



Provincial Agricultural Land Commission -Applicant Submission

Application ID: 68079 Application Status: Under LG Review Applicant: Agent: Harman Bahniwal Local Government: City of Kelowna Local Government Date of Receipt: 04/08/2023 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: The purpose of this proposal is to add additional temporary foreign worker housing to both better accommodate and accommodate the increased required workforce under the TFW program. As we continue to grow as a business and acquire more land and have more acreages come into production our workforce requirements increase. The additional residence will benefit to the safety and well-being of the farm workers and will allow us to appropriately accommodate the number of farm workers required during the different stages of agriculture which include planting, pruning, fertilizing, maintaining, harvesting, and processing the fruit. The additional residence will consist of 6 portable buildings.

Agent Information

Agent : Harman Bahniwal Mailing Address :

Primary Phone : (250) 689-1095 Mobile Phone : (250) 485-8147 Email : eiktaran@krazycherry.com

Parcel Information

Parcel(s) Under Application

Ownership Type : Fee Simple
Parcel Identifier : 003-844-064
Legal Description : LOT 1 SECTION 10 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT
PLAN 30818 EXCEPT PLAN KAP45260
Parcel Area : 11.6 ha
Civic Address : 3505 Fitzgerald Road, Kelowna BC, V1W 4G5
Date of Purchase : 03/01/2020
Farm Classification : Yes
Owners
Owners
Description : Description



1.

Ownership or Interest in Other Lands Within This Community

- Ownership Type : Fee Simple Parcel Identifier : 024-330-311 Owner with Parcel Interest : Gurdev Bahniwal Parcel Area : 9.8 ha Land Use Type : Agricultural/Farm Interest Type : Partial Ownership
- 2. Ownership Type : Fee Simple Parcel Identifier : 003-185-460 Owner with Parcel Interest : Gurdev Bahniwal Parcel Area : 14.2 ha Land Use Type : Agricultural/Farm Interest Type : Partial Ownership
- 3. Ownership Type : Fee Simple Parcel Identifier : 012-019-470 Owner with Parcel Interest : Gurdev Bahniwal Parcel Area : 3.8 ha Land Use Type : Agricultural/Farm Interest Type : Partial Ownership

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s). *11.4ha Cherry Crop*

2. Quantify and describe in detail all agricultural improvements made to the parcel(s). - 10ha of apples replanted to cherries in 2020

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- 11.6ha of cherry crop fenced in 2020

- All irrigation redeveloped

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

No non-agricultural activity

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm Specify Activity : Tree Fruits

East

Land Use Type: Agricultural/Farm Specify Activity : Tree Fruits

South

Land Use Type: Agricultural/Farm Specify Activity : Tree Fruits

West

Land Use Type: Agricultural/Farm Specify Activity : Tree Fruits

Proposal

1. What is the purpose of the proposal?

The purpose of this proposal is to add additional temporary foreign worker housing to both better accommodate and accommodate the increased required workforce under the TFW program. As we continue to grow as a business and acquire more land and have more acreages come into production our workforce requirements increase. The additional residence will benefit to the safety and well-being of the farm workers and will allow us to appropriately accommodate the number of farm workers required during the different stages of agriculture which include planting, pruning, fertilizing, maintaining, harvesting, and processing the fruit. The additional residence will consist of 6 portable buildings.

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

The additional Temporary foreign worker housing residence is necessary, so that the required number of farm workers can appropriately be accommodated. Every year, we accuire more parcels of land and continue to plant more acreages of cherries, apples and other fruits and vegetables, while also having current parcels of land come into the production stage; therefore, the workforce needs also increase due to such a short harvest window. We have orchards throughout the Okanagan valley, so TFW housing locations are required in the headquarters of all towns/cities where farm work occurs. With the amount of acreage and properties spread across the valley, the number of farm workers required peaks and stays consistent throughout the duration of the season, since agriculture heavily depends on weather and having the diversity in property locations allows fruit to harvest at different times. This will support agriculture in the long run,

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as we continue to grow it will allow us to maintain the required workforce to plant, prune, fertilize, maintain , harvest and process the fruits from the orchards yearly, without this work force our business would suffer a financial burden.

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

This parcel contains two residential structures, one of which is currently occupied by a tenant that consists of approx. 2900 square feet. The second structure is a home which is occupied by farm workers and consists of approx. 3000 square feet.

4. What is the total floor area of the proposed additional residence in square metres? $335\,m^2$

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

The reason for choosing this location for the additional residence is because it is the headquarters for the workplaces both located in the City of Kelowna and Armstrong. There is also an additional residential structure that is currently also occupied with farm workers but cannot accommodate the required amount. Having all farm workers reside on one property and primary workplace is both convenient and ideal whether working on the primary property or commuting to another workplace nearby. It allows the services of the farm workers to easily be provided which includes holding meetings, training employees for workplace activities, providing supplies, transporting a large number of individuals using transportation vehicles such as buses etc. The rationale for this area on the proposed parcel is because there was an old farm garage/shed that was very damaged prior to us purchasing the property in 2019. It was very unstable, and a windstorm had partially destroyed it, so we had to clean it up and remove it. The area under this structure consists of a a hard packed gravel containing no topsoil, which would make it difficult to grow fruit trees, therefor this land would be wasted land. By going with this area, we would also not have to remove any existing fruit trees as there is enough space to place the TFW housing structures, this property being fenced and owning the property next door also ensures the safety of our workers and creates a buffer.

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

The parcels already contain everything necessary to support the additional residence; such as septic, a driveway, and parking spaces without affecting the good growing land on the property.

7. Do you need to import any fill to construct the additional residence or infrastructure? $N\!o$

Applicant Attachments

- Agent Agreement Harman Bahniwal
- Proposal Sketch 68079
- Certificate of Title 003-844-064

ALC Attachments

None.

Decisions

None.



Applicant: Gurdev Bahniwal, Nirmaljit Bahniwal

CITY OF KELOWNA

MEMORANDUM

| Data | N 04 0000 | |
|-----------|--------------------------------------|--|
| Date: | May 31, 2023 | ATTACHMENT B |
| File No.: | A23-0006 | This forms part of application # A23-0006/FH23-0002 |
| То: | Community Planning Manager (DS) | City of |
| From: | Development Engineering Manager (NC) | Planner Initials TC Kelowna DEVELOPMENT PLANNING |
| Subject: | 3505 Fitzgerald Rd | Temporary Farm Worker Housing |

The Development Engineering Department has the following comments associated with this Agricultural Application for Temporary Farm Worker Housing for 24 seasonal workers. The following Works and Services will be required of this development at time of Building Permit.

The Development Engineering Technician for this file is Chris Pedersen (cpedersen@kelowna.ca).

1. <u>GENERAL</u>

 a. The following comments and requirements are valid for a period of one (1) year from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to modify some or all items in this memo if an application for Building Permit is not made within this time.

2. <u>SITE-SPECIFIC REQUIREMENTS</u>

a. Only one driveway, of maximum 6.0m width, will be permitted. Driveway must access from Fitzgerald Rd. The proposed access configuration appears consistent with this requirement.

3. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject property is located within the City of Kelowna Water Supply Area. Our records indicate that this property is currently serviced with multiple water services:
 - 1-19mm diameter domestic service off Fitzgerald Rd
 - 1-38mm diameter domestic service off Fitzgerald Rd
 - 1-75mm diameter irrigation service off Bemrose Rd

Only one domestic and one irrigation service connection will be permitted per lot. One of the domestic services must be decommissioned.

b. The Developer's Licensed Residential Builder or Plumbing Contractor will determine the domestic water requirements of this development. If the existing service is determined to be too small and needs to be upgraded, the Developer, at their cost, must arrange for the installation of one new larger water service and the full decommissioning of any obsolete services at the main.

- c. This property does not have adequate fire protection for the proposed development. The Developer must install a fire hydrant to service this property at the intersection of Reekie Rd and Fitzgerald Rd.
- d. In this case, the Developer, can choose to either engage a Consulting Engineer and a qualified Contractor to design and construct the service upgrades and fire hydrant or they can choose to have the works completed by City forces at the Developer's expense. If the Developer chooses to have the works completed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the work. For estimate inquiries please contact the Development Engineering Technician assigned to the file.
- e. A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation Bylaw 5968-87.

4. SANITARY SEWER SYSTEM

a. The subject property is not serviced by the City's sewer network. On-site disposal systems will require review and approval by the Interior Health Authority and the City Engineer prior to issuance of Building Permit.

5. DESIGN AND CONSTRUCTION OF OFFSITE WORKS

- a. Offsite Works and Services are required of this development as outlined above. The Developer must Design and enter into a Servicing Agreement and provide security for the Construction of the Works prior to issuance of Building Permit.
- Design of all offsite works and site servicing must be completed in accordance with Subdivision, Development, and Servicing Bylaw No. 7900 and is subject to the approval of the City Engineer prior to construction or execution of a Servicing Agreement.
 - i. See Bylaw 7900 Sections 6.0, 7.0, and 9.0, as well as Schedule 4 for procedural guidance, approval requirements, and design standards.
 - ii. Design must be completed by a suitably qualified and experience Consulting Engineer.
 - iii. Engineering drawing submissions are to be in accordance with *Council Policy* 265 *Engineering Drawing Submission Requirements*. Drawings must be submitted digitally in PDF format and sealed in accordance with EGBC Guidelines.
- c. A Servicing Agreement is required for all Works and Services on City lands (Offsite Works).
 - i. The Servicing Agreement must be in the form of Schedule 2 of Bylaw 7900.
 - ii. The Developer's Consulting Engineer, prior to preparation of a Servicing Agreement, must provide adequate drawings and estimates for the Works to the City Engineer.
 - iii. Bylaw 7900, Part 3 Security for Works and Services, Sections 7.1 7.2, describes the Security requirements of an Owner for entering into Servicing Agreements. Security must be in the form of an irrevocable letter-of-credit, bank draft, or certified cheque.
- d. Construction of the required Works and Services must be completed in accordance with Bylaw 7900 requirements and is subject to several approvals prior to work commencing. These include, but are not necessarily limited to, the following:



- i. Before any construction of the Works commences, design drawings must be reviewed and approved for construction by the City Engineer.
- ii. A "Consulting Engineering Confirmation Letter" (City template provided upon request) must be executed by the Owner and Consulting Engineer and provided to the City.
- iii. The Developer's Consulting Engineer must undertake adequate inspections during construction of the Work, as outlined in EGBC's *Guide to the Standard for Documented Field Reviews During Implementation or Construction*. A Quality Control and Assurance Plan acceptable to the City Engineer must be submitted prior to construction approval. Refer to Bylaw 7900, Schedule 3.
- iv. Insurance requirements are outlined in Bylaw 7900, Section 7.3. A compliant Certificate of Insurance must be provided prior to construction approval.
- v. Contractor must provide a current WorkSafe BC Clearance Letter.
- e. Construction completion, maintenance period, and return of Performance Security requirements are outlined in Bylaw 7900, Sections 9.5 9.7 and Sections 10.0 10.4.

6. CHARGES, FEES, AND SECURITIES

a. Engineering and Inspection Fee:

| 3.5% of Construction Value | \$ TBC |
|----------------------------|-----------|
| GST (5%) | \$ TBC |
| TOTAL | \$ TBC |

Nelson Chapman, P.Eng. Development Engineering Manager





TEMPORARY FARM WORKER HOUSING PERMIT



APPROVED ISSUANCE OF TEMPORARY FARM WORKER HOUSING PERMIT NO. FH23-0002

| Issued To: | Gurdev Bahniwal & Nirmaljit Bahniwal |
|------------------------|---|
| Site Address: | 3505 Fitzgerald Road |
| Legal Description: | Lot 1 Section 10 Township 26 ODYD Plan 30818 Except Plan KAP45260 |
| Zoning Classification: | A1 – Agriculture |
| Development Permit Ar | ea: Temporary Farm Worker Housing |

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. FH23-0002 for Lot 1 Section 10 Township 26 ODYD Plan 30818 Except Plan KAP45260 located at 3505 Fitzgerald 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) The exterior design and finish of the subject property to be constructed in accordance with Schedule B;
- c) A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule C;
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of an Irrevocable Letter of Credit in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
- e) 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;



- 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
- g) 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. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

a) An Irrevocable Letter of Credit in the amount of **\$12,654.56**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

3. 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.

4. Indemnification

Upon commencement of the works authorized by this Permit the Applicant 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.



5. APPROVALS

Issued and approved by Council on July 24th, 2023

Terry Barton, Development Planning Department Manager

The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or his or her designates

Date











