



Agricultural Land Commission
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May 12, 2006

Reply to the attention of Gordon Bednard

Slavko Obrovac
313 - 1442 Forster Road
White Rock, BC V4B 3X7

Dear Sir:

Re: Application #O-36500

PID: 013-115-529

All that portion of SW¼ Sec.20 Twp.13 NWD lying to the south of part subdivided by Plan 4399 EXCEPT: S 12.50 chains

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above 20 ha subject property from the Agricultural Land Reserve in order to facilitate its development for residential housing. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you and your representatives for taking the time to meet with the Commission and staff at the property on March 16, 2006. The Commission found the meeting and site visit informative.

The Commission considered that the property is of sufficient size, and is composed of lands which exhibit high agricultural capability ratings, to enable its use for a wide variety of agricultural pursuits. As such, the Commission does not support the exclusion of the subject property and notes that, to do so would run counter to its mandate.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution #218/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Cc: Township of Langley - AL100098
Alpin & Martin Consultants Ltd, 201-12448-82 Avenue, Surrey, BC - V3W 3E9

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IT WAS

MOVED BY: Commissioner Peter Dhillon

SECONDED BY: Commissioner Walter Dyck

THAT the staff report be received and the application be refused for the above reasons.

CARRIED



Staff Report
Application # O – 36500
Applicant: Slavko Obrovac

Agent: Aplin & Martin Consultants Ltd

DATE PREPARED: March 3, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To exclude the 20 ha property for development into 12 residential lots with a remainder.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There have been numerous previous applications on this property, the majority of which were submitted by the present owner. (see below)

Letters and a petition from neighbouring landowners have been received and are appended to the application file. These letters state that the property has been used for agricultural production of various types over the last 10 years, that there is plenty of developable land already in the Aldergrove area, and that the land has good capability and should be retained in the ALR as farmland.

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 013-115-529

All that portion of SW¼ Sec.20 Twp.13 NWD lying to the south of part subdivided by Plan 4399

EXCEPT: S 12.50 chains

Purchase Date (m/d/y):

01/16/1989 (from title)

Location of Property:

2620 - 272 Street, Aldergrove

Size of Property:

20.0 ha (The entire property is in the ALR).

Present use of the Property:

vacant, has been farmed in past, abandoned barn

Surrounding Land Uses:

WEST: Suburban residential properties out of ALR across 272 Street
SOUTH: Active farms in ALR
EAST: Large farm properties in ALR (Abbotsford)
NORTH: Urban residential land outside of ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/1d
The majority of the property is identified as having Prime ratings (class 2 west of Bertrand Creek, class 3 east of Bertrand Creek.).

Official Community Plan and Designation:

Designated Urban Growth [also see PLANNER'S COMMENTS]

Zoning Bylaw and Designation:

Suburban Residential SR-1
0.4 ha MLS

PREVIOUS APPLICATIONS:**Application #29876-0**

Applicant: OBROVAC, SLAVKO
Decision Date: September 14, 1995
Proposal: The applicant is seeking permission to subdivide the 20.02 ha subject property into six parcels, each 3.3 ha in size.
Decision: That the application be refused on the grounds that the proposed subdivision would reduce the agricultural potential of the property and heighten the expectations of neighbouring and surrounding property owners of ALR land outside of the Aldergrove urban area.

Application #22713-0

Applicant: OBROVAC, SLAVKO
Decision Date: February 02, 1989
Proposal: To exclude the subject property for the purpose of subdividing into residential lots.
Decision: To refuse the application on the grounds that the majority of the property has a good potential to be developed for a range of agricultural purposes such as forage, vegetable and berry production.

Application #07286-0

Applicant: KAETLER, STANLEY
Decision Date: May 23, 1979
Proposal: To exclude the subject property on the grounds that the land is not fit for agricultural use.
Decision: That the application be refused on the grounds that the land is capable of agricultural use and that the proposed development would have a detrimental impact on the adjacent agricultural lands lying to the south.

Application #30232-0

Applicant: Township of Langley

Decision Date: March 13, 1996

Proposal: The Township of Langley is seeking permission to exclude 25 properties, totaling 194 ha (480 ac), situated adjacent to the community of Aldergrove.

Decision: That the application be refused.

Application #02535-0

Applicant: Township of Langley

Decision Date: October 31, 1974

Proposal: To exclude 509.7 ha of land within the Township for urban development.

Decision: Although the Commission recommended refusal of the majority of the block proposal, Cabinet approved portions and excluded lands adjacent to the built area of Aldergrove and in other areas of the District. Partial exclusion of 175.7 ha allowed.

Application #34024-0

Applicant: Obrovac, Slavko

Decision Date: February 21, 2002

Proposal: Propose to exclude 20.24 ha of land for the purpose of residential development. Two accompanying applications (O-34022 and O-34023) offer to include 8.0 ha of land each into the ALR in exchange for the proposed exclusion.

Decision: Refused as proposed on the grounds of high agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Endorsed by Council as it conforms with the Community Plan

PLANNER COMMENTS:

When Langley Township identified areas for inclusion in GVRD's *Livable Region Strategic Plan* Green Zone, it omitted an area which it had previously identified as part of Aldergrove's urban expansion (notwithstanding that the Commission had never agreed with that expansion). Thus no part of the subject property consists of "Agricultural Lands in the Green Zone", although the riparian area of Bertrand Creek is within the Green Zone where it crosses the subject property.

The east boundary of the subject property directly adjoins the regional district boundary. The FVRD regional growth strategy does not identify urban development of "West Abbotsford" as extending that far south.

Langley's existing Aldergrove Community Plan has not been reviewed by the Commission since 1981. At that time, the Commission was concerned over a proposal to expand the community to provide for a build-out population of 20,000, not including any population in the adjoining non-ALR area across the regional district boundary. The Commission declined to consent to the plan and offered to meet Langley Council for further discussion. Our file records no such discussion. Any provisions in the existing Aldergrove Community Plan calling for expansion into the ALR are of no force or effect.

On the other hand, Commission staff at that time identified the potential to meet or exceed the 20,000 population target through infilling, by counting the build-out population of "West Abbotsford" and with exclusion of about 40 ha from the ALR. Since that time, Aldergrove and "West Abbotsford" have been serviced with appropriate sewerage (replacing the inadequate sewage treatment plant formerly in operation at Aldergrove) and residential development of "West Abbotsford" is now proceeding. In addition, the Commission has since approved or partially approved five exclusion applications and one major park expansion application alienating 40.8 ha at Aldergrove and isolating a further 1.2 ha ALR block within the perimeter of the excluded area for a total of 42 ha lost to agriculture at Aldergrove for urban expansion.

Mayor Alberts has recently advised the Commission that Langley Council considers it is still necessary to exclude further land from the ALR at Aldergrove, preferably by providing "hard" and "continuous" edges.

Adjoining the subject property, the edge consists of residential backyards and a road ending, as illustrated in an aerial view forming part of a Commission PowerPoint presentation. In order to achieve a hard and continuous edge, Langley has previously proposed that the subject property and the two farm parcels to the south (all dominantly Class (2) west of Bertrand Creek) be excluded from the ALR by moving the ALR boundary to the alignment of 24 Avenue, as it is to the west of 272 Street.

The Commission has agreed in principle with the need for a "hard" edge around Aldergrove, but has never agreed that the edge must form long, straight lines. The Commission has allowed the edge to move when presented with a clear rationale, but never simply to "harden" the edge.

In the past, Langley has suggested that the edge follow a new arterial highway allowing Fraser Highway traffic to bypass downtown Aldergrove. The specific proposal would have passed north of Aldergrove, resulting in the exclusion of hundreds of hectares of Class (2) land. The Commission did not agree, moreover the City of Abbotsford was not at that time in a position to cooperate in planning the eastern end of the bypass, within its boundaries.

It is understood that the City of Abbotsford may now be in a position to consider cooperative planning of cross-border roads, such as an Aldergrove bypass, perhaps on the south side of Aldergrove, where less exclusion would be involved and where the agricultural capabilities tend to be lower. Alternatively, with 16 Avenue/King Road taking more and more through traffic, it may be the case that upgrading that route might slow the increase of traffic on Fraser Highway and obviate the need for an Aldergrove bypass.

It is also understood that some landowners in the rural non-ALR block south of Aldergrove have expressed an appetite for rehabilitation and inclusion of land into the ALR, such as was done in conjunction with the exclusion of 10 ha on the north side of Aldergrove. There could be a case for the further exclusion of land for expansion of Aldergrove if

- production values of newly included land equal or exceed the potential production value of the land to be considered for exclusion,
- the land being considered for exclusion independently faces challenges to agriculture (e.g. because of low capability, urban impact or potential isolation from other agricultural land, such as by an arterial road or other public facility) and
- these factors are weighed by means of a joint planning exercise involving the Commission and the two municipalities, not simply in response to an *ad hoc* application.

The foregoing conditions are not met at this time, thus the application is at the very least premature.

STAFF COMMENTS:

The Commission has refused to exclude or subdivide this property on numerous occasions in the past based on the prime (class 2) agricultural capability of the property. The Township has not advanced any evidence of a compelling community need for the land to be removed, based on planning and an analysis of growth options outside the ALR.

Staff therefore recommends refusal of the application based on the excellent agricultural capability of the land, and that the property is of a size which would accommodate a wide range of agricultural endeavors.

END OF REPORT

Signature

Date