

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63352

Application Status: Under LG Review

Applicant: Sukhdev Sandher

Agent: Cheryl Lynn Lashuk

Local Government: Central Okanagan Regional District

Local Government Date of Receipt: 09/02/2021

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: The purpose of this proposal is to provide accommodation for temporary foreign workers under the Canadian Seasonal Agricultural Worker Program for the S. Sundher Orchards Ltd. operations in the Okanagan. The housing is for 120 seasonal agricultural workers, creating a community during the sweet cherry production season.

Smaller housing projects, for fewer workers, at different farm locations have been analyzed from the 3 pillars of sustainability: social, economic and environmental perspectives.

From a social perspective, the 120 person residence provides workers in the temporary communities support for each other during their time away from their homes and families. Workers have the option to participate in group meals in the fully-equipped community kitchens. Community laundry facilities are also provided. The housing is compliant with all regulatory requirements and provides safe and secure accommodation for the workers. Public transportation routes are also within walking distance. Social considerations that precluded worker housing construction at other sites included remoteness of farm sites, conflict with neighbours in residential areas, and interpersonal conflict that arises in small group settings.

From an economic perspective, the 120 person residence benefits from economies of scale, with single site preparation and infrastructure costs, minimizing resources on applications (within differing jurisdictions as farms are located in other municipalities and regional districts), and time savings that align with having a single project, versus multiple small projects. There are economic benefits to large scale seasonal housing communities when the resource use is nominal during the off-season for occupancy. From a farm business perspective, worker accommodation is a long-term investment that is as important as all other farm inputs necessary to produce high value crops. Economic considerations that precluded worker housing construction at other sites included costs of removing or mitigating barriers to construction (land-levelling, drainage) and costs/access to services (natural gas, electricity, domestic water).

From an environmental perspective, the impact on ALR lands from the use of manufactured homes for worker housing is mitigated by the eventual removal of the structures, with the potential to return the land for other agricultural purposes. For this specific project, the site preparation is minimal and future remediation is possible. Environmental considerations that precluded worker housing construction at other sites included cherry crop productivity, barriers to construction (topography, bedrock, water table, septic site) and use of farm land for access and parking. Greenhouse gas emission reduction and mitigation and carbon footprint have been considered in the development of this proposal; temperature regulation within the housing units is paramount to the workers' well-being.

The housing projects impact on air and water quality is mitigated by the regulatory framework of the local, provincial and federal governments. This project allows for the conservation of agricultural land for

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production at other farm sites, and minimizes the overall footprint of worker housing through efficient use of land for parking, recreation and access to a single site.

120 seasonal agricultural workers for 40 ha of sweet cherries in full production, is reasonable and estimated as follows:

Total Production Area 42 kg/ha
Total Production per ha 22000 kg/ha
Total Production 924000 kg
Picking Rate 40 kg/hr
Picking Hours 23100 total picking hours
Work day Hours 10 hrs/day
Worker Days 2310 worker days
Harvest Window 15 harvest days
Number of workers 154 total harvest workers

Agent Information

Agent: Cheryl Lynn Lashuk

Mailing Address:

10910 Seaton Road

Lake Country, BC

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Canada

Primary Phone: (250) 766-2080

Mobile Phone: (778) 581-9075

Email: lynnlashuk@gmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 009-995-862

Legal Description: LOT 4 SECTIONS 11 AND 12 TOWNSHIP 23 OSOYOOS DIVISION YALE DISTRICT PLAN 7394 EXCEPT PARCEL A (PLAN A2632)

Parcel Area: 21.5 ha

Civic Address: 3782 Old Vernon Road

Date of Purchase: 12/14/2018

Farm Classification: Yes

Owners

1. **Name:** Sukhdev Sandher

Address:

2951 Old Vernon Road

Kelowna, BC

V2X 6P1

Canada

Phone: (250) 469-0665

Email: davesandher@live.ca

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Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 001-525-662
Owner with Parcel Interest: Sukhdev Sandher
Parcel Area: 21.4 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

2. **Ownership Type:** Fee Simple
Parcel Identifier: 024-438-707
Owner with Parcel Interest: Sukhdev Sandher
Parcel Area: 3.7 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

3. **Ownership Type:** Fee Simple
Parcel Identifier: 011-073-080
Owner with Parcel Interest: Sukhdev Sandher
Parcel Area: 4 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

4. **Ownership Type:** Fee Simple
Parcel Identifier: 024-358-622
Owner with Parcel Interest: Sukhdev Sandher
Parcel Area: 6.1 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership

5. **Ownership Type:** Fee Simple
Parcel Identifier: 024-438-685
Owner with Parcel Interest: Sukhdev Sandher
Parcel Area: 3.6 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).

PID 009-995-862: 21.3 ha sweet cherry orchard; planted in 2019, establishment years 2020 and 2021, first commercial crop yield projected at 25% full production in 2022; full production estimated at 475 Metric Tonnes by 2026.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

21.3 ha cultivated land planted with ~23,300 finished sweet cherry trees in 2019; installed fully-automated irrigation system with filters and microsprinklers; enclosed perimeter with hi-tensile wire 10' wildlife fencing; soil sampling and soil amendments as determined from sample results; horticultural crop inputs for weed, insect, disease and rodent management. Horticultural crop inputs for environmental protection from extreme temperatures; cold weather bud damage mitigation and hot weather dessication mitigation; tree trunk treatment to mitigate herbicide contact damage and

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freeze-thaw environmental damage; tree architecture and limb training inputs (labour and materials) and structural pruning.

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

1968 single storey duplex and detached farm equipment shed

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: pasture

East

Land Use Type: Agricultural/Farm

Specify Activity: orchard

South

Land Use Type: Agricultural/Farm

Specify Activity: orchard

West

Land Use Type: Agricultural/Farm

Specify Activity: pasture

Proposal

1. What is the purpose of the proposal?

The purpose of this proposal is to provide accommodation for temporary foreign workers under the Canadian Seasonal Agricultural Worker Program for the S. Sundher Orchards Ltd. operations in the Okanagan. The housing is for 120 seasonal agricultural workers, creating a community during the sweet cherry production season.

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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 residence for farm use is necessary to support the Seasonal Agricultural Workers employed by S. Sundher Orchards Ltd. and Royal Fruit Packers Ltd. S. Sundher Orchards Ltd. owns and leases hundreds of hectares of sweet cherry and apple orchards in the Okanagan valley. The sister company, Royal Fruit Packers, processes sweet cherries from S. Sundher Orchards Ltd. and from other BC cherry growers, for sale to export and domestic fresh fruit markets. With the ongoing expansion of the sweet cherry industry, apple orchards and other irrigated farm land parcels are being planted to sweet cherries. These new plantings are coming into production and the local labour market has not been able to provide workers for the tree fruit industry. This labour shortage is well documented and recognized by all levels of government, and the federal temporary foreign worker housing programs are providing Canadian farms with workers to allow for the maintenance and growth of successful agricultural operations.

Sweet cherry production on BC orchards varies from site to site, depending on the orchard age, variety, rootstock, and agronomic characteristics of the land (e.g., climate, irrigation, elevation, latitude, aspect, soil type). The corresponding labour requirement at each orchard also varies, and the success of S. Sundher Orchards Ltd. is attributed to having the right amount of labour, at the right time, in the right place. After picking, the fruit is delivered to the packing plant, where in turn, the labour requirement will vary depending on the size and quality of the crop from a given site. Workers from Mexico and the Caribbean return year after year to the S. Sundher Orchards Ltd. operation. New foreign workers are also welcomed to the farms, and the work force training is ongoing to provide horticultural and orchard

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management skills that support agriculture in the short and/or long term.

The workers support agriculture through S. Sundher Orchards Ltd.'s orchard activities which includes propagating, planting, pruning, protecting, and picking the crops. The workers also support agriculture at Royal Fruit Packers by processing sweet cherries from S. Sundher Orchards and other BC cherry growers, for the export and domestic fresh fruit markets. The workers are skilled in irrigation management, pest management (weeds, insects, diseases, birds and rodents) and crop management (thinning, tree architecture, pruning).

S. Sundher Orchards Ltd. and Royal Fruit Packers cherry production is increasing year-over-year with the maturation of hectares of cherries planted in recent years by S. Sundher Orchards Ltd. and other BC growers who will contract their processing to Royal Fruit Packers.

The 120-person worker residence in this proposal will house temporary farm workers under the Canadian Seasonal Agricultural Worker Program (SAWP). The workers be working in the orchard where the residence is proposed (3782 Old Vernon Road aka 4253 Bulman Road, 21.3 ha), as well as on the adjacent cherry orchard planted on the parcel to the south, 3510 Old Vernon Road (21.3 ha). The workers may work on other S. Sundher Orchard Ltd. properties, in compliance with

The seasonal agricultural workers will work in the orchards and the packing plant, typically starting the days early in the cool mornings picking fruit, then moving to the packing plant after the picking shift. The proximity of the proposed accommodation to the orchards and the packing plant minimizes travel time and provides flexibility for adjustments to shift requirements as labour requirements change with crop size and quality.

The additional residence for farm use supports agriculture in the long term as S. Sundher Orchards Ltd. and Royal Fruit Packers have invested in the current and future generations of farmers through the planting of hundreds of acres of tree fruit and the construction of infrastructure including packing and storage facilities

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

There is one current residential structure on the property. The structure is a permanent dwelling classified by BC Assessment Authority as a single storey standard duplex, built in 1968. The residence has 1 bedroom per unit with the first floor area reported at 371 sqft.

The residence has been maintained and/or renovated as required and is suitable for foreign worker housing. It can be used year-round as the buildings are insulated and acceptable for winter habitation. The year-round occupancy option is favourable for workers from the federal Agricultural Stream temporary foreign worker program, when workers are permitted to stay employed on the farms for longer periods than the Seasonal Agricultural workers.

The front of the current residential structure faces west. The proposed housing is parallel to the east side of the current structure. All setback distances are compliant with the regulatory framework. Workers from the current residential structure and the proposed housing complex will be working together at the S. Sundher Orchards and Royal Fruit Packers plant.

There is a 2-vehicle parking area and small yard surrounding the residence. The residence has electrical service and domestic water hook-up. The residence had been used for year-round rental purposes prior to S. Sundher Orchards Ltd. purchase of the property.

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

2141 m²

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

The proposed location of the additional residence is on a secondary rural road at the civic address 4253 Bulman Road, Kelowna (009-995-862). The property is surrounded by ALR land with land uses ranging from pasture to orchard production. There is also a public golf course (Shadow Ridge) down the road to the west of the subject property and rural residential housing in subdivisions to the East.

Access is from Bulman Road and services are available to the site. Domestic and irrigation water are supplied by the Glenmore-Ellison Irrigation District. Electricity and natural gas is tied in from the intersection of Old Vernon Road and Bulman Road. Garbage/green waste/recycling pick-up is available through the Central Okanagan Regional District.

The location allows for all set-back requirements to be met. Minimal site preparation is required as the land is relatively flat and there are no existing structures, overhead lines, trees, or waterways in the area. The configuration of the residence is within a 51.2 m x 51.2 m square, with options for septic field placement. Transportation time for workers to orchards and the packing plant are less than 60 minutes from this site. The site is also within walking distance to public transportation routes.

Michael Czarny, Central Okanagan Regional District Planner, has provided a map of the Kelowna International Airport zoning regulations; the map is included with this application (attachment AppID 63352 Kelowna Airport Regulations Map.pdf). The proposed residence site is located within the airport Transitional Surface zone.

Lynn Lashuk, agent for S. Sundher Orchards, reached out to Kelowna International Airport Director, Sam Samaddar, to share the proposed temporary worker housing plan. Mr. Samaddar stated in an email response: "We are certainly very supportive of this initiative but would like to have further dialogue with you regarding the location of the facility on the property, the height of it and potential operational concerns in order to mitigate any potential problems with respect to the airport's zoning and aeronautical noise. I have asked James Hall, our Operations Manager, to reach out to you. S. Sundher Orchards will continue to engage with the Kelowna International Airport staff about the proposed worker housing location."

The location does not impact any of the surrounding residential areas.

The Agent also notified all residential neighbours surrounding the subject property where the proposed worker housing will be located. Mr. and Mrs. Gerry Gagnon, living at 4444 Bulman Road for the past 20 years, support the worker location and are in agreement that the site minimizes impact to neighbouring subdivision residents.

The Agent also spoke with Mrs. Gloria Johal, neighbouring property owner sharing the West property line boundary of the subject property. The Johals are long-time Kelowna residents and understand the need for temporary foreign workers to fill seasonal and time-sensitive labour positions. The Johals are supportive of the location of the proposed worker housing on Bulman Road.

The location of the worker accommodation from the workers vantage point has been explained in a previous section. Locating the workers in community style housing requires the land base and the opportunities required for community members' well-being. With room for rest and recreation in a safe and healthy living space, this location is ideal for temporary foreign workers. Minimizing travel times to-and-from work is also a consideration and this site is within 1-hour travel time to the orchards located the furthest North. The site is also within walking distance to many orchards, including the subject property and the adjacent property to the South.

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

1. Septic Field 4 m wide x 40m long ~ 160m²

(see attached drawing which includes tanks and seepage field)

2. Recreation picnic areas and yard space

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- above septic field approximately 160m²

- Green space between dormitories (~10 spaces x 1.5m wide x 40 m long) approximately 600m²

- approximately 760m² total

3. Driveway & parking area

-the current driveway and parking area will be used for access to the proposed worker housing

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

No

Applicant Attachments

- Agent Agreement-Lashuk Farm
- Other correspondence or file information-Gagnon Letter of Support
- Other correspondence or file information-Kel Airport Letter of Support
- Other correspondence or file information-Agrologist Report
- Other correspondence or file information-ParcelMapBC
- Proposal Sketch-63352
- Other correspondence or file information-Annual Report
- Other correspondence or file information-BC Company Search
- Other correspondence or file information-Kel Airport Regs map
- Other correspondence or file information-001-525-662 title
- Certificate of Title-009-995-862

ALC Attachments

None.

Decisions

None.