



Staff Report
Application # O-37669
Applicant: Shato Holdings Ltd.
Agent: Brian M. French, P.Ag.

DATE RECEIVED: September 12, 2007

DATE PREPARED: September 13, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Tony Pellett, Regional Planner

PROPOSAL: To permit development of a recreational trail within the ALR.
This application is made pursuant to part 4 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

BACKGROUND INFORMATION:

The Corporation of Delta, with the encouragement of Metro Vancouver Parks, has been intending to complete a recreational trail (the "Millennium Trail") between the urban community of Ladner and Metro Vancouver's Deas Island Regional Park. As noted in the 06 September 2007 staff report on Application #O-37379 (Tsawwassen Golf & Country Club Ltd.), as a condition of support for that application, Delta Council is requiring Shato Holdings Ltd. to open the gates on the Deas Slough dyke, allowing use of the "Millennium Trail" through the ALR in that location. The staff report on Application #O-37379 noted that applicant agreed to do so, and plans to submit the necessary application under the ALR regulations once an agriculture-friendly design (including separation of uses by vegetation, an existing canal and new fencing where necessary) has been completed. That application has now been received and assigned the file number O-37669.

The Millennium Trail has already been constructed north from Ladner, underneath Highway 99 and as far as the north end of the property of River House Marina, which has some common ownership with Shato Holdings Ltd., Tsawwassen Golf & Country Club Ltd. and White Spot Limited. Although the Corporation of Delta had planned for the trail to be established on the east side of River Road, adjacent to the drainage canal and directly across from active farmland, the marina owners have instead built the trail alongside Deas Slough, through their own property. As stated to Commission staff by one of the owners, Shato Holdings Ltd. also owns the adjacent farm and grows potatoes for White Spot, which has had to separate glass from potatoes after some members of the public have been close enough to throw a bottle into the field.

The application has been designed with the clear intention of separating trail users from active farmland, notably at two locations where the public could come close enough to disrupt farming:

- at the flood gate, where there is a maintenance stairway down to the inlet structure, it is proposed to build a secure fence complete with a locked gate for continuing maintenance;
- near the barn, where there is a farm bridge to the dyke (formerly used for access to a barn, now removed, on the west side of the dyke) it is proposed to build a secure fence with a locked gate for emergency farm use;
- elsewhere, the trail will be confined to the west (non-agricultural) side of the dyke, with trespass-inhibiting vegetation retained or enhanced on the east side of the dyke. Combined with the width of the existing drainage/irrigation canal, the separation is wide enough that the risk of interference with agriculture is believed to be minimal.

Local Government

Corporation of Delta

Legal Description of Property

1. PID: 009-977-571
D.L. 151 Gp.2 NWD including the area designated on Statutory Right of Way Plan 60370
except Firstly: part subdivided by Plan 22665
Secondly: part subdivided by Plan 28501
Thirdly: part subdivided by Plan 34963
Fourthly: part subdivided by Plan 35080
Fifthly: part subdivided by Plan 42484
Sixthly: part subdivided by Plan 60851
Seventhly: part included in Explanatory Plan 61221

2. PID: 009-977-597
D.L. 152 Gp.2 NWD "A" including the area designated on Statutory Right of Way Plan 60370

Total area + area proposed for recreational trail use:

total area of property	31.6 ha
total area proposed for recreational trail use	0.6 ha

Present use of property

east of drainage canal-	farmed with annual crops and forages - one mobile home (same non-farm renter since before 1972)
canal and dyke	- roadway for emergency farm use and for canal maintenance - canal floodgate structure and maintenance works
west of dyke	- south of Crescent Creek, native vegetation - north of Crescent Creek, grass merging with Regional Park

Surrounding Land Uses:

WEST: Deas Slough (rowing race facility); Deas Island Regional Park (n. of Crescent Slough)
SOUTH: Farmland (see BACKGROUND item 2 of staff report, Application #O-37379)
EAST: across 62B Street, farmland
NORTH: across Deas Island Road, Lehigh Cement plant

Agricultural Capability:

Data Source: Agricultural Capability Maps # 92G/3a, 3h
The property [except for the dyke and canal] is identified as having Prime ratings (1), (2).

Official Community Plan and designation:

Corporation of Delta OCP: Bylaw No. 3950
Designation: Agriculture

Zoning Bylaw and designation:

Zoning: Bylaw No. 2750 (1977)
Designation: I-1 (Light Industrial)

PREVIOUS APPLICATIONS:

Application #09199-0

Applicant: Corporation of Delta
Decision Date: 1979
Proposal: Widen and extend 62B Street as a regional arterial road
Decision: Allowed subject to conditions protective of agricultural traffic movements.

Application #11401-0

Applicant: Allan Mitchell
Decision Date: 1980
Proposal: Subdivide to create one new parcel, east of the new regional arterial road.
Decision: Allowed [Plan 60851]

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Will be provided after Council meeting of 17 September 2007.

ATTACHMENTS:

1. Application, including explanatory maps
2. ALR map, scale 1:20,000

END OF REPORT

Signature

KA Pellett

Date

13 September 2007