

# TEMPORARY FARM WORKER HOUSING PERMIT



## APPROVED ISSUANCE OF TEMPORARY FARM WORKER HOUSING PERMIT NO. FH23-0001

**Issued To:** Nirmal & Rimplejeet Dhaliwal  
**Site Address:** 3455 Rose Road  
**Legal Description:** Lot 4 Section 10 Township 26 ODYD Plan 355  
**Zoning Classification:** A1 – Agriculture  
**Development Permit Area:** 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. FH23-0001 for Lot 4 Section 10 Township 26 ODYD Plan 355 located at 3455 Rose 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) A minimum 3-metre-wide vegetated buffer is provided for screening to adjacent property lines and between the temporary farm worker housing and active farming areas.
- c) 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;
- d) Registration of a Section 219 Restrictive Covenant on Title that states:
  - a. The dwellings will be used for temporary farm workers only;
  - b. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;

- c. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
- d. The maximum number of accommodations permitted on this farm unit within the City sector is 60 workers; and,
- e. The temporary farm worker housing building footprint is a maximum of 0.3ha.

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 **\$7,000.00**

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.

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# FH23-0001		
Planner Initials	TC	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

**5. APPROVALS**

Issued and approved by Council on September 28<sup>th</sup>, 2023

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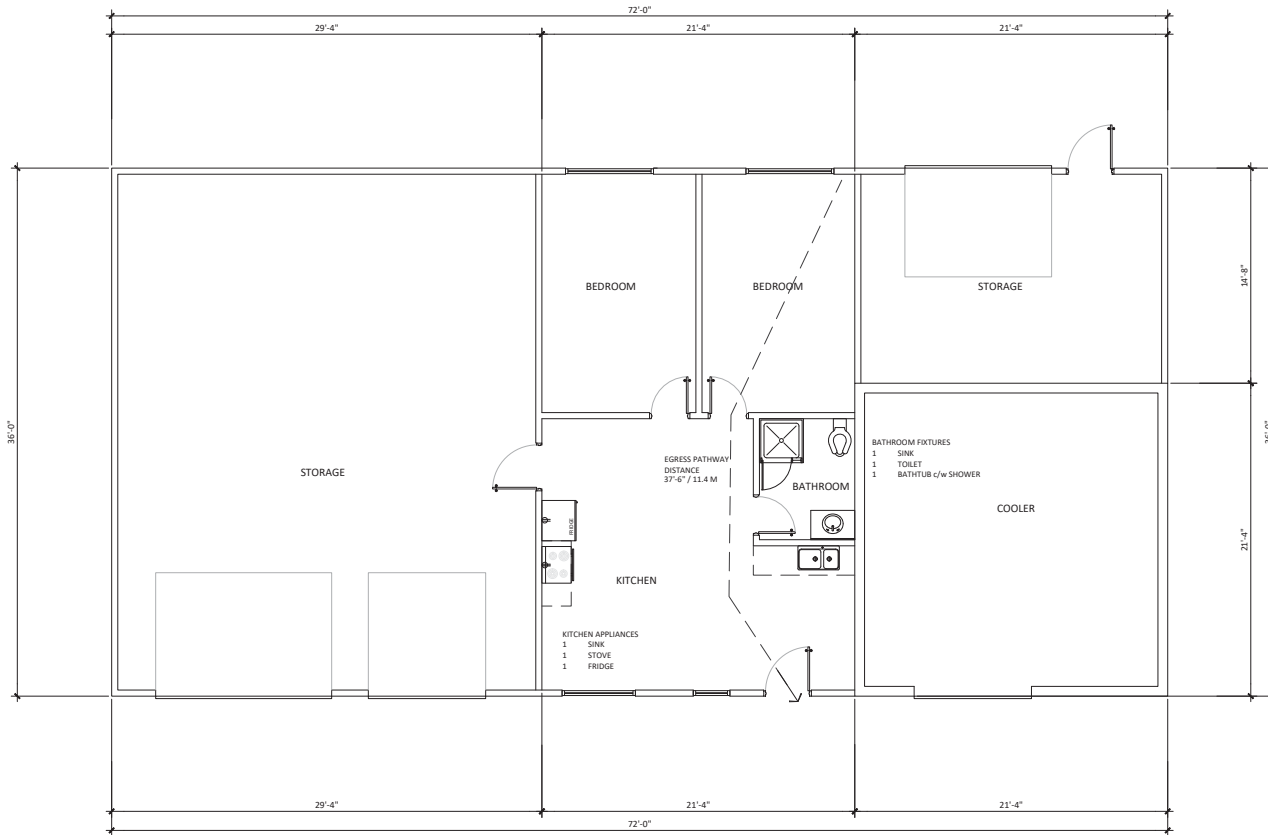
Dean Strachan,  
Community Planning & Development Manager

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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

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# FH23-0001		
Planner Initials	<b>TC</b>	 City of <b>Kelowna</b> DEVELOPMENT PLANNING



3  
A 2  
REAR VIEW OF STORAGE END

**SCHEDULE A**

This forms part of application  
# FH23-0001

Planner Initials TC

DATE	NO.	BY	REVISION

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DO NOT SCALE. TYPE: DIMENSIONS.

**HOLDEN'S DRAUGHTING & DESIGN**  
832 SALICOR AVENUE  
KELOWNA, B.C.  
Phone: 250.868.0902  
Fax: 250.868.0902  
Email: holden@kelowna.ca

PROJECT:  
FARM WORKERS QUARTERS  
3455 ROSE ROAD  
KELOWNA, B.C.

SHEET TITLE:  
SLEEPING UNIT QUARTERS  
'A'

DESIGNER: RAH	SHEET NO.: A 2
CHECKED: N.D.	Rev. 0
SCALE: 3/4"=1'-0"	
DATE: 9/9/2023	

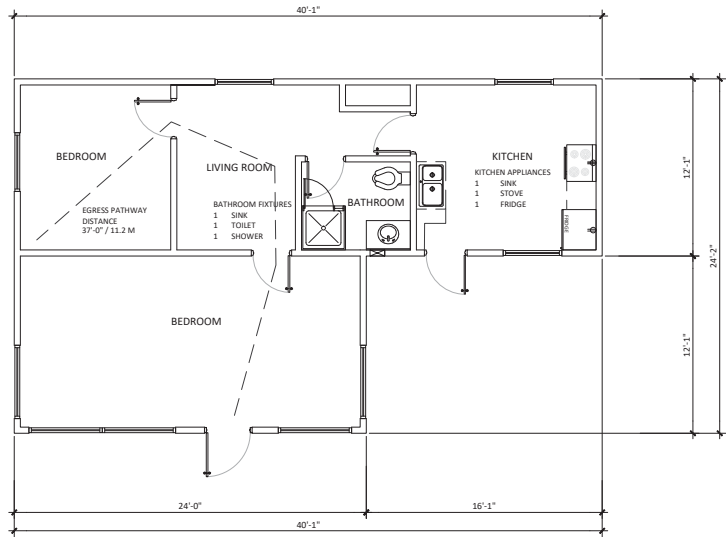


2  
A 2  
FRONT VIEW OF STORAGE END

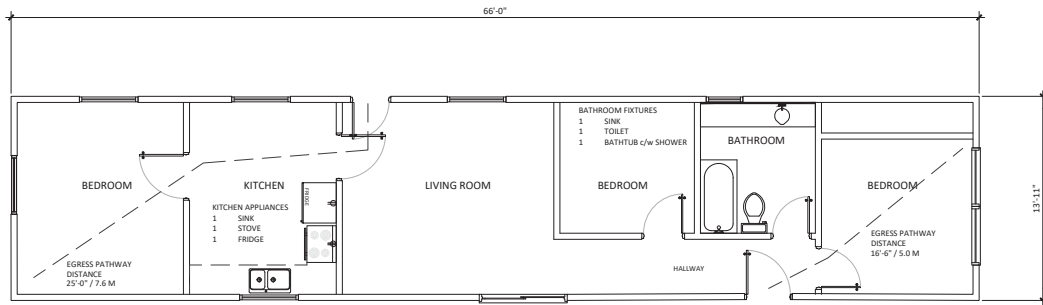
1  
A 2  
BUILDING 'A'  
STORAGE / SLEEPING UNIT / COLD STORAGE  
1/4" = 1'-0"



4  
A 2  
REAR VIEW



1  
A.3  
BUILDING 'B'  
STORAGE / SLEEPING UNIT / COLD STORAGE  
1/4" = 1'-0"



4  
A.3  
BUILDING 'C'  
STORAGE / SLEEPING UNIT / COLD STORAGE  
1/4" = 1'-0"



2  
A.3  
ATCO TRAILER  
FRONT VIEW



3  
A.3  
ATCO TRAILER  
END VIEW



5  
A.3  
TRAILER  
END VIEW



6  
A.3  
TRAILER  
SIDE VIEW

**SCHEDULE A**  
This forms part of application  
# FH23-0001  
Planner Initials TC  
City of Kelowna  
DEVELOPMENT PLANNING

DATE	NO.	BY	REVISION

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**HOLDEN'S DRAUGHTING & DESIGN**  
832 SALICOR AVENUE  
KELOWNA, B.C. V1Y 6A3  
Phone: 250.868.0902  
Fax: 250.868.0902  
Email: hddesign@shaw.ca

PROJECT  
FARM WORKERS QUARTERS  
3455 ROSE ROAD  
KELOWNA, B.C.

DRAWING TITLE  
SLEEPING UNIT QUARTERS  
'B' & 'C'

DESIGNER RAH	DRAWN BY N.D.	<b>A 3</b>
CHECKED N.D.	SCALE 1/4" = 1'-0"	
DATE 9/9/2023	REV. 0	
SHEET NO.		

ROSE ROAD

3455

OWNER  
RESIDENCE

36' x 100' FARM GARAGE

A

D

TEMPORARY  
FARM WORKER'S  
HOUSING SITES

C

B

C

CEDAR TREES  
SPACING @ 3'

CEDAR TREES  
SPACING @ 3'

CEDAR TREES  
SPACING @ 3'

**SCHEDULE B**

This forms part of application  
# FH23-0001

Planner Initials **TC**



City of Kelowna  
DEVELOPMENT PLANNING

**SITE CALCULATIONS:**

<b>ZONING</b>	
A-1	
<b>LEGAL ADDRESS</b>	
LOT 4	
PLAN 355	
KID 263285	PID 001-490-010
<b>MUNICIPAL ADDRESS</b>	
3455 ROSE ROAD, KELOWNA, B.C.	
<b>SITE AREA:</b>	
26.2 Acres	(from city web site)
106 027 m <sup>2</sup>	
<b>BUILDING AREA:</b>	
RESIDENCE	4,300 sq. ft.
A STORAGE	2,590 sq. ft.
B TEMP WORKER	780 sq. ft.
C TEMP WORKER	860 sq. ft.
D TEMP WORKER	860 sq. ft.
D PROPOSED ORCHARD GARAGE	3,600 sq. ft.
TOTAL	12,216 sq. ft.

<b>SITE COVERAGE:</b>	
1,141,265 / 12,216 = 1.07 %	
<b>MAXIMUM BUILDING HEIGHT</b>	
EXISTING BUILDING HEIGHT	6.25 M (20'-5")
MAXIMUM BUILDING HEIGHT	6.33 M (21'-5")

NOTE:  
ALL BUILDING HEIGHT DIMENSIONS ARE TAKEN FROM FIELD MEASUREMENTS AND ARE NOT DEEMED ACCURATE AS CLOSE AS POSSIBLE.

3455 ROSE ROAD  
KELOWNA, B.C.  
V1W-4G7

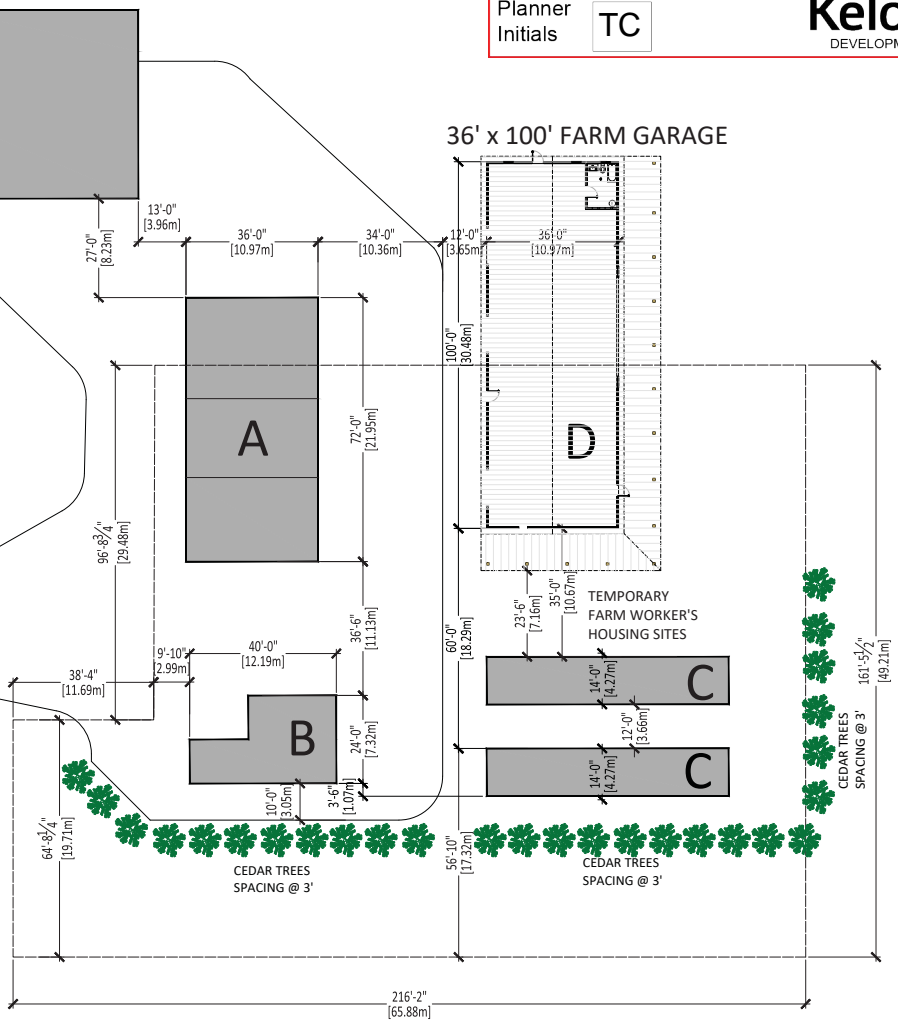
**Neighbour Consultation**

To get approval for existing buildings for seasonal farm workers. Three of the housing units are portable and the one is located in an accessory building.

We have an orchard with apples, peaches, prunes, and cherries. Harvesting cherries and apples is labour intensive, and the industry requires more seasonal workers than reside in the Okanagan. In order for the farm to have a sufficient number of workers there is no alternative to hiring workers through the SAWP program, which requires the farmer to provide accommodation. These 18 workers will allow us to harvest our crops.

For More information Contact:  
Tyler Caswell, City of Kelowna 250-469-8967 email [tcaswell@kelowna.ca](mailto:tcaswell@kelowna.ca)

Nirmal Dhaliwal, property owner, 250-498-7817



DATE	ISSUED	REVISED	BY	REVISION
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CONSULTANT				
HOLDEN'S DRAUGHTING & DESIGN 85 SHAKER AVENUE KELOWNA, B.C. V1Y 6A3 Phone: 250.868.2952 Fax: 250.868.2482 Email: <a href="mailto:holdens@holdens.ca">holdens@holdens.ca</a>				
PROJECT				
ORCHARD GARAGE 3455 ROSE ROAD KELOWNA, B.C.				
DRAWN TITLE				
SITE PLAN & NOTATION				
DESIGNER	RAH	SHEET NO.	A 1	
CHECKED	N.D.	DATE	1/18'-1'-0"	
DATE	7.18.2023	REV.	3	

# REPORT TO COUNCIL TEMPORARY FARM WORKER HOUSING PERMIT



**Date:** June 19<sup>th</sup>, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 3455 Rose Road  
**File No.:** FH23-0001  
**Zone:** A1 – Agriculture 1

<b>ATTACHMENT</b>	<b>B</b>
This forms part of application # FH23-0001	
Planner Initials	TC
The logo for the City of Kelowna Development Planning department, featuring a colorful circular geometric pattern to the right of the text "City of Kelowna DEVELOPMENT PLANNING".	

## 1.0 Recommendation

THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit no. FH23-0001 for Lot 4 Section 10 Township 26 ODYD Plan 355 located at 3455 Rose Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
1. 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 B;
2. The applicant be required to post the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
3. Registration of a Section 219 restrictive covenant on the Title that states;
  - a. The dwellings will be used for temporary farm workers only;
  - b. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
  - c. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
  - d. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
  - e. The temporary farm worker housing building footprint is a maximum of 0.3ha.

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

## 2.0 Purpose

To consider a Temporary Farm Worker Housing Permit for 24 seasonal workers on the subject property.

## 3.0 Development Planning

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 24 agricultural workers on the subject property. The proposed temporary farm worker accommodation meets the regulations of the

Zoning Bylaw. The proposal is also consistent with the Ministry of Agriculture standards for temporary farm worker accommodation.

The proposal complies with the City of Kelowna OCP policies of TFWH requirements. Agriculture is the principal use on the parcel. The applicant has demonstrated that the scale of farm operations is large enough and necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm. The proposed housing is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified and is in an area of the property that minimizes the residential impact to agriculture.

**4.0 Subject Property & Background**

**4.1 Subject Property Map**



The subject property is located a corner lot on Rose Road and Pooley Road in Southeast Kelowna. The property is approximately 300m from the four-way stop at the intersection of McCulloch Road, Reekie Road and Rose Road. The parcel is accessible from Rose Road and is a rectangular shape. The property is zoned A1 – Agriculture 1 and is designated R-AGR - Rural – Agricultural and Resource in the City’s Official Community Plan (OCP). The property is located within the Agricultural Land Reserve (ALR).

**4.2 Background**

On June 15<sup>th</sup>, 2020, Council approved an Agricultural Land Reserve Application (A19-0019) and a Temporary Farm Worker Housing Permit Application (FH19-0007) for 24 seasonal agricultural workers on the subject property. These applications were moved forward to the Agricultural Land Commission (ALC) and ultimately approved. The approval of the TFWH Permit was conditional on Council recommendations. These were not completed within the two-year period, so a new TFWH Application was resubmitted and must be reconsidered by Council.

<b>ATTACHMENT</b>		<b>B</b>
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**5.0 Zoning Bylaw Regulations Summary**

The proposal is to sleep 24 seasonal farm workers in four different sleeping areas. The first and second sleeping areas are in two mobile homes, which are both 79.7m<sup>2</sup> (857.88 ft<sup>2</sup>) in size and have three bedrooms with a communal kitchen, bathroom and living space. The third unit is the ATCO trailer unit, which is 71.3m<sup>2</sup> (767.47 ft<sup>2</sup>) in size, with two bedrooms and a communal kitchen, bathroom and living space. The final sleeping area is a suite connected to the storage and cooler area. This space is 72.2m<sup>2</sup> (777.15 ft<sup>2</sup>) and has two bedrooms with a communal kitchen and bathroom. These four sleeping units are within the residential footprint, limiting the impacts of the orchard and they are located South of the primary dwelling. The attached site plan shows the layout of the accessory buildings and temporary farm worker housing.

In accordance with the City of Kelowna Farm Protection Development Permit Guidelines, the application includes a landscape plan, which provides a buffer between the TFWH and the active agricultural land surrounding the housing. This vegetative buffer will be 3.0m wide and be planted with numerous cedars separating the four sleeping units with the active agriculture.

**6.0 Current Development Policies**

<b>Objective 8.1. Protect and preserve agricultural land and its capability</b>	
Policy 8.1.9. Farm Help Housing.	<p>As a first option, encourage farm help housing to be located within the Permanent Growth Boundary, providing access to amenities for workers. As a second option, accommodation for farm help on agricultural land on the same farm unit, where approved by the ALC, will be considered when:</p> <ul style="list-style-type: none"> <li>• Agriculture is the principal use on the parcel; and</li> <li>• The applicant demonstrates that on-site housing for farm workers is necessary for the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.</li> </ul> <p>Temporary farm working housing, such as bunkhouse accommodation on non-permanent foundations, is the preferred solution where farm worker housing is justified.</p> <p><i>Agriculture is the principal use of the parcel and the applicant has demonstrated the need for seasonal agricultural workers.</i></p>
Policy 8.1.10. Homeplating	<p>Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage.</p> <p><i>The farm worker dwelling units are close to the principal dwelling and have created a farm plate near the road frontage.</i></p>

**7.0 Application Chronology**

Application Accepted: February 6<sup>th</sup>, 2023  
 Neighbour Notification Received: May 29<sup>th</sup>, 2023

ATTACHMENT B

This forms part of application  
 # FH23-0001

Planner Initials TC



City of  
Kelowna

DEVELOPMENT PLANNING

**Report prepared by:** Tyler Caswell, Planner II  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Reviewed by:** Terry Barton, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Attachment A: Draft Development Permit FH23-0001  
Schedule A: Site Plan & Floor Plans  
Schedule B: Landscape Plan

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).

