



**Agricultural Land Commission**  
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August 7, 2007

Reply to the attention of Jennifer Carson  
ALC File: #O-34489

Richard Cook  
Jordan Cook Associates  
400 – 535 Thurlow Street  
Vancouver, BC  
V6E 3L2

Dear Mr. Cook:

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 331/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: The Corporation of the Township of Langley (AL100045)

Enclosure: Minutes



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on July 9, 2007 in Surrey, B.C.**

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

### **For Consideration**

Application: # O- 34489  
Applicant: Peter Wall  
Agent: Jordan Cook Associates  
Proposal: Reconsideration based on the letters of April 12, 2007 from the agent and the letter of September 18, 2006 from the Township of Langley. The new proposal relocates the residential development onto the lower-capability lands currently forming an unused part of a longstanding equestrian-oriented parcel, with the equestrian uses confined to high capability lands.

Legal: PID: 011-499-958  
Lot 10, District Lot 21, New Westminster District Group 2, Plan 126  
Except firstly: part on plan with fee deposited 14501F, secondly: Parcel "L" (reference Plan 7485), thirdly: part shown on Highway Plan 28861, fourthly: part subdivided by Plan 31603.

Location: East of Glover Road, north east of the Highway 10 Bypass in the Township of Langley.

### **Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

## **Discussion**

### **Assessment of Agricultural Capability**

As part of the application a Soils Report by the Pottinger Gaherty Group was included. The Report identifies the agricultural capability of the area as being the following:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

#### Subclasses

- D undesirable soil structure
- T topography
- W excess water

The large majority of the subject property is improvable to Class 2 lands. This is the area where the Equestrian activities will be located.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission reviewed the Staff Report regarding the reconsideration of the previous decision and the information submitted by the applicant and found that all of the information requested has been received. Further the Commission believes that the river and associated environmentally sensitive area bisects the property which would make it difficult to farm as one unit. The Commission also accepts the soils report from the Pottinger Gaherty Group which identifies the farmable portions of the property. Also noted was the absence of proposed residential development on the portions of land with high agricultural capability. If the Commissioners were contemplating an affirmative response, Commission Staff, recommended that the portion of land with high capability ratings be a separate entity to ensure that it can be used for agriculture in the future. The concept of mitigating downstream flooding was also seen as a long term benefit to agriculture, however, the Commissioners asked for further information on this point. The Commission believes the proposal will not adversely impact existing or potential agricultural use of surrounding lands.

### **Conclusions**

1. That the majority of the land under application has agricultural capability and is appropriately designated as ALR.
2. That a portion of the land under application is suitable for agricultural use.
3. That the proposal will not adversely impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner Bose  
**SECONDED BY:** Commissioner Pranger

THAT the application be allowed in principle.

AND THAT the approval is subject to the following conditions:

- Reservation of the land of higher soil quality (of capability class 2 or better) for agricultural use in perpetuity through the creation of a fee simple lot separating these lands from non-agricultural uses.
- A streamside enhancement area that provides a storm water management function which, in conjunction with other off site measures will assist in reducing downstream flooding, contributing to agricultural land capability downstream.
- Receipt of the engineering plans demonstrating how the drainage and retention of water on the subject property will reduce downstream flooding.
- To preserve tree cover within the stream setback and along the northern boundary.
- The poorest quality soil be used for non-agricultural uses in a manner which would enable adjacent agricultural lands and activities to function unaltered
- To utilize existing tree coverage and site topography, supplemented by additional plantings and berming, to buffer views of residential uses on the Wall property.
- the subdivision, buffering and residential developments be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

Final approval of the proposal is subject to verification and acceptance of all the aforementioned conditions.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

**Resolution # 331/2007**



**Staff Report — Reconsideration  
Application # O – 34489-1  
Applicant: Peter Wall**

**Agent: Jordan Cook Associates**

**DATE RECEIVED:** September 26, 2006 (deferred for a time at the applicant's request)

**DATE PREPARED:** June 23, 2007

**TO:** Chair and Commissioners – South Coastal Panel

**FROM:** Tony Pellett, Regional Planner

**PROPOSAL:** To locate a residential development on lower-capability lands currently forming an unused part of a longstanding equestrian-oriented parcel, with the equestrian uses confined to high-capability lands.

**BACKGROUND INFORMATION:**

Historically, the subject lands were the northern end of the Hudson's Bay farm (which stretched south as far as the present-day boundary of the City of Langley). Produce was barged from the Milner Valley to Fort Langley where it supplied the needs of the community and was traded for other goods, notably with the local First Nations. Evidence on display at the Fort Langley National Historic Site suggests that only the level, high capability land was farmed, thus the area proposed for subdivision has no food production history.

The equestrian use has been mainly for private enjoyment, including a "heritage" covered track.

The original proposal claimed to have been confined to the lower-capability lands but site inspection by the panel members and staff revealed that much of the proposed non-farm development would occur on the high capability agricultural lands. The application was refused on the grounds that the development would:

- 1) have a direct, negative impact on the agricultural use of the property's high capability agricultural lands,
- 2) raise expectations for similar developments on other properties which have areas of limited capability, and
- 3) provide no benefit to the agricultural community.

The request for reconsideration cites the following "new" evidence:

- ⊕ the revised proposal would not have any significant impact on the property's high capability lands and would place them on a separate fee simple parcel (not under bare land strata as previously proposed),
- ⊕ the location of the revised proposal would not be highly visible and thus would not raise expectations for similar developments on other properties, and
- ⊕ the northern part of the property could accommodate future expansion of the adjoining Trinity Western University, which would otherwise expect to expand onto prime farmland.

The request for reconsideration cites the following instance where the Commission decision was "wrong":

- ⊕ the application has the potential to provide a substantial benefit to the agricultural community by providing fish rearing habitat enhancement as compensation for reduced downstream flooding in the Salmon River Lowlands.

The proposed residential development is in three nodes, two of them connected by a short stretch of road along the south side of the Salmon River. The third node is on the north side of the river, and would be connected by a bridge across the river. During an onsite inspection with Commission staff Jennifer Carson and Tony Pellett, it was apparent that south side residential sites would not be highly visible from off the property. With respect to the proposed north side residential sites, the applicant's agent Michael Jorden expressed the view that retention of existing vegetation along the property boundary would be sufficient to screen those residential sites and avoid expectations for similar developments on adjoining privately owned land. At that time, it was not practical to access the north side for Commission staff validation of that assertion.

**Local Government**

Township of Langley

**Legal Description of Property:**

PID: 011-499-958  
 Lot 10, DL 21, Gp 2 NWD, Plan 126 except  
 firstly: part on plan with fee deposited 14501F  
 secondly: Parcel "L" (reference Plan 7485)  
 thirdly: part shown on Highway Plan 28861  
 fourthly: part subdivided by Plan 31603

**General Location of Property:**

Northeast of Springbrook Road (Highway 10) between Glover Road and 72 Avenue

**Size of Property:** 63.1 ha (The entire property is in the ALR).

**Present use of the Property:**

There are presently 2 homes, barns, stables, hay barns, covered horse racing track and utility buildings located on the property which is in hay and pasture, with treed areas on it.

**Surrounding Land Uses:**

**NORTH:** Land outside the ALR - Trinity Western University.  
**EAST:** Acreage properties - residential.  
**SOUTH:** Highway 10 Bypass and greenhouses.  
**WEST:** Glover Road then farm property.

**Agricultural Capability Ratings:** Also see Pottinger Gaherty report

Data Source: Agricultural Capability Map #92G/2h

Unimproved Ratings                      Improved Ratings                      % of Unit

3WD	(2DW)	40
5IW	(6:3W-4:4W)	20
5:5T-5:7T	(5:5T-5:7T)	10
6:2AW-4:4WD	(6:2D-4:3DW)	6
7:3WA-3:3A	(7:2D-3:1)	10
3TA	3T	5
7:7T-3:5T	(7:7T-3:5T)	6
7:3TA-3:4TA	(7:3T-3:4T)	3

**Official Community Plan and Designation:**

Official Community Plan Designation: Rural Residential/Agricultural.  
 The Rural (sub-area) Plan designates the property Agriculture/Countryside.

**Zoning Bylaw and Designation:**

The current zoning is Rural - RU-3 which has an 8 ha (19.8 acre) minimum lot size.

**PREVIOUS APPLICATIONS:**

**Application #24624-0**

**Applicant:** Wall Financial Corp. for owner Peter Wall  
**Decision Date:** October 16, 1990  
**Proposal:** Proposed to develop the 60.3 ha property into an 18 hole golf course with clubhouse and parking.  
**Decision:** Conditions set out under Sec. 2(1)(m) of B.C. Reg. 7/81 as amended by B.C. Reg. 238/88.  
  
Subject to *Golf Course Development Moratorium Act* and as golf course had not been initiated, approval was extinguished.

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**RELEVANT APPLICATIONS:**

**Application #27651-0**

**Applicant:** Trinity Western University  
**Decision Date:** February 4, 1993  
**Proposal:** Cellular communications facility on 0.05 ha.  
**Decision:** Allowed with standard conditions.

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**Application #30538-0**

**Applicant:** Trinity Western University  
**Decision Date:** June 26, 1996  
**Proposal:** Trinity Western University is seeking permission to use the north 2.4 ha of the subject property for two soccer playing fields to facilitate its physical education program.  
**Decision:** That the application be allowed as submitted.

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**Application #08554-0**

**Applicant:** Malmø Holdings/Siemens  
**Decision Date:** March 18, 1980  
**Proposal:** To exclude the property for the purpose of subdividing the land into six new lots, each approximately 2 ha (5 acres) in area.  
**Decision:** Refused on the grounds that most of the property is capable of agricultural use and should be retained in the ALR. The Commission recognized that although there were areas of marginal capabilities, overall the property could still be used for agricultural purposes as more than half of the property is arable with approximately one third being prime agricultural land.

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**Application #32057-0**

**Applicant:** Tidball, George & Eva Dianne  
**Decision Date:** September 22, 1998  
**Proposal:** To subdivide a 20.2 ha property into seven parcels ranging in size from 1.7 ha to 2.9 ha.  
**Decision:** Refused as proposed on the grounds of agricultural potential.

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**Application #02845-0**

**Applicant:** Tidball, George & Eva Dianne  
**Decision Date:** January 05, 1977  
**Proposal:** To subdivide the 18.4 ha property into thirty-nine 0.4 ha lots and one 2.8 ha lot.  
**Decision:** Refused on the grounds the land had moderate agricultural capability .

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**Application #31448-0**

**Applicant:** Vandeburgt, Alice  
**Decision Date:** September 23, 1997  
**Proposal:** The applicant is seeking permission to subdivide the 4 ha property into two parcels, each 2 ha in size.  
**Decision:** Refused on the grounds that the proposed subdivision would reduce the good agricultural potential of the property, heighten the expectations of surrounding property owners in the ALR and lead to a greater likelihood for urban/agricultural conflicts in the future.

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**Application #31405-0**

**Applicant:** 427180 BC Ltd.  
**Decision Date:** September 23, 1997  
**Proposal:** The applicants are seeking permission to subdivide the 6.7 ha property into two parcels, one of 1.7 ha and one of 5.0 ha.  
**Decision:** That the application be refused on the grounds that the proposed subdivision would reduce the existing agricultural potential of the property, heighten the expectations of surrounding property owners and lead to the potential for urban/agricultural conflicts in the future.

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**Application #33163-0**

**Applicant:** Assemi Holdings Ltd.  
**Decision Date:** May 25, 2000  
**Proposal:** Propose to subdivide the 21.5 ha property into 2 lots of 8 ha and a remainder. Both properties would have an existing home located on them.  
**Decision:** Refuse based on no agricultural benefit to be derived from subdivision of house permitted for farm help.

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**Application #24780-0**

**Applicant:** Golfcorp Ventures Inc.  
**Decision Date:** October 16, 1990  
**Proposal:** Proposed to develop 87 ha into a 18 hole golf course, driving range, training centre and clubhouse.  
**Decision:** Allowed with conditions as set out in Section 2(1)(m) of B.C. Reg. 7/81 amended by B.C. Reg. 238/88.  
The properties were subject to the Golf Course (G/C) Development Moratorium and the G/C had to be complete within 24 months and the properties not transferred. Following the two year period one property had its right to construct a G/C on it extinguished.

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**STAFF COMMENTS:**

The decision to reconsider was made previously, thus the Commission is in a position to proceed with the reconsideration itself.

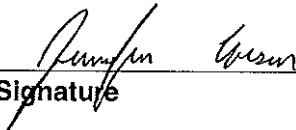
It is recommended that the Commission consider the following:

- The applicant has made a case that this development will provide a benefit to the agricultural community in the Salmon River Lowlands. If the Commission is inclined to approve, the achievement of such a benefit can be made a condition of approval
- The applicant has offered to ensure that the northern development node is fully screened from view to the northeast and is accessible only from the south. If the Commission is inclined to approve the northern node, proving the feasibility of that density of screening can be made a condition of approval.

**ATTACHMENTS:**

- 1) Report from Jordan Cook Associates dated April 12, 2007 (8 pages)
- 2) Decision letter dated November 15, 2002 (4 pages)
- 3) Staff Report dated September 18, 2002(4 pages)
- 4) Land Use Plan (submitted by applicant)
- 5) ALR Base Map

**END OF REPORT**

  
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Signature

June 27, 2007  
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Date