

City of Surrey  
ADDITIONAL PLANNING COMMENTS

Application No.: 7921-0019-00

Planning Report Date: July 24, 2023

PROPOSAL:

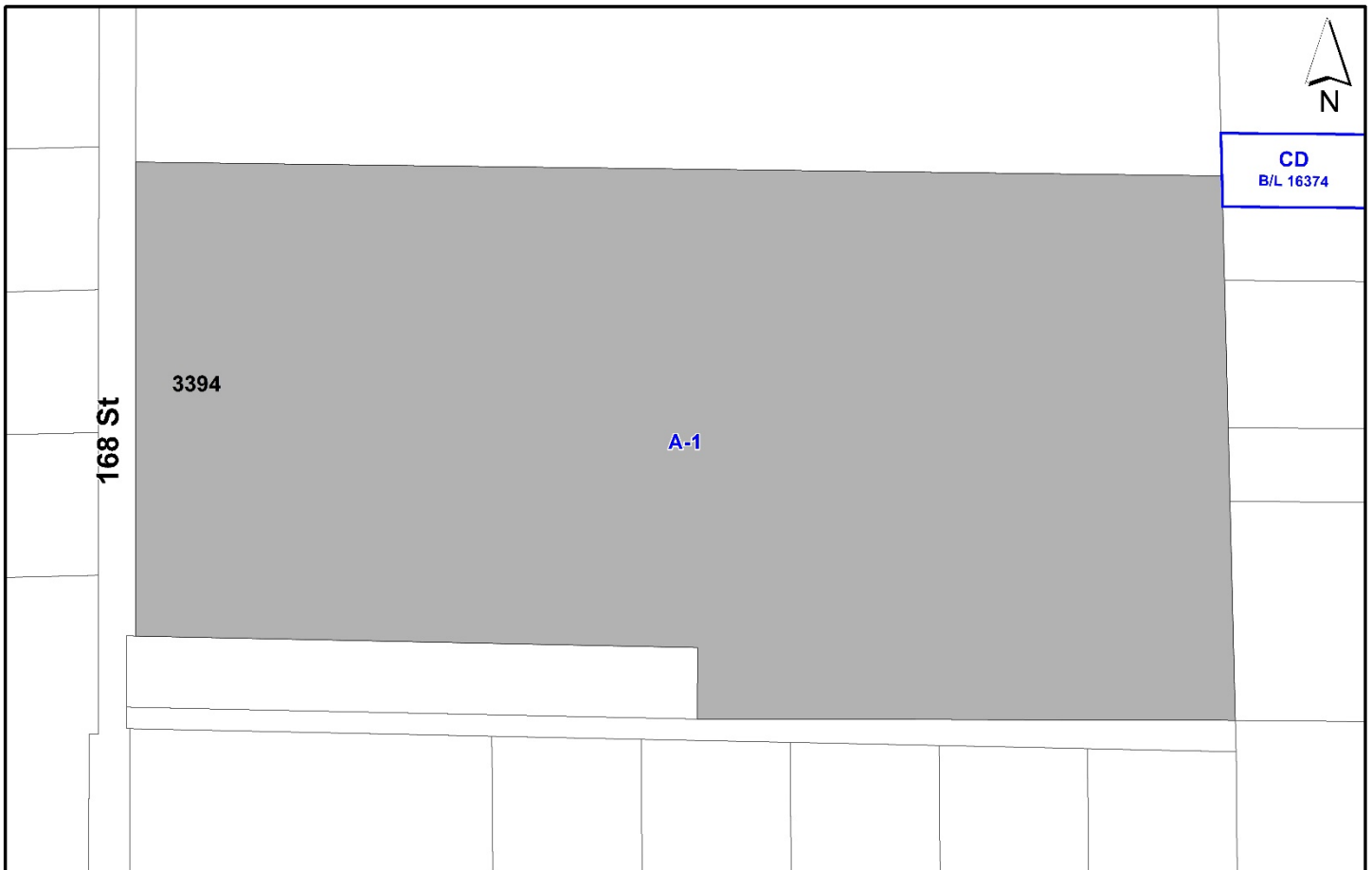
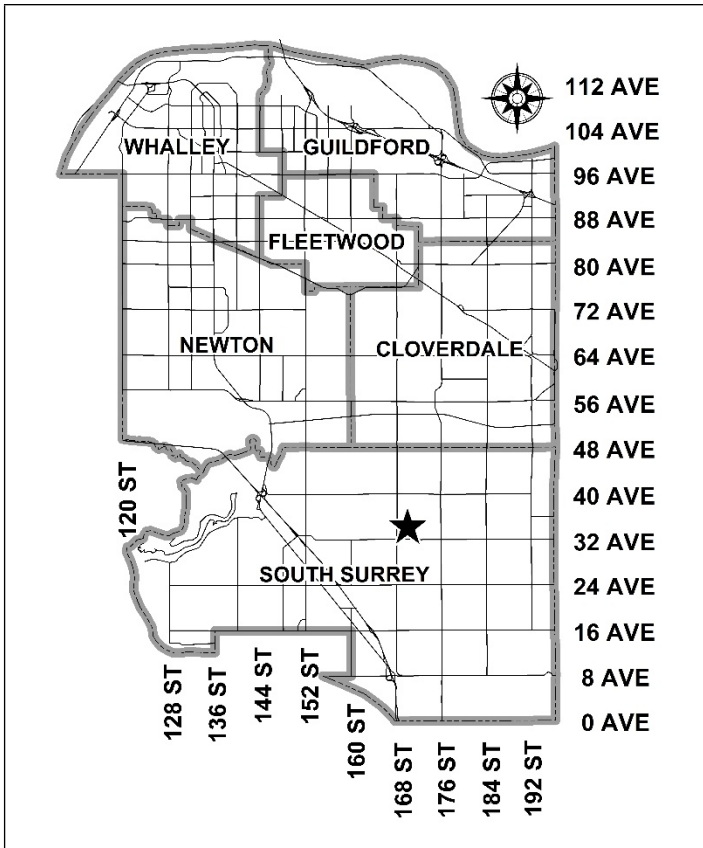
- Rezoning from A-1 to CD (based on A-1)

to allow an additional dwelling for farm worker accommodation, in accordance with the approved ALC Non-Adhering Residential Use.

LOCATION: 3394 - 168 Street

ZONING: A-1

OCP DESIGNATION: Agricultural



**RECOMMENDATION SUMMARY**

- By-law Introduction and set date for Public Hearing for Rezoning.

**DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

- The applicant is proposing to retain the existing single detached dwelling as an additional residence for farm worker accommodations, in accordance with the approved ALC Non-Adhering Residential Use. The “General Agriculture Zone (A-1)” does not permit more than one dwelling on a lot.

**RATIONALE OF RECOMMENDATION**

- The proposal complies with the Agricultural designation in both the Official Community Plan (OCP) and the Metro Vancouver Regional Growth Strategy (RGS).
- The proposal for a Non-Adhering Residential Use to retain the existing dwelling as a farm workers residence, in addition to constructing a new maximum sized 500 square metre principal residence, has been approved by the Agricultural Land Commission (ALC), with conditions.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "General Agriculture Zone (A-1)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering; and
  - (b) ensure that all conditions set forth in ALC Resolution #162/2022 for the approved Non-Adhering Residential Use for an additional residence for farm worker accommodation are addressed to the satisfaction of the General Manager, Planning and Development.

## ADDITIONAL PLANNING COMMENTS

### Application Background

- The property owner initially submitted an application for an ALC Non-Adhering Residential Use (NARU) application and Development Variance Permit on the subject property to allow the development of a single family dwelling greater than the threshold of 500 square metres in total floor area and the retention of the existing dwelling for farm worker accommodation in the ALR.
- The application was presented at the June 9, 2021 meeting of the Agriculture, Environment, and Investment Advisory Committee (AEIAC). The Committee referred the application back to staff, expressing concern with the potential precedent the application may set for an over-sized dwelling in the ALR, and the importance that the existing home be demolished if the proposal proceeds.
- On July 26, 2021, the Initial Planning Report was presented to Council and the NARU application was subsequently referred to the Agricultural Land Commission for consideration of approval, consistent with the staff recommendation.
- Following consideration of the NARU application, the ALC issued Resolution #162/2022 (Appendix III), which denied the proposal for a single detached dwelling greater than 500 square metres, but approved the construction of a new maximum 500 square metre principal residence and the retention of the 270 square metre existing residence, subject to the following conditions:
  - the siting of the new maximum 500 square metre Principal Residence must be in accordance with the location reviewed and approved by the ALC under the subject NARU;

- the registration of a covenant in favour of the Commission for the purpose of ensuring that the 270 square metre existing dwelling is only used for residential use for full-time seasonal farm help on the Property's farm operation; and
- approval for construction is granted for the sole benefit of the Applicant and is non-transferable.
- The Initial Planning Report included a request for a Development Variance Permit to increase the maximum farm residential footprint requirements of the "General Agriculture Zone (A-1)". Development Variance Permit No. 7921-0019-00 was endorsed by Council and issued on September 13, 2021.

### Proposed CD Zone

- The applicant is proposing a "Comprehensive Development Zone (CD)" to accommodate the additional residence for farm worker accommodation on the subject site and to integrate the provisions of issued Development Variance Permit No. 7921-0019-00. The CD By-law will contain the same provisions as the "General Agricultural Zone (A-1)", with the following revisions:
  - Permitted Accessory Uses – add "One additional residence to be used exclusively for the accommodation of farm workers engaged in the farm operation on the *Lands*, in accordance with ALC Resolution #162/2022.";
  - Yards and Setbacks – the maximum front yard setback for a single family dwelling is increased from 50.0 metres to 95.8 metres; and
  - Special Regulations – the maximum depth of the farm residential footprint from the front lot line is increased from 60.0 metres to 95.8 metres.
- Development Variance Permit No. 7921-0019-00 also authorized a 2,335 square metre farm residential footprint. This increase is no longer required as the proposal complies with the maximum 2,000 square metres identified in the A-1 Zone.
- Additional regulations pertaining to the new single detached dwelling are not required, given the ALC Resolution #162/2022 authorizes a new maximum 500 square metre principal residence, consistent with the *Agricultural Land Commission Act*. The new single detached dwelling and accessory building will be reviewed in conjunction with a future building permit.

### **PUBLIC ENGAGEMENT**

- Pre-notification letters were sent on July 7, 2023, and the Development Proposal Sign was installed on June 7, 2023. To date, staff have received no responses from area residents regarding the proposal.



**INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

- Appendix I. Proposed Site Plan
- Appendix II. Initial Planning Report No. 7921-0019-00, dated July 26, 2021
- Appendix III. ALC File 60072 Reasons for Decision (Resolution #162/2022)

*approved by Shawn Low*

Don Luymes  
General Manager  
Planning and Development

SA/ar



Planning Report Date: July 26, 2021

**PROPOSAL:**

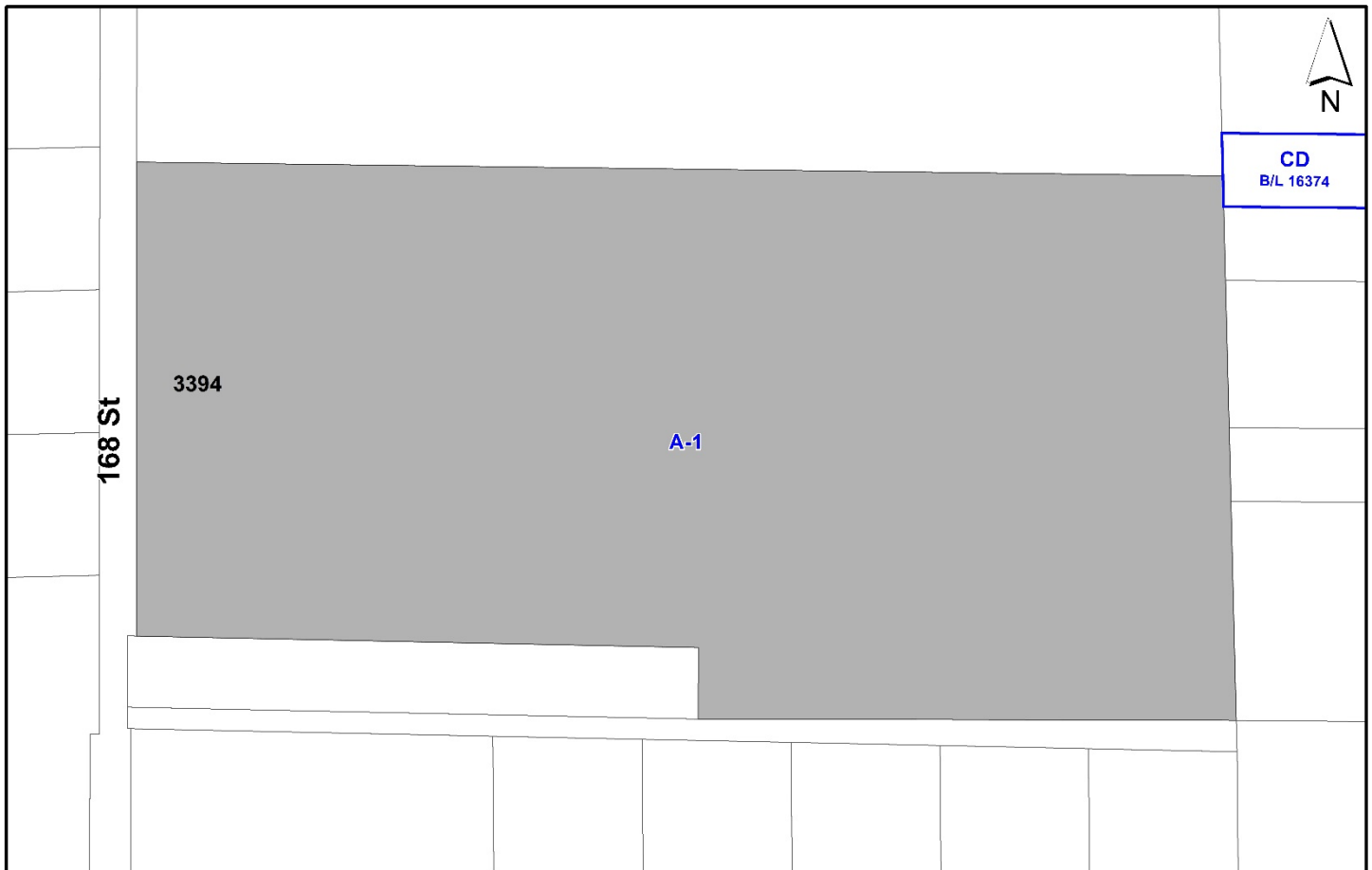
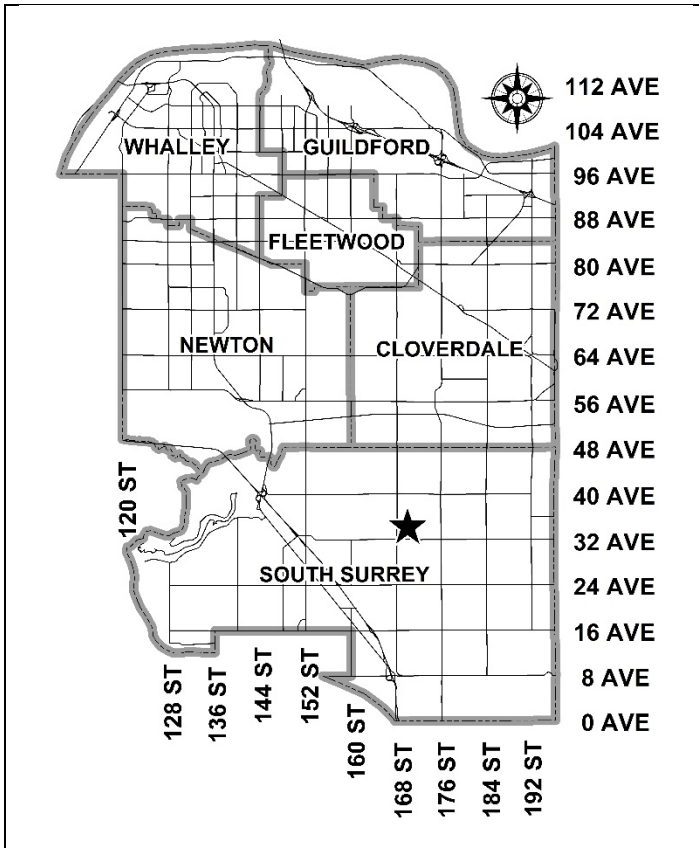
- **Non-adhering residential use** under Section 20.1 of the *ALC Act*.
- **Development Variance Permit**

to allow the development of a single family dwelling that exceeds 500 square metres in total floor area and retention of an existing dwelling for farm worker accommodation within the Agricultural Land Reserve.

**LOCATION:** 3394 - 168 Street

**ZONING:** A-1

**OCP DESIGNATION:** Agricultural



## RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.
- Refer the subject non-adhering residential use application to the Agricultural Land Commission (ALC) for consideration of approval.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to increase the maximum farm residential footprint requirements of the "General Agriculture Zone (A-1)".
- Proposing to increase the maximum floor area of a principal residence and increase the number of residences allowed under the *Agricultural Land Commission Act (ALCA)*. The A-1 Zone does not permit more than one single family dwelling on a lot.

## RATIONALE OF RECOMMENDATION

- The proposed farm residential footprint will be located on a permitted preload pad, which is situated farther than the maximum building setback of 50 metres from the 168 Street frontage. The proposed location avoids conflicts with existing farm infrastructure and agricultural land currently in-production.
- The Province adopted legislation on February 22, 2019, which introduced a maximum on the floor area of principal dwellings to 500 square metres within the Agricultural Land Reserve (ALR). This legislation is intended to limit the physical and economic impacts of residential uses on agriculturally designated land.
- The *ALCA* authorizes a property owner to apply for a non-adhering residential use under Section 20.1(2)(a).
- The City has recently started receiving development applications that propose to exceed the maximum floor area that is permitted for a principal dwelling within the ALR. As the proposal complies with the maximum floor area for a single family dwelling that is permitted under the "General Agriculture Zone (A-1)" and the legislation is relatively new, staff recommend that the ALC application be forwarded to the ALC for consideration of approval.
- With construction of a new single family dwelling on the property, the applicant is proposing to retain the existing residence for use as farm worker accommodation. Temporary seasonable workers reside with the family in the existing dwelling on-site, and due to space limitations only a limited number of workers are hired every year. For the 2021 season, 3 seasonal workers are currently residing with the applicant's 8 family members in the existing dwelling on the property, while current farm production requires additional labour.

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- Allowing the existing dwelling on-site to be retained for farm worker accommodation would assist in managing labour demands of the current and future farm operations. Staff recommend that the ALC application be forwarded to the ALC for consideration of approval. Depending on the outcome of the non-adhering residential use application the applicant acknowledges that future rezoning of the subject site would be required in order to allow for development of a second dwelling on the property.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize referral of the application to the Agricultural Land Commission for consideration of approval.
2. Council approve Development Variance Permit No. 7921-0019-00 (Appendix VI) varying the following, to proceed to Public Notification:
  - (a) to increase the maximum setback of a single family dwelling from the front lot line of the "General Agriculture Zone (A-1)" from 50 metres to 95.8 metres;
  - (b) to increase the maximum depth of the farm residential footprint from the front lot line of the "General Agriculture Zone (A-1)" from 60 metres to 95.8 metres; and
  - (c) to increase the farm residential footprint area of the "General Agriculture Zone (A-1)" from 2,000 square metres to 2,335 square metres.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agriculture (ALR)	Agricultural	A-1
North, East, South, and West (Across 168 Street):	Agriculture (ALR)	Agricultural	A-1

### Context & Background

- The 27.7 hectare subject site is located on the east side of 168 Street, north of 32 Avenue. The subject property is designated "Agricultural" in the Official Community Plan (OCP) and is zoned "General Agriculture Zone (A-1)".
- The subject site is classified as residential and farmland under the BC Assessment Act and is part of a larger farm operation (Bains Berry Farms Ltd.) with 145 acres of farmland in Surrey and the Lower Mainland. The subject property has been owned by the applicant's family since the 1980s and is used for the production of blueberries, with crops occupying approximately 97% of the land. The farm operation typically yields 560,000 pounds of blueberries per annum.
- The remaining area not currently in agricultural production on the property is occupied by an existing single family dwelling, an existing farm building and an existing fill pad, located along the western edge of the property.
- Soil Permits were issued for the subject property in October 2005, December 2007, April 2009, and March 2015 for future building on the property. The preload fill pad was approved safe for building by engineers in the summer of 2018.

- There is a Class AO roadside ditch located adjacent to the front property line. It was determined that given the existing approved preload is located outside of the 50 metre Sensitive Ecosystem Development Permit Area Buffer, a Development Permit would not be required as part of this application.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant is applying for a non-adhering residential use under Section 20.1 of the *Agricultural Land Commission Act (ALCA)* to allow the construction of a 1,178 square metre dwelling and retention of the existing dwelling for farm worker accommodation at 3394 - 168 Street.
- The applicant intends to retain the existing "General Agriculture Zone (A-1)", with no changes proposed to the existing zoning at present. Depending on the outcome of the non-adhering residential use application, the applicant acknowledges that future rezoning of the subject site would be required in order to allow for development of a second dwelling on the property.
- The A-1 Zone permits only one single family dwelling to be constructed on the property, which may contain one secondary suite. The proposal (should rezoning be proposed in the future) would allow the retention of the existing dwelling for farm worker accommodation and construction of a new principal dwelling.
- The applicant is also proposing a Development Variance Permit to increase the depth and size of the farm residential footprint.
- The property is located within the floodplain; therefore, preload is required to meet the flood construction level. The applicant is proposing to locate the new dwelling on an existing fill pad on the property. No additional fill is required to be placed on-site for construction of the proposed new dwelling.

### Referrals

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.

Agriculture, Environment, and Investment Advisory Committee (AEIAC): At the June 9, 2021, meeting, AEIAC referred the application back to staff to address the existing home and that it be demolished if the proposal proceeds.

The Committee expressed concerns on the possible precedent the application may set for an over-sized dwelling in the ALR, and the importance that the existing home be demolished if the proposal proceeds.

## POLICY & BY-LAW CONSIDERATIONS

### Agricultural Land Commission Act and Regulations

- Recognizing the AEIAC's concerns with respect to the proposed over-sized new single family dwelling and retention of the existing single family dwelling for farm worker accommodation, Staff recommend that the Non-Adhering Residential Use application be forwarded to the ALC for consideration of approval given the deviation from the *ALCA*.
- Depending on the outcome of the non-adhering residential use application, the applicant acknowledges that future rezoning of the subject site may be required in order to allow for development of a second dwelling on the property.
- It is also noted that the ALC has the appropriate resources to confirm the appropriateness of the need for an additional dwelling to accommodate farm workers on agricultural properties. Further the A-1 zone under Zoning By-law No. 12000 does not have limitations for the size of houses that may be constructed but rather the *ALCA* has provision for the maximum house size that may be constructed as noted below.
- Section 20.1(1)(b) of the *ALCA* restricts the maximum total floor area of a principal residence to 500 square metres.
- Section 20.1(1)(a) of the *ALCA* restricts the maximum number of residences per parcel of land to one (1).
- Section 20.1(2)(a) of the *ALCA* authorizes a property owner to apply to the commission for a non-adhering residential use.
- In their application to the ALC, the applicant submitted that they were proposing a 1,020 square metre dwelling. The floor plans submitted to the City show the proposed dwelling is 1,178 square metres in total floor area.
- The applicant is proposing to retain the existing dwelling for farm worker accommodation. A Building Permit could not be issued for a second single family dwelling on the subject property as the A-1 Zone permits only one single family dwelling on a lot. A rezoning application would be required to be submitted and approved by Council to allow for development of a second dwelling before any future Building Permit application could be issued.

### Applicant's Rationale

- The applicant provided the following rationale in support of their application:
  - The subject property is the centre of operations for the applicant family's 59 hectare farming business, as well as a home where the family currently resides. The existing dwelling on-site, approximately 270 square metres in size, is an older home with limited space for the family to live in and conduct their business activities.



- The applicant's plans to build a new home on the property began in the 2000s. The applicant contributed a significant amount of time and money to the project prior to the legislation changes to maximum house size in the ALR implemented in 2019.
- A fill permit was originally issued for the site in October of 2005 for the existing fill pad. Due to a number of external factors, the fill pad was approved safe for building by engineers in the summer of 2018.
- The applicant is proposing to construct a new dwelling that will be able to accommodate three generations of the applicant's family and create a functional space for family and for farm business functions. The proposal will allow the family to remain living on the subject property and provide assistance with farm operations, as well as allow for younger generations to be more involved. The applicant intends for the proposed new dwelling to be where the family will reside longer term, and to support future growth of their farming operation.
- The applicant is proposing to construct the new dwelling on an existing pre-load and asserts that no additional agricultural land will be lost as a result. The land occupied by the pre-load was removed from agricultural production in 2005 to prepare for the house foundation and has not been farmed in over 15 years. As a result, the fill pad area is no longer arable.
- The applicant currently uses the existing dwelling to accommodate seasonal farm works, in addition to housing family members and conducting business activities. For the 2021 season, 3 seasonal workers are currently residing in the existing dwelling with the applicant's 8 family members. The applicant states that current production of the land requires more workers, however, with the cost to house workers off-site and limited space available on-site, they are only able to accommodate a limited number.
- As part of the application, the applicant is proposing to retain the existing dwelling for farm worker accommodation. The upper floor of the existing dwelling would be used to house workers, while the main floor of the residence would be used for farm storage and communal living spaces for workers. The applicant estimates that within 5 years, the operation will require at least 10 workers who will require full-time lodging on-site.

### **Zoning By-law**

- The "General Agriculture Zone (A-1)" does not include any restrictions on density or house size, other than limiting permitted uses to one single family dwelling, which may contain one secondary suite.
- Should the ALC be supportive of this application for the non-adhering residential use, staff will resume processing of the application. A rezoning application would be required in order to permit the construction of a second dwelling on the property.
- The A-1 Zone restricts the location and area of residential uses on agricultural properties through the farm residential footprint. The farm residential footprint is restricted to 2,000 square metres in area, the single family dwelling on a lot has a maximum setback of 50 metres from the front lot line and any accessory farm residential facility may not be located further than 60 metres from the front lot line.

### Farm Residential Footprint Variance

- The applicant is requesting the following variances:
  - to increase the maximum setback of a single family dwelling from the front lot line of the "General Agriculture Zone (A-1)" from 50 metres to 95.8 metres;
  - to increase the maximum depth of the farm residential footprint from the front lot line of the "General Agriculture Zone (A-1)" from 60 metres to 95.8 metres; and
  - to increase the farm residential footprint area of the "General Agriculture Zone 9A-1)" from 2,000 square metres to 2,335 square metres.
- Fill permits were previously issued by the City for the site in October 2005, December 2007, April 2009, and March 2015. The location at the time was compliant with the Zoning Bylaw.
- The proposed variances to increase the setbacks and size of the farm residential footprint are dictated by the existing location of the previously approved fill pad.
- The fill pad was approved safe for building by engineers in the summer of 2018.
- The proposed homeplate location meets the intent of the farm Homeplate policy, as the proposed dwelling would be located on an existing fill pad and would not impact areas currently being farmed.
- Staff support the requested variances to proceed for consideration.

### **INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

Appendix I.	Proposed Site Plan
Appendix II.	Engineering Summary
Appendix III.	AEIAC Minutes
Appendix IV.	Aerial Photo
Appendix V.	Rationale Letter from Applicant
Appendix VI.	Development Variance Permit No. 7921-0019-00

*approved by Shawn Low*

Rémi Dubé  
Acting General Manager  
Planning and Development

SR/cm





INTER-OFFICE MEMO

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TO: **Manager, Area Planning & Development  
- South Surrey Division  
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **July 15, 2021** PROJECT FILE: **7821-0019-00**

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RE: **Engineering Requirements  
Location: 3394 168 Street**

**DEVELOPMENT VARIANCE PERMIT - ALR**

The following issues are to be addressed as a condition of issuance of the Development Variance Permit to allow the existing pre-fill in order to construct a new single-family dwelling on the A-1 property:

- The applicant will be required to provide a combined statutory right-of-way/restrictive covenant (SRW/RC) for the class "AO" watercourse located along the east side of 168 Street. The SRW/RC is to be registered over the setback from the top of bank.

**BUILDING PERMIT**

The following issues are to be addressed as a condition of the subsequent Building Permit:

- Any proposed on-site septic sewer system to be designed and installed in accordance with the requirements of the Fraser Health Authority. Register Restrictive Covenant for the protection and maintenance of the onsite septic system, along with requirement to decommission the septic tank once sanitary frontage is available.

An Administrative Processing Fee of \$1,722.00 is required to administer the required legal documents.

Tommy Buchmann, P.Eng.  
Development Services Manager

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## Appendix III

3. **Development Application 7920-0171-00**  
Sharon Johal, Planning Technician  
Address: 7648 Harvie Road

The proposal is for a Development Variance Permit to vary the farm home plate requirements for a proposed new single dwelling on an existing fill pad.

The following comments were made:

- The property is designated Agricultural in the Official Community Plan (OCP), zoned General Agriculture Zone (A-1), and located within the Agricultural Land Reserve (ALR). The site is classified as farmland under the *Assessment Act*. There is no existing house on the subject property.
- The applicant is requesting to vary the maximum allowable setback from the front lot line for a single family dwelling in the General Agriculture (A-1) Zone from 50 metres to 82 metres. The applicant is also requesting to vary the maximum allowable depth of the farm residential footprint from the front lot line in the General Agriculture (A-1) Zone from 60 metres to 92 metres.

Members of the Committee noted that the dwelling is pre-existing and the fill had been placed prior to the regulations. In response to a question from a member, staff noted that the owners previously applied for a variance through the Board of Variance, which has an expiry date of two years. Since then, the owners have sold the property and the new owners have returned to apply with the same variance.

In general, the Committee supported the proposal.

It was  
Investment Advisory Committee recommend to the General Manager of Planning and Development to support Development Application 7920-0171-00.  
Moved by S. VanKeulen  
Seconded by Councillor Hundial  
That the Agriculture, Environment, and  
Carried

4. **Development Application 7921-0019-00**  
Sarah Robertson, Planning Technician  
Address: 3394 - 168 Street

The proposal is to construct a single-family dwelling that exceeds 500 square metres in floor area. The application also includes a Development Variance Permit to increase the maximum front yard setback for a single-family dwelling from 50.0 metres to 95.8 metres, increase the farm residential footprint setback from 60.0 metres to 95.8 metres, and increase the farm residential footprint area from 2,000 square metres to 2,335 square metres to allow a new dwelling, farm building and accessory residential uses to be constructed on an existing approved preload fill pad on the subject property.

The following comments were made:

- The Committee expressed concerns on exceeding the farm residential footprint and noted that there is no indication of expansion of the farm to facilitate the additional workers required. A member noted that there is no compelling reason to support the setbacks or increase to the farm residential footprint.
- The Committee expressed concerns that supporting the application would be precedent setting and that the house is too large.

The Committee expressed the importance that the existing home be demolished if the proposal proceeds.

It was  
Moved by Councillor Nagra  
Seconded by Councillor Hundial  
That the Agriculture, Environment, and  
Investment Advisory Committee recommend to the General Manager of Planning and Development that development application 7921-0019-00 be referred back to staff to address the existing home and that it be demolished if the proposal proceeds.

Carried

**D. OUTSTANDING BUSINESS**

**1. Verbal Updates**

- A member expressed concerns on a fill permit for a lagoon which is within the low lands plan strategy. Staff advised the application is in the planning process.
- A member expressed concerns of the paving of Colebrook Road and noted the road is busy with lots of speeding drivers. A member expressed the need for a traffic calming device and a parallel road for those walking, cycling or using farm equipment.

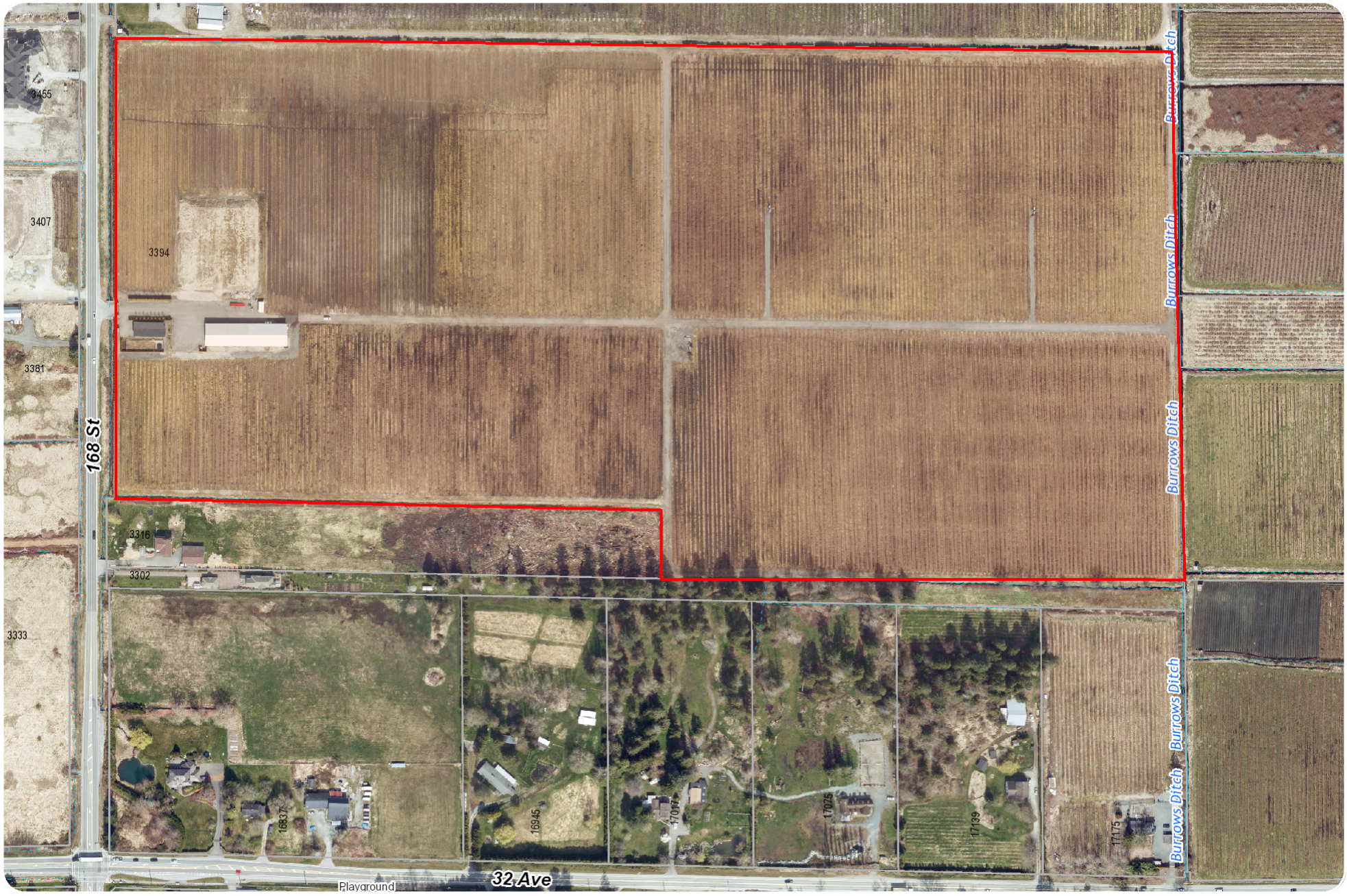
**E. ITEMS REFERRED BY COUNCIL**

This section has no items to consider.

**F. CORRESPONDENCE**

This section has no items to consider.

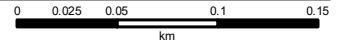




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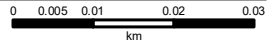




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Map created on: 2021-06-01



Non-Adhering Agriculture Use Application: Multi-generational Farming Family Seeking the City's Support to build a New Farmhouse larger than 500m2 on Existing Preload

**Bains Berry Farms Ltd. – 3394 168 Street, Surrey, BC V3Z 1E4**

Bains Berry Farms Ltd. farms over 145 acres in the Lower Mainland. The 68-acre Surrey farm is their centre of operations. The family purchased the farm in 1980 and have lived here since that time. This farm today produces over 560,000 pounds of blueberries per annum. The operation currently has 16 employees as of July 20, 2021. This will increase significantly as the harvest season ramps up. This large multi-generational farming family has been giving back to the community, employing hundreds of workers and feeding the Lower Mainland for over four decades. Please support this application and forward it to the ALC for final determination.

**Key items to consider for application:**

- ❖ ***Preload soil permit granted by the City in October 2005.***
  - Due to external factors, including previous negligent excavation contractors and the disappearance of the Geotech responsible for the project, the entire preload had to be redone twice. Once B&B Contracting was hired to redo the project, more issues arose, including a large portion of the preload collapsing at one point. In summary, after perseverance and significant investment, the preload was completed and settled. Engineers/Geotech's finally approved the preload ready for the foundation of the New Farmhouse in Summer 2018. Just prior to the new 500m2 restriction introduced in February 2019.
- ❖ ***The Family has already invested well over \$250,000 towards developing the New Farmhouse.***
  - The Family has lost income from the preload area prepared for the New Farmhouse for over 15 years now. The family is dedicated to completing this project. There is nowhere else they would rather live. They need the new home to live and grow their family run operation in. The ALC application has a thorough breakdown on current upgrades and planning methods completed for this project. A significant amount has been lost from past production, redoing the preload, preparing it for the foundation and architectural planning costs designing the New Farmhouse to accommodate the large family's living and commercial farming needs.
- ❖ ***The size of the proposed New Farmhouse is to accommodate a multi-generational farming family - three generations - and areas to accommodate the family's bona fide commercial farming operation.***
  - The family has been farming at this location since 1980, they are farmers not developers. The new home is for their own commercial farming and family needs.
- ❖ ***The land where the New Farmhouse will be built is no longer arable.***
  - It does not matter if a 500m2 home or a 1020m2 home is built on the existing preload, the preloaded soil area has already been removed from the ALR. Meaning, constructing this New Farmhouse will not encroach on the existing farmland and will not take more farmland out of production. The home and supporting infrastructure including septic field, driveway and landscaping has been designed to fit the preload area only.
- ❖ ***Foreign labour resides in the existing dwelling.***
  - The plan is to keep the upper floor of the existing dwelling for foreign labour, and the bottom floor for farm labour storage/farm equipment storage/washrooms/break areas/lunchrooms. Without this existing dwelling, the operation will suffer.

**Final items to consider: The existing dwelling and new dwelling support farming in Surrey for the long term, financial and future growth of the family's farming operations, legacy and reputation built over four decades of farming in Surrey, the existence of the preload and prior permit, workers residing in the existing dwelling, and that the application satisfies the ALC criteria.**

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7921-0019-00

Issued To:

("the Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 005-083-664

South West Quarter Section 30 Township 7 Except: Firstly: Parcel "A" (Reference Plan 3982),  
Secondly: South Quarter, Thirdly: Part Subdivided by Plan 8866, Fourthly: Parcel  
"F" (Bylaw Plan 67257), New Westminster District

3394 - 168 Street

("the Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section F Yards and Setbacks of Part 10 "General Agriculture Zone (A-1)", the maximum front yard setback for a single family dwelling is increased from 50.0 metres to 95.8 metres;
  - (b) In Section J Special Regulations of the Part 10 "General Agriculture Zone (A-1)", the maximum depth of the farm residential footprint from the front lot line is increased from 60 metres to 95.8 metres; and
  - (c) In Section J Special Regulations of the Part 10 "General Agriculture Zone (A-1)", the maximum size of the farm residential footprint is increased from 2,000 square metres to 2,335 square metres.

4. This development variance permit applies to only the portion of the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 20 .  
ISSUED THIS      DAY OF      , 20 .

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Mayor – Doug McCallum

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City Clerk – Jennifer Ficocelli





**AGRICULTURAL LAND COMMISSION FILE 60072  
REASONS FOR DECISION OF THE SOUTH COAST PANEL**

Non-Adhering Residential Use Application Submitted Under s.20.1(2) of the Agricultural  
Land Commission Act

**Applicants:** Manjit Bains  
Harjinder Bains

**Agent:** Rajan Bains

**Property:** Parcel Identifier: 005-083-664  
Legal Description: South West Quarter Section  
30 Township 7 Except: Firstly: Parcel "A"  
(Reference Plan 3982) Secondly: South Quarter  
Thirdly: Part Subdivided By Plan 8866 Fourthly:  
Parcel "F" (Bylaw Plan 67257) New Westminster  
District  
Civic: 3394 168 Street, Surrey, BC.  
Area: 27.7 ha (entirely within the ALR)

**Panel:** Ione Smith, South Coast Panel Chair  
Susan Gimse  
Holger Schwichtenberg

**OVERVIEW**

- [1] The Property is located within the Agricultural Land Reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (“ALCA”).
- [2] The Applicants are applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 20.1(2) of the ALCA to build an additional 1,178 m<sup>2</sup> residence (the “New Principal Residence”) and retain the existing 270 m<sup>2</sup> residence (the “Existing Residence”) as an additional residence for farm help (the “Proposal”).
- [3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:
- 6 (1) The following are the purposes of the commission:
- (a) to preserve the agricultural land reserve;
  - (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
  - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
- (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
  - (b) the use of the agricultural land reserve for farm use.

## **EVIDENTIARY RECORD**

[4] The Proposal, along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

[5] At its meeting of July 26, 2021, the City of Surrey (the “City”) Council resolved to forward the Application to the Commission, without comment. The City’s Council also approved a Development Variance Permit to increase the allowed maximum setback for a single-family dwelling and the farm residential footprint, as well as the area of the farm residential footprint.

## **ANALYSIS AND FINDINGS**

[6] The Proposal includes two requests for non-adhering residential use:

- i. To permit an additional residence by retaining the existing 270 m<sup>2</sup> residence; and;
- ii. To permit a 1,178 m<sup>2</sup> principal residence which is larger than 500 m<sup>2</sup> permitted in the ALC.

[7] With respect to a non-adhering residential use for an additional residence, section 25(1.1)(b) of the ALCA states that the Commission must not grant permission for an additional residence unless it is necessary for farm use. Section 25(1.1)(b) of the ALCA does not apply to a request for a principal residence larger than 500 m<sup>2</sup>; however, *ALC Policy L-26: Non-Adhering Residential Use Applications* states that the necessity for farm use of the proposed principal residence is a relevant factor in determining whether a larger principal residence should be allowed. For this reason, the Panel considered whether there is an agricultural rationale to allow a principal



residence larger than 500 m<sup>2</sup> as well as allow an additional residence on the Property.

- [8] To assess the non-adhering residential use Proposals and their necessity or relation to farm use, the Panel considered the type and scale of the Applicant's farm operation, the current residential use of the Property and the size and impact of the Proposal on the Property.
- [9] The Applicants have owned the Property since 1980 and operate Bains Berry Farms Ltd. In addition to the Applicant's family involvement with the agricultural operation, they employ up to 100 seasonal employees. The Application states that approximately 27 ha of the Property grow blueberries including the Rika, Bluecrop, and Elliot varieties and produce over 560,000 lbs of blueberries each year. The Property contains the 270 m<sup>2</sup> Existing Residence, two ~460 m<sup>2</sup> warehouses for storage and farm equipment, and two small sheds for farm-related uses. The Panel considered the Applicants' farm operation and recognized the intensity of the blueberry operation, as well as the farm labour by family and additional farm workers that is required to sustain the operation. For this reason, the Panel finds that an expansion of residential use in some capacity may support the established blueberry operation.
- [10] The Application material explains that the existing 270 m<sup>2</sup> residence is too small for the family members and three seasonal farm workers who currently reside in it. The Applicant and the family are therefore proposing the 1,178 m<sup>2</sup> New Principal Residence to house up to eleven family members. The Applicant's submission states that the New Principal Residence has been designed to accommodate three generations of the Bains family and that "[a]lthough 500 m<sup>2</sup> is generous for one family, 1020 m<sup>2</sup> is more suitable for multiple families, which will be residing together". The submission further states that the New Principal Residence will "...support



agriculture in the long-term as it will help the Family accommodate its members in full, create adequate space for labourers, and increase business efficiency, which ultimately will improve the Family's farming business and B.C. agriculture on a whole".

[11] According to the City's staff report, the total floor area of the proposed new Principal Residence is 1,178 m<sup>2</sup> and it would be placed in a 2,335 m<sup>2</sup> homeplate that has already been preloaded with fill authorized by the City of Surrey between 2005 and 2018.

[12] The Panel referred to *ALC Policy L-26: Non-Adhering Residential Use Applications* that states the necessity for farm use of the proposed principal residence is a relevant factor in determining whether a principal residence larger than 500 m<sup>2</sup> should be allowed. With these types of requests, the Commission will generally consider whether the requested increase in total floor area would be supportive of the current farming operation and necessary for farm use.

[13] The Applicant has stated that the existing principal residence is too small for their family that is involved with the farm. The Panel appreciates that some farm operations may require more residential space than what is currently permitted by the ALCA and ALR Use Regulation; however, in doing so, the Panel must carefully assess that any approved additional total floor area is commensurate and necessary to the farm operation.

[14] The Panel considered that the construction of large residences within the ALR removes land from agricultural production, can increase the price of agricultural land on the Property and nearby making it more difficult for farmers to acquire farmland. The Panel considered the impact of the 1,178 m<sup>2</sup> principal residence on the Property beyond the current ownership. The ALCA allows a landowner to submit a non-

adhering residential use application to expand beyond the 500 m<sup>2</sup> total floor area limit; however, in this case, the Panel finds that the size of the proposed principal residence is excessive given that it is over twice the size of the total floor area permitted in the ALCA and when considering features such as a game room, sauna, rec room, pool and dog run, among others. The Panel finds that a residence such as the proposed would increase the likelihood that the Property be purchased for residential purposes instead of farming.

[15] The Panel considered the Applicants offer of a legal instrument to ensure the land remains in the family for a hundred years, however the Panel finds that such legal instrument would be impractical given the perpetual nature of the ALR and changing circumstances of a family over time.

[16] The existing residence that is proposed to be retained as the Additional Residence will be used for up to twelve temporary foreign workers through the federal Seasonal Agricultural Workers Program (“SAWP”). The Panel finds that retaining the existing residence to be commensurate with the labour requirements of the existing farm operation and that the existing residence will not further impact the agricultural utility of the Property.

[17] To clarify, the Panel approves retention of the existing 270 m<sup>2</sup> residence as the Additional Residence in addition to a new principal residence up to a maximum of 500 m<sup>2</sup> total floor area.

[18] The Panel considered *ALC Policy L-26 Non-Adhering Residential Use Applications* (the “Policy”) that states that in order to limit housing’s physical impact on a productive parcel, the total residential footprint (i.e., homeplate) for a principal residence should not exceed 2,000 m<sup>2</sup>. While the Proposal considered a ~2,335 m<sup>2</sup> homeplate for the New Principal Residence, the Panel will require that the

Homeplate does not exceed 2,000 m<sup>2</sup> for the alternately approved 500 m<sup>2</sup> principal residence.

## **DECISION**

[19] For the reasons given above, the Panel approves construction of a new maximum 500 m<sup>2</sup> principal residence and to retain the 270 m<sup>2</sup> Existing Residence, subject to the following conditions:

- (a) Siting of the new maximum 500 m<sup>2</sup> Principal Residence in accordance with Schedule A of this decision, and;
- (b) the registration of a covenant in favour of the Commission for the purpose of ensuring that the 270 m<sup>2</sup> Existing Residence is only used for residential use for full-time seasonal farm help on the Property's farm operation;
- (c) approval for construction is granted for the sole benefit of the Applicant and is non-transferable.

[20] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[21] These are the unanimous reasons of the Panel.

[22] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.



[23] Resolution #162/2022

Released on May 3, 2022

A handwritten signature in black ink, appearing to read "Ione Smith". The signature is written in a cursive, flowing style.

**Ione Smith, Panel Chair**

On behalf of the South Coast Panel





ALC FILE NO: 60072	RESOLUTION NO: 162/2022
MAP PRODUCED: May 3, 2022	
MAP SCALE: 1:4,000	MAP BY: BM

DATA SOURCES & NOTES:  
ALC, BCGW and ESRI / Maxar.  
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Map for reference only. Accuracy not  
guaranteed.

- Conditionally Approved 2000 m<sup>2</sup> Homeplate for new 500 m<sup>2</sup> principal residence
- Subject Property
- Agricultural Land Reserve
- PMBC Parcel Cadastre

