



## COMMITTEE REPORT

### AGRICULTURE ADVISORY COMMITTEE

Committee Report No. PDS 098-2025

Date: June 5, 2025

File No. 3100-05/PRJ24-156

To: Agriculture Advisory Committee  
From: Rafid Shadman, Assistant Planner  
Subject: Non-Adhering Residential Use (1444 Clearbrook Road)

### AGRICULTURE ADVISORY COMMITTEE

As outlined within the Agriculture Advisory Committee's (AAC) Terms of Reference, the Committee's mandate is to "...*make recommendations on agriculture matters, more specifically:*

- a) provide recommendations to Council on the development of strategies, policies, plans and regulations dealing with agricultural issues, enhancing agriculture and agricultural areas of the City, such as farm 'edge' policies, farm bylaws, and environment, etc.;*
- b) review and provide recommendations to Council on development applications, referred by staff or Council, on the effect of the proposal to agriculture;*
- c) provide recommendations to Council on the operation and maintenance of the City's dyking, drainage and irrigation programs to address the needs of the agriculture industry; and*
- d) provide input on the development on the City's Agriculture Strategy."*

Staff is looking for input from the AAC regarding this application and any comments, concerns or recommendations will be included in staff's report to Council.

### PURPOSE

An Agricultural Land Commission (ALC) Non-Adhering Residential Use (NARU) application has been received for the property at 1444 Clearbrook Road. The subject property is located within the Agricultural Land Reserve (ALR). The NARU application requests authorization to legitimize an existing unauthorized extension to the principal residence that is greater than 500m<sup>2</sup>.

### BACKGROUND

Owner: Jasbir Singh & Kulwinderjit Kaur Banwait

Applicant: Jasbir Banwait

OCP Designation: Agriculture 1 - Uplands

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Existing Zoning:	Agricultural One Zone (A1)
Site Area:	4.07 Hectares (10.06 acres)
Legal Description:	LOT B SECTION 8 TOWNSHIP 16 NEW WESTMINSTER DISTRICT PLAN BCP1774
Current Uses:	Single Family Detached Dwelling and Two Accessory Structures Blueberry Farm
Surrounding Uses:	N: Single-family Detached Dwelling (zoned A1); S: Single-Family Detached Dwelling and Agriculture (zoned A1); E: Single-Family Detached Dwelling (zoned A1) W: Clearbrook Road
Soil Capability:	8 – Gravel and sand (Western half of the Property) 9 – Till (Eastern half of the property)

## **SITE CONTEXT**

1. The subject property is located within the Agricultural Land Reserve (ALR) on the south side of the King Road and Clearbrook Road intersection, across from Hughes Park (see Figure 2). The 4.07 ha (10.06 ac) parcel contains a 1013 m<sup>2</sup> (10,901ft<sup>2</sup>) single-family detached dwelling, an accessory structure, a pool house, and blueberry fields. The subject property is accessed and egressed via a driveway located to the west of the property abutting Clearbrook Road.
2. The single-family dwelling was constructed in 2010 under a City-approved building permit. It is approximately 1,013 m<sup>2</sup> including an attached garage (923 m<sup>2</sup> SFD + 90 m<sup>2</sup> garage). In 2023, the owner completed an unauthorized 53 m<sup>2</sup> (570ft<sup>2</sup>) building addition in north-east corner of the second floor (see Figure 6, 7). The extension consists of two bedrooms for family members. With the existing extension, the total floor area of the principal building is approximately 1066 m<sup>2</sup> (11,474ft<sup>2</sup>).
3. The extension was constructed without obtaining a building permit and the NARU application was submitted to rectify an active violation/non-compliance on the subject property. The applicant is seeking approval to permit and retain the existing extension to the single detached dwelling.

## **APPLICANT'S RATIONALE**

4. The applicant has provided a letter (see Appendix A), which outlines their rationale in support of this application. The key points of the applicant's rationale are summarized as follows:

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- a. Purpose and scope of the extension: The upper floor extension was completed to provide dedicated bedroom space for the property owner's granddaughters, supporting multi-generational family living. Currently, three generations, comprising 11 family members, reside together in the primary house. Although the family owns multiple farmland properties, the subject property is the only one with a residential dwelling. There are no other residences on any of their other lands.
  - b. Farm Operation Details: The property owner has been a Canadian farmer since 1976, overseeing a family farming operation that spans 10 properties and hundreds of acres across Deroche and Abbotsford. The farmlands are primarily dedicated to blueberry production. On the subject property, which totals 10 acres, approximately 7 acres are actively farmed for blueberries, with ongoing efforts to expand and improve the farmable areas.
  - c. Impact on Farmland and Agricultural Production: The extension is limited in scope, affecting only previously landscaped backyard areas, and not encroaching on any existing or potential farmland. As per the applicant's letter, two pad footings were dug and added into the backyard landscaped area to minimize excavation.
  - d. ALC Covenant and Residential Footprint: The property is encumbered by an Agricultural Land Commission (ALC) covenant that restricts the residential footprint to the hillside areas, ensuring the most productive farmland remains available for agriculture. While the current residential footprint may exceed the Ministry of Agriculture's recommended maximum, this application does not propose any further expansion. Additionally, both the primary home and the existing residential footprint were conforming with the regulations at the time of construction in 2010.
  - e. Historical and Farm Planning Rationale: As previously mentioned, the residential footprint was deliberately situated on a less productive hillside portion of the property, in alignment with the intent of the ALC's Covenant's to preserve valuable farmland for agricultural use. The owner has further invested significant resources—such as grading, levelling, and installing irrigation systems—to transform these less usable hillside areas into productive farmland, maximizing the agricultural potential of the property.
  - f. Farm Status: The property maintains farm status with 70% of the land producing blueberries. There are no additional residences for family or farm workers on this or other properties owned by the family.
  - g. BC Building Code Compliance: The owner acknowledges the need for a building permit for the unauthorized extension. They have submitted a building permit application to the City.

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## APPLICABLE LEGISLATION

5. In February of 2019, the Provincial Government amended the Agricultural Land Commission Act (ALCA). Under Section 20 (1) (b), the maximum floor area for principal residences in the ALR is 500 m<sup>2</sup> (542 m<sup>2</sup> with an attached garage). The existing 923 m<sup>2</sup> residence (1012 m<sup>2</sup> with an attached garage) was permitted in 2010 prior to ALC's 500 m<sup>2</sup> maximum floor area regulation. Therefore, a Non-Adhering Residential Use (NARU) approval would be required in order to allow retention of the 2023 unauthorized building addition.

## OFFICIAL COMMUNITY PLAN

6. The property is located within the Agricultural Land Reserve (ALR) and is designated Agriculture 1 – Uplands in the Official Community Plan (2016 OCP). 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 a thriving livelihood"*.
7. 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 the maximum floor areas for residential buildings in the ALR.

## ZONING

8. The subject property is zoned Agriculture One Zone (A1), which is intended to accommodate agriculture and agricultural-related uses. The A1 Zone permits single detached dwellings as a principal use with use and density regulations. However, it does not regulate the floor area, except indirectly through maximum lot coverage. The applicant's proposal will comply with all Zoning Bylaw requirements if approval is granted by the Agricultural Land Commission (ALC). Following ALC approval, a Building Permit will be required to ensure the proposed addition complies with the BC Building Code and addresses all relevant health and safety standards.

## COVENANT

9. In 2002, a covenant between the property owner and the Agricultural Land Commission (ALC) was registered as part of a subdivision on the subject property. This covenant established designated areas on the property, specifying where all residential development must be contained in order to preserve the remainder of the land for agricultural use. All existing structures on the property are located within this designated area. As a result, the proposed Non-Adhering Residential Use (NARU) application is not

impacted by the terms of the covenant, as it does not conflict with the covenant's intent to protect farmland for agricultural purposes.

### AGRICULTURAL AREAS POLICY (COUNCIL POLICY C006-11)

10. Council Policy C006-11 provides guidelines for staff to consider Non-Adhering Residential Use (NARU) proposals for large single detached dwellings. Staff have reviewed this application as per Division 1 – ALC Non-Adhering Residential Use: Large Single Detached Dwelling in Council Policy C006-11, which includes the potential considerations listed below (see also Attachment B – Council Policy C006-11).

<b>Division 1 – ALC Non-Adhering Residential Use: Large Single Detached Dwellings Application review may consider:</b>	<b>Are the conditions met?</b>
Extent of proposal compliance with Zoning Bylaw, 2014	✓
Whether the principal residence will be the only residence on the property at time of occupancy, excluding secondary suites	✓
Whether the lot is 4.0 ha in area or larger	✓
The extent of farmable area on the lot that is not encumbered by environmental constraints or natural areas that impede agriculture	No environmental constraints exist on the subject property. On the east side of the property, a minor portion of the land is under the Steep Development Permit Area (SSDP). However, those areas are currently being used for blueberry farming.
Whether a high proportion of the lot is being actively farmed and if the farmed commodity typically demands a high labour need	Approximately 70% (i.e. 7 out of 10 acres) of the property is used for blueberry production.
The lot has been assessed as 'farm' under the Assessment Act for the last 3 years; and other unique circumstances relevant to the application	✓

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**EXTERNAL REFERRALS**

11. The Ministry of Agriculture (MoA) has reviewed the NARU application for the existing extension to the principal building. From a land use planning perspective, the Ministry staff provided the following comments:

- The Subject Property is 4.08ha and is located within the Agricultural Land Reserve (ALR). The applicants indicate they have farm status, and approximately 70% of the land is actively producing blueberries.
- The applicant states that the proposed addition is needed to provide adequate housing for their extended family, specifically two small grandchildren. Ministry staff note that the current 923 m<sup>2</sup> residence is already significantly larger than what is currently permitted on a property in the ALR. Section 20.1(1) (b) of the *Agricultural Land Commission Act* stipulates that the total floor area of a principal residence must be 500 m<sup>2</sup> or less.
- The Subject Property's farm residential footprint, or area allotted to the driveway and yard of the principal residence and all residential buildings is over 6,000 m<sup>2</sup>. Again, this is significantly larger than the maximum size recommended in the Ministry's Guide for Bylaw Development in Farming Areas (2,000 m<sup>2</sup>) for a property in the ALR.
- While the housing addition may not displace any land under active agricultural production, the size of the existing residence and yard is already substantially larger than what is currently permitted in the ALR.
- Ministry staff understand that 11 people live in the existing residence and as such, a large residence is required to accommodate all the inhabitants. Ministry staff note, however, that a substantial area of the residence is devoted to living areas (i.e. dog room, morning room, great room, living room, etc.). Rather than expanding the existing square footage of the residence, the applicant may want to consider converting one of the many living areas into additional bedrooms.
- Generally, very large residences in the ALR increase the speculative pressure on the price of farmland and make it more difficult for current and future farmers to purchase land for farming.
- In conclusion, Ministry staff are concerned with the size of the existing residence and farm residential footprint and do not support further expansion of the residence.

12. NAV Canada provided the following comments on the NARU application:

Since the subject property is located within the Outer Surface of the Airport Flightpath Zoning, NAV CANADA has evaluated the proposal and directly sent a response letter to the property owner. As per the letter, NAV CANADA has no objection regarding the proposed NARU application. The land use evaluation from NAV CANADA is valid for 18 months, and if the applicant decides not to proceed with the project, NAV CANADA should be notified to formally close the file.

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## **AGRICULTURE ADVISORY COMMITTEE**

AAC's comments, concerns and recommendations will be included in an upcoming Council report to assist Council with making a decision on the proposal.

### Resolution Options:

That the Agriculture Advisory Committee recommend to Council that Council (choose one):

1. Forward the application to the ALC with support, as presented; or
  2. Forward the application to the ALC with support, with changes; or
  3. Forward the application to the ALC with no comments; or
  4. Deny and not forward the application to the ALC.
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## **APPROVALS**

Mark Neill, General Manager of Planning and Development Services  
Komal Basatia, Chief Financial Officer

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## **ATTACHMENTS**

AAC Figures 0-7  
Appendix A – Applicant's Response to the First Review Letter  
Appendix B – Council Policy C006-11  
Appendix C – Ministry of Agriculture Comments