



## Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 69080  
**Application Type:** Non-Adhering Residential Use within the ALR  
**Status:** Under Review by L/FNG  
**Name:** Khela  
**Local/First Nation Government:** City of Kelowna

### 1. Parcel(s) Under Application

#### Parcel #1

**Parcel Type** Fee Simple  
**Legal Description** LOT 1 BLOCK 2 SECTION 9 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT  
 PLAN 1072 EXCEPT PLANS B5219 AND 14900  
**Approx. Map Area** 5.3 ha  
**PID** 011-818-697  
**Purchase Date** Aug 2, 2023  
**Farm Classification** Yes  
**Civic Address** 3677 Spiers Road  
**Certificate Of Title** STSR3843534.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Jashandeep Khela	Not Applicable			Not Applicable

**ATTACHMENT**     A    

This forms part of application  
 # A24-0004 FH25-0001

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2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process?

No

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3. Primary Contact

Type

First Name Third-Party Agent

Last Name No Data

Organization (If Applicable) No Data

Phone Adaptive Plans Inc. Chris Nugent

Email

4. Government

Local or First Nation Government: City of Kelowna

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).

Describe all agricultural improvements made to the parcel(s).

- 2 acres of Gala Apples which last year yielded around 90 bins. These trees are old and in their 15-20th years.
- 7.5 acres of ambrosia apples which last year yielded around 180 bins with growth projected to rise to 325 bins in 2 years. These trees are young and still in their 3rd year of growth.
- Fixed up a 2000sq ft shed to store agriculture supplies such as machinery, sprayers, irrigation pipes etc.
- Fully redid the irrigation system in the farm to provide better water. Overhead sprinklers were swapped for drip lines which have proven to provide the tree with more water.
- Added filters to each irrigation main to ensure the highest quality of irrigation

**Describe all other uses that currently take place on the parcel(s).**

- Supplied each tree with more support by providing extra hooks and clamps to ensure trees go straight and strong.
- Future Plans to replant Gala apples with another stone fruit
- The main house used as a primary residence
- Shed is used to store some access personal storage such as decorations for holidays etc
- There are 2 acres of land that are still not planted and bare. It used to be used for livestock but we are looking to plant stone fruit as soon as trees are available.

## Land Use of Adjacent Parcels

	<b>Main Land Use Type</b>	<b>Specific Activity</b>
<b>North</b>	Agricultural / Farm	Fruit trees
<b>East</b>	Agricultural / Farm	Vegetables & fruit trees
<b>South</b>	Agricultural / Farm	Vegetables & fruit trees
<b>West</b>	Agricultural / Farm	Fruit trees

## 6. Proposal

**Is your proposal for a principal residence with a total floor area greater than 500 m<sup>2</sup>?** No Data

**Is your proposal to retain an existing residence while building a new residence?** No Data

**Is your proposal for an additional residence?** Yes

**Is your proposal for temporary foreign worker housing?** No Data

**Do you need to import any fill to construct or conduct the proposed non-adhering residential use?** No

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**What is the purpose of the proposal?**

Legalization of an existing accessory building for temporary farm workers. No additional square footage being added to the existing building. No additional fixture units proposed.

**Is your proposal necessary for farm use? If so, please explain.**

TFW housing is integral to the financial workings of the farm. It serves as a benefit to employees improving their compensation while reducing our operating costs. With the skyrocketing cost of living, our employees are finding increasingly difficult to find affordable accommodation within the city limits. That makes it even harder to find and retain employees. The loss of an existing accessory building for TFW housing would detrimentally affect the operation of our farm.

**Will the proposed residence(s) be clustered with existing residential structures? Please explain.**

No Data

**Will the proposed residence(s) be located within a 60 m setback from the front lot line? Please explain.**

No Data

**Where on the parcel will the proposal be situated and is there an agricultural rationale for the proposed location?**

The dwelling is located along the crest of the property just before the natural slope makes the lot relatively unusable. It's not far west of the east property line where it's away from the fields and off the existing dirt road.

**Describe any infrastructure required to support the proposed residence(s) and the approximate area (m<sup>2</sup>) required for that infrastructure**

Including the building footprint, tenant patio, parking & septic field, about 1100sf is required.

**Proposal Map / Site Plan**

3677-SPIERS-ROAD-ALC-App-AUGUST-2-2023.pdf

**Detailed Building Plans**

No Data

**Existing Residence**

#1

**Total Floor Area**

No Data

**Description**

Primary residence - two-storey with basement SFD - 4663sf Accessory building -



one storey TFW - 937.3sf Accessory building  
- one storey TFW - 569.3sf

Proposed Residence	Total Floor Area	Description
#1	52.9m <sup>2</sup>	No Data

7. Optional Documents

Type	Description	File Name
	No Data	

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WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.

NO.	DESCRIPTION	DATE
01	BUILDING PERMIT APP. DRAFT	07/31/23
02	BUILDING PERMIT APPLICATION	08/02/23

## KHELA RESIDENCE

MR. JAY KHELA  
 3677 SPIERS ROAD  
 KELOWNA, BC

## SITE PLAN & PROJECT DATA

PROJECT NUMBER: KHEL071223

DATE: AUGUST 2ND 2023

DRAWN BY: G.C.

CHECKED BY: C.A.N.

# A2.1

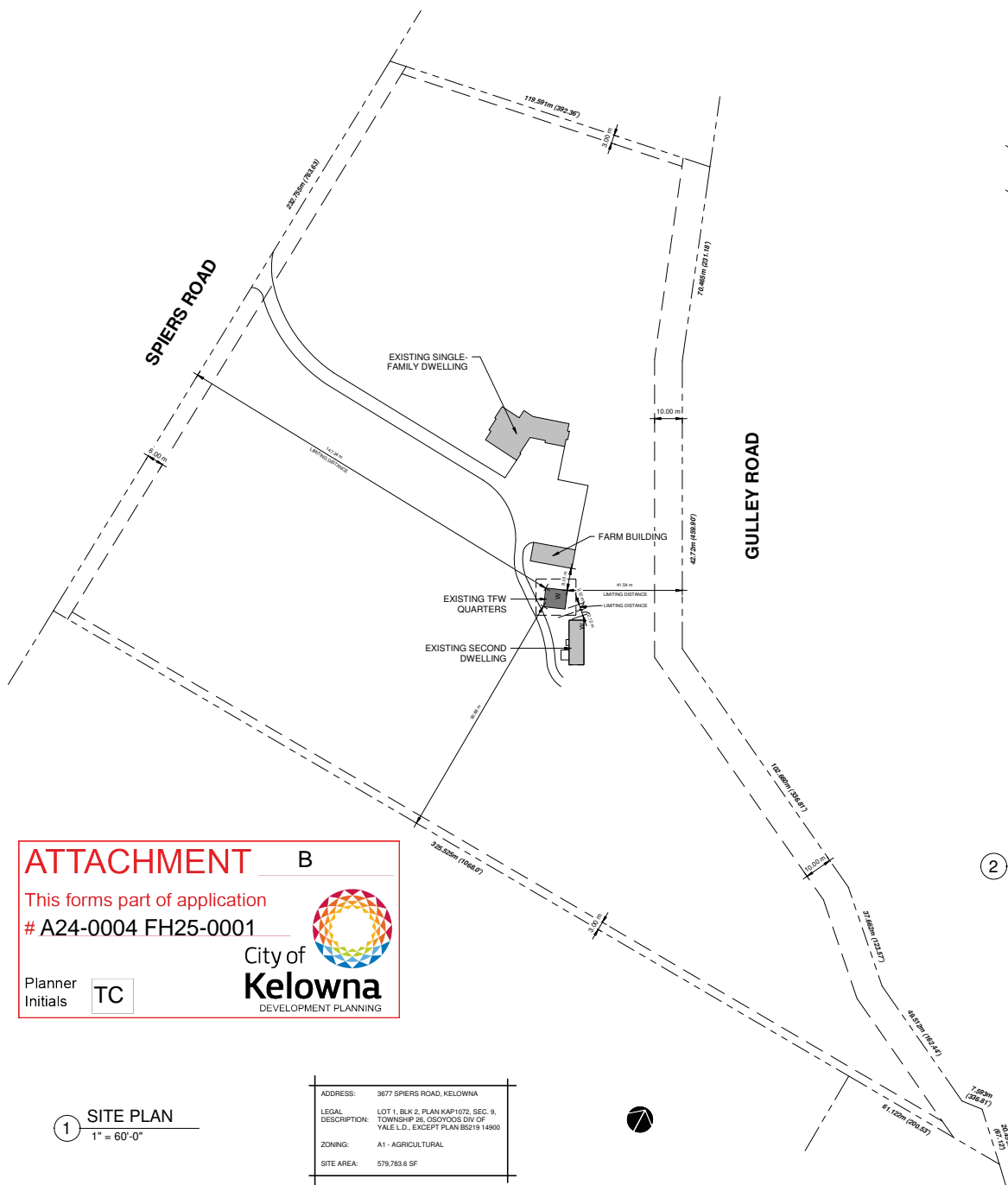
SCALE: As indicated

**ATTACHMENT B**  
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## 1 SITE PLAN

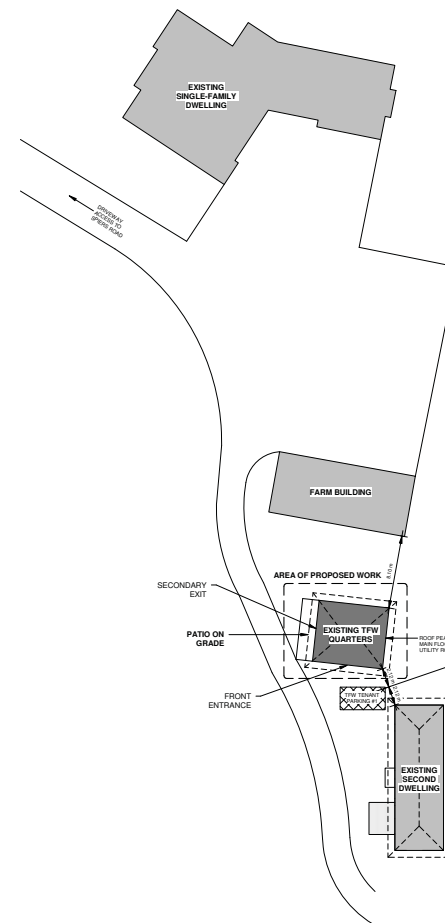
1" = 60'-0"

ADDRESS: 3677 SPIERS ROAD, KELOWNA  
 LEGAL DESCRIPTION: LOT 1, BLK 2, PLAN KAP1072, SEC. 9, TOWNSHIP 26, OSOYOOS DIV OF YALE L.D., EXCEPT PLAN B9219 14890  
 ZONING: A1 - AGRICULTURAL  
 SITE AREA: 579,783.6 SF



## 2 SITE CONTEXT PLAN

3/64" = 1'-0"



## LEGEND:

- HARDWIRED SMOKE & CO2 DETECTOR
- EXISTING OPENING
- PROPOSED OPENING
- OUTLINE OF PROPOSED WORK
- ENGINEERED BEAM
- EXISTING FRAMING
- PROPOSED FRAMING
- JOIST ORIENTATION AND SPAN
- PROPOSED ELEVATION
- EXISTING ELEVATION

## PROJECT SCOPE:

LEGALIZATION OF AN EXISTING ACCESSORY BUILDING FOR TEMPORARY FARM WORKERS. NO ADDITIONAL SQUARE FOOTAGE PROPOSED. NO ADDITIONAL FIXTURE UNITS PROPOSED.

## DRAWING LEGEND:

- A.2.1 SITE PLAN & PROJECT DATA
- A.2.1 EXISTING FLOOR PLANS
- A.2.2 EXISTING ELEVATIONS
- A.2.3 EXISTING PERSPECTIVES

\* DENOTES ASSUMED ASSEMBLIES & ELEVATIONS

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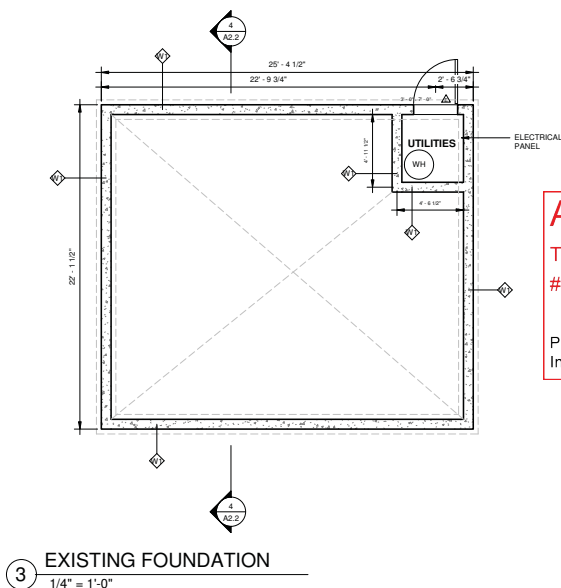
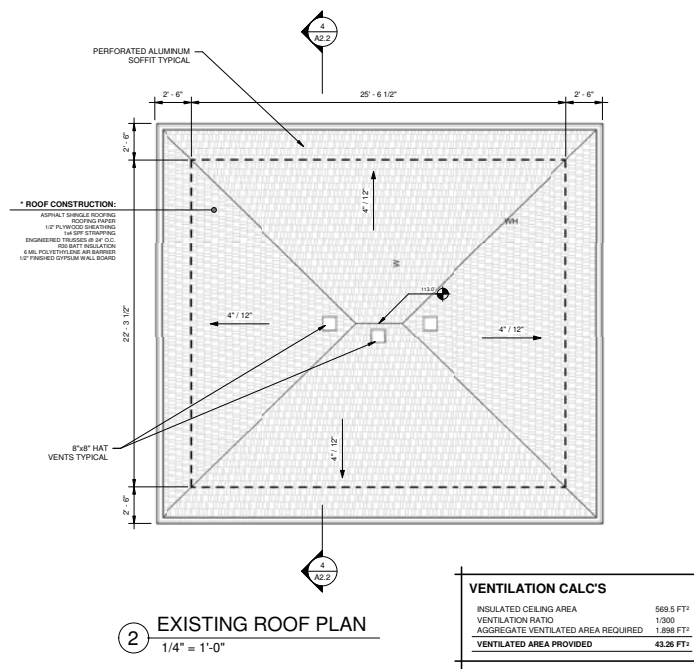
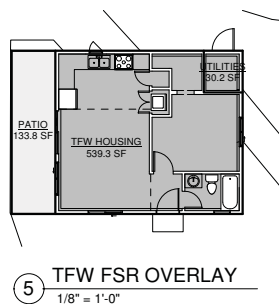
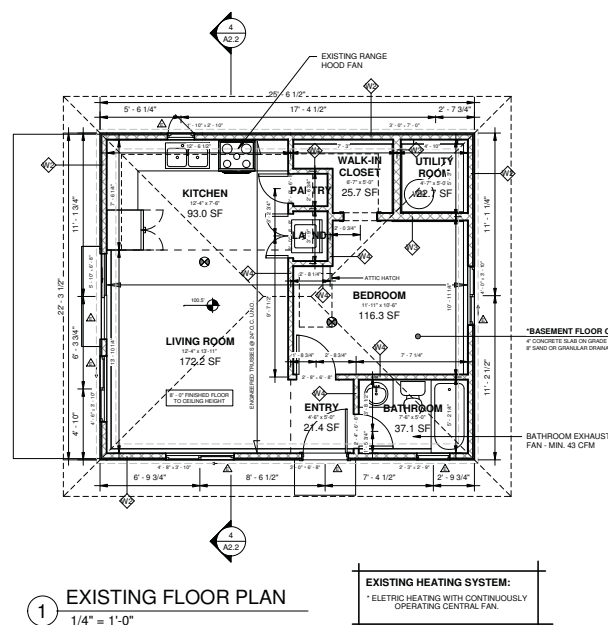
**KHELA RESIDENCE**  
 MR. JAY KHELA  
 3677 SPIERS ROAD  
 KELOWNA, BC

## EXISTING FLOOR PLANS

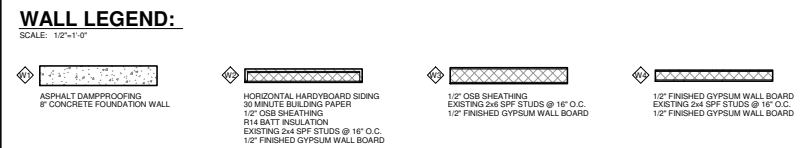
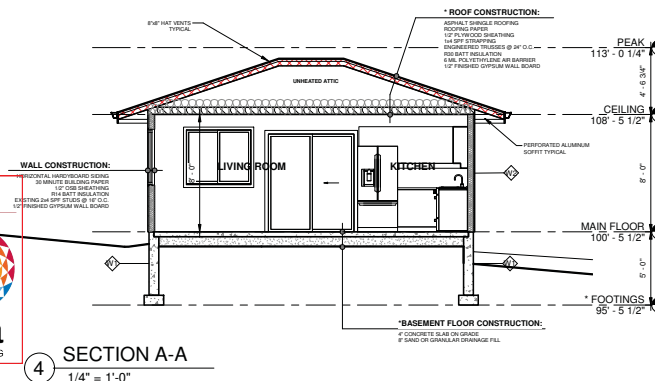
PROJECT NUMBER: KHELO71223  
 DATE: AUGUST 2ND 2023  
 DRAWN BY: C.A.N.  
 CHECKED BY:

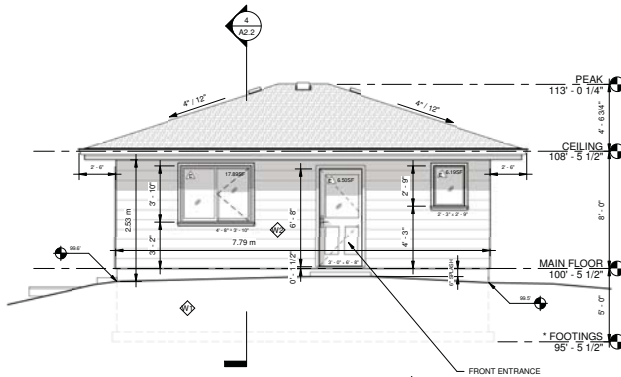
**A2.2**

SCALE: As indicated



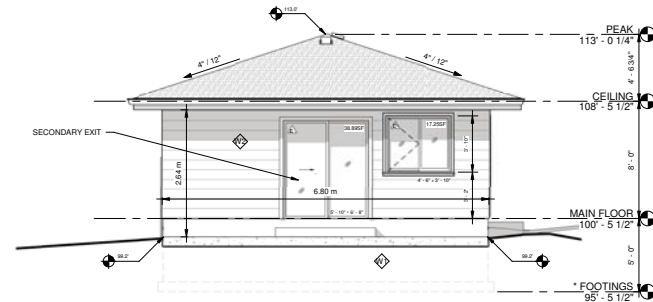
**ATTACHMENT C**  
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 Planner Initials **TC**  
 City of Kelowna  
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1 EXISTING SOUTH ELEVATION  
1/4" = 1'-0"

SOUTH SPATIAL SEPARATION CALC'S	
LIMITING DISTANCE:	2.12m (6.96FT)
EXPOSED WALL AREA	19.7m <sup>2</sup> (212.1 SF)
PERMITTED UNPROTECTED OPENINGS	2.90m <sup>2</sup> (31.3 SF)
PROPOSED UNPROTECTED OPENINGS	2.94m <sup>2</sup> (31.6 SF)

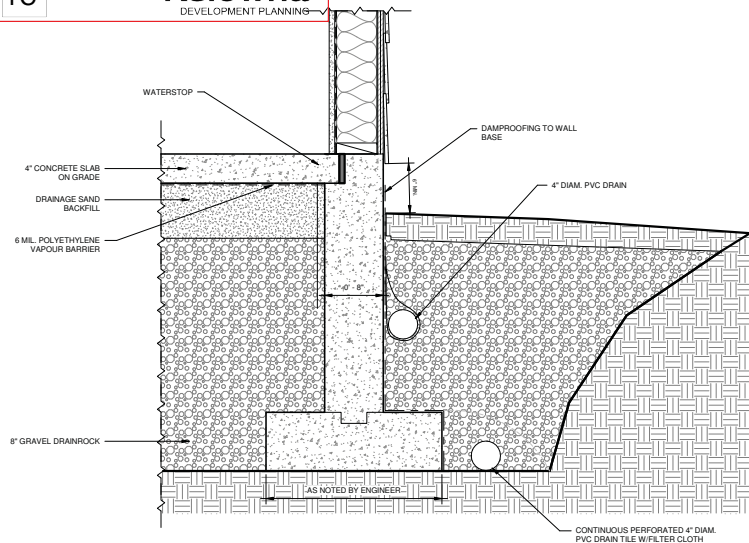


2 EXISTING WEST ELEVATION  
1/4" = 1'-0"

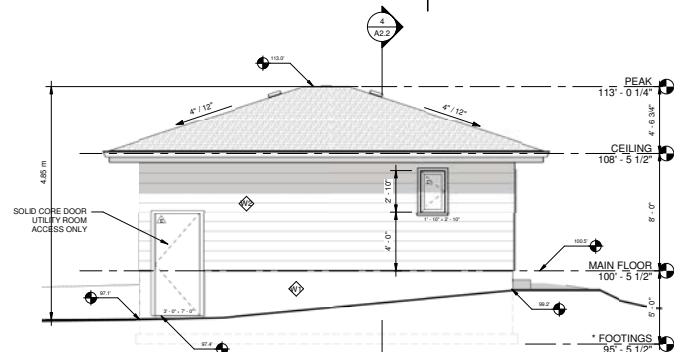
WEST SPATIAL SEPARATION CALC'S	
LIMITING DISTANCE:	147.34m (483.53FT)
EXPOSED WALL AREA	18.0m <sup>2</sup> (193.8 SF)
PERMITTED UNPROTECTED OPENINGS	18.0m <sup>2</sup> (193.8 SF)
PROPOSED UNPROTECTED OPENINGS	5.2m <sup>2</sup> (56.1 SF)

**ATTACHMENT C**  
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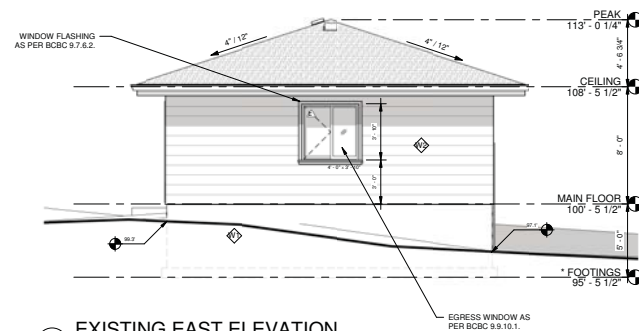
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5 DRAINAGE DETAIL  
1 1/2" = 1'-0"



3 EXISTING NORTH ELEVATION  
1/4" = 1'-0"



4 EXISTING EAST ELEVATION  
1/4" = 1'-0"

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**KHELA RESIDENCE**

MR. JAY KHELA  
3677 SPIERS ROAD  
KELOWNA, BC

**EXISTING ELEVATIONS**

PROJECT NUMBER: KHEL071223

DATE: AUGUST 2ND 2023

DRAWN BY: C.A.N.

CHECKED BY:

**A2.3**

SCALE: As indicated

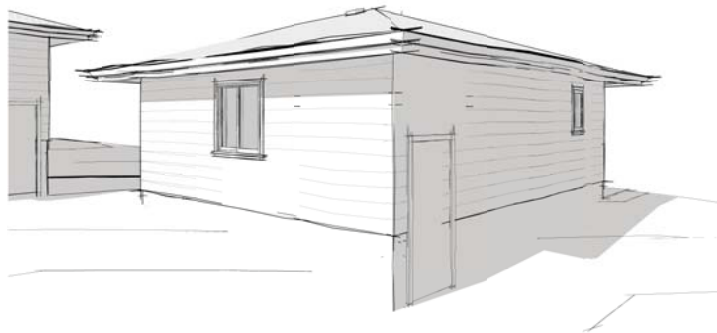




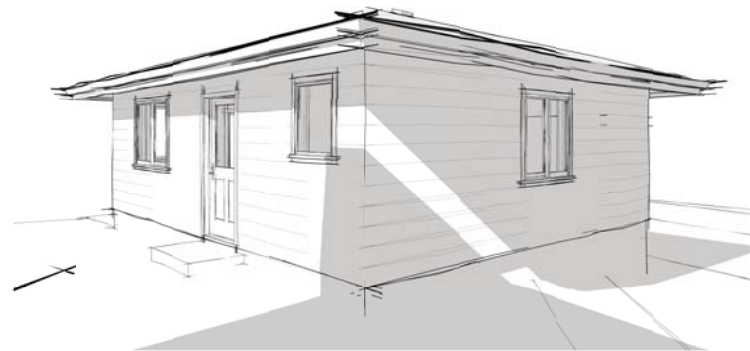
① TFW SOUTHEAST



④ TFW SOUTHWEST



③ TFW NORTHWEST



② TFW NORTHEAST

ATTACHMENT C

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02	BUILDING PERMIT APPLICATION	08/02/23

KHELA  
RESIDENCE

MR. JAY KHELA

3677 SPIERS ROAD  
KELOWNA, BC

EXISTING  
PERSPECTIVES

PROJECT NUMBER: KHEL071223

DATE: AUGUST 2ND 2023

DRAWN BY: C.A.N.

CHECKED BY:

A2.4

SCALE:

**Subject:** Proposal for Cedar Tree Planting as a Protective Barrier

**From:** Jay Khela

**Date:** January 26th 2025

## Overview

This landscaping plan outlines the intention to plant a **cedar tree barrier** around the carriage home located at **3677 Spiers Road** to enhance safety and environmental protection for residents, including foreign workers living on-site.

## Objective

The primary purpose of this landscaping plan is to:

- Provide a **natural buffer** against pesticide drift from adjacent agricultural operations.
- Improve **air quality** and reduce potential exposure to airborne chemicals.
- Create a **privacy and wind barrier** for added comfort and safety.
- Enhance the **aesthetic appeal** of the property while maintaining the rural character.

## Planned Landscaping Measures

- **Tree Type:** We will plant **Western Red Cedar (Thuja plicata)** due to its dense foliage, rapid growth, and natural air filtration properties.
- **Planting Layout:**
  - A **double-row hedge** will be planted along the perimeter facing agricultural fields where pesticide use is prevalent.
  - Trees will be spaced approximately **3 to 4 feet apart** to ensure thick coverage as they mature.
- **Maintenance:**
  - Regular watering, pruning, and monitoring for health and density.
  - Additional shrubs or underplantings may be added to strengthen the protective effect.

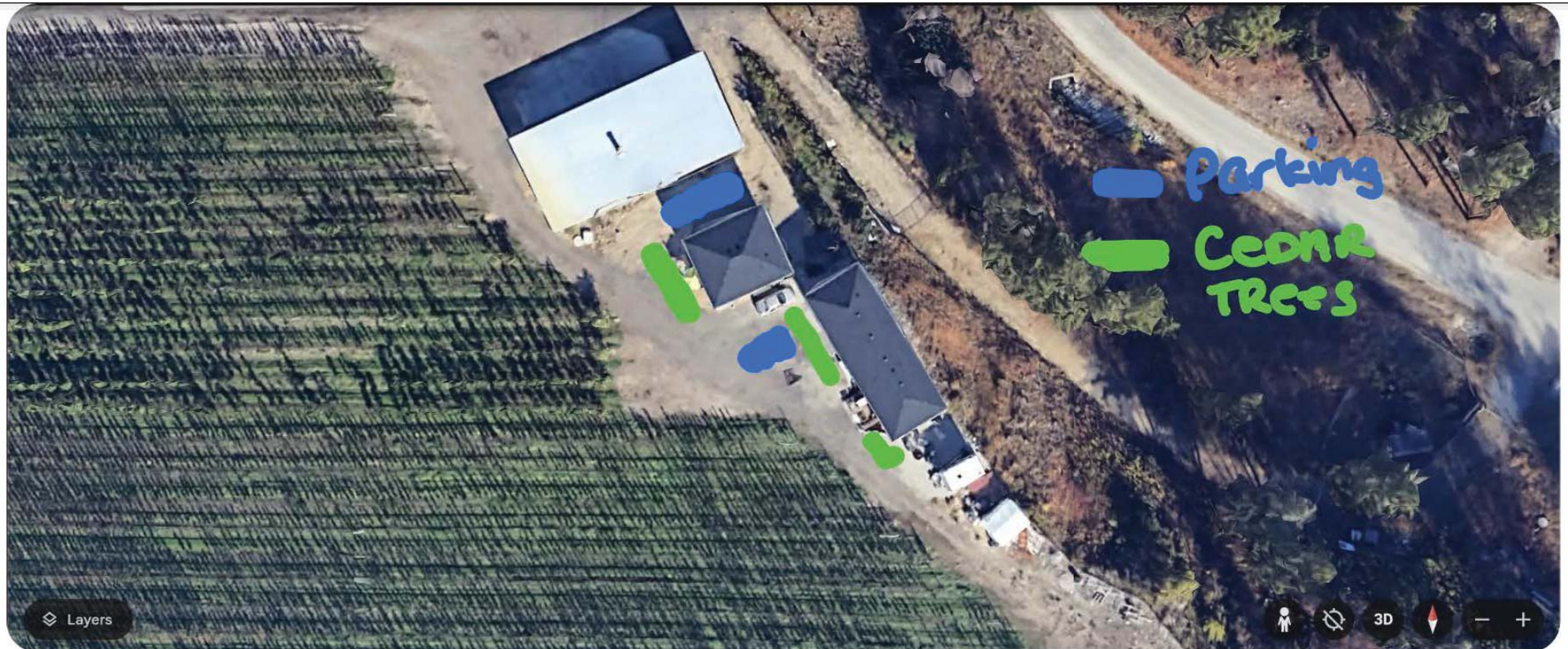
## Conclusion

This plan aligns with both **environmental safety** and **aesthetic improvement** goals while providing necessary protection for residents and farmworkers. We request approval to move forward with this initiative to ensure a safe and sustainable living environment.

Thank you for your consideration. Please let us know if any additional details are required.

**Sincerely,**  
Jay Khela

<b>ATTACHMENT</b>		<b>C</b>
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# A24-0004 FH25-0001		
Planner Initials	TC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING



**Jay Khela**

Owner, 3677 Spiers Road  
Operator, Okanagan Valley Produce  
jashan.khela@gmail.com  
778-583-1087  
March 1st 2025.

**City of Kelowna**

Kelowna, BC

**Subject: Request for Legalization of Second Dwelling at 3677 Spiers Road**

Dear City Of Kelowna and ALC,

I am writing as the owner of 3677 Spiers Road and the operator of Okanagan Valley Produce to formally request the legalization of our second dwelling through the Agricultural Land Commission (ALC). Due to the growth of our business and the increased demand for agricultural labour, we are experiencing a critical shortage of housing for our workers.

Currently, many of our employees travel from Oliver to Kelowna daily to work long, physically demanding shifts. This daily commute not only creates significant hardship for them but also raises concerns regarding their safety and well-being, particularly after exhausting workdays. Providing on-site accommodations through the legalization of our second dwelling would greatly improve their quality of life, ensuring they have a safe, comfortable, and convenient place to stay.

We want to assure the City that the dwelling is built to code and meets all necessary standards. This additional housing is not only crucial for this season but will also be essential as our operations continue to expand in the coming years. The ability to house our workers on-site will contribute to the sustainability of our business and the local agricultural industry.

We sincerely appreciate your time and consideration of this request. Please let us know if there are any additional steps or requirements needed to move forward with this process. We look forward to your support in helping us provide essential housing for our hardworking employees.

Sincerely,

**Jay Khela**

Owner, 3677 Spiers Road  
Operator, Okanagan Valley Produce

<b>ATTACHMENT</b>		<b>D</b>
This forms part of application		
# A24-0004 FH25-0001		
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<b>ATTACHMENT</b>		<b>E</b>
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Planner Initials	TC	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

March 14, 2024

Tyler Caswell  
Planner II  
City of Kelowna

**Sent by email**

Dear Tyler Caswell:

**Re: File A24-0004 (ALC Application ID: 69080) – Non-Adhering Residential Use (NARU)  
Application at 3677 Spiers Road (PID: 011-818-697) – The Subject Property**

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File A24-0004 that proposes to legalize an existing additional residence on the Subject Property. From an agricultural perspective, Ministry staff offer the following comments:

- The applicant proposes to legalize an existing 52.8 m<sup>2</sup> additional residence as housing for temporary farm workers. This is in addition to retaining the existing 433 m<sup>2</sup> principal residence, and a third existing 87.1 m<sup>2</sup> residential building, which is also used for housing temporary farm workers.
- The Subject Property is currently planted to apples and an additional 2 acres of stone fruit is planned to be planted as stated by the applicant.
- Ministry staff note that all three residences are sited on the eastern portion of the Subject Property along the edge of the gully. Clustering residences on land less desirable for farming minimizes the residential impact on agricultural land. The Ministry's [Guide for Bylaw Development in Farming Areas](#) (the Guide) recommends that housing be clustered on a contiguous farm residential footprint and that the footprint be located within 50 m of the road. Ministry staff recognize that locating the farm residential footprint within 50 m of the road may not be practical or the best solution for agricultural productivity of a parcel in all cases. In this case, clustering the temporary farm worker housing (TFWH) near the principal residence may make the most sense for the agricultural productivity of this particular parcel, and as the additional residence is making use of an existing building that is

already clustered with the existing residences, it appears to be the most practical option.

- It appears that the applicant may be intending to house domestic workers. The Guide currently supports housing for temporary farm workers that are part of a federal temporary foreign worker program. The Minister's Bylaw Standard for TFWH is, however, currently under review, and Ministry staff recognize that domestic workers have long been critical to the tree fruit industry in the Okanagan and that it is increasingly necessary to provide housing options for these workers. Ministry staff also recognize that the City of Kelowna bylaws regarding TFWH do not distinguish between domestic and foreign workers.
- Ministry staff note the application would be more complete with supporting evidence regarding the need for additional housing, such as the number of workers employed, the length of stay required for additional farm help, how many farm workers are housed in the third residence, etc. Given the area under production, the type of production, the total floor area of the residences and the 10 m<sup>2</sup> maximum useable floor area per worker outlined in the Guide, Ministry staff believe that the amount of housing may be reasonable for this operation.
- Overall, Ministry staff find legalizing one small existing additional residence to have minimal impact on the agricultural integrity of the Subject Property, but that the application would benefit from more detail being presented.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,



Alison Fox, P.Ag.  
Land Use Agrologist  
BC Ministry of Agriculture  
Alison.Fox@gov.bc.ca  
(778) 666-0566

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Email copy: Claire Buchanan, Regional Planner, ALC [ALC.Referrals@gov.bc.ca](mailto:ALC.Referrals@gov.bc.ca)