



# COUNCIL REPORT

## Executive Committee

Report No. PDS 008-2023

Date: January 10, 2023

File No: 3100-05 PRJ22-024

To: Mayor and Council  
From: Anne-Marie Paquette, Assistant Planner  
Subject: Site Specific Rezoning Text Amendment (32840 Townshipline Road)

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### RECOMMENDATION

1. THAT, Bylaw No. 3324-2023, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 478", be given first and second readings at the next Regular Meeting of Council, and be advanced to an upcoming Public Hearing; and
2. THAT prior to adoption of Bylaw No. 3324-2023, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 478", the following condition be satisfied:
  - (a) obtaining Ministry of Agriculture and Food approval of Bylaw No. 3324-2023, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 478".

REPORT CONCURRENCE	
<b>General Manager</b>	<b>City Manager</b>
The General Manager concurs with the recommendation of this report.	The City Manager concurs with the recommendation of this report.

### PURPOSE

To consider a Site Specific Rezoning Text Amendment to the Agricultural Two Zone (A2) to permit a 1,302m<sup>2</sup> Accessory Seasonal Employee Residential Use (ASERU).

### SUMMARY OF THE ISSUE

Following approval from the Agricultural Land Commission (ALC) for a Non-Adhering Residential Use (NARU) application (PRJ20-061), the applicant is now proposing a Site Specific Rezoning Text Amendment to the Agricultural Two Zone (A2). The proposal is to increase the maximum permitted floor area for an Accessory Seasonal Employee Residential Use (ASERU) from 200m<sup>2</sup> to 1,302m<sup>2</sup> for a greenhouse operation. The ASERU will consist of 10 prefabricated structures, approximately 130m<sup>2</sup> in size, on non-permanent foundations.

The initial application and ALC resolution were received prior to the adoption of AgRefresh on August 29, 2022 therefore, the transition rules apply and the application is being reviewed under the pre-AgRefresh Zoning Bylaw. The pre-AgRefresh Zoning Bylaw permitted a maximum of 200m<sup>2</sup> floor area for ASERU for parcels less than 40ha, under the A2 Zone.

Staff supports the proposed Site Specific Rezoning Text Amendment to the A2 zone as it is consistent with the ALC approval.

## BACKGROUND

Owner:	Randhawa Farms Ltd. (Director: Kanwarbir S Randhawa)
Applicant:	Brian Gaudet
OCP Designation:	Agricultural
Existing Zoning:	Agricultural Two Zone (A2)
Site Area:	33.96 ha (83.92 ac)
Legal Description:	Lot A, District Lots 49 and 385A, Group 2, New Westminster District Plan EPP107875
Current Uses:	Single detached dwelling and approximately 174,800m <sup>2</sup> greenhouse
Surrounding Uses:	N: Townshipline Road and single detached dwellings (zoned A2) beyond; S: Gifford Slough and single detached dwellings (zoned A2) beyond; E: Single detached dwellings with grain and forage (zoned A2); and W: Gladwin Road and single detached dwelling (zoned A2) beyond.

## DISCUSSION

### Site Context

1. The subject property is located within the Agricultural Land Reserve (ALR) on the southeast corner of the intersection of Townshipline Road and Gladwin Road (see Figure 1). There is a single detached dwelling on the subject property and approximately 174,800m<sup>2</sup> of greenhouse in production. A 57,040m<sup>2</sup> greenhouse expansion is under construction with a valid Building Permit (see Figure 5). Once completed a total of 231,840m<sup>2</sup> will be under greenhouse production on the subject property.
2. The owners have an active Development Variance Permit (DVP) application to vary the Zoning Bylaw maximum floor area for an Accessory Processing Use from 2,000m<sup>2</sup> to 5,902m<sup>2</sup> under the Zoning Bylaw. The report for the variance request for Council's consideration is a separate agenda item.
3. The Randhawa family have been farming in Canada since 1978. The applicant owns and operates greenhouses on four properties, including the subject property, located in Abbotsford on the Matsqui Prairie totaling 74 ha and employs over 150 full time and

seasonal workers. The workers proposed for housing on the subject property will be employed on the subject property.

4. In 2020 the owners completed a lot consolidation and demolished two residences on the subject property to allow for the greenhouse expansion. One of the demolished houses had been used to house seasonal workers. The remaining dwelling on the subject property is the principle residence of one of the owners/operators.
5. The applicant is proposing to place 10 prefabricated structures, approximately 130m<sup>2</sup> in size, on non-permanent foundations to house approximately 102 seasonal workers.
6. The applicant previously applied for a Non-Adhering Residential Use (NARU) for the subject property. The initial proposal was presented at the AAC meeting on June 10, 2021 where the Committee moved to support the application. The application was then presented to Council during the Regular Council meeting held on November 22, 2021 and was forwarded to the Agricultural Land Commission (ALC) with support. See Council Report No. PDS 085-2021 (Attachment B) for details.

The ALC subsequently approved the proposed NARU application with conditions as contained within Resolution #46/2022 issued February 2, 2022 (see Attachment C). The applicant's proposed site specific text amendment is consistent with ALC Resolution #46/2022.

## **OFFICIAL COMMUNITY PLAN**

7. The property is located within the ALR and designated 'Agriculture' in the Official Community Plan (2016 OCP) – refer to Figure 3. Under the policy of Enhance Agricultural Integrity of 2016 OCP the vision is "Abbotsford's agricultural areas – which comprise a longstanding pillar of the local economy and form a vital part of Abbotsford's character – will be protected and maintained as places for agricultural growing, production and processing, and a place for thriving livelihoods".

Furthermore, the big picture policy of the OCP is to "Ensure Abbotsford is surrounded and sustained by a thriving and diverse agricultural sector through maintaining agricultural uses in viable agricultural areas, and encouraging public support for agriculture". Accessory Seasonal Employee Residential Use is supported by the land use designation as a part of the farm operation.

## **AGREFRESH**

8. The City adopted AgRefresh agricultural policies and regulations on August 29, 2022.
9. With AgRefresh, Council adopted a transition approach for any in stream applications that may receive approval within two years of adoption of the AgRefresh Bylaw. The transition approach applies to the subject property. The applicant has another in stream application, PRJ20-080, on the subject property for a Development Variance Permit to vary the A2 Zone to increase the maximum floor area for an Accessory Processing Use from 2,000m<sup>2</sup> to 5,902m<sup>2</sup>.

As the transition rules apply to the property and not the individual applications, both applications are being reviewed under either the pre-AgRefresh Zoning Bylaw.

## **ZONING**

10. The subject property is zoned Agricultural Two Zone (A2), which is intended to accommodate agriculture and agricultural related uses (see Figure 4). The pre-AgRefresh A2 Zone permits an ASERU as a permitted accessory use, with multiple conditions of use that include a limit to the maximum floor area of 200m<sup>2</sup> per farm operation or 300m<sup>2</sup> where the farm operation consists of more than 40 ha. Additionally, the farm operation must be classified as a berry or vegetable farm.

The subject property at 33.96 ha would be eligible for a maximum of 200m<sup>2</sup> total floor area for an ASERU. Therefore, the applicant is proposing to place 10 prefabricated structures, approximately 130m<sup>2</sup> in size, on non-permanent foundations to house approximately 102 seasonal workers.

11. The Agricultural Two Zone (A2) permits a maximum coverage of 75% for greenhouse farm operations that employ water recirculation irrigation systems throughout the greenhouse operation. The potential full build out for this property would result in approximately 72% lot coverage (see Figure 5). The applicant has confirmed the greenhouses employ a water recirculation irrigation system.
12. Staff supports the site specific text amendment to place 10 prefabricated structures, approximately 130m<sup>2</sup> in size, on non-permanent foundations to house approximately 102 seasonal workers as the proposal is consistent with ALC Resolution #46/2022 and the applicant has demonstrated the need.

## **STREAMSIDE PROTECTION BYLAW**

13. All residential uses (i.e. buildings, structural fill, parking areas, retaining walls, patios and landscaping, septic systems, servicing, etc.) are to be located outside of the Streamside Protection and Enhancement Areas (SPEA) as determined under the Streamside Protection Bylaw, which in this case is 30 m from the top of bank beyond the edge of the active floodplain of Matsqui Slough. Structures and fill are also subject to setbacks from watercourses as outlined in the Zoning Bylaw.

Prior to issuance of a Building Permit, an appropriately qualified Biologist will be required to determine the active floodplain, watercourse top of bank, and required SPEA. The applicant is aware of this and this will be reviewed in greater detail with subsequent Building Permit applications.

## **MINISTRY OF AGRICULTURE**

14. The proposed Site Specific Rezoning Text Amendment Bylaw requires approval from the Ministry of Agriculture and Food (MoA) prior to the adoption of the Bylaw as the City is a regulated community (restrictions on zoning authority in relation to farming) under the Local Government Act.
15. A draft copy of the proposed Site Specific Rezoning Text Amendment Bylaw was sent to MoA staff for their review. Ministry staff indicated that the draft wording appears consistent with the Non-Adhering Residential Use approval and Ministry staff have no concerns with



the proposed text amendment. If the Bylaw is granted 3<sup>rd</sup> reading from Council, the Bylaw will be sent to MoA to obtain their approval prior to adoption.

## **SITE DEVELOPMENT CONSIDERATIONS**

16. Staff review of the site servicing requirements have the following comments to be addressed with a Building Permit:

- An updated storm water management plan is required so show how drainage on the lands will be accommodated.
- The applicant must consult with Fraser Health/Ministry of Environment regarding on-site sewage treatment.
- Confirmation the on-site fire flow conditions are adequate or make the required upgrades to satisfy the conditions.

## **Communication Plan**

If the Site Specific Rezoning Text Amendment Bylaw is supported by Council, Bylaw No. 3324-2023, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 478" will proceed to a Regular Meeting of Council, where it will be considered for first and second readings. If the Site Specific Rezoning Text Amendment is supported by Council the Bylaw will proceed to an upcoming Public Hearing. The City will notify, in writing, the owners and occupiers of land within a 500 meter radius of the property, and copies of all correspondence received will be provided to Council. Two advertisements for the Public Hearing will be published in the City Page of the local newspaper.

The City received confirmation on October 12, 2022, that the applicant installed the required Development Notification Sign in accordance with the Development Application Procedures Bylaw, which requires the sign to be installed a minimum of three weeks in advance of Council's consideration of the application.

## **FINANCIAL PLAN IMPLICATION**

No financial plan implications are anticipated. Any capital works implications arising from this application have been addressed through the rezoning process.

*Komal Basatia*

*Komal Basatia  
General Manager, Finance and Procurement Services  
Signed 1/9/2023 1:45 PM*

## **IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION**

The proposal meets the goals and objectives identified in the 2016 Official Community Plan and Council's 2019-2022 Strategic Plan which identifies four cornerstones: vibrant economy, complete community, fiscal discipline and organizational alignment. The proposal is consistent with the four cornerstones of Council's Strategic Plan

## **SUBSTANTIATION OF RECOMMENDATION**

The proposed Site Specific Rezoning Text Amendment is consistent with the OCP and the ALC's previously granted Non-Adhering Residential Use approval. As such, staff support this application.

*Anne-Marie Paquette*

Anne-Marie Paquette  
Assistant Planner  
Signed 12/21/2022 2:00 PM

*Blake Collins*

Blake Collins  
Director, Development Planning  
Signed 1/9/2023 11:14 AM

*Mark Neill*

Mark Neill  
General Manager, Planning and Development Services  
Signed 1/9/2023 3:38 PM

**ATTACHMENTS:**

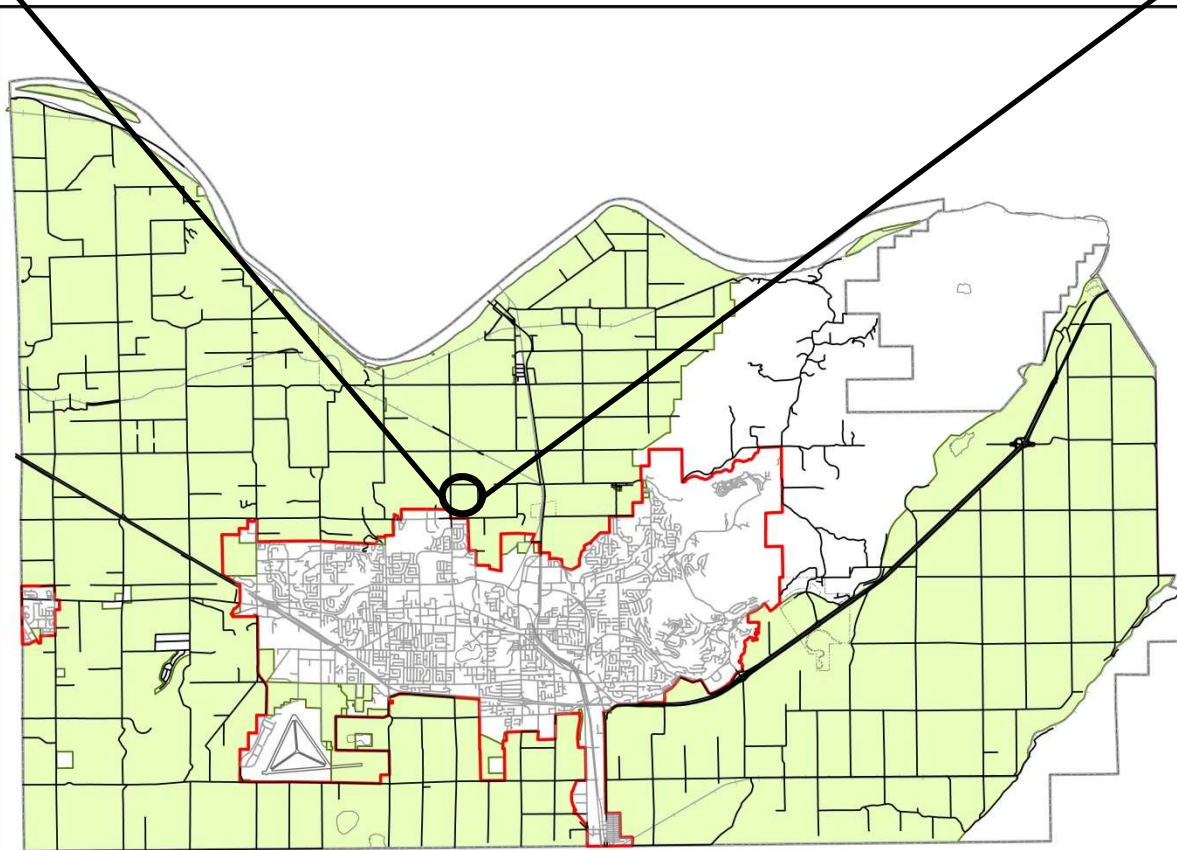
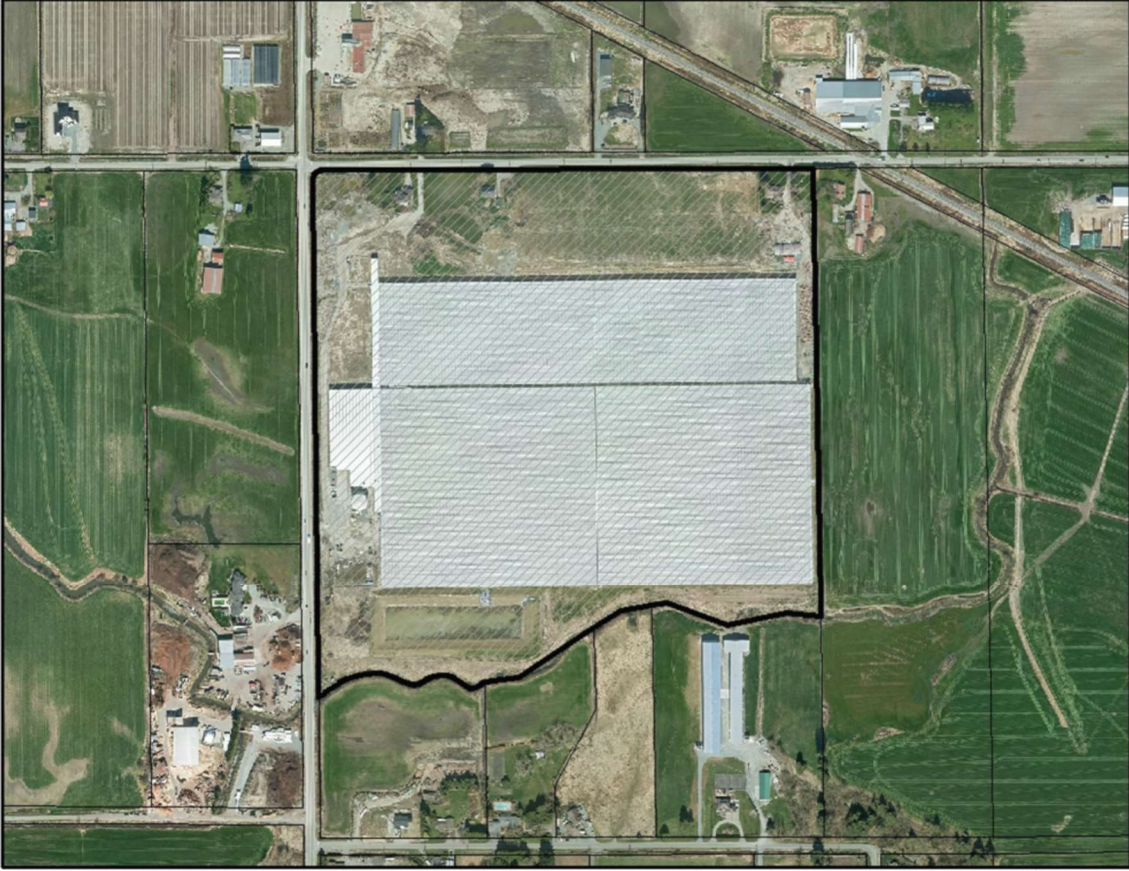
**PRJ22-024 Council Figures 0 to 5**

**Attachment A - Draft Bylaw No. 3324-2023 Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 478**

**Attachment B - Report No. PDS 085-2021**

**Attachment C - ALC Resolution 46\_2022**

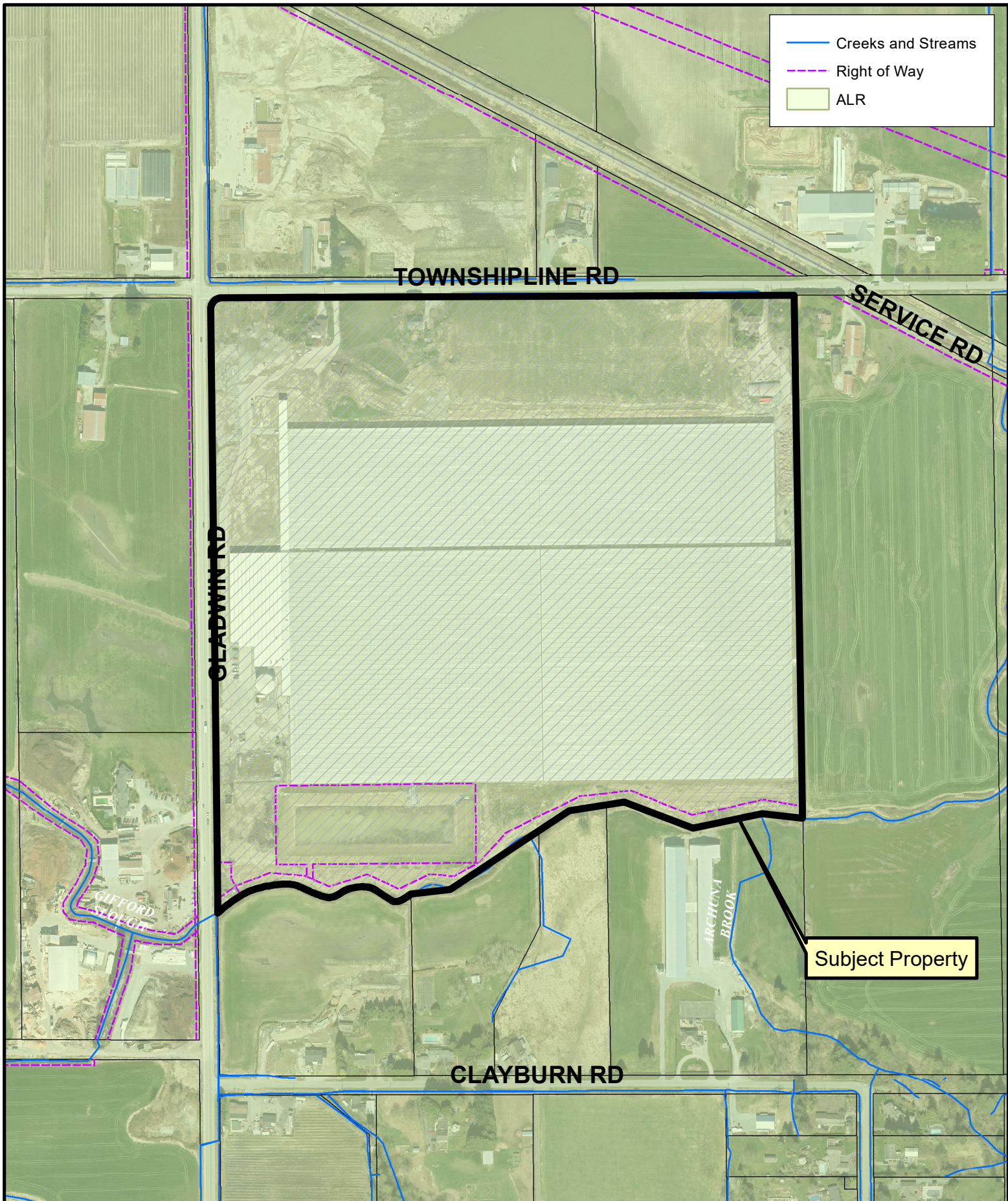
City Context Plan  
File: PRJ22-024 Location: 32840 Townshipline Road



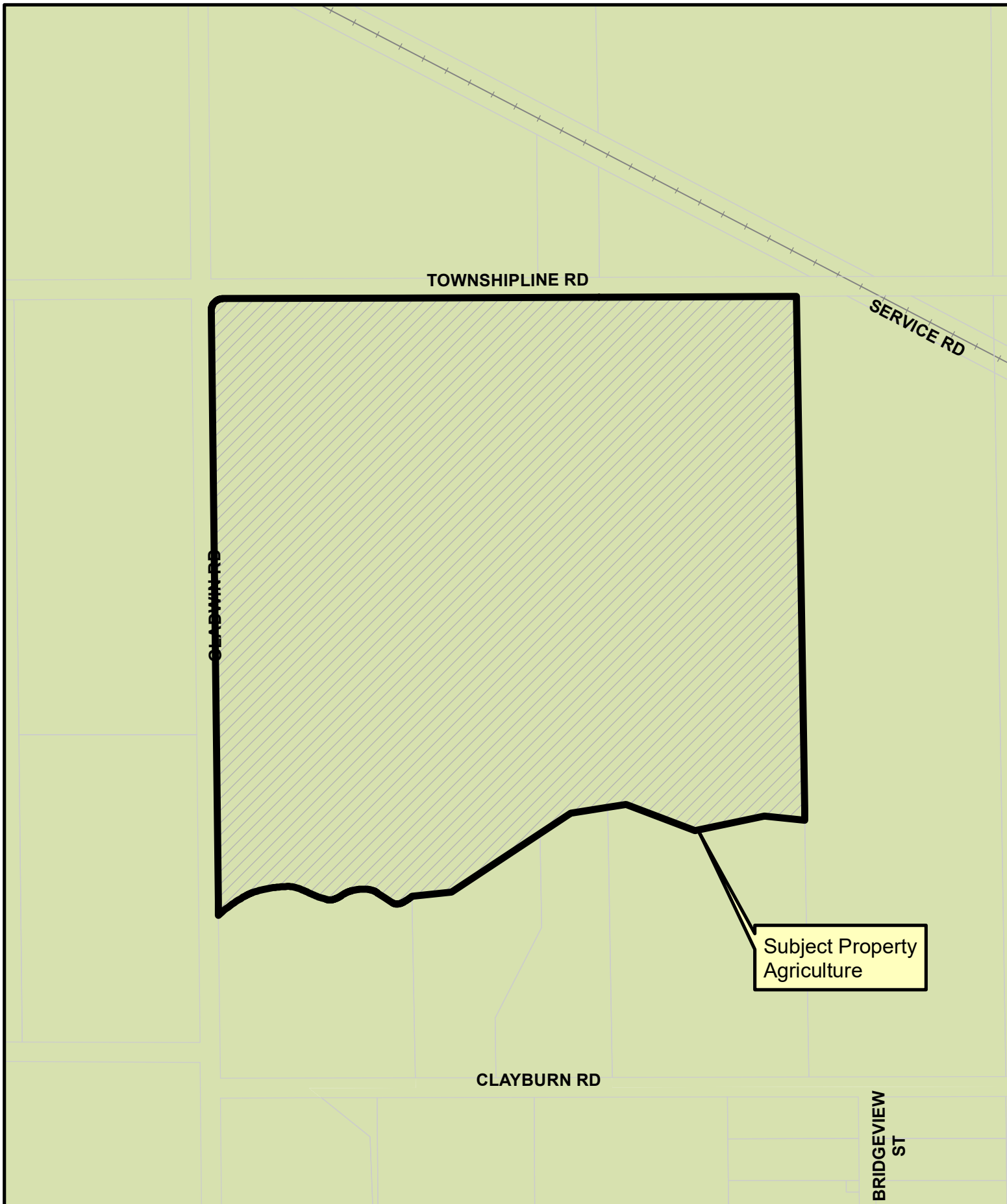








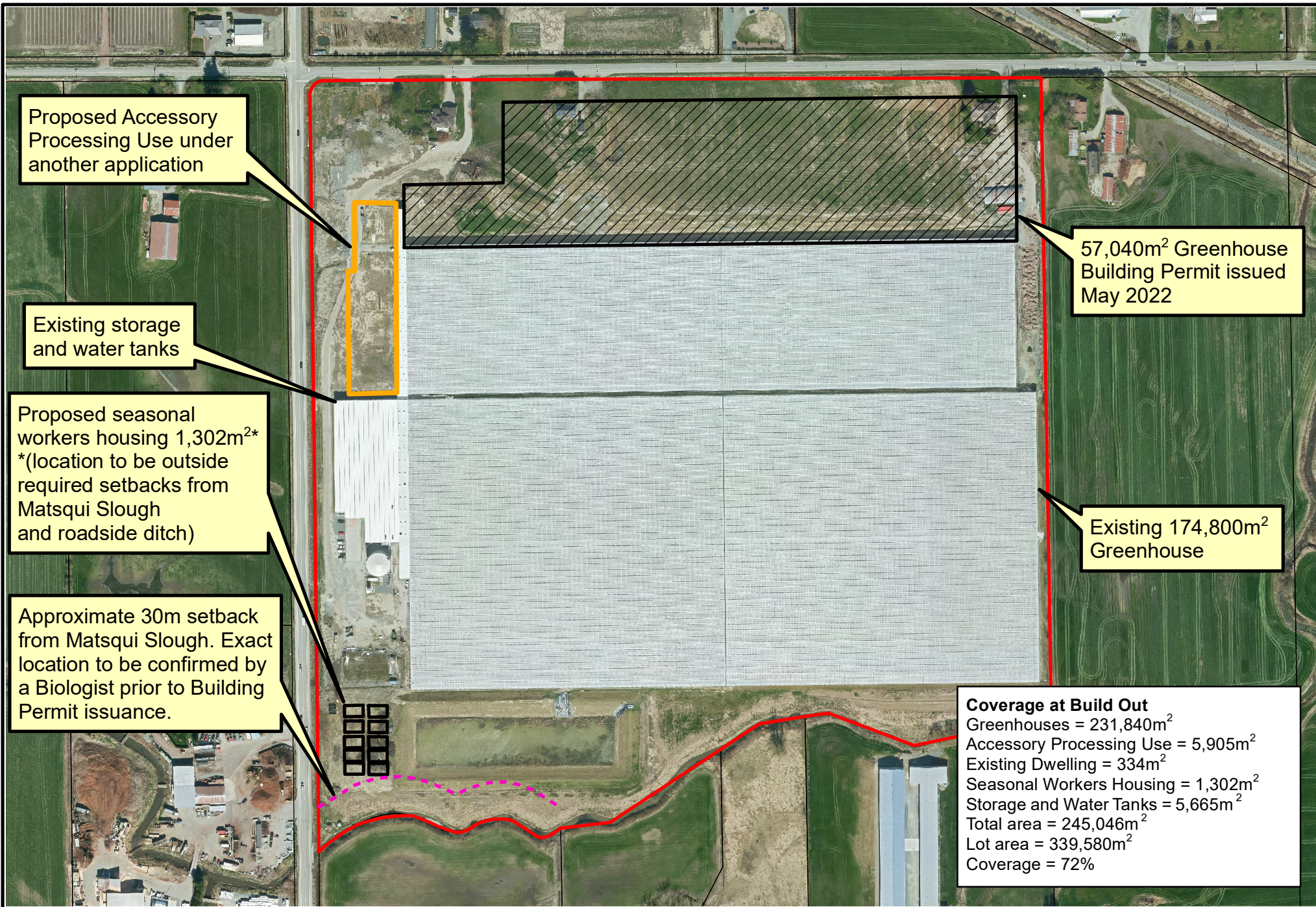






Subject Property  
Existing Zone = Agricultural Two Zone (A2)







CITY OF ABBOTSFORD

ABBOTSFORD ZONING BYLAW, 2014, AMENDMENT BYLAW NO. 478

Bylaw No. 3324-2023

PRJ22-024

The Council of the City of Abbotsford, in open meeting assembled, enacts as follows:

1. CITATION

Bylaw No. 3324-2023 may be cited as “Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 478”.

2. AMENDS SECTION 220 – AGRICULTURAL TWO ZONE (A2)

Section 220 of the *Abbotsford Zoning Bylaw, 2014*, is amended by adding the following section:

**“220.9 Transitional Site Specific Permitted Uses and Regulations**

.1 Site Specific Permitted Uses and Regulations

- a. Lots listed in Column I shall be permitted the Uses and Lot sizes in accordance with the table below.

Location	Site Specific Permitted Uses and Regulations
Column I	Column II
.i PID: 031-317-391 Legal Description: Lot A, District Lots 49 and 385A, Group 2, New Westminster District Plan EPP107875”	Accessory Seasonal Employee Residential Use shall be permitted, to a maximum size of 1,302 m <sup>2</sup> , in accordance with
<b>Editorial Note</b> Known civically as: 32840 Townshipline Road	Agricultural Land Commission Approval #46/2022”

**Editorial Notes**

ALC Resolution #46/2022

### 3. TRANSITION

Upon the coming into force of Bylaw No. 3246-2022 with respect to the property affected by section 2 of this bylaw, section 220.9.1.a.i shall be renumbered as an Item in the table set out in section 220.8.3.a of the *Abbotsford Zoning Bylaw, 2014*.

READ A FIRST TIME this	day of	, 2023
READ A SECOND TIME this	day of	, 2023
PUBLIC HEARING HELD this	day of	, 2023
READ A THIRD TIME this	day of	, 2023
ADOPTED this	day of	, 2023

DRAFT



## Attachment B COUNCIL REPORT

### Executive Committee

Report No. PDS 085-2021

Date: November 16, 2021  
File No: 3100-05 PRJ20-061

To: Mayor and Council  
From: Anne-Marie Paquette, Assistant Planner  
Subject: Agricultural Land Commission application (32840 Townshipline Road)

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### RECOMMENDATION

THAT, at the next Regular Meeting of Council, Council consider forwarding application 3100-05/PRJ20-061, to permit a Non-Adhering Residential Use on the property located at 32840 Townshipline Road, to the Agricultural Land Commission with support.

REPORT CONCURRENCE	
<b>General Manager</b>  The Acting General Manager concurs with the recommendation of this report.	<b>City Manager</b>  The City Manager concurs with the recommendation of this report.

### PURPOSE

To consider an ALC Non-Adhering Residential Use application to permit the construction of an Accessory Seasonal Employee Residential Use.

### SUMMARY OF THE ISSUE

An Agricultural Land Commission (ALC) application was received for a Non-Adhering Residential Use (NARU) in the Agricultural Land Reserve (ALR), proposing to place approximately ten 130.2m<sup>2</sup> prefabricated structures on non-permanent foundations, totaling 1,302.4m<sup>2</sup> in area, to be used as an Accessory Seasonal Employee Residential Use (ASERU) (see Figure 6). Staff recommend that the application be forwarded to the ALC with support.

Council may consider one of the following options with regards to this application:

- Forward the application to the ALC with endorsement for support;
- Forward the application to the ALC with no comment;
- Forward the application to the ALC with recommending denial; or

- d. Deny the application and not forward the application to the ALC.

## BACKGROUND

Owner:	Randhawa Farms Ltd. (Director: Kanwarbir S Randhawa)
Applicant:	Brian Gaudet
OCP Designation:	Agriculture
Existing Zoning:	A2 – Agricultural Two Zone
Site Area:	33.96 ha (83.92 ac)
Legal Description:	Lot A District Lots 49 and 385A Group 2 New Westminster District Plan LMP 46306
Current Uses:	2 single detached dwellings and approximately 176,516m <sup>2</sup> greenhouse
Surrounding Uses:	N: Townshipline Road and single detached dwellings (zoned A2) beyond; S: Gifford Slough and single detached dwellings (zoned A2) beyond; E: Single detached dwelling with grain and forage (zoned A2); and W: Gladwin Road and single detached dwelling (zoned A2) beyond.

## DISCUSSION

### Context

1. The subject property is located within the ALR on the southeast corner of the intersection of Townshipline Road and Gladwin Road. There are two single detached dwellings on the subject property and approximately 174,800m<sup>2</sup> of greenhouse in production. A 51,840m<sup>2</sup> greenhouse expansion is under construction with a valid Building Permit. The dwelling at the northwest corner is occupied by, and will continue to be occupied by, an owner/director who is employed full-time on the farm. The second dwelling located at the northeast corner is currently being used to house seasonal employees but will be demolished if the application for new seasonal employee housing is approved.

### Background

2. The owner operates a 174,800m<sup>2</sup> greenhouse operation. In 2020 they completed a lot consolidation and are now constructing an addition to the greenhouse of 51,840m<sup>2</sup> with a valid Building Permit applied for in August 2021. Upon completion a total of 226,640m<sup>2</sup> of greenhouse would be located onsite.
3. The Ministry of Agriculture, Food and Fisheries' guideline for the number of workers required to operate a greenhouse is one worker per 1,000m<sup>2</sup> of greenhouse floor area. Based on this calculation this operation, at 174,800m<sup>2</sup> of greenhouse, could support 175 workers. The expansion of 51,840m<sup>2</sup> would support an additional 52 employees. Therefore the total number of employees that the Ministry's guidelines would support upon completion of the expansion, is 227.

4. The applicant currently has 102 seasonal workers employed on-site. Therefore the current housing need is 1,020m<sup>2</sup> (based on Ministry of Agriculture, Food and Fisheries' guideline of 10m<sup>2</sup> per worker). Once the expansion is complete there will be an additional 26 employees requiring housing. The total housing requirement would be for 128 employees which based on 10m<sup>2</sup>/person of livable area would be 1,280m<sup>2</sup> of required floor area.

### **Proposal**

5. The applicant is proposing to place ten 130.2m<sup>2</sup> prefabricated structures on non-permanent foundations, totaling 1,302.4m<sup>2</sup> in area, to be used for on-site seasonal employee housing. The structures are to be located in the southwest corner of the parcel adjacent to Gladwin Road. The applicant is planning to screen the housing from Gladwin Road with a berm and cedar hedging atop the berm.
6. The applicant's rationale for support for the proposed ALC NARU application, is as follows:
  - *The family has a legal obligation to supply the seasonal workers with housing (SAWP).*
  - *The greenhouse industry is a labour intensive agricultural operation more intensive than any other type of agriculture, per acre.*
  - *Consolidating the housing on one site rather than spreading it over multiple sites is an extremely space efficient use of farm land. Consolidating the housing on one site makes use of existing driveways, water, septic and electric services. This saves a great deal of farmland. The proposed location is in an area of the farm that, due to the location of the greenhouse, detention pond and watercourses has no logical agricultural use.*
  - *Practically speaking housing the seasonal workers in a variety of locations in Abbotsford is not efficient and there is the risk that we cannot retain the housing since we rent it from homeowners from year to year.*
  - *This proposal offers a tremendous benefit to our farm which in turn benefits agriculture (short and long term).*
  - *We reduce the risk of introducing a plant disease when we have our seasonal workers line and work on the same site.*
  - *The commute time for our workers is eliminated (since they do not live in the urban area) which means they have longer rest periods.*
  - *The farm receives built in farm security and has faster response time in the case of emergency.*
  - *There will be less need to have farm vehicles on our roads picking up and delivering seasonal workers between their house and farm.*
  - *Providing ample living space reduces the risk of employees infecting fellow employees with COVID-19.*
  - *On site housing reduces the risk that employees are infected with COVID-19 offsite and introduce it to the farm.*

### **Policy Overview**

#### Official Community Plan

7. The property is located within the ALR and is designated 'Agriculture' in the Official Community Plan (2016 OCP) – refer to Figure 3. Under the policy of Enhance Agricultural Integrity of the 2016 OCP the vision is "Abbotsford's agricultural areas – which comprise a longstanding pillar of the local economy and form a vital part of Abbotsford's character – will be protected and maintained as places for agricultural growing, production and processing, and a place for thriving livelihoods". Furthermore, the big picture policy of the OCP is to "Ensure Abbotsford is surrounded and sustained by a thriving and diverse agricultural sector through maintaining agricultural uses in viable agricultural areas, and encouraging public support for agriculture". The OCP does not specifically address residences for seasonal employees.

#### Agricultural Strategy

8. The City's Agriculture Strategy was developed with the key objectives of enhancing opportunities for agricultural enterprise; encouraging the agricultural use of farmland; promoting integrated management of agricultural by-products; pursuing and supporting agri-industrial investment; investing in agricultural infrastructure; fostering agriculture friendly regulation; and cultivating public support for agriculture. The Agriculture Strategy Section 5.1 *Enhance Opportunities for Agricultural Enterprise* recommends working with industry and government agencies to support the employment of seasonal and foreign workers, with respect to working conditions, accommodations, cultural services and accessibility to workers.

#### AgRefresh

9. The City is nearing completion of AgRefresh, a three stage planning process to update the City's agricultural policies and regulations. Staff presented the AgRefresh Stage 3 Report to Council on October 4, 2021, outlining draft updates for a range of key agricultural topics, including Temporary Farm Worker Housing (TFWH). This term would replace the current Zoning Bylaw term of Accessory Seasonal Employee Residential Use.

Throughout October and early November 2021, the City conducted a final round of engagement on the draft AgRefresh regulation updates, and staff are now in the process of summarizing the feedback for Council. Next steps will involve preparing final recommended bylaws for Council consideration.

The AgRefresh Stage 3 Report outlines draft Zoning Bylaw updates for TFWH. The draft provisions are a notable shift (more permissive) from current regulation, acknowledging ALC oversight for all new residences and in an effort to better align City regulation with the Minister of Agriculture's Bylaw Standards for this use. The following table compares the applicant's proposal to the draft AgRefresh Zoning Bylaw update provisions for TFWH:

<b>Draft AgRefresh Zoning Bylaw Updates</b>	<b>Applicant's Proposal</b>
Minimum 3.8 ha lot size	Complies
Lot is within the Agricultural Land Reserve	Yes

Lot classified as farm under <i>BC Assessment Act</i>	Yes
Fruit, tree nut, vegetable, nursery, floriculture, or mushroom	Complies
Pre-fabricated (removable) or converted buildings only	Complies
At least 1,000m <sup>2</sup> of greenhouse per housed worker	Complies
<b>Up to 60 housing spaces per farm operation (greenhouse)</b>	<b>Does not comply (128 spaces)</b>
<b>Up to 900 m<sup>2</sup> of housing, if on same lot as the greenhouse(s) driving the labour demand</b>	<b>Does not comply (1,302 m<sup>2</sup>)</b>
Up to 15 m <sup>2</sup> of residential floor area per housed worker	Complies (10.2m <sup>2</sup> )
Indoor and outdoor amenity area requirements	TBD
ALC approval required	Yes; under application

While the applicant's proposal aligns with most of the draft AgRefresh provisions, it exceeds the proposed maximum size (900 m<sup>2</sup>) and capacity (60 workers per farm operation) limits.

10. Recognizing that unique farm circumstances may drive rezoning requests for higher capacity temporary housing facilities, AgRefresh is proposing to put forward a draft Council Policy that identifies key considerations. The following table highlights the draft considerations in the context of the applicant's proposal:

<b>Draft Council Policy Considerations</b>	<b>Applicant's Proposal</b>
Farm operation details driving demand for larger facility	Upon completion, this lot will be farming 226,640 m <sup>2</sup> (56 ac) of greenhouse.
Farm in operation for at least 5 years	Applicant owned since 2016 (5 years)
Proportion of required employees that will be working on the same lot as the housing.	All housed employees will work on-site
Demand for workers driven by other lots of the farm operation.	The farming activities of the subject site are driving the full housing demand.
Availability of other housing options to support the farm need	Existing buildings on the lot are too small to meet the labour demand.
Extent of other housing on the lot and other farm operation lots.	The farm owner/director will live in the principal dwelling on the lot and the existing worker housing will be demolished and replaced with greenhouse.
Compatibility of proposal with adjacent properties; proposed buffering/mitigation.	A berm and landscaping will buffer the proposed housing from Gladwin Road

Impact of proposal footprint and siting on productive farm land	Proposed buildings are clustered in the southwest corner of the site where agricultural potential is limited.
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While the proposal exceeds the current Zoning Bylaw and the draft AgRefresh updates, several factors may support accommodating a larger housing facility on this lot in accordance with the draft Council policy:

- The lot is large (33.96 hectares or 83.92 acres)
- The proposed housing will be on the same lot as a large greenhouse production area, directly linking the labour demand to the proposed housing.
- Prefabricated buildings will be easier to remove if no longer needed.
- The siting minimizes impacts on the agricultural lands.

### **Zoning**

11. The subject property is zoned Agricultural Two Zone (A2), which is intended to accommodate agriculture and agricultural related uses. The A2 Zone permits an Accessory Seasonal Employee Residential Use (ASERU) as a permitted accessory use, with multiple conditions of use.
12. The application meets the conditions of the Zoning Bylaw except for the size of the structure. The maximum area permitted is 300m<sup>2</sup> under current regulation.
13. If the proposal is permitted by the ALC the applicant will have to make a Development Application and obtain Council approval to permit the structures in excess of the permitted 300m<sup>2</sup> total area for the use.

### **Agriculture Advisory Committee (AAC)**

14. The application was presented to the AAC on June 10, 2021 and the Committee moved to support the application in either a two storey or single storey structure. The committee was of the opinion that the proposal supports agriculture and housing for workers is a challenge particularly for seasonal employees. When the application was presented to the AAC the exact building configuration was unknown as it was still being designed. The AAC had no concern as to whether the facility should be one or two storeys in height based on the options discussed by the applicant at that time.

### **EXTERNAL REFERRALS**

#### Ministry of Agriculture

15. As part of the referral process the Ministry of Agriculture reviewed the application and provided the following comments :

*This letter follows a previous Ministry letter (dated October 19, 2020) regarding this ALC NARU application, and provides a further review based on updated information that the applicant has now constructed additional phases of its greenhouses with a new floor area total.*



- Ministry staff understand that the current farm operation includes two dwellings on-site, with the principle dwelling occupied by the owner/director, and the second dwelling being used for seasonal employee housing. If permitted to construct the new seasonal workers' housing, the second dwelling will be demolished. In addition, the current greenhouse included three phases: phase 1, 58,880m<sup>2</sup> in floor area, phase 2, 58,880m<sup>2</sup>, and phase 3, 57,040m<sup>2</sup>. All three phases are not build and operational, equaling 174,800m<sup>2</sup> in total floor area. A phase 4 greenhouse expansion is being proposed for an additional 51,840m<sup>2</sup> in floor area with building permit plans to be submitted this year, and construction completed and in production by 2022.
- Ministry staff understand that the City of Abbotsford (Abbotsford) does not have bylaw provisions that state a maximum number of farm workers allowed to reside on each parcel. The applicant proposes a maximum of 100 farm workers to reside in the proposed residential structure (two floors, 1532m<sup>2</sup> total floor area) with some of workers being part of the federal Seasonal Agriculture Worker Program (SWAP).
- Ministry staff note that, as referenced in the Ministry's Guide for Bylaw Development in Farming Areas, the Minister's Bylaw Standard on Temporary Farm Worker Housing (TFWH) states that the maximum number of workers for "Greenhouse operations, mushroom operations, and berry/vegetable operations with on-farm processing or product preparation: 1 worker per 1,000m<sup>2</sup> of principle farm building floor area, to a minimum ceiling of 130 workers per farm." (s.2.4.9.4, Maximum Number of Workers, p.34).
- Given that the existing greenhouse operations include over 174,800m<sup>2</sup> of floor area (calculating to a maximum 174 workers), with the intention to expand to 226,640m<sup>2</sup> of floor area, (calculating to a maximum 226 farm workers), the proposed 100 farm workers is lower than the Bylaw Standard worker per floor area amount, as well as being less than the referenced minimum ceiling of 130.
- The TFWH Minister's Bylaw Standard also includes a suggested useable space per worker in the farm worker housing of 10m<sup>2</sup> per person. The amount of useable space allocated per worker in this proposal is more than 50 percent higher than suggested in the Bylaw Standard. This Bylaw Standard was intended to strike a balance between providing sufficient housing for workers and protection of agricultural land. However, it was developed in 2009 and staff recognize that circumstances and farm worker needs have changed over time. In addition, Covid-19 has posed significant challenges with regard to housing of SAWP workers in such a way as to achieve good public health outcomes.
- Ministry staff understand that Abbotsford does not have bylaw provisions that speak to the placement of farm residences within a farm residential footprint (see the Ministry's Guide for Bylaw Development in Farming Areas pp. 14-19). Abbotsford may wish to review the proposal and its consistency with the Minister's Bylaw Standard farm residential footprint criteria. Given this is proposed housing, distance setbacks should also follow any relevant requirements of the provincial Riparian Areas Protection Regulation. Abbotsford may wish to confirm if the increase in hard surfaces at this site are manageable with existing ditch and drainage infrastructure.
- Ministry staff note that the Abbotsford zoning bylaw allows up to 300m<sup>2</sup> for farm worker housing. If approved by the ALC, please note that given Abbotsford's Local Government Act Right to Farm Regulation (BC Reg. 261/97) status, if a relevant zoning bylaw text amendment associated with this proposal is initiated, Ministry staff anticipate receiving a submission for Minister's approval.

## STAFF ANALYSIS

Staff recommend the application, as presented, be forwarded to the ALC with support as the proposal broadly supports agriculture and is aligned with the AgRefresh draft considerations for higher capacity Temporary Farm Workers Housing facilities.

## COMMUNICATION PLAN

Should Council decide to forward this application to the ALC, and it receives approval from the ALC, the applicant will be notified of the decision by letter. Non-Adhering Residential Use applications do not require advertisements in the City Page of the local newspaper nor mail-outs to adjacent properties.

## FINANCIAL PLAN IMPLICATION

No financial plan implications are anticipated.

*Komal Basatia*

Komal Basatia  
General Manager, Finance and Procurement Services  
Signed 11/10/2021 8:39 AM

## IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION

The proposal meets the goals and objectives identified in the 2016 Official Community Plan, and Council's 2019-2022 Strategic Plan which identifies four cornerstones: vibrant economy, complete community, fiscal discipline and organizational alignment. The proposal is consistent with the four cornerstones of Council's Strategic Plan.

### SUBSTANTIATION OF RECOMMENDATION

Staff recommends forwarding this Non-Adhering Residential Use application to the ALC with support.

*Anne-Marie Paquette*

Anne-Marie Paquette  
Assistant Planner  
Signed 11/9/2021 2:35 PM

*Blake Collins*

Blake Collins  
Director, Development Planning  
Signed 11/9/2021 8:36 PM

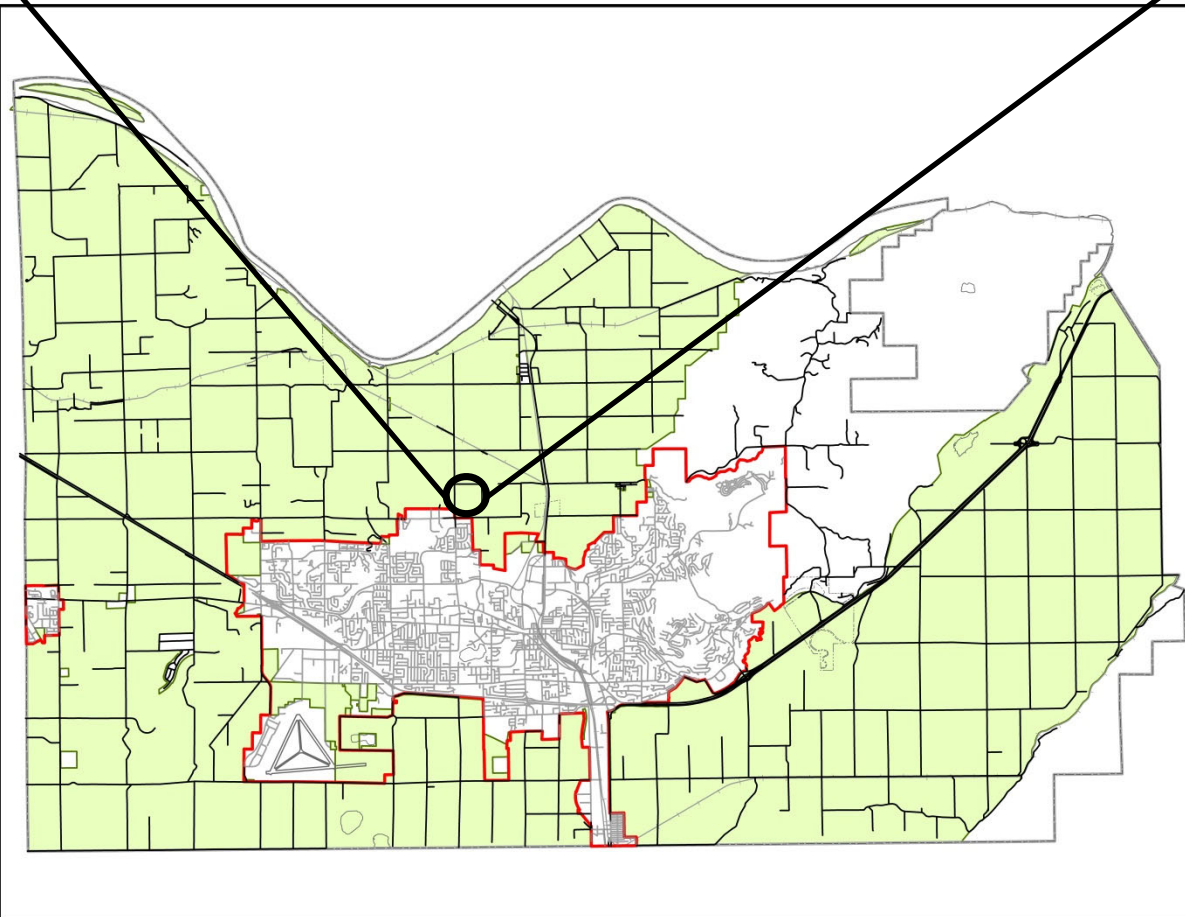
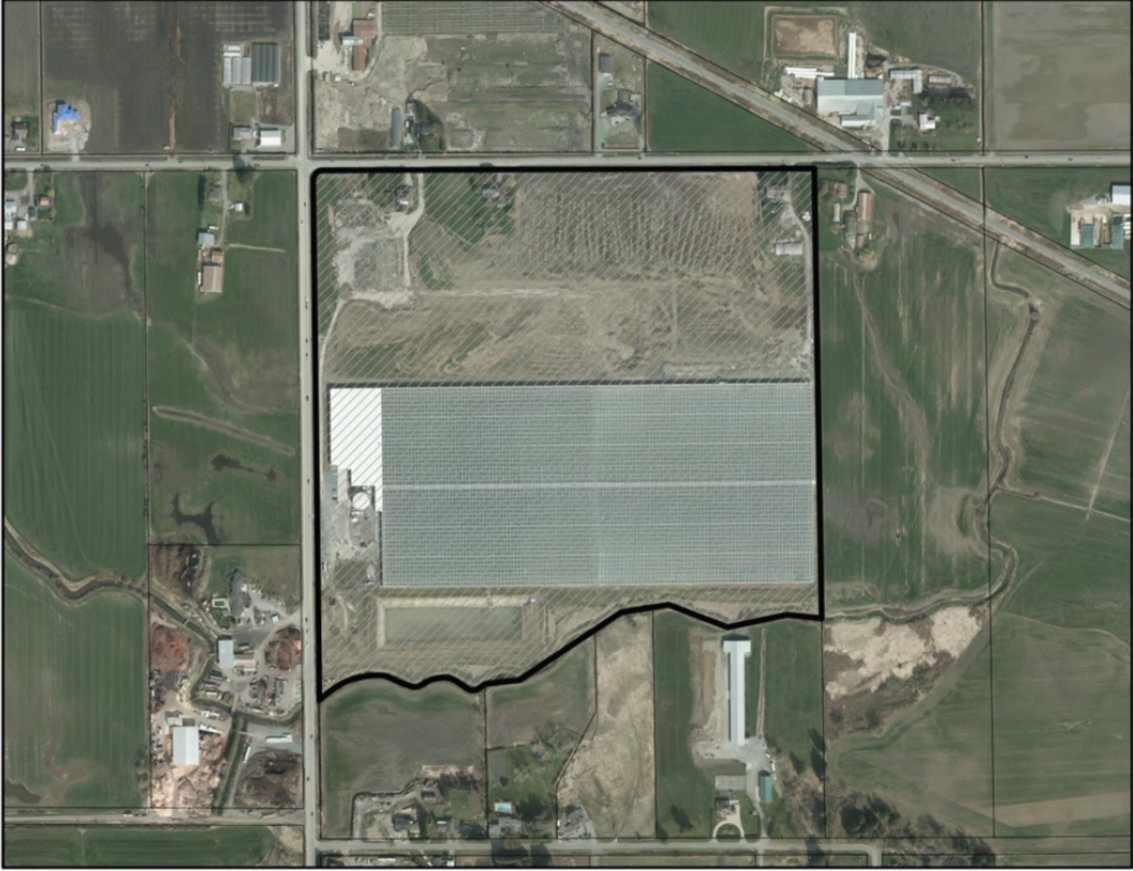
*Mark Neill*

Mark Neill  
Acting GM, Planning and Development Services  
Signed 11/10/2021 9:08 AM

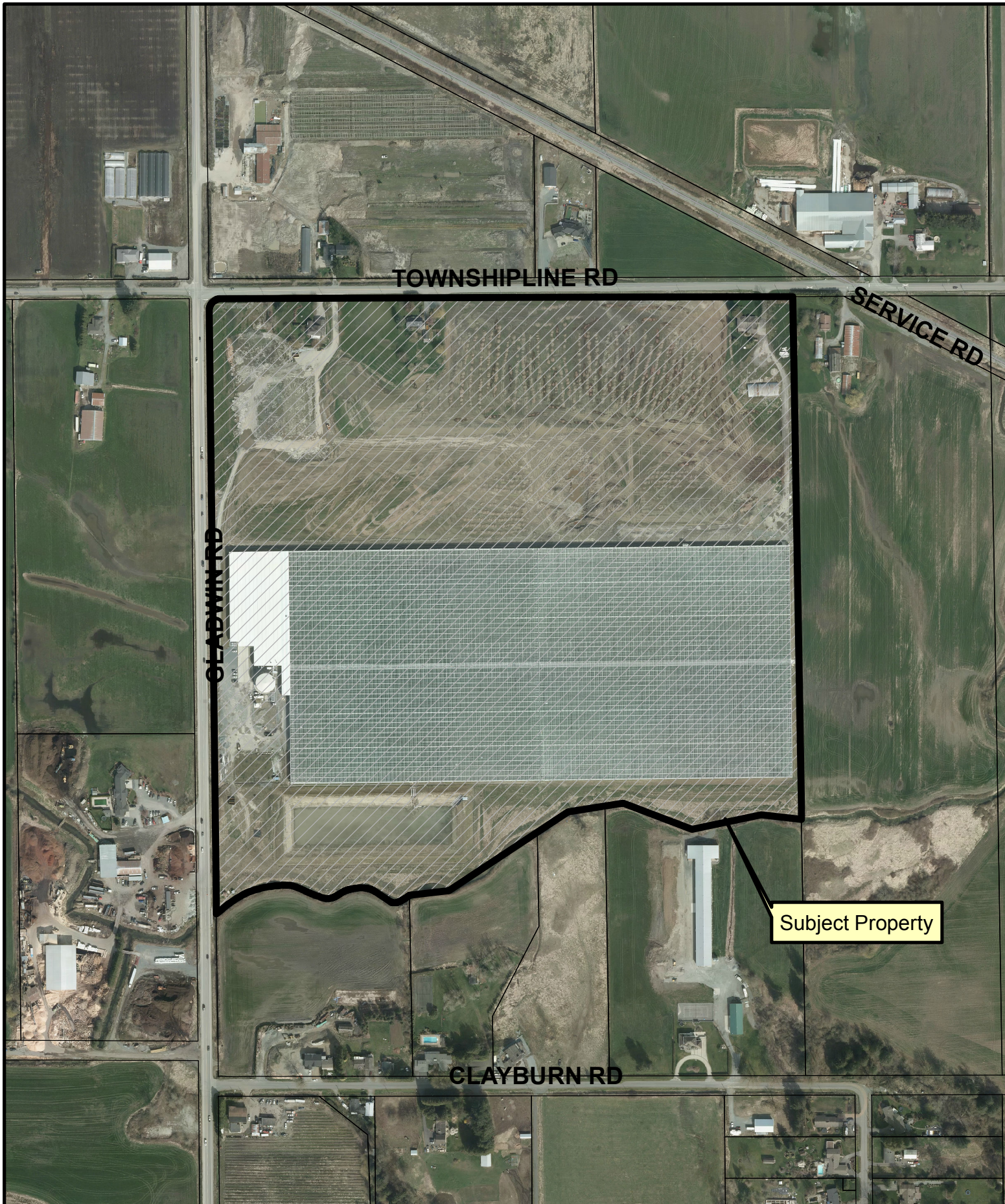
## ATTACHMENTS:

**PRJ20-061 Council figures 0 to 7**

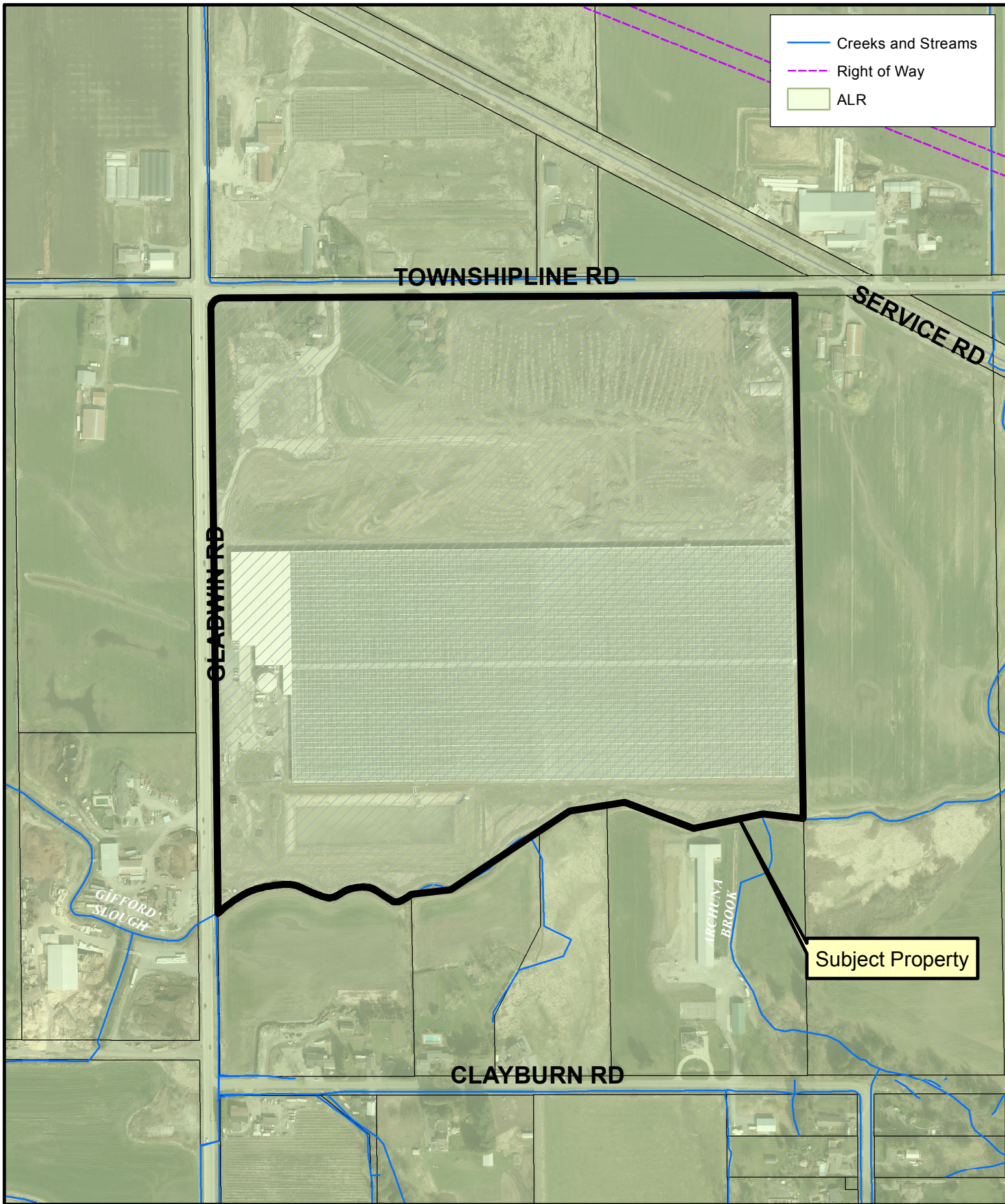
City Context Plan  
File: PRJ20-061 Location: 32840 Townshipline Road

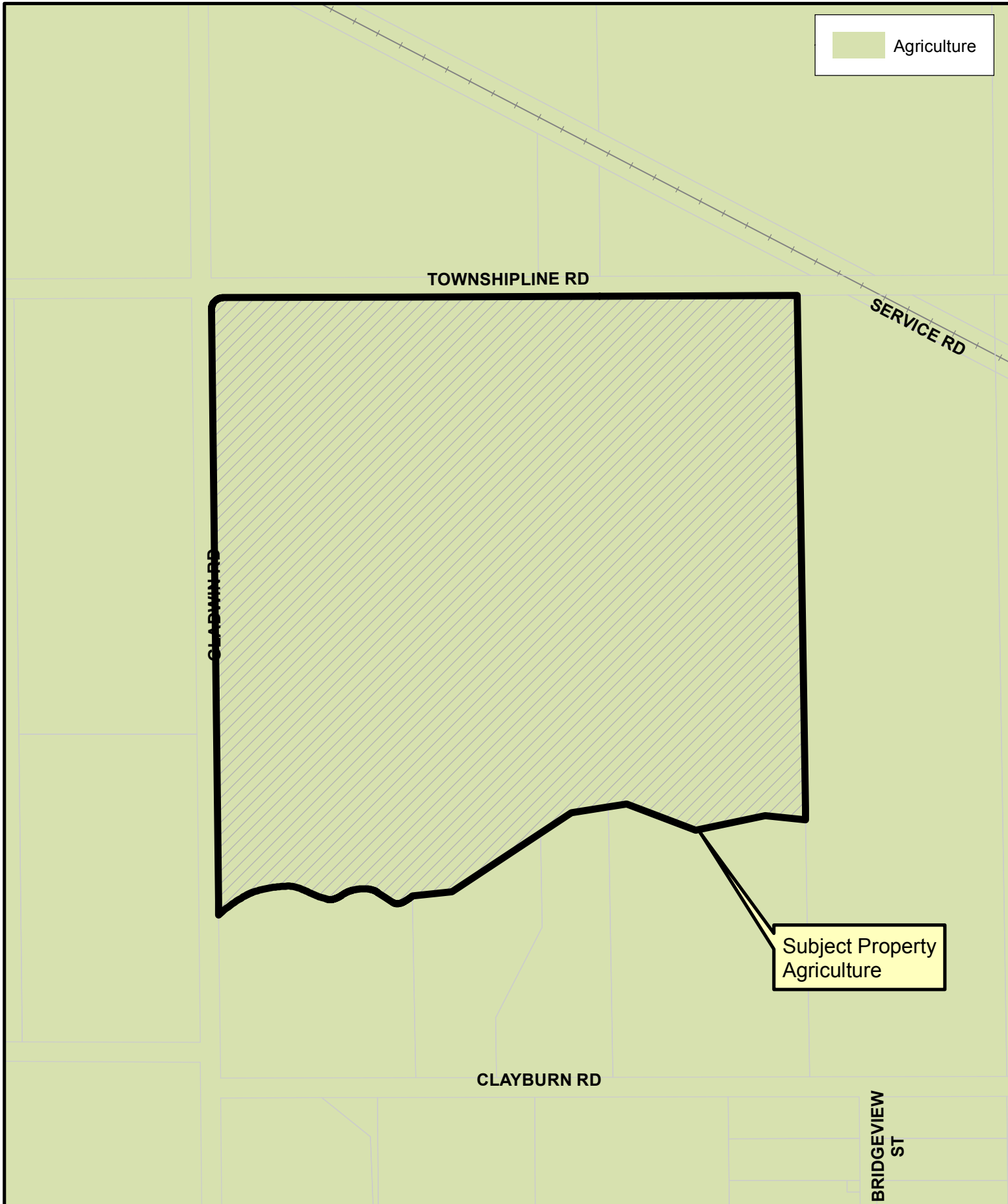




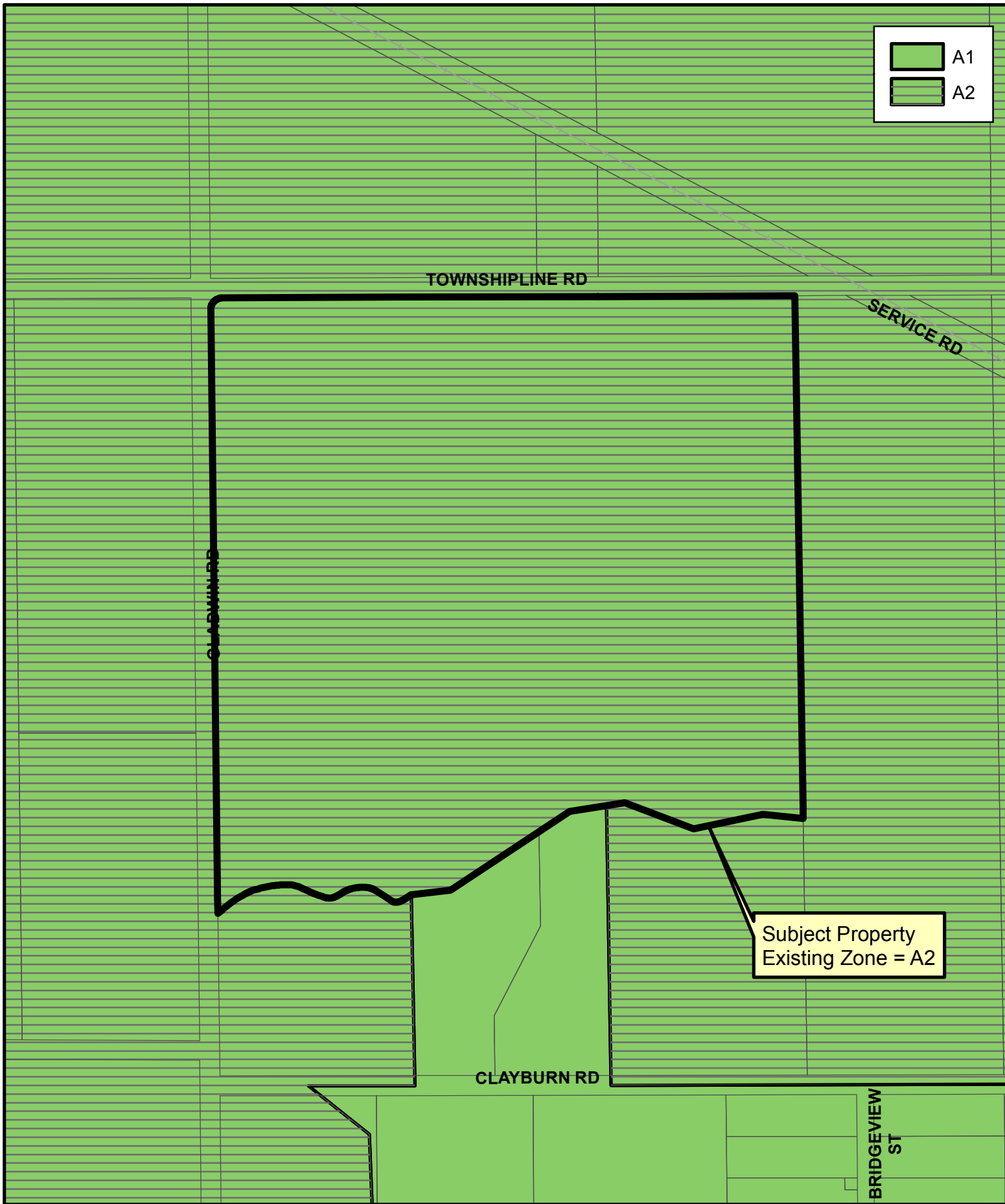




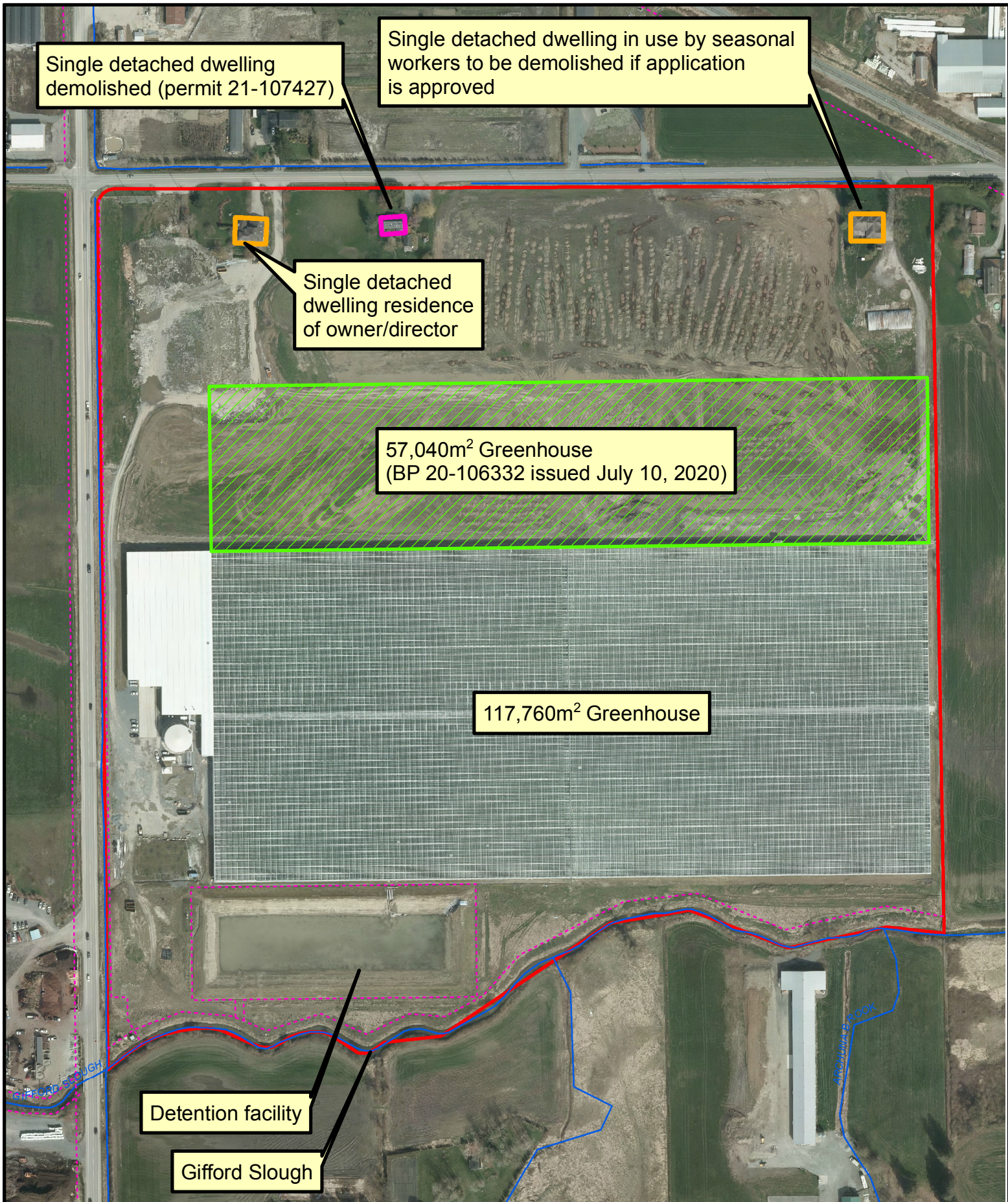




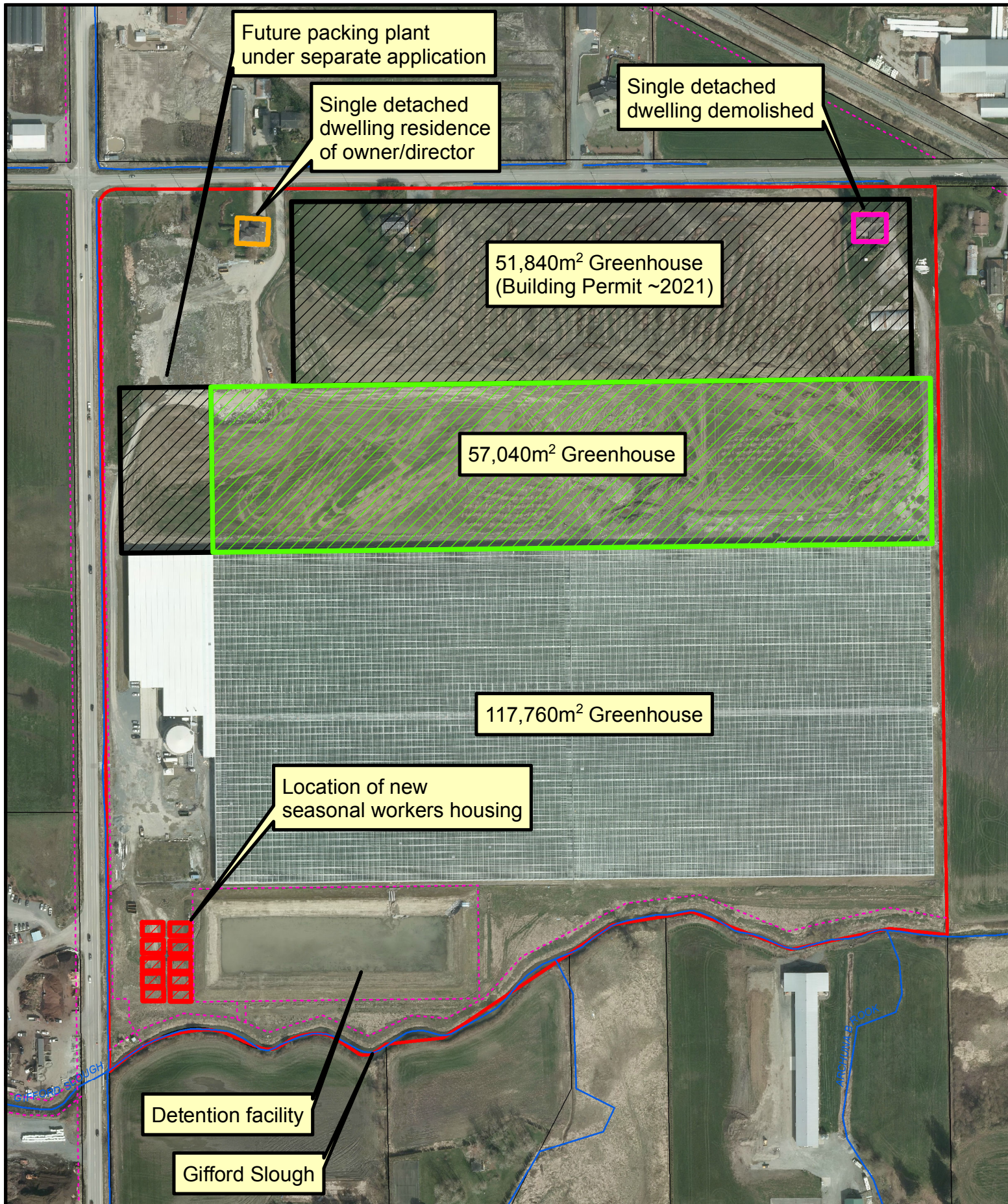




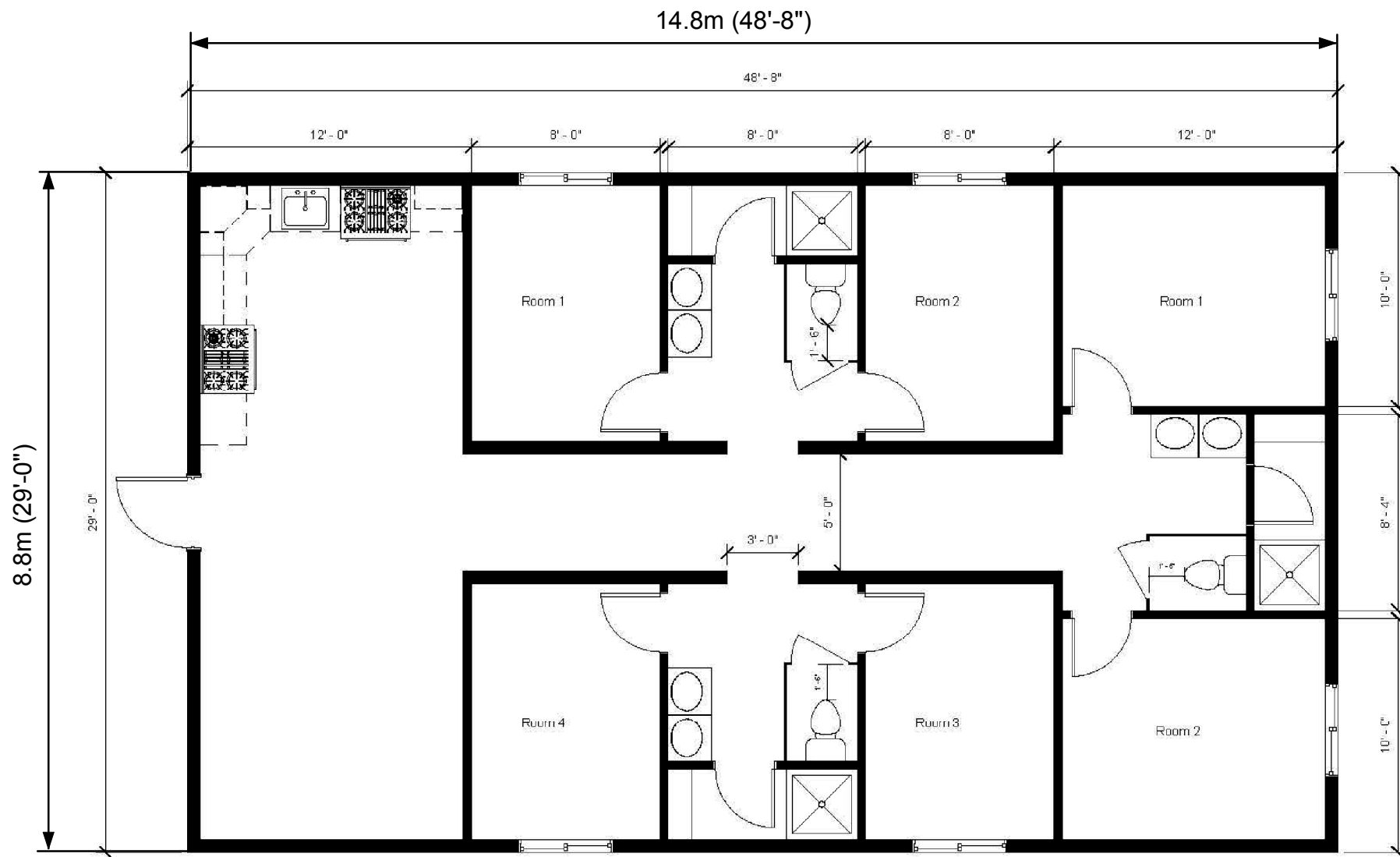












Proposed 10 units  
 Each unit = 130.2m<sup>2</sup>  
 Total unit area = 1,302.4m<sup>2</sup>  
 Each unit on temporary foundation



## Attachment C

**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

February 2, 2022

ALC File: 60711

**Brian Gaudet**  
**DELIVERED ELECTRONICALLY**

Dear Brian Gaudet:

**Re: Reasons for Decision - ALC Application 60711**

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #46/2022). As agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* (“ALCA”), the Chair of the Agricultural Land Commission (the “Commission”) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

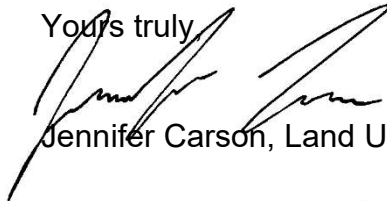
- No previous request by an affected person has been made, and
- The request provides either:
  - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
  - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision’s release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to the ALC’s [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to  
ALC.SouthCoast@gov.bc.ca.

Yours truly,



Jennifer Carson, Land Use Planner

Enclosures:        Reasons for Decision (Resolution #46/2022)  
                             Schedule A: Decision Map

cc: City of Abbotsford (File PRJ20-061) Attention: Anne-Marie Paquette

60711d1



**AGRICULTURAL LAND COMMISSION FILE 60711**  
**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

**Applicant:** Randhawa Farms Ltd.

**Agent:** Brian Gaudet

**Property:** Parcel Identifier: 031-317-391  
Legal Description: Lot A, District Lots 49 and  
385A, Group 2, New  
Westminster District, Plan LMP46306  
Civic: 32840 Townshipline Road, Abbotsford  
Area: 34 ha

**Panel:** Ione Smith, South Coast Panel Chair  
Susie 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] Pursuant to s. 20.1(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the “Commission”) to use approximately 1302 m<sup>2</sup> of the Property to place ten 130.2 m<sup>2</sup> prefabricated structures to house 102 temporary farm workers (TFW) (the “Proposal”).
- [3] Section 25(1.1)(b) of the ALCA states that in making a determination regarding an application for a non-adhering residential use, the Commission must not grant permission for an additional residence unless the additional residence is necessary for farm use.
- [4] The first issue the Panel considered is whether the additional residences are necessary for farm use.
- [5] The second issue the Panel considered is whether the Proposal would impact the agricultural utility of the Property.
- [6] 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**

[7] The Proposal, along with related documentation from the Applicant, 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.

### **EVIDENCE AND FINDINGS**

[8] At its meeting of November 22, 2021, the City of Abbotsford Council resolved to forward the application with support to the Commission. The City of Abbotsford’s Agricultural Advisory Committee also supports the Proposal.

[9] The Agent has indicated that the Applicant would be amenable to a financial security and the registration of a restrictive covenant stating that the Temporary Farm Worker Housing (the “TFWH”) will only be used by temporary farm workers and that the owner will remove the TFWH and restore the land to agricultural use if the TFWH is

vacant for two consecutive years.

**Issue 1: Whether the additional residences are necessary for farm use**

[10] The Applicant operates over 30 ha of greenhouse facilities in Abbotsford with over 17.7 ha on the Property and another 4.7 ha being proposed on the Property (totaling approximately 22.4 ha on the Property). The Applicant annually produces over 8,500,000 kilograms of peppers and cucumbers and currently employs over 200 people with more than 60 working exclusively on this Property.

[11] The TFW housing is for workers registered in a federal temporary worker program. The seasonal workers required for the operation will be increased to approximately 102 after the proposed greenhouse expansion.

[12] The Agent explained that the Applicant owns multiple greenhouse facilities but operates them as separate farms and businesses. Farm workers only work on one property in order to mitigate the possibility of cross-contamination of disease in the greenhouse, pests, COVID protocols etc.

[13] The Panel considered the size and scale of the greenhouse operation described in the application and also understands the rigour that is placed on the farmers who participate in the federal seasonal agricultural worker program. As such, the Panel is satisfied that the TFWH is required for the farm and will be a benefit to the agricultural operation.

**Issue 2: Whether the Proposal would impact the agricultural utility of the Property**

[14] In addition to the existing greenhouses, the current infrastructure on the Property includes hot water tanks, loading docks, offices and storage facilities.



[15] The principal residence on the Property is occupied by the Owner/Director of the Randhawa Farms Ltd. The second residence is occupied seasonal foreign workers employed at the greenhouse. The second residence is approximately 167 m<sup>2</sup> and accommodates between 8-12 foreign workers at any one time. The Applicant proposes to demolish the second residence to make space for the additional greenhouse infrastructure.

[16] Due to the location of a watercourse and detention pond, and the configuration of the greenhouse, the Agent proposes to locate the TFWH southwest of the greenhouse facility to protect the integrity of the farm by using non-productive agricultural land.

[17] The Panel notes that the proposed TFWH will utilize existing access and utilities and will be located where it will not impede agricultural traffic on the Property. Furthermore, the TFWH proposed is ten moveable prefabricated homes which can be removed from the Property when they are no longer required. With appropriate conditions in place, such as a covenant and financial security, the risk to the agricultural utility of the Property is minimal.

## **DECISION**

[18] For the reasons given above, the Panel approves the Proposal to use approximately 1300m<sup>2</sup> to place ten 130.2 m<sup>2</sup> prefabricated structures on the Property for housing approximately 102 temporary farm workers subject to the following conditions:

- a. Siting of the ten prefabricated structures in accordance with Schedule A of this decision;
- b. The registration of a restrictive covenant prior to placement of the TFWH, stating that the TFWH will only be used by temporary farm workers in

- accordance with this decision, and that the owner will remove the TFW Housing and restore the land to conditions suitable for agricultural use if the TFWH is vacant for two consecutive years;
- c. Submission of a Financial Security for the amount of \$61,200 prior to placement of the TFWH, which some or all may be used by the Commission as a penalty should the Applicant fail to remove the TFWH if it is not being used as stipulated in the Proposal or is vacant for two consecutive years; and,
  - d. Approval for the non-farm use is granted for the sole benefit of Randhawa Farms Ltd. and is non-transferable.

[19] 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.

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

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

[22] Resolution #46/2022

Released on February 2, 2022

A handwritten signature in black ink, appearing to read 'Ione Smith', is written over a horizontal line.

**Ione Smith, Panel Chair**

On behalf of the South Coast Panel



Schedule A: Agricultural Land Commission Decision Sketch Plan  
ALC File 60711 (Randhawa Farms)  
Conditionally Approved Temporary Farm Worker Housing  
ALC Resolution #46/2022

