



Staff Report
Application # O – 37716
Applicant: Shawn Nolan

DATE RECEIVED: September 27, 2007

DATE PREPARED: November 26, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Ron Wallace, Land Use Planner

PROPOSAL: To subdivide 1.7 ha from the 4.9 ha subject property. The applicant would then like to sell the smaller lot to provide the capital to farm the larger 3.2 ha lot.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There have been two previous applications involving the subject property (outlined below). In 2004 the Commission refused the application (#35071) to place 100,000 m³ of fill on the property as it did not feel this amount of fill would improve the land's capability for agriculture. However, it did endorse the limited placement of fill, up to a maximum of 10,000 m³, for the construction of a 'driveway' and for 'land development works', as necessary for these permitted uses. In addition, the Commission gave direction to install drainage improvements and to protect the water courses on the property.

The applicant has recently undertaken soil and drainage improvement works to ready the site for active farming. This is further explained in a letter submitted by the applicant dated June 6, 2007 (letter attached).

In 1994 there was a block application (#28871) to subdivide 34 parcels that range in size from 3.75 ha to 7.86 ha. The subject property was one of those properties under application. This application was refused on the grounds that subdivision would reduce their agricultural potential, increase the rural residential population and heighten the expectations of surrounding property owners.

The Commission was prepared to allow the subdivision of four of the most southerly properties on the grounds that they lie within an area designated by the Commission to be suitable for subdivision into lots of 1.7 ha (as noted in planning file # 24610).

In 1992 the Commission reviewed the Township of Langley's Rural Plan (#24610). During this review the Commission considered in detail the Small Farms/Country Estate designation of the Plan. Within this designation a 1.7 ha minimum lot size was proposed. The Commission endorsed application of small Farms/Country Estate designation to some portions of the ALR (as shown on attached map). However, there was concern, within those areas not endorsed, that

further parcelization would not be in the best interest of agriculture. The Commission requested that Council consider amends to the proposed plan to place those areas not endorsed within this designation.

The subject property does not lie within the Small Farms/Country Estate designation endorsed by the Commission.

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 005-063-469
Lot 37, Section 18, Township 14, New Westminster District, Plan 3337

Purchase Date:

1986-08-26

Location of Property:

7110 - 264th Street

Size of Property:

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

Present use of the Property:

There are currently buildings (dwelling, greenhouse, garage and barn) located in the southwest corner of the property. Two driveways provide access to the site from 264th Street. The property generally slopes towards the northwest and has been mostly cleared.

Surrounding Land Uses:

WEST: nursery operation
SOUTH: hobby farm
EAST: hobby farm
NORTH: undeveloped

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G.018 (digital)
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

The subject application complies with the Township's Rural Plan which designates the property as Small Farms/Country Estates requiring a minimum lot size of 1.7 ha.

Zoning Bylaw and Designation:

Designation - Rural (RU-1)
Minimum lot size - 1.7 ha

PREVIOUS APPLICATIONS:

Application #28871-0

Applicant: LAND OWNERS -34

Decision Date: May 16, 1994

Proposal: To subdivide 34 1.7 ha lots from the 34 subject parcels that range in size from 3.75 ha to 7.86 ha. All of the properties, which total 195.5 ha, lie wholly in the ALR and have an average size of 5.75 ha.

Decision: That the application to subdivide 34 1.7 ha lots from the subject properties be refused as requested on the grounds that subdivision would reduce their agricultural potential, increase the rural residential population and heighten the expectations of surrounding property owners. The Commission was prepared to allow the subdivision of four of the most southerly properties on the grounds that they lie within an area designated by the Commission as suitable for subdivision into lots of 1.7 ha (as noted in correspondence dated December 4, 1992 in Application #O-24610).

Application #35071-0

Applicant: Nolan, Shawn

Decision Date: March 23, 2004

Proposal: To place approximately 100,000 cubic meters of clean fill material from a development site onto the eastern portion of the property (3.5 ha) in order to raise the elevation by an average of 2.4 m. The existing elevation of this portion of the property is low in relation to the surrounding area and is often very wet as a result. The project will require clearing the existing trees from the site, scraping off and stock-piling the organic A horizon (if significant A horizon is present), placing the fill material on the site and replacing the organic A horizon. Upon completion the proposed fill area will be at the same elevation as the surrounding area.

Decision: Refuse as proposed but allow 10,000 cubic meters of fill for driveway and land development works.

RELEVANT APPLICATIONS:

Application #24610-0

Applicant: Township of Langley

Decision Date: N/A

Proposal: Plan for the Rural Area of Langley, including areas for "small farms". N.B. Plan adopted without submission of an amended version meeting Commission concerns, thus no "Decision" could be made.

Decision: No decision was made.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Municipal Council:

The application is supported as the proposal complies with the Township's Rural Plan and meets minimum parcel size requirements. The subject application complies with the Township's Rural Plan which designates the property as Small Farms/Country Estates requiring a minimum lot size of 1.7 ha. The proposed subdivision also complies with RU-1 zone's required minimum lot size of 1.7 ha. The proposed subdivision therefore can be supported and forwarded to the ALC.

Agricultural Advisory Committee

The application was referred to the Langley Agricultural advisory Committee for comment. The application was defeated.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- There was a previous block application involving the subject property for subdivision in 1994. This proposal was refused on the grounds that subdivision would reduce their agricultural potential, increase the rural residential population and heighten the expectations of surrounding property owners.
- As noted by Langley's Council the proposal complies with the Township's Rural Plan and minimum parcel size by its zoning bylaw. However, the subject property does not lie within the Small Farms/Country Estate designation endorsed by the Commission in its review of Langley's Rural Plan as outlined in File #24610.
- It is recommended that an on-site inspection be done to determine the merits of this application.

ATTACHMENTS:

1. ALC Context Map
2. Provincial Orthophoto (2004)
3. Letter from applicant dated June 6, 2007
4. Map showing proposed subdivision

END OF REPORT



Signature

29 November 2007

Date