 17.0 m 12'-0" x 56'-0" KITCHEN
- F 3.66 m x 17.0 m 12'-0" x 56'-0" RECREATIONAL
- G 3.0 m x 17.0 m 10'-0" x 56'-0" SLEEPER
- H 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- J 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- K 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- L 3.0 m x 17.0 m 10'-0" x 56'-0" WASHROOM
- M 3.0 m x 17.0 m 10'-0" x 56'-0" WASHROOM
- N 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- P 3.66 m x 17.0 m 12'-0" x 56'-0" SLEEPER
- Q 3.0 m x 17.0 m 10'-0" x 56'-0" SLEEPER
- R 3.0 m x 17.0 m 10'-0" x 56'-0" SLEEPER

DATE	NO.	BY	REVISION

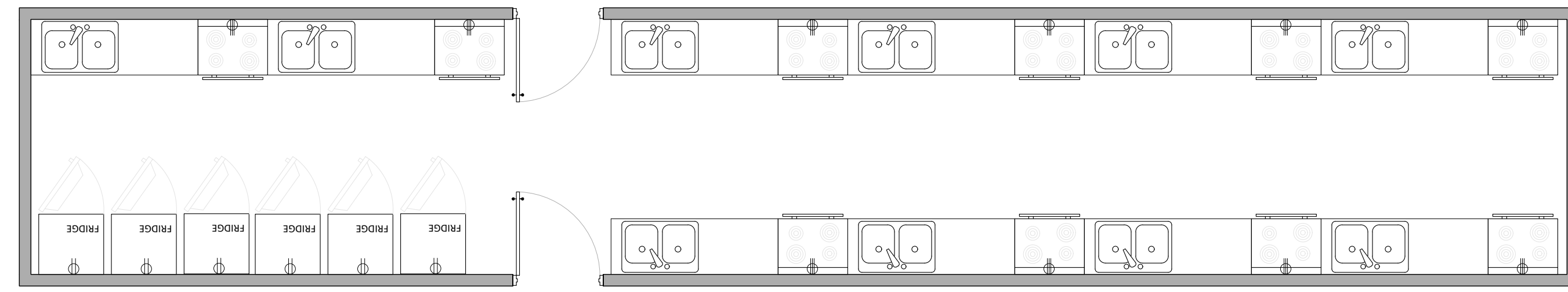
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 Fax: 250.868.0962  
 H.D.D. Email: r.holden@shaw.ca

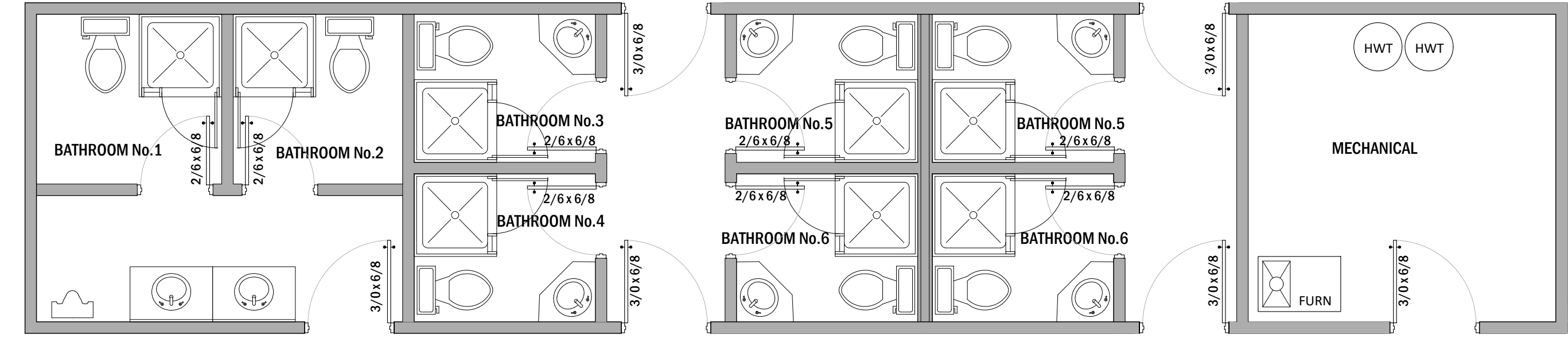
PROJECT  
 HART ROAD ORCHARD  
 3845 HART ROAD  
 KELOWNA, B.C. V1W-4B2

SHEET TITLE  
 UNIT TRAILER CONFIGURATION

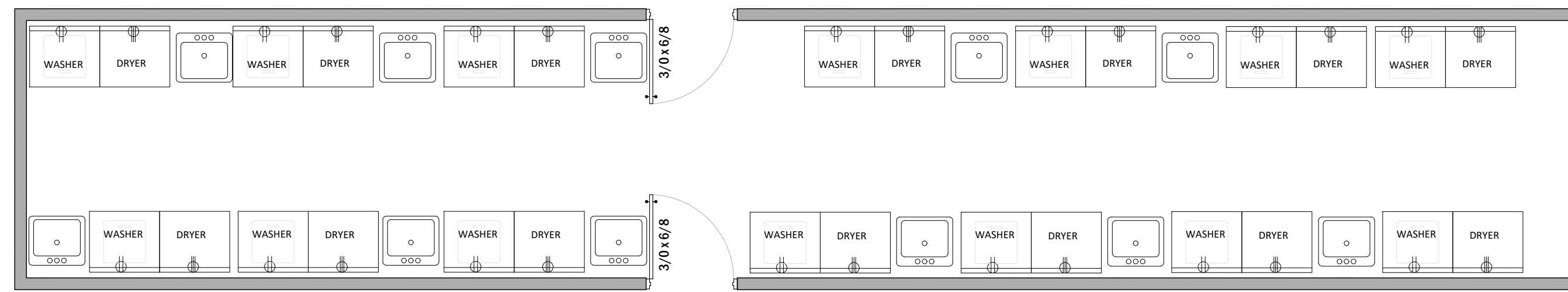
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CHECKED R.G.	Rev. 0
SCALE	
DATE Oct. 25, 21	



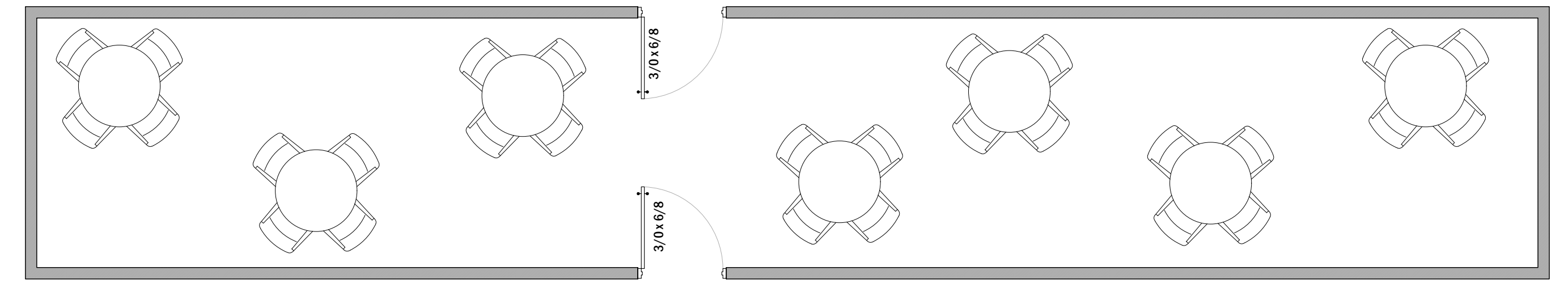
KITCHEN UNIT (2)



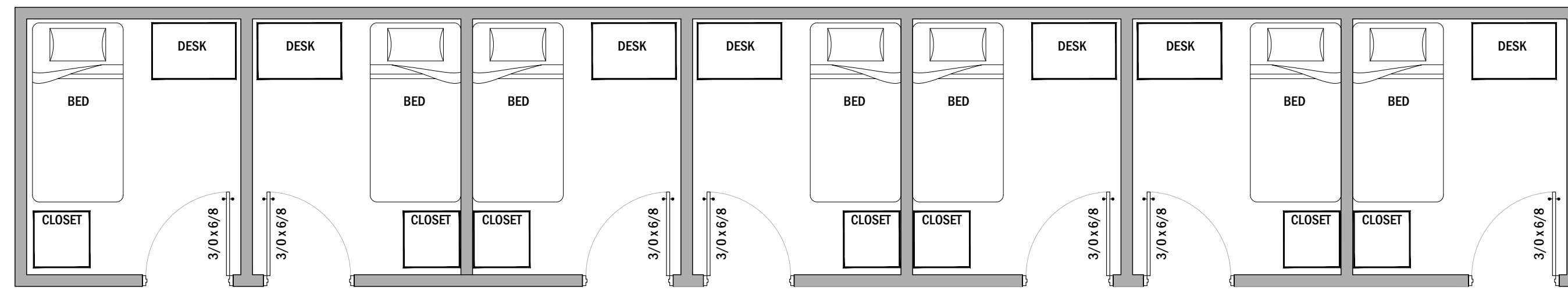
WASHROOM UNIT (2)



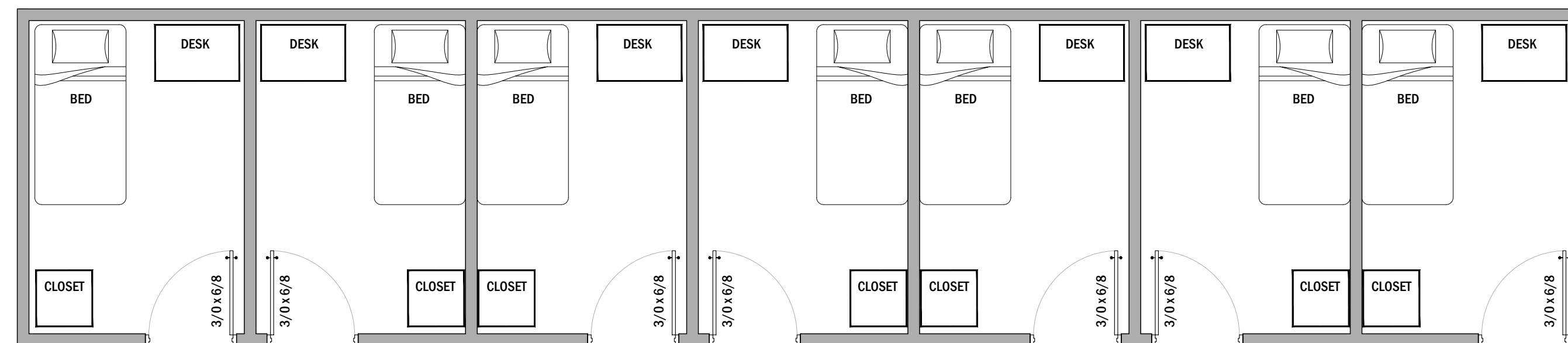
LAUNDRY UNIT (1)



RECREATIONAL UNIT (2)



SLEEPER UNIT (3)



SLEEPER UNIT (4)

DATE	NO.	BY	REVISION

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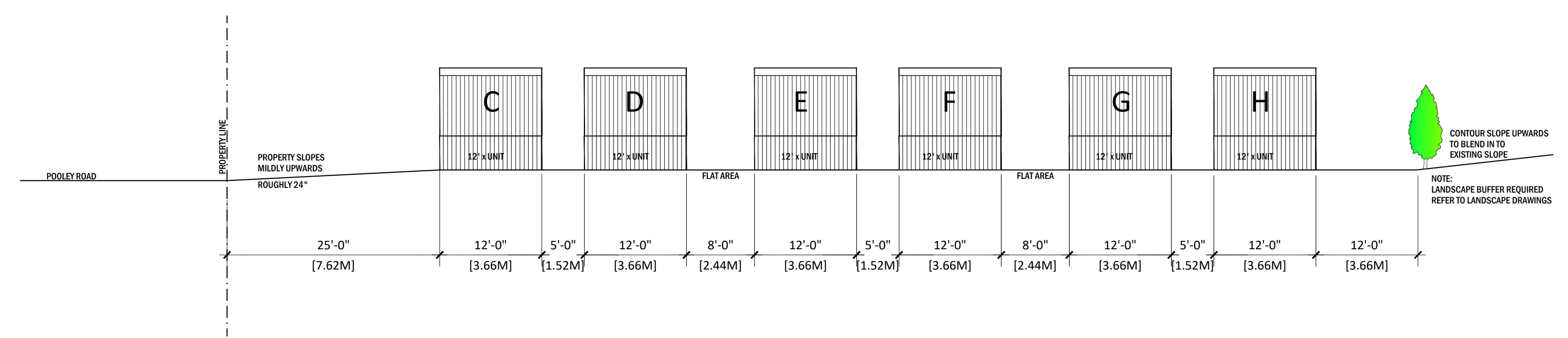
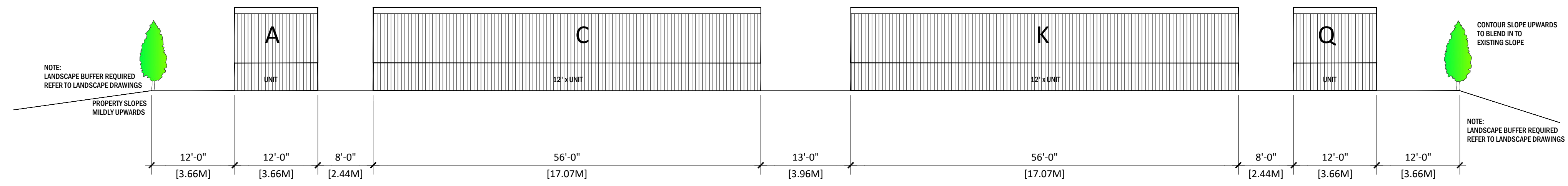
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Phone: 250.868.0962  
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H.D.D. Email: r.holden@shaw.ca

PROJECT  
**HART ROAD ORCHARD**  
3845 HART ROAD  
KELOWNA, B.C. V1W-4B2

SHEET TITLE  
**UNIT FLOOR PLANS**

DRAWN RAH	SHEET NO. <b>A 3</b>
CHECKED R.G.	Rev. 0
SCALE	
DATE Oct. 25, 21	





CROSS SECTIONAL ELEVATION

DATE	NO.	BY	REVISION

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PROJECT  
**HART ROAD ORCHARD**  
3845 HART ROAD  
KELOWNA, B.C. V1W-4B2

SHEET TITLE  
**SITE ELEVATIONS**

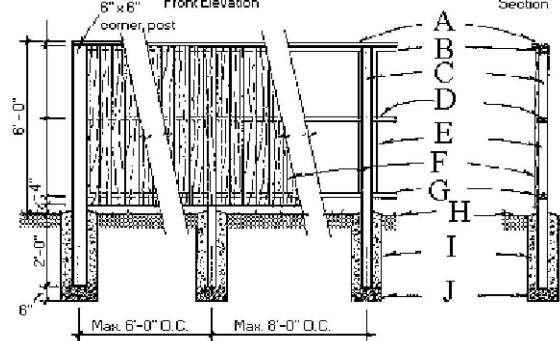
DRAWN	RAH	SHEET NO.	<b>A 4</b>
CHECKED	R.G.		
SCALE			
DATE	Oct. 25, 21	Rev. 0	

**D.1: Solid Wood Fence**  
 All posts and rails shall be rough sawn of "No. 1 Structural" grade, pressure treated with a wood preservative non-toxic to surrounding plant material, in accordance with CSA Standard D80.2 and compatible with staining requirements below. Stain to match fence boards.  
 All fence boards and planks shall be rough sawn of "Quality Fencing" grade, finished with penetrating stain with preservative, conforming to CGSB Standards 1-GP145M and 204M, applied to all surfaces prior to installation and on any cuts thereafter.  
 Line posts shall be minimum 8.0 ft. in length and at least (standard) 4" x 4".  
 Corner posts shall be minimum 8.0 ft. in length and at least (standard) 6" x 6".  
 Fence rails (min. 3) shall be maximum 7.5 ft. in length and at least (standard) 2" x 4".  
 Cap rails shall be at least (standard) 2" x 6". Cant to drain.  
 The finished height of opaque fencing shall be at least 6.0 ft.  
 All nails used in fence construction shall meet the following specifications:  
 8.1 Minimum gauge of nails used - #9, common in post/rail connections  
 8.2 Minimum gauge of nails used - #11.5, common in rail/fence board connections  
 8.3 Galvanized - CSA G164

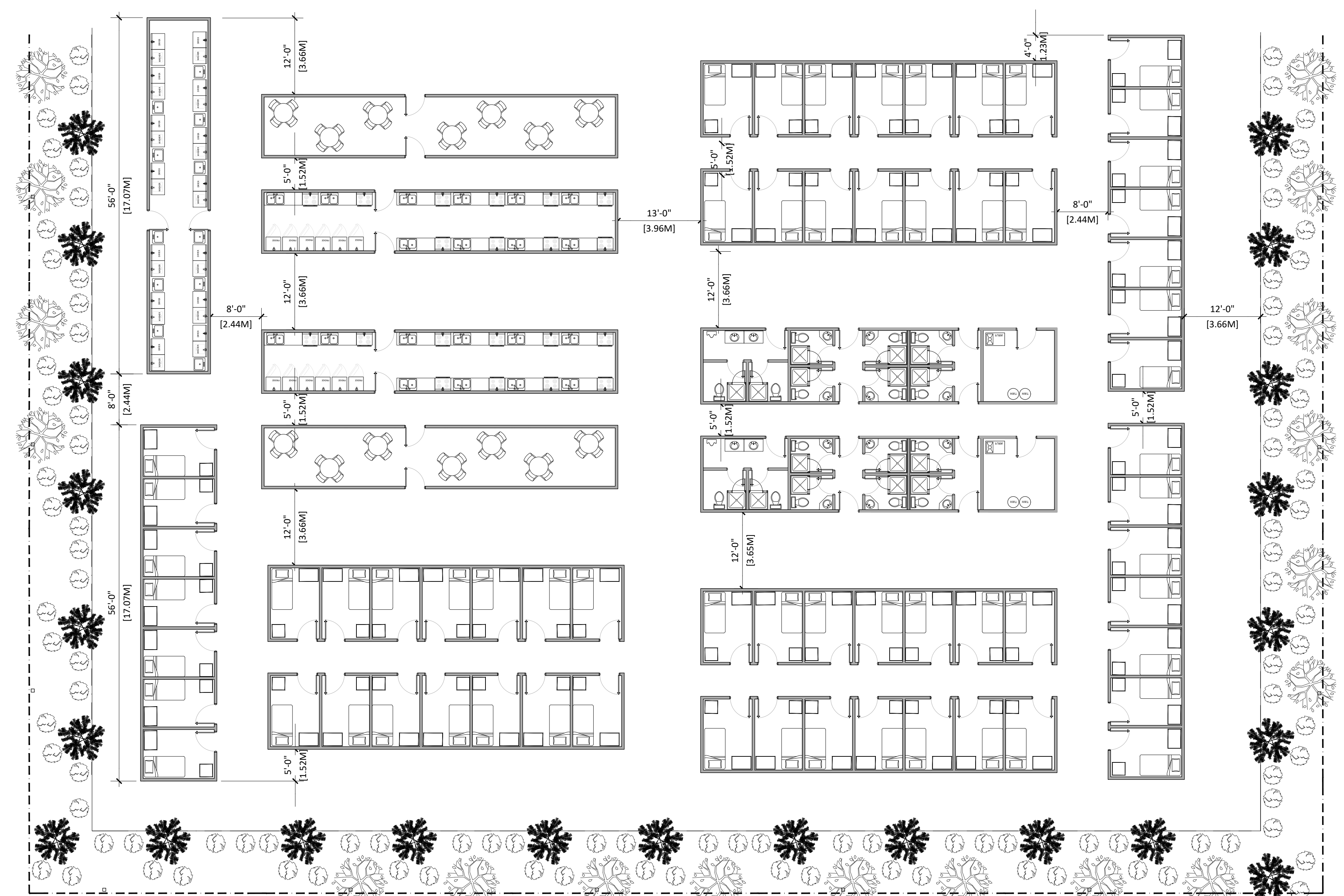
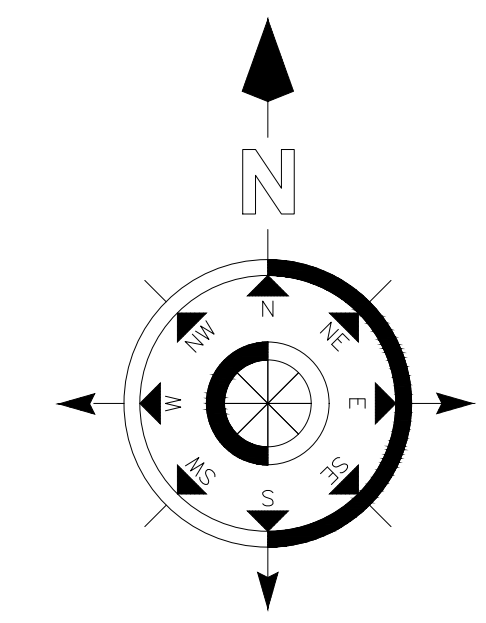
Line posts shall be placed no more than 8.0 ft. o.c. and be firmly anchored in the soil to a depth of not less than 2.0 ft.

The fence shall be constructed in accordance with these specifications and details, which forms part of these specification.

- A - 2" x 6" cap rail
- B - 2" x 4" top rail
- C - 4" x 4" post
- D - 2" x 4" middle rail
- E - 2" x 4" side support
- F - 1" x 6" fence boards
- G - 2" x 4" bottom rail
- H - finished grade
- I - compacted fill
- J - drain rock

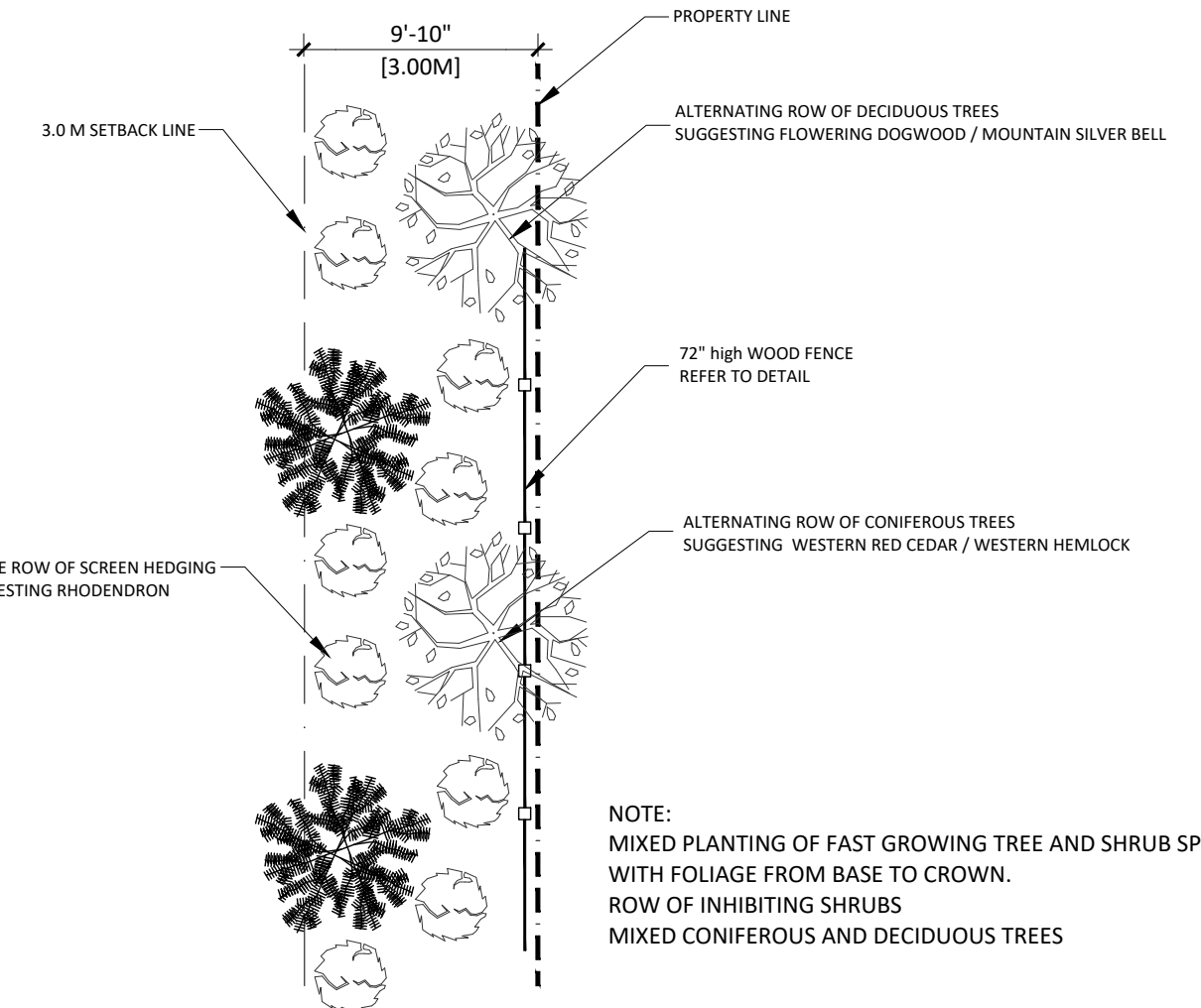


**DRIVEWAY**



**ORCHARD**

**SEPTIC SYSTEM**



**NOTE:**  
 MIXED PLANTING OF FAST GROWING TREE AND SHRUB SPECIES WITH FOLIAGE FROM BASE TO CROWN.  
 ROW OF INHIBITING SHRUBS  
 MIXED CONIFEROUS AND DECIDUOUS TREES

**ORCHARD**

DATE	NO.	BY	REVISION
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PROJECT			
<b>HART ROAD ORCHARD</b> 3845 HART ROAD KELOWNA, B.C. V1W-4B2			
SHEET TITLE			
<b>LANDSCAPE PLAN</b>			
DRAWN	RAH	SHEET NO.	<b>L1</b>
CHECKED	R.G.	Rev. 0	
SCALE			
DATE	Oct. 25, 21		

# CITY OF KELOWNA MEMORANDUM

**Date:** September 1, 2021  
**File No.:** A21-0010  
**To:** Land Use Planning Manager (WM)  
**From:** Development Engineering Manager (RO)  
**Subject:** 3845 Hart Road                                      Lot 3 Plan KAP90274                                      ALC application

**ATTACHMENT**                                      D

This forms part of application  
# A21-0010

Planner Initials                                      GA

City of Kelowna  
DEVELOPMENT PLANNING



Development Engineering has the following comments at this point in time with regard to this application for Non-Adhering Residential Use – New Residence for Farm Use for 60 TFW

**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 three 19mm domestic service. and two 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



September 3, 2021

File No: 0280-30

Local Government File No: A21-0010

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, 3845 Hart Road, Parcel Identifier: 028-135-351**

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 up to 60 temporary foreign workers (TFW) in the seasonal agricultural worker program (SAWP) on-site to support cherry production.
- The proposed site for the housing is not under production.
- Suitable housing is a requirement of the SAWP program. We note that the application states the housing will have a total floor area of 200 m<sup>2</sup>. This is well below the 10 m<sup>2</sup> maximum useable floor area per worker recommended by the Minister's Bylaw Standard for Temporary Farm Worker Housing found in the Guide for Bylaw Development in Farming Areas; however, it may not be large enough to meet the guidelines set out by the Western Agriculture Labour Initiative (<https://walicanada.ca/wp-content/uploads/2020/11/TFW-Housing-inspection-guide-V20-3-October-2020.pdf>). We recommend that the applicant review this to ensure that the housing will be adequate for the number of workers proposed to be housed, as the housing will need to pass an inspection.
- The application does not specify the type of housing proposed; however, if it will be in trailers that could be removed when no longer required, then based on the information provided the proposal appears reasonable based upon the crop, scale, and location of the operation.



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, Regional Planner, ALC