



Agricultural Land Commission
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21 April 2011

Reply to the attention of Tony Pellett
ALC File: 51744

Sanderson Planning Ltd.
#135, 970 Burrard Street
Vancouver BC V6Z 2R4

Attention: Michael Sanderson, Principal

Dear Mr. Sanderson:

Re: Application to Subdivide Land the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **166/2011** outlining the Commission's current decision as it relates to the above noted application and to the additional information you provided in response to Resolution # **2740/2011**. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'K. A. Pellett', is written over the printed name 'K. A. Pellett'.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Langley (AL1001189 Project 11-10-0069)

TP/
51744d2



A meeting was held by the Provincial Agricultural Land Commission on April 19, 2011 by conference call to the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT: Sylvia Pranger Vice Chair and Chair of the South Coast Panel
Michael Bose Commissioner
John Tomlinson Commissioner
Tony Pellett ALC Staff
Jennifer Carson ALC Staff

FOR CONSIDERATION

Application: #51744
Applicants: Lorad Enterprises Ltd., Lavender Hills Holdings Inc.
Agent: Sanderson Planning Ltd.
Proposal: 1) To subdivide the subject property into two lots of ± 19.4 ha and ± 13.1 ha
2) To establish a 65-lot bare land strata residential development on the proposed southerly (± 13.1 ha) lot
Legal: North East ¼ Section 10, Township 11, New Westminster District, except: Firstly: Part Shown as Highway on Plan 23059;
Secondly: Part Subdivided by Plan 28041;
Thirdly: Part Subdivided by Plan 29507
Location: 24453 60th Avenue, Langley

FIRST DECISION

By Resolution #2740/2010, the Commission agreed in principle with the overall intent of the application provided it continued to include the proposal that residential access will be directed to and from 61st Avenue, and stated that a final decision will be considered only after completion of all the following conditions:

- With regard to ensuring that readily arable lands are fully rehabilitated and enhanced for agriculture and will be preserved in perpetuity in agricultural use,
 - Commission acceptance of a report outlining potential options and recommending a preferred option and
 - receipt of a draft Section 219 covenant in favour of the Commission and the Township of Langley if covenanting forms part of the preferred option;
- With regard to the proposed residential area north of the meltwater channel, Commission acceptance of
 - a plan for that area and
 - a detailed plan for buffering alongside the farm to the east;
- With regard to the area south of the meltwater channel, Commission acceptance of
 - a plan or other documentation showing how the existing permanent (“amenity”) buildings in that area are proposed to be used,
 - a plan showing how the rest of the land in that area is proposed to be used, bearing in mind that it is dominantly Class 1 farmland, and

- a detailed plan for protection of the adjacent farmland to the south from any non-farm use of that part of the subject property or from any significantly increased use of the 60 Avenue half-road entrance to the property; and
- With regard to the Commission's concern over protecting farms which rely on water from the Hopington Aquifer, receipt of advice from the Township of Langley that it is satisfied with evidence
 - that the proposed sewage treatment plant cannot under any circumstance contaminate the Hopington Aquifer or other waters or lands, and
 - either that the development will be serviced from a public water supply, or alternatively that the proposed deep aquifer source can continue to provide sufficient water for the proposed development without concourse with or disturbance of the Hopington Aquifer at any time during drilling, testing, construction or operation of a water supply serving the development from that source and that sufficient bonding will be in place to remedy all consequences of any failure to the satisfaction of the Commission and the Township of Langley.

DISCUSSION

The Commission considered information provided by the applicants in response to the agreement in principle set forth by Resolution # 2740/2010.

1. Agreement was based on residential access being directed to and from 61 Avenue (In other words residences clustered at the south end of the property would access 61 Avenue *via* a road through the meltwater channel). After consideration and further professional advice, the applicant concluded that the meltwater channel could not be made into a safe all-weather route for use by residents of the southern cluster. The current proposal therefore involves two residential clusters with no regular road access between them: north of the meltwater channel there would be 44 residences all accessed solely from 61 Avenue; south of the meltwater channel there would be 19 new residences and 2 existing residences all accessed solely from 60 Avenue.
2. With regard to ensuring that readily arable lands are fully rehabilitated and enhanced for agriculture and will be preserved in perpetuity in agricultural use, approval was to involve Commission acceptance of a report outlining potential options and recommending a preferred option, and receipt of a draft Section 219 covenant in favour of the Commission and the Township of Langley if covenanting was to form part of the preferred option. The applicant supplied the requested report and draft covenant in which the preferred option was to create the northern area as a separate parcel. The report identified two other areas of arable land: ± 0.3 ha at the top of the hill in the northern residential cluster and ± 0.4 ha at the east end of the southern residential cluster; these would be within the residential areas and enhanced for use as community gardens.
3. With regard to the proposed residential area north of the meltwater channel, approval required Commission acceptance of a plan for that area and a detailed plan for buffering alongside the farm to the east (Krause Farms Ltd.). The report contained a detailed buffering plan which the applicants stated was developed in close consultation with Mr. Krause. It proposes decommissioning the existing gravel road, installing a six-foot chain-link fence alongside the property-line, shrubs and a cedar hedge on the decommissioned road, a single row of trespass-inhibiting shrubs west of the road leaving the existing conifers in place, and "harvestable" plants next to a gravel pathway (with the pathway completely on the residential side of the 10 m buffer).

The buffer would also continue around the north end and along the northwestern boundary of the residential area, protecting the proposed agricultural parcel. The small area of Class 2 soil at the top of the hill is proposed as a community garden accessible by road and trails. The layout had also been adjusted so that the boundary of the agricultural parcel could provide for direct farm road access to and from the Krause farm if arrangements are concluded for lease or sale of that parcel to Krause Farms Ltd.

4. With regard to the area south of the meltwater channel, approval required Commission acceptance of a plan or other documentation showing how the existing permanent ("amenity") buildings in that area are proposed to be used, a plan showing how the rest of the land in that area is proposed to be used (bearing in mind that it is dominantly Class 1 farmland), and a detailed plan for protection of the adjacent farmland to the south from any non-farm use of that part of the subject property or from any significantly increased use of the 60 Avenue half-road entrance to the property. The report included a plan showing that the only "amenity" area would be the former owner's "banquet hall" building plus the open area immediately to the east, accessible by trail from the northern residential cluster. Two other existing buildings would be retained as residences. The one undisturbed area of Class 1 farmland (about 0.4 ha) would be developed as a community garden. The access road off 60 Avenue would be moved farther north to allow for a full buffer along the boundary of the Jacob Giesbrecht farm to the south. The applicants stated that this buffer was designed in consultation with Mr. Giesbrecht. The buffer design includes a 1.8 m chain-link fence alongside the property-line, a cedar hedge alongside that fence, a row of deciduous trees, a double row of trespass-inhibiting shrubs, a row of conifers (including existing conifers where possible) and a 1.8 m wooden fence on the north side of the 10 m buffer.
5. With regard to the Commission's concern over protecting farms which rely on water from the Hopington Aquifer, approval required receipt of advice from the Township of Langley that it is satisfied with evidence that the proposed sewage treatment plant cannot under any circumstance contaminate the Hopington Aquifer or other waters or lands, and either that the development will be serviced from a public water supply, or alternatively that the proposed deep aquifer source can continue to provide sufficient water for the proposed development without concurrence with or disturbance of the Hopington Aquifer at any time during drilling, testing, construction or operation of a water supply serving the development from that source and that sufficient bonding will be in place to remedy all consequences of any failure to the satisfaction of the Commission and the Township of Langley. With respect to sewage disposal and water supply, Langley's advice is that it will not grant subdivision approval until it is fully satisfied with the evidence the Commission has required. With respect to water supply, the applicant now proposes to connect to the public system by means of a main to be laid at a suitable depth below the Giesbrecht farm. This proposal is at the request of Mr. Giesbrecht, who requires additional water for his own use and who would therefore benefit from having the main under his farm.

Conclusions

1. That under the safeguards proposed in the report supplied by the applicants, the proposal will not negatively impact agriculture.
2. That the proposal is therefore consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the application be approved subject to the following conditions, which are to be completed within three (3) years of the date of the letter conveying this decision:

- A. completion of full agricultural rehabilitation of the area affected by buried wires,
- B. the two-lot subdivision as proposed,
- C. registration of the section 219 covenant as drafted,
- D. completion of buffering as proposed, and
- E. registration of a bare land strata plan approved by the Township of Langley substantially in the proposed form, following Langley's written advice to the Commission demonstrating that the sewerage and water supply fully satisfy the Commission's concern over protecting farms which rely on water from the Hopington Aquifer.

AND THAT the applicant be advised that this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 166/2011