



# Provincial Agricultural Land Commission - Staff Report

## Application: 52546

**Applicants:** Gemma & Terry Vipond, Renato & Mary Martini, Thomas Martini, 0720534 BC Ltd  
**Agent:** Township of Langley  
**Local Government:** Township of Langley

**Proposal:** Transportation, Utility or Recreational Trail Use - Road Dedication, Road Closure and Greenway/Public Trail RoW

Road Dedication: A portion of PID 000-458-813 (Lot 2) encroached on by road allowance to be dedicated as road - approx. 0.7 ha

Road Closure: Unopened 104th ave between 212 st and 216 st together with a small portion of 216th st be closed and consolidated with neighbouring properties (see ALC Context Map 1:10,000 scale). The 216 st closure will result in the requirement for a reciprocal access agreement between Lot 2, Lot 5, Lot B and Lot 8. An additional easement may be required for rerouting of utility services for Lot 5 and Lot 8.

Greenway/Public Trail RoW: Parties have agreed to grant a public access statutory right of way over Lot 5 and Lot B to create an access loop to the Trans Canada Trail with access to the Golden Ears Bridge. RoW would be approx. 1.8 ha.

## BACKGROUND INFORMATION

The proposal presented in the application is the result of a settlement reached between the adjoining property owners (all related) and the Township with respect to encroachment issues, part of which is the closure and transfer of an unfettered 104 Avenue to the adjoining property owners. This 'unfettered' transfer is the reason for the Greenway RoW location change.

Signage on the trail will require dogs to be on-leash.

The land owners of Lot 5 and Lot B have installed a 5' barbed wire fence on the northern property line (Proposed Greenway RoW area). The owners did not want paige wire fencing due to concerns with the movement of smaller native wildlife. The fence is set back from the trail 15' with the expectation that the 15' will fill in with native vegetation (a lot currently exists) creating an impenetrable thicket. The north and west edges of the trail are contained by a 20'-30' wide drainage canal (see included pictures).

## PROPERTY INFORMATION

**PID:** 005-709-369  
**Legal Description:** Lot 5, District Lot 386A, Group 2 New Westminster District Plan 58892  
**Property Area:** 32.3 ha  
**ALR Area:** 32.3 ha  
**Purchase Date:** February 16, 2006  
**Location:** NW Corner of 216th Street and 104th Avenue in Langley  
**Owner:** 0720534 BC Ltd

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**PID:** 012-534-021  
**Legal Description:** Lot 8 Section 6 Township 12 New Westminster District Plan 2109  
**Property Area:** 3.6 ha  
**ALR Area:** 3.6 ha  
**Purchase Date:** September 28, 2001  
**Location:**  
**Owner:** Renato & Mary Martini

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**PID:** 027-082-164  
**Legal Description:** Lot B District Lot 414 Group 2 and Section 7 Township 12 New Westminster District Plan BCP30090  
**Property Area:** 27.8 ha  
**ALR Area:** 0.0 ha  
**Purchase Date:** May 16, 2007  
**Location:**  
**Owner:** Thomas Martini

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**PID:** 000-458-813  
**Legal Description:** Lot 2 North East Quarter Section 1 Township 9 New Westminster District Plan 32177  
**Property Area:** 13.8 ha  
**ALR Area:** 13.8 ha  
**Purchase Date:** May 29, 2007  
**Location:** Township of Langley - 216th Street and 100th Ave.  
**Owner:** Gemma & Terry Vipond

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**Total Land Area:** 77.5 ha  
**Total ALR Area:** 49.7 ha

## LAND USE

### Current Land Use:

Road way, open and treed pasture land. Cattle farming on Lot 2, Lot 5 and Lot 8.

### Surrounding Land Uses:

North: ALR: Large Cranberry operation

East: ALR: Residential lots ~ 4 ha; NE - Derby Reach Regional Park (partially in the ALR).

South: ALR: Residential Lots ~ 4 ha

West: ALR: Semi forested agricultural parcels

## PROPOSAL DETAILS

**Non- Farm Use Area:** 1.2 ha

**Non- Farm Use Type:** Recreational: Trails

### Agricultural Capability:

The majority of the area under application is rated as: Mixed Prime and Secondary

**Source:** BCLI

**Mapsheet:** 92 G/2h

## PREVIOUS APPLICATIONS

**Application ID:** 41372

**Legacy #:** 35510

**Applicant:** Mass Investments Ltd.

**Proposal:** To subdivide the 32.5 ha subject property into 9 lots ranging in size from 1.7 ha to 8.3 ha. Subdivision proposal will facilitate the development of an equestrian community.

**Decision:**

Resolution #	Decision Date	Decision Description
554/2004	December 1, 2004	Approve the application to the following extent: 1. the Commission will allow up to 9 new parcels to be created within the subject parcel; 2. in recognition that the proposed 8 ha western parcel could be allowed without amendment of the existing zoning and official community plan, subject to Commission approval of subdivision and road access, the necessary construction of an extension of 212 Street within the existing unbuilt right-of-way is hereby authorized at such time as the said parcel is being created; 3. in the event that the Council of the Township of Langley chooses to amend its zoning and official community plan in order to accommodate the proposal, the Commission consents to rezoning and official community plan amendment only to the extent necessary, with any extension of the Small Farms designation being applied only to that part of the subject parcel requiring such a designation and not to any part of any parcels to the south of the subject parcel unless agreed as part of a separate planning process. This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction. More specifically, this approval is not to be construed as placing any onus on the Township of Langley to amend its bylaws.

**Note:** Lot 5

## RELEVANT APPLICATIONS

**Application ID:** 52434

**Applicant:** Township of Langley

**Proposal:** To dedicate a Greenway Statutory-Right-of-Way 10 meters wide, 400 meters long (0.4 ha), through three adjoining parcels (2 ha, 3 ha, 3 ha)

**Decision:**

Resolution #	Decision Date	Decision Description
323/2011	October 12, 2011	Allow Greenway right of way as proposed

**Note:** Greenway Trail RoW. Allowed as proposed.

**Application ID:** 51885

**Applicant:** Carol & Russell Tremblay

**Proposal:** Transportation, Utility or Recreational Trail Use - Statutory Right-of-Way for Greenway Trail - property owners wish to grant a 0.8 ha SRW to TOL for greenway trail purposes within the 14.8 ha property. The recreational trail, when eventually built to standard within the 6 m right of way, would connect 84th Ave to 88th Ave and also provide public access to the Fraser River waterfront. TOL does not have a timeframe or budget for construction of the trail, but has the opportunity to secure the right-of-way.

**Decision:**

Resolution #	Decision Date	Decision Description
2625/2010	August 26, 2010	Approved as submitted on the grounds that the southern portion of the trail has historic use, the northern portion does not involve land suitable for farming. The right of way agreement takes care of usual signage and fencing concerns.

**Note:** Greenway Trail RoW from 84th ave to 88th ave - Township of Langley. Approved as submitted

## ALC STAFF COMMENTS

Staff would like the Commission to note the following:

- 1) The road dedication and closures do not require the Commission's approval because B.C. Regulation #171/2002 permits the expansion of an existing road right of way to 24 meters. Consolidations may also be achieved without reference to the Commission.
- 2) The proposed greenway trail abuts cultivated cranberry land (to the north). and cuts through land that is suitable for berry production. There are potential conflicts that might arise if the trail is not fenced - i.e. trespass etc.
- 5) The road closure (undeveloped portion of 104th ave) consolidated with neighbouring properties - approx. 2.4 ha. Greenway/Public trail RoW - approx. 1.2 ha of ALR land. Overall, there is a net benefit to agriculture because the amount of ALR land devoted to right of ways is halved.

## ATTACHMENTS

52546\_AirphotoMap20k.pdf  
52546\_ContextMap20k.pdf  
52546 Fence construction.JPG  
52546 Fence Photo.JPG  
52546 North edge of Lot 5 - near Berry Bogs.JPG  
52546 Soil Cap with drawings.pdf  
52546 Parcel by Parcel Proposal map.pdf  
52546 Conceptual Trail Map.pdf  
52546\_Proposals - ContextMap10k.pdf

## END OF REPORT

Prepared by: Martin Collins, February 13, 2012