

# City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7919-0231-00

Planning Report Date: May 31, 2021

### **PROPOSAL:**

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

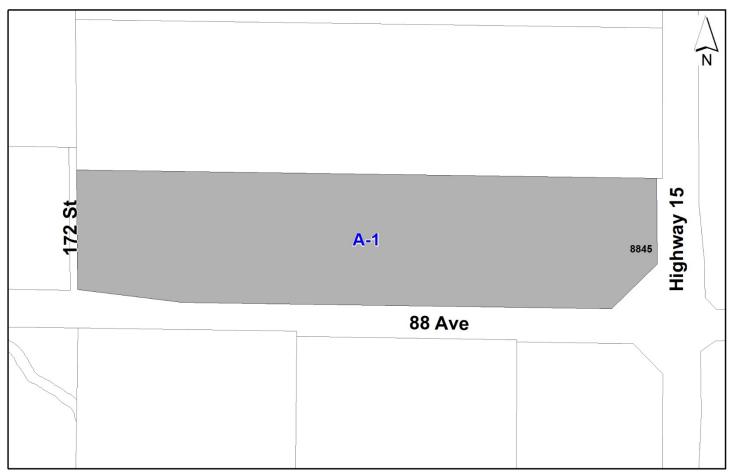
to allow the development of a single family dwelling that exceeds 500 square metres in total floor area within the Agricultural Land Reserve.

**LOCATION:** 8845 - 1

8845 - 176 Street

**ZONING:** A-1

**OCP DESIGNATION:** Agricultural



### **RECOMMENDATION SUMMARY**

- Refer the subject non-adhering residential use application to the Agricultural Land Commission (ALC) for consideration of approval.
- Approval to draft Development Permit for Sensitive Ecosystems.

### **DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

• Proposing to increase the maximum floor area of a principal residence allowed by the *Agricultural Land Commission Act (ALCA)*.

### RATIONALE OF RECOMMENDATION

- 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 proposed residential dwelling complies with the requirements of the "General Agriculture Zone (A-1)".
- The City has only 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 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.

### 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 authorize staff to draft Development Permit No. 7919-0231-00 for Sensitive Ecosystems (Streamside Areas) generally in accordance the finalized Ecosystem Development Plan.
- 3. Council instruct staff to resolve the following issues prior to final approval (should the non-adhering residential use be approved by the ALC):
  - (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;
  - (b) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
  - (c) submission of a finalized Ecosystem Development Plan and Impact Mitigation Plan to the satisfaction of City staff; and
  - (d) registration of a combined Statutory Right-of-Way / Section 219 Restrictive Covenant over the designated Streamside Protection Area for both "No Build" and conveyance access.

### SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	<b>Existing Zone</b>
Subject Site	Agriculture (ALR)	Agricultural	A-1
North:	Agriculture (ALR)	Agricultural	A-1
East (Across 176 Street):	Agriculture (ALR)	Agricultural	A-1
South (Across 88 Avenue):	Agriculture (ALR)	Agricultural	A-1
West:	Agriculture (ALR)	Agricultural	A-1

### Context & Background

- The subject site is located at civic address 8845 176 Street and is approximately 13.3 hectares in area.
- The property is designated "Agricultural" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR).

- The subject site is currently classified as farmland under the BC Assessment Act, which it has been since the applicant purchased the property.
- About 6.5 hectares of the property is currently in blueberry production and the remaining area
  is not currently in agricultural production. The applicants are proposing to expand their farm
  operations on the subject site upon completion and occupancy of the proposed single family
  dwelling.
- There are currently no permanent buildings or structures on the property.
- There is a Class A red-coded watercourse adjacent to the proposed dwelling that will require a Sensitive Ecosystem Development Permit to be issued prior to Building Permit issuance.

### **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 an 805.5 square metre dwelling at 8845 176 Street.
- Along with the proposed construction of an 805.5 square metre dwelling, the applicant is also
  proposing a farm building adjacent to the house to store farm equipment for their agricultural
  operations.
- The proposal complies with the farm Homeplate regulation of the A-1 Zone. The proposed farm home plate area is 1,981 square metres.
- The property is located within the flood plain, therefore preload will be required to meet the flood construction level.
- The applicants have already been approved for a Notice of Intent (ALC File 59508) to place 13,726 m³ of fill on 0.5 hectares of the site for all proposed farm and residential uses.

### 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 May 12, 2021 meeting, AEIAC recommended that the proposed Non-Adhering Residential Use be denied by Council.

The Committee expressed concerns on the precedent the application would set for an over-sized dwelling in the ALR.

AEIAC minutes were not available at the time of completion of this report.

### **POLICY & BY-LAW CONSIDERATIONS**

### **Agricultural Land Commission Act and Regulations**

- 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(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 775 square metre dwelling. The floor plans submitted to the City show that the proposed dwelling is 805.5 square metres in total floor area.
- The Zoning By-law does not restrict the density of single family dwellings on agricultural zoned properties. As the proposal complies with City regulations and policy, Staff recommend that the Non-Adhering Residential Use application be forwarded to the ALC for consideration given the deviation from the *ALCA*.

### Applicant's Rationale

- The applicant provided the following rationale in support of their application:
  - The applicants are transitioning from a 20-hectare farm in Cawston, BC to the subject site. They have been farming in Cawston since the mid-1980's and are planning on selling this farm within two years and permanently move to the subject site.
  - The applicants are currently farming blueberries on 6.5 hectares of the subject site. The rest of the site will be farmed when the applicants are able to live on the subject site after the construction of a new single family dwelling.
  - The applicant submits that the dwelling will be used as a multi-generational dwelling. The applicant's adult children and their growing families will be living on site and assisting in the farming operations. The applicants would like all members of the family to be able to live on site to grow the farming business.
  - o The applicants are planning to use the land for various farming operations. Blueberry farming is a traditional low-margin mono-crop that will provide steady, stable income for the farm operations. The next venture is to transition about 4 hectares to be certified organic for the production of ground crops. The applicants are experienced in this sector

from their farm operations in Cawston. The applicant's children and their future families will be responsible for the retail sales of the farming business.

- The applicants also want to take advantage of the high traffic location of the farm and develop an agri-tourism business on the subject site. They will be creating a Rose Garden for local residents to enjoy, while promoting their organic farming business. The applicant's family will be leading this business endeavour and will be living on site with the applicants.
- The applicants need the assistance of their extended family in order to run all of the current and future farm operations proposed on the subject site. The proposed dwelling would allow all generations to live together, with enough space to grow their family while growing their farm operations on the subject site.
- From their past farming experience, the applicants prefer to live on the site they are farming as this makes operating their business more efficient and ensures the land is farmed with more oversight.
- The farm operation will be established concurrently with approvals for the proposed dwelling. The applicants would like to move all of their farm operations from Cawston to Surrey in a timely manner into the proposed dwelling to begin growing their farming business on the subject site.
- The applicant states that the proposal will not discourage farming on the land, but will bring prime agricultural land into production, which has not been done in the past.
- The additional 305.5 square metres of floor area will still meet farm homeplate requirements as it will be under the maximum of 2,000 square metres and does not take away viable land for farming. This additional floor area will make it possible for the applicants and their families to continue living and farming together.

### **Zoning Bylaw**

- The "General Agriculture Zone (A-1)" does include any restrictions on density or house size. Therefore, a rezoning application is not required in conjunction with the ALC application for non-adhering residential use.
- 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.
- The proposal complies with the farm residential footprint requirements of the A-1 Zone.

### **DEVELOPMENT PERMITS**

### Sensitive Ecosystems (Streamside Areas) Development Permit Requirement

- The subject property falls within the Sensitive Ecosystems Development Permit Area (DPA) for Streamside Areas in the OCP, given the location of an existing Class A (red-coded) ditch which flows along 88 Avenue into East Bon Accord Creek and eventually into the Serpentine River. The Sensitive Ecosystems (Streamside Areas) Development Permit is required to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.
- In accordance with Part 7A Streamside Protection setbacks of the Zoning By-law, a Class A (red-coded) ditch requires a minimum streamside setback of 10 metres, as measured from the top of bank, for lots of record. The proposed setbacks comply with the requirements outlined in the Zoning By-law.
- The riparian area will be protected through the registration of a combined Restrictive Covenant/Right-of-Way against the property to ensure safeguarding and maintenance of the Protection Area in perpetuity, in compliance with the OCP.
- An Ecosystem Development Plan, prepared by Amanda Girard, *R.P. Bio.*, of Madrone Environmental Services Ltd. and dated April 27, 2021 was reviewed by staff and found to be generally acceptable, with some modifications to content and format of the report still required. The finalized report and recommendations will be incorporated into the Development Permit.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Proposed Site Plan & Building Elevations

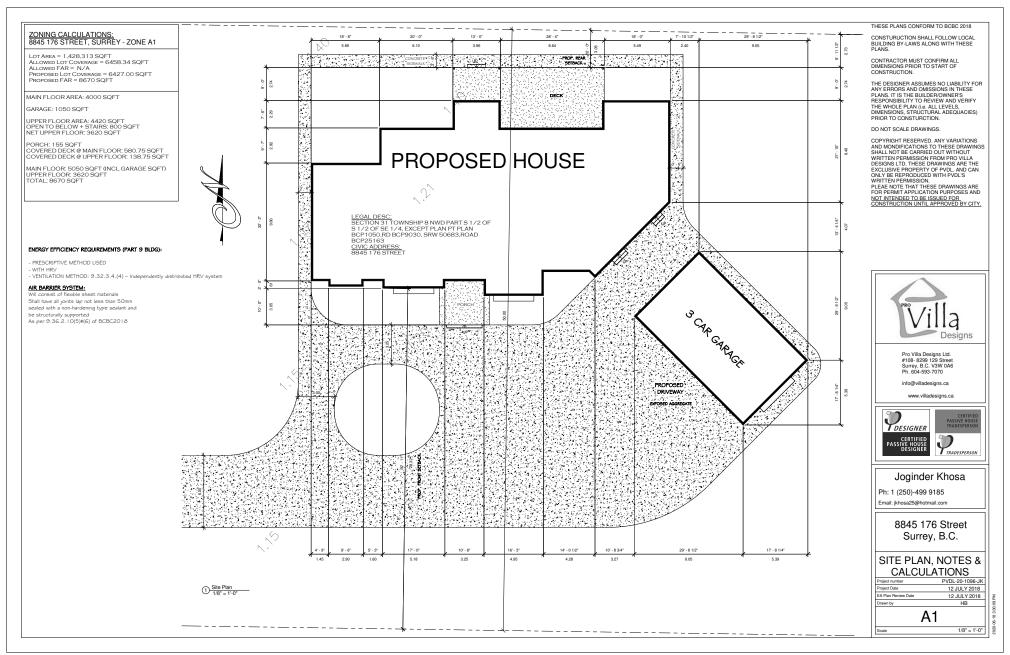
Appendix II. Engineering Summary

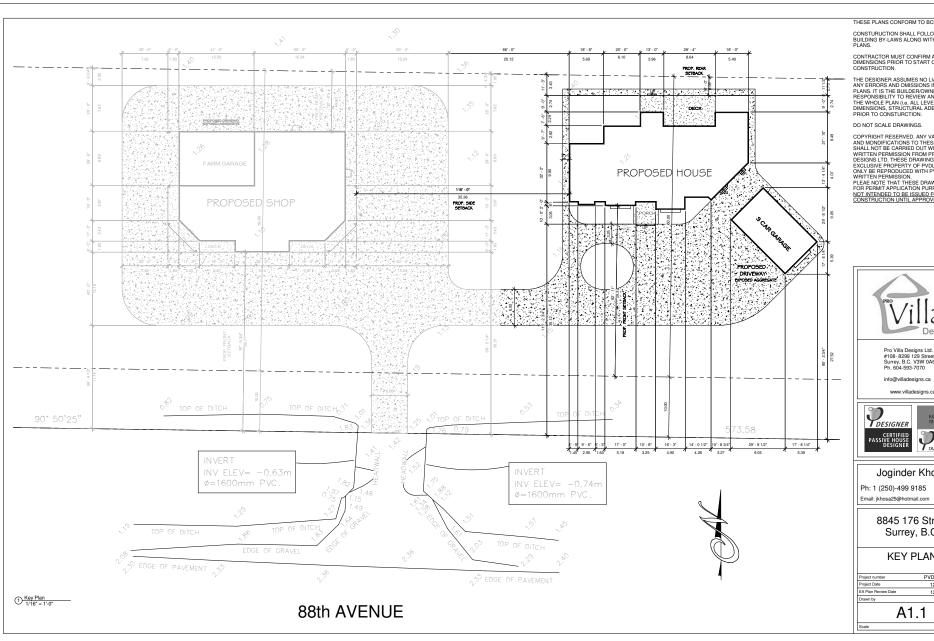
Appendix III. Aerial Photo

Appendix IV. Applicant's Rationale Letter

approved by Ron Gill

Jean Lamontagne General Manager Planning and Development





THESE PLANS CONFORM TO BCBC 2018

CONSTURUCTION SHALL FOLLOW LOCAL BUILDING BY-LAWS ALONG WITH THESE PLANS.

CONTRACTOR MUST CONFIRM ALL DIMENSIONS PRIOR TO START OF CONSTRUCTION.

THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS AND OMISSIONS IN THESE PLANS. IT IS THE BUILDER/OWNER'S RESPONSIBILITY TO REVIEW AND VERIFY THE WHOLE PLAN (i.e. ALL LEVELS, DIMENSIONS, STRUCTURAL ADEQUACIES) PRIOR TO CONSTURCTION.

#### DO NOT SCALE DRAWINGS.

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### Joginder Khosa

Ph: 1 (250)-499 9185 Email: jkhosa25@hotmail.com

> 8845 176 Street Surrey, B.C.

#### **KEY PLAN**

PVDL-20-1096-JK
12 JULY 2018
12 JULY 2018
HB



#### THIS HOME IS DESIGNED TO COMPLY WITH SECTION 9.36.2 -9.36.4 OF B.C. BUILDING CODE 2018 ENERGY EFFICIENCY REQUIREMENTS FOR CLIMATE ZONE 4

DWELLING TO BE VENTILATED IN COMPLIANCE TO 9.32.3.5 BY INDEPENDENTLY DISTRIBUTED HRV SYSTEM BUILDING SPECIFICATIONS:

- VENTILATION AND DUCTING MUST BE PROVIDED PER B.C.B.C 2018 SECTION 9.32

2 Right Elevation 3/16" = 1'-0"

- AIR BARRIER TO BE INSTALLED PER B.C.B.C 2018 SECTION 9.36
- ALL INSULATION TO BE INSTALLED PER B.C.B.C 2018 SECTION 9.36
- GARAGE DOOR W/ MINIMUM NOMINAL R.S.I. 1.1
- ALL ACCESS HATCHES TO UNCONDITIONED SPACES: MAX. U-VALUE OF 2.6
   ALL WINDOWS & DOORS: MAX. U-VALUE OF 1.8 EXCEPT FOR 1 ENTRY UNIT
- ALL SKYLIGHTS: MAX. U-VALUE OF 2.9

#### BC SOLAR HOT WATER READY REGULATION NOTES:

- PROVIDE 2-50MM(DIAMETER) ELECTRICAL CONDUITS (WHICH ARE ABLE TO ACCOMODATE THE INSTALLATION OF INSULATED PLUMBING SERVICES FOR A SOLAR DOMESTIC HOT WATER SYSTEM IN COMPLIANCE WITH CAN/CSA-F383) FROM THE FUTURE SYSTEM LOCATION TO THE ATTIC SPACE NEAR A ROOF AREA DESIGNATED FOR A MIN. 100 sq.ft. SOLAR COLLECTOR (WITH A MINUM DIMENSION OF 8'-10") - CONDUITS MUST BE ACCESSIBLE FROM BOTH ENDS AND CAPPED OR SEALED AT BOTH ENDS TO PREVENT WATER INGRESS AND AIR LEAKAGE.

- IDENTIFY CONDUITS WITH PERMANENT, DISTINCT, AND EASILY RECOGNIZED MARKINGS. - TRUSS MANUFACTURER AND P.ENG TO ACCOUNT FOR AN ADDITIONAL 0.2 kpa OF LOAD OR GREATER FUTURE SOLAR COLLECTOR.



THESE PLANS CONFORM TO BCBC 2018

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Email: jkhosa25@hotmail.com

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### FRONT & RIGHT **ELEVATIONS**

PVDL-20-1096-JK Project number 12 JULY 2018 EA Plan Review Date 12 JULY 2018 Drawn by HB

A2



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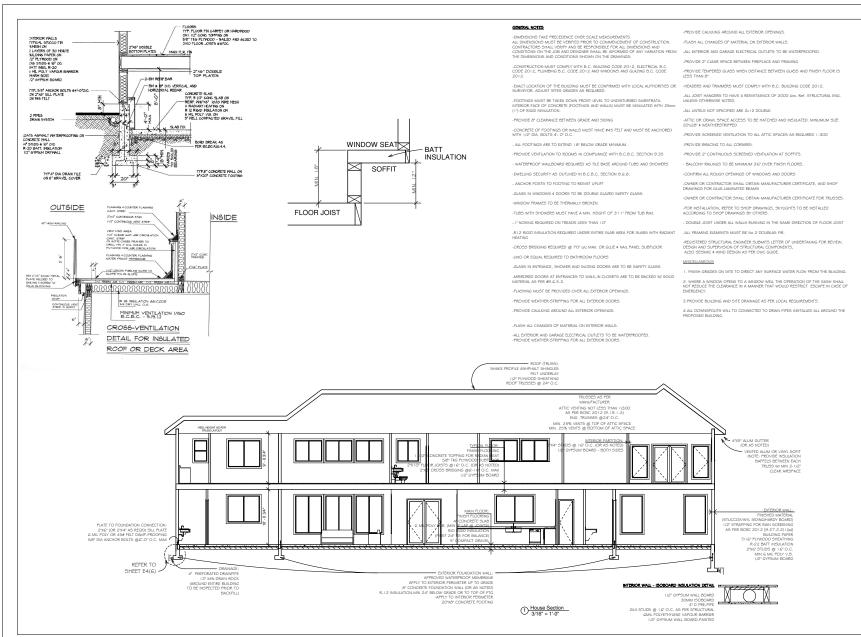
Email: jkhosa25@hotmail.com

8845 176 Street Surrey, B.C.

### **REAR & LEFT ELEVATIONS**

Project number PVDL-20-1096-JK 12 JULY 2018 12 JULY 2018 EA Plan Review Date Drawn by HB

**A3** 



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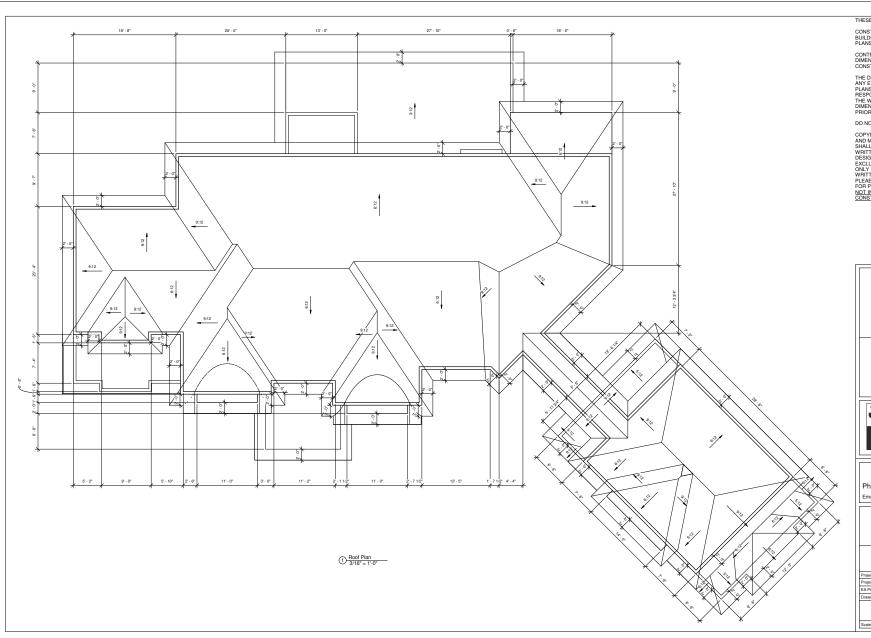
Email: jkhosa25@hotmail.com

8845 176 Street Surrey, B.C.

### **CROSS-SECTIONS & DETAILS**

Project number PVDL-20-1096-JK 12 JULY 2018 EA Plan Review Date 12 JULY 2018 Drawn by HB

A6



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#### **ROOF PLAN**

Project number	PVDL-20-1096-JK
Project Date	12 JULY 2018
EA Plan Review Date	12 JULY 2018
Drawn by	HB



### INTER-OFFICE MEMO

TO: Manager, Area Planning & Development

- North Surrey Division

**Planning and Development Department** 

FROM: Development Engineer, Engineering Department

DATE: May 20, 2021 PROJECT FILE: 7819-0231-00

**RE:** Engineering Requirements

Location: 8845 176 St

### **DEVELOPMENT PERMIT**

The following requirement is to be addressed as a condition of issuance of the Development Permit for Sensitive Ecosystems (Streamside) associated with the proposed construction of a new single-family dwelling:

• The applicant will be required to provide a combined statutory right-of-way/restrictive covenant (SRW/RC) for the 88 Avenue Class A watercourse located along the south property line. The SRW/RC is to be registered over the streamside setback from the top of bank.

### **BUILDING PERMIT**

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

- Provide a minimum 4.5 m, maximum 6.0 m wide driveway to access the site.
- On-site septic sewer system shall be designed and installed in accordance with the
  requirements of the Fraser Health Authority. Register an RC on title for the protection and
  maintenance of the on-site septic system by the owner, along with requirement to
  decommission the septic tank once a frontage sanitary main is available. A new sanitary
  connection to the sanitary main will be required, and any latecomer charges, LAS or DCC
  fees will be applicable at time of connection.

A processing fee of \$1,722.00 (GST included) is required to administer the legal documents. The required driveway can be constructed subject to issuance of a City Road and Right-of-Way Permits from the Engineering Counter upon payment of securities and associated fees.

Jeff Pang, P.Eng.

**Development Engineer** 

Jeffy lang



## Aerial Image: Development Application 7919-0231-00



Scale: 1:3,200

0.02 0.04

From: Joginder Khosa

To: AFPAC Committee

Re: Rationale for Oversized House

Our family has been farming in BC on ALR land since the mid 80's. As our kids grew into adults and my wife and I grew older we realised we needed to move to a larger community with more amenities if we wanted to keep the next generation farming. We began the transition from farming ~50 acres in the small town of Cawston to farming in the City of Surrey.

We now farm ~33 acres at 8845 176st. We currently have ~16 acres of blueberries and are working on bringing the rest of the land into production with the help of our adult children. The land is located at a very high profile location making it very valuable. Blueberries alone don't have enough profit to make farming viable on such a valuable property. We need more high value farming ventures.

Our five year farm plan is to transition the entire farm to be certified organic. We will continue to use half the property to grow blue berries to provide a steady "commodity style crop" for our farm, they will be sold at wholesale with a small portion being sold direct to consumer via a farm stand. My wife and I will oversee the wholesale production of the Blueberries.

This will be supplemented with ~10 acres of organic ground crops (vegetables, greens and herbs). We plan on selling these direct to consumer via online sales and a farm stand. We have a lot of experience in this sector from our time farming in Cawston. It provides strong margins and is a great way to build a relationship with the local community. Our son, his wife and future grandchildren will be responsible for the ground crops and retail sales side of the farming business. Our son is very experienced with organic farming and direct to consumer farm sales.

To stimulate more traffic to the farm stand we are going to create a ~7 acre "Rose Garden" for local residents to come and enjoy. Agri-tourism is a growing (and Booming) sector of agriculture and it helps to bond the customers with their local farmers. At the start of this venture, admission to the Rose Garden would be free of charge. The plan is to use it to bring more traffic to the farm to increase farm stand sales. Over 3-5 years we expect to be as busy as the Chilliwack Tulip Festival. At this time we will begin charging admission for the Rose Garden. Our daughter and her husband will look after the Rose Garden and agri-tourism side of the farming business. Our daughter is great with flower crops and has a natural talent for agri-tourism!

Our long-term plan is to have a "triple threat organic farming business," the blueberries will be a traditional low margin mono-crop that provides a steady, stable income and is sold largely at whole sale. The Rose Garden will increase visitors to the farm and help build a personal relationship between us and the locals. We will leverage that to sell the vegetables, blueberries, greens, and herbs directly to the residents at healthy margins.

My wife and I won't be able to do all of this on our own, we will need our children's help to execute this plan. Currently we don't have enough space to be able to live and farm with our children. We've been trying to farm while living else where and it's proving to be extremely challenging! We've found that farming is done best when the farmer lives on the land. It gives the farmer the opportunity to stay in touch with his crops, do the work when it needs to be done and keep an eye on things at all hours.

For this reason, we need a large house that will allow our growing family to continue to stay and farm the land together. We will soon have four generations living and working the land together. We need a home on the farm where we can all live together, but still have our privacy and space. We're too old to continue farming on our own for long, we need the support of our children.

We need an oversized house so that my wife and I can continue to care for our elderly parents and have our son and daughter (and their growing families) farming with us, as a family.

This will ensure that the next generation keeps farming!

Joginder Khosa