



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** MAY 7, 2018 – REGULAR AFTERNOON MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** AGRICULTURAL LAND COMMISSION APPLICATION NO. 100333  
 (EHRENHOLZ / 21521 – 40 AVENUE)

**REPORT:** 18-53  
**FILE:** 07-36-0147

### PROPOSAL:

Subdivision within the Agricultural Land Reserve (ALR) of a 4.2 ha (10.3 ac) parcel located at 21521 - 40 Avenue into two (2) rural lots.

### RECOMMENDATION SUMMARY:

That Council advise the Agricultural Land Commission (ALC) that the proposed subdivision complies with the minimum lot size requirements of the Township's Zoning Bylaw and request consideration based on agricultural merits.

### RATIONALE:

The application complies with the provisions of the Township's Zoning Bylaw.



**RECOMMENDATION:**

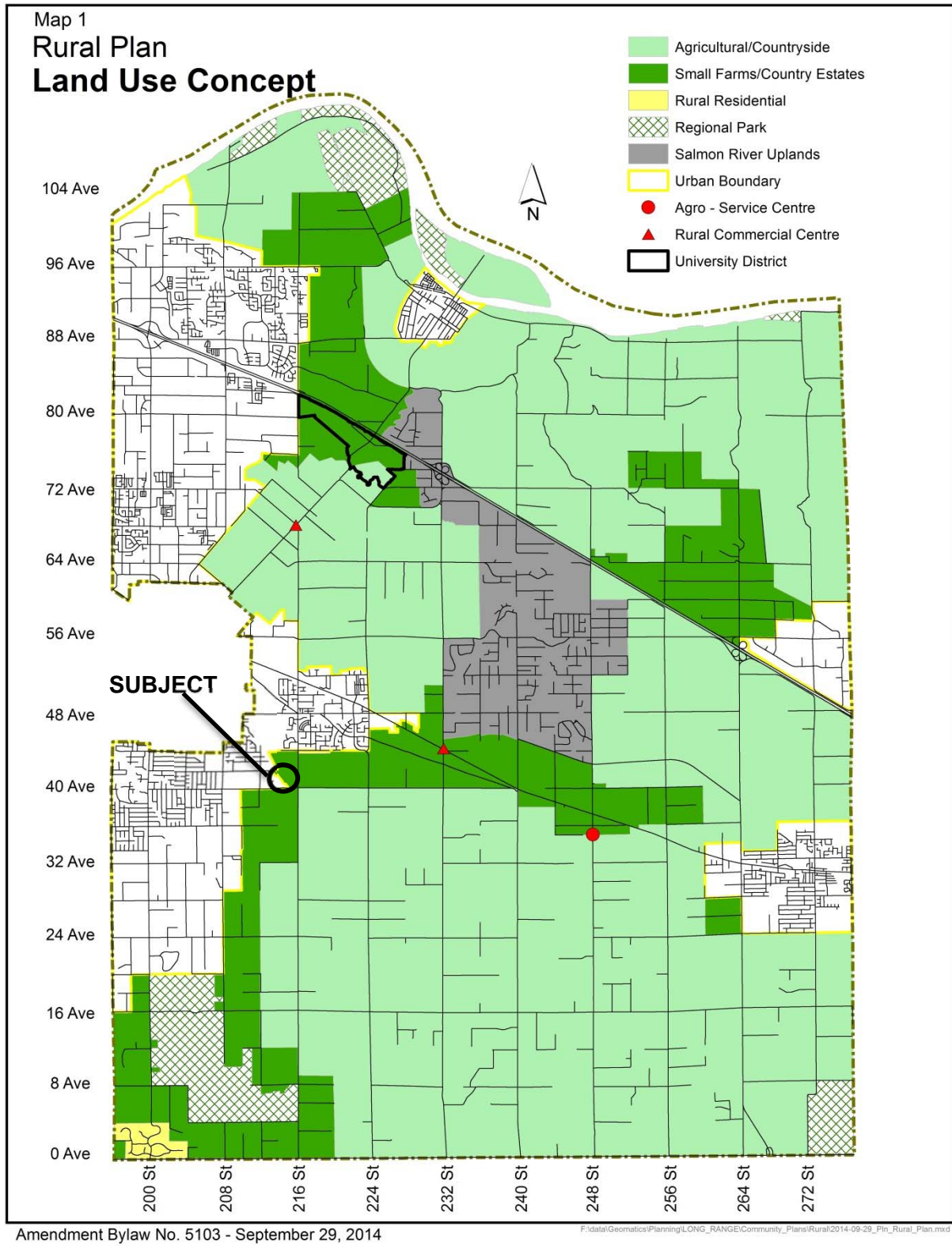
**That** Council advise the Agricultural Land Commission that the subdivision application submitted by Slade Dyer and Associates Inc., on behalf of the owners of property located at 21521 - 40 Avenue within the Agricultural Land Reserve, complies with the minimum parcel size provisions of Suburban Residential Zone SR-1 of the Township's Zoning Bylaw, and request consideration based on agricultural merits.

**EXECUTIVE SUMMARY:**

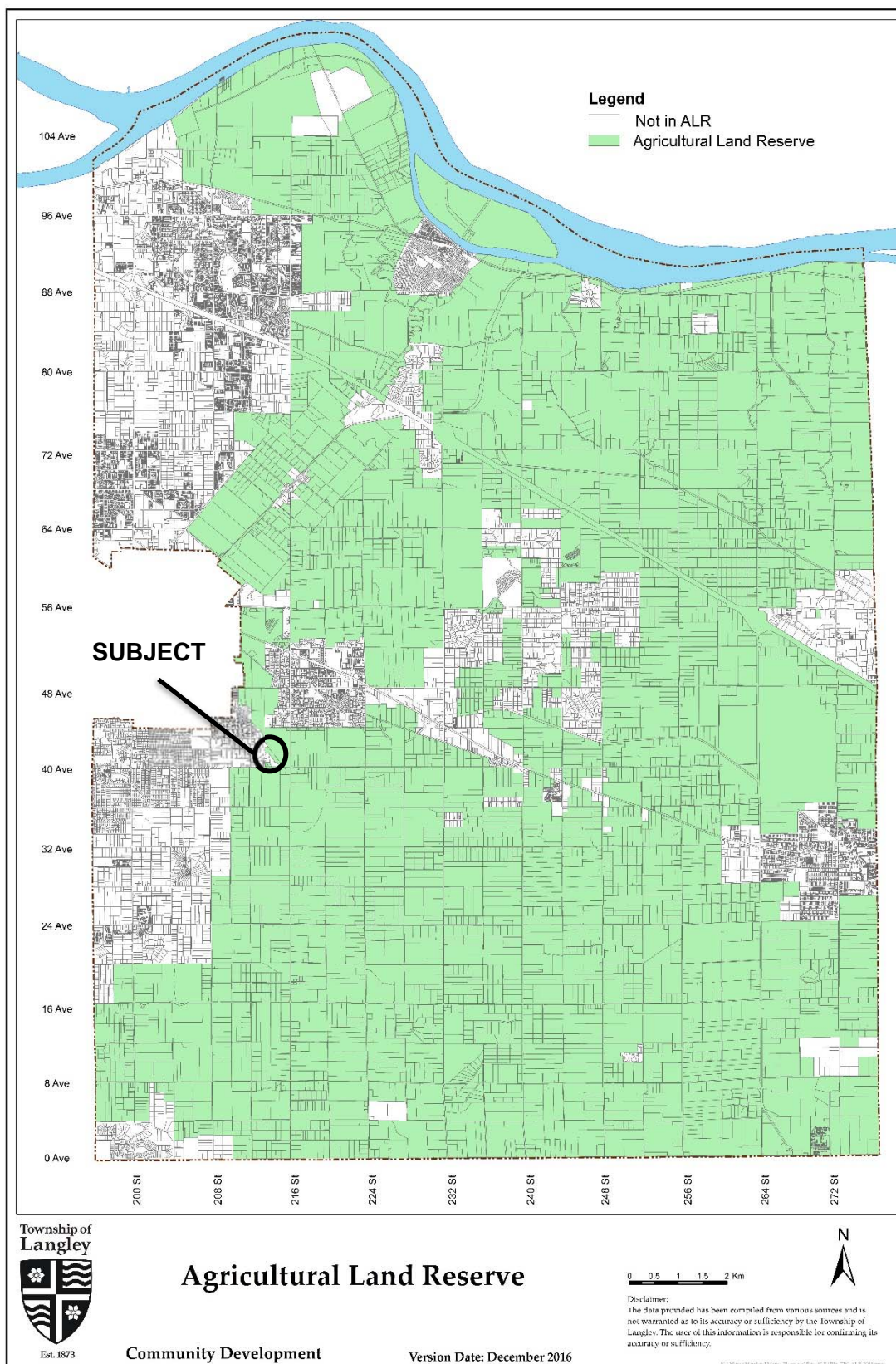
The applicant, pursuant to Section 21(2) of the Agricultural Land Commission (ALC) Act, has applied to subdivide a 4.2 ha (10.3 ac) property into two (2) suburban lots. Staff recommend that Council forward the application to the ALC, as the proposal complies with the minimum lot size requirements of the Township's Zoning Bylaw.

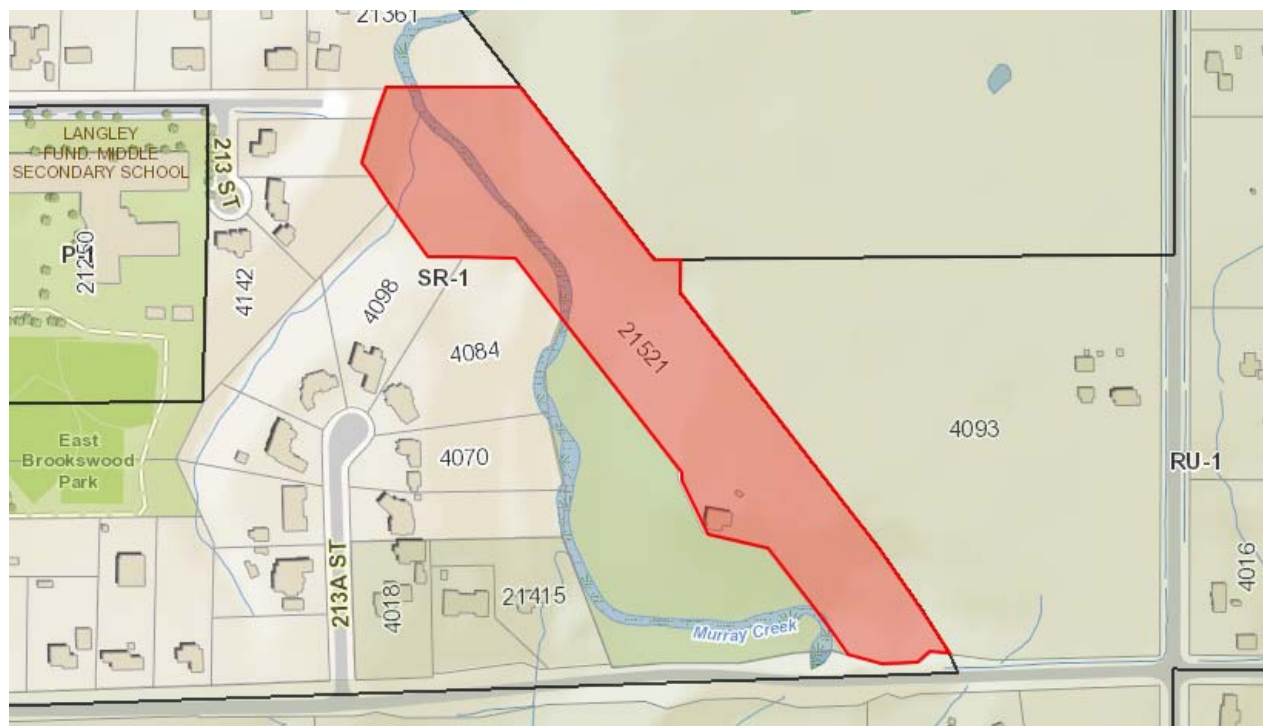
**PURPOSE:**

This report is to provide Council with information and a recommendation with respect to an ALR subdivision application submitted under Section 21(2) of the ALC Act by Slade Dyer and Associates Inc.

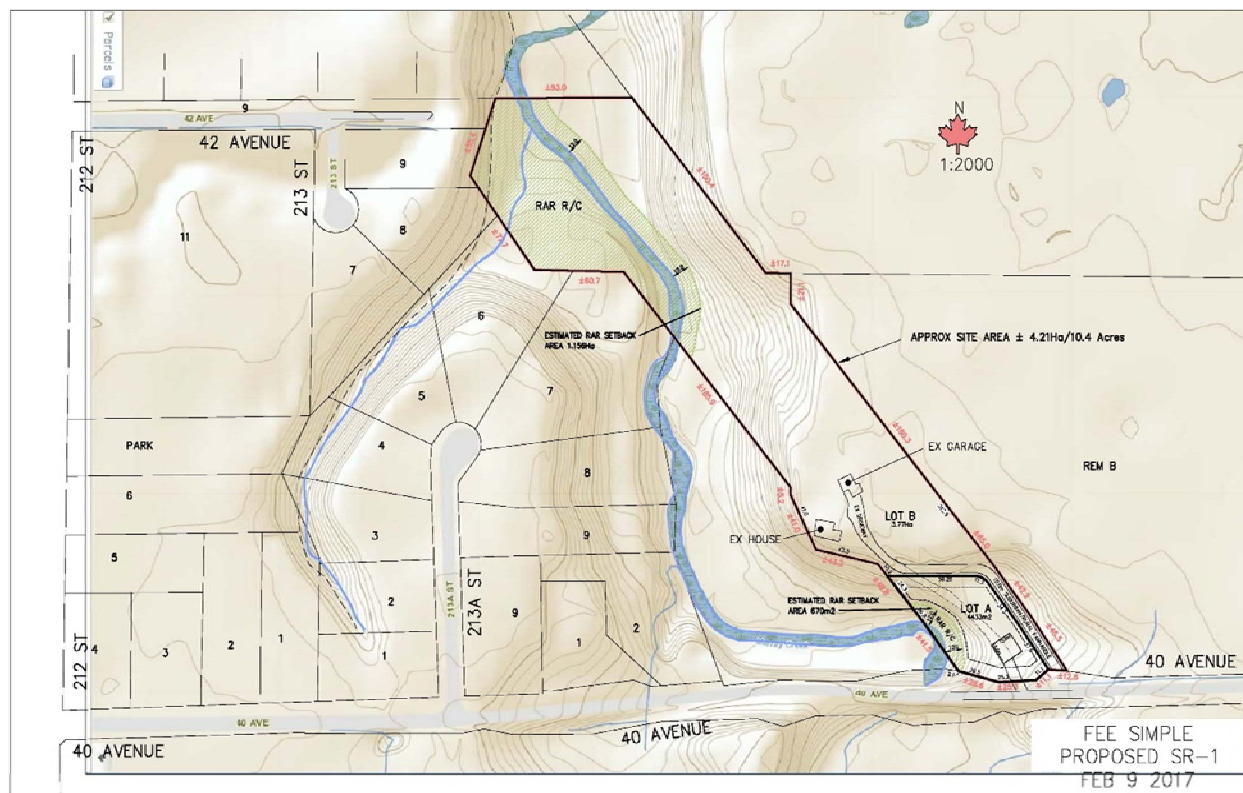








### ZONING BYLAW NO. 2500



### PRELIMINARY SITE PLAN – SUBMITTED BY APPLICANT

**REFERENCE:**

<b>Agent</b>	Slade Dyer and Associates Inc. 33219 Brown Crescent Mission, BC V2V 2R3
<b>Owner :</b>	Waldemar Ehrenholz 4343 - 216 Street Langley, BC V3A 7R2  Daniel and Teresa Ehrenholz 21521 - 40 Avenue Langley, BC V3A 9L5
<b>Legal Description:</b>	Lot 9 Except: Parcel "A" (Bylaw Plan 57685) Section 36 Township 7 New Westminster District Plan 39013
<b>Location:</b>	21521 - 40 Avenue
<b>Area:</b>	4.2 ha (10.3 ac)
<b>Existing Zoning:</b>	Suburban Residential Zone SR-1
<b>Minimum Lot Size:</b>	3,716 m <sup>2</sup> (39,998 ft <sup>2</sup> )
<b>Rural Plan:</b>	Small Farms / Country Estates
<b>Agricultural Land Reserve:</b>	In the Agricultural Land Reserve

**BACKGROUND/HISTORY:**

The ALC Act allows Council the opportunity to provide recommendations on subdivision applications made to the ALC. Information available to Council to consider making recommendations are policies contained in the Rural Plan and Township Zoning Bylaw.

The subject property is located at 21521 - 40 Avenue, within the ALR and designated Small Farms / Country Estates in the Rural Plan (adopted in 1993). The property is zoned Suburban Residential Zone SR-1 with a minimum lot size of 3,716 m<sup>2</sup> (0.92 ac).

**DISCUSSION/ANALYSIS:**

An application has been submitted pursuant to Section 21(2) of the ALC Act to subdivide a 4.2 ha (10.3 ac) property into a two (2) suburban lots. Proposed Lot A (0.44 ha / 1.1 ac) will have frontage along 40 Avenue. Proposed Lot B (3.77 ha / 9.3 ac) will have frontage along 40 Avenue via a 10m wide panhandle due to topographical constraints. A single shared access driveway on the proposed panhandle portion of Lot B will be secured by covenant at subdivision stage to serve both lots. Murray Creek traverses the northern portion of the site. Protection of the watercourse consistent with senior government streamside protection requirements will be required at the time of subdivision (should the application be approved by the ALC).

**Description of Property:**

The applicant indicates the subject 4.2 ha (10.3 ac) property accommodates a single family dwelling and an accessory building. The property is heavily encumbered by topography and traversed by Murray Creek, a red coded watercourse. The parcel is a long narrow irregularly shaped lot that was created by subdivision in 1971. The applicant indicates that the property is a remainder portion of an old railway alignment (see Attachment A).

**Adjacent Uses and Property Sizes:**

North: Langley Golf Centre zoned Rural Golf Course Zone RU-10 and suburban properties ranging from 0.37 ha (0.9 ac) to 1.2 ha (3.0 ac) in size and zoned Suburban Residential Zone SR-1. All are located within the ALR and designated Small Farms / Country Estates in the Rural Plan;

East: A 6.87 ha (17 ac) property zoned Rural Zone RU-1, within the ALR and designated Small Farms / Country Estates in the Rural Plan;

South: 40 Avenue, beyond which is a 1.72 ha (4.26 ac) property zoned Rural Zone RU-1, within the ALR and designated Small Farms / Country Estates in the Rural Plan;

West: A 2.35 ha (5.8 ac) vacant property traversed by Murray Creek and designated Conservation in the Brookwood Fernridge Community Plan, beyond which is a suburban subdivision accommodating residential properties approximately 0.5 ha (1.2 ac) in size. All are located outside of the ALR, zoned Suburban Residential Zone SR-1 and designated Single Family 1 in the Brookwood Fernridge Community Plan.

**Agricultural Advisory and Economic Enhancement Committee:**

In accordance with past practice, the application will be forwarded to the Agricultural Advisory and Economic Enhancement Committee (AAEEC) for information purposes.

**Servicing:**

The Township's Subdivision and Development Servicing Bylaw 2011 No. 4861 designates the subject property Rural - Level 4. The minimum servicing requirement for each proposed lot is with well water and an onsite septic disposal system (including nitrate removal) and register a covenant for its location (including both primary and reserve fields), design and maintenance. Staff note that municipal water is currently available along the property frontage. No additional driveways are permitted at this location. A single shared access driveway will be secured by covenant at subdivision stage. Additional servicing details and requirements will be addressed at time of subdivision, should the application be approved by the ALC.



**POLICY CONSIDERATIONS:**

The subject site is located within the ALR and designated Small Farms / Country Estates in the Rural Plan. The proposed subdivision complies with the minimum lot size requirements of the Suburban Residential Zone SR-1. Details of the proposed subdivision will be addressed at the subdivision stage in accordance with the Township's Subdivision and Development Servicing Bylaw as well as any additional requirements imposed by the ALC as a condition of approval, should such be granted. As the Township of Langley does not have the required expertise to assess the application from an agricultural perspective, the application is being forwarded to the ALC for their consideration.

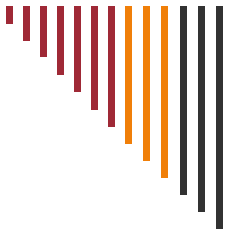
Respectfully submitted,

Daniel Graham  
PLANNING TECHNICIAN  
for  
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A – Applicant Rationale Letter

This report constitutes the "Local Government Report" as required under Section 12 or 29 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.




**SLADE DYER & Associates Inc.**

Project Management &amp; Administration

 33219 Brown Crescent  
 Mission, B.C., V2V-2R3

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**ATTACHMENT A**

Provincial Agricultural Land Commission

Sept. 7, 2017

133-4940 Canada Way

Burnaby, BC, Canada ,V5G 4K6

Dear Sir/Madam,

RE: Proposed two lot subdivision; 21521 40th Avenue, Langley, B.C.

Please find enclosed an application for a two lot subdivision within the Agricultural Land Reserve. The subject property is approximately 4.2ha in size and lies adjacent to an established urban area in the Township of Langley. The property is topographically constrained and contains, or is impacted by, a watercourse known as Murray Creek.

My clients (family members), each own a ½ undivided interest in this property and wish to pursue a subdivision of this site for estate purposes. This property is in the ALR and therefore an application for subdivision within the ALR is required for subdivision purposes. According to the Township of Langley Agricultural Viability Strategy - Phase one (copy attached):

- The majority of this site is non arable, Figure 3.
- The majority of the site is not capable of prime soils, Figure 4.
- Only a small portion has a capability ranking of prime, Figure 5.
- The usability of the arable portion of the site is impacted by a red coded watercourse, Figure 6.
- Greater than 50% of the site has a slope of 15% or more, Figure 9.
- The primary land use is identified as vegetated, Figure 18.
- None of the subject site is deemed to be a potential farming area, Figure 22.

Based on the above information we would hope that support for a subdivision in the ALR may be possible.

The Township of Langley has been approached respecting such a subdivision, to determine if a subdivision under their policies and regulations would be viable. The Township advised that the subject site is zoned SR-1 (SUBURBAN RESIDENTIAL) which permits a minimum parcel size of 3716m<sup>2</sup>. Having had the opportunity to review a variety of proposed subdivision layout options with Township Staff, the subdivision layout as proposed in this application is consistent with the Bylaw and policy provisions of the Township of Langley for subdivision application purposes.

**In reviewing the Township's Rural Community Plan it was also noted that this site falls under the category of Small farms/ Country estates.** Policy 5.6 of this Plan indicates that subdivisions are supported by the Township in this category, subject to an ALC review.

The subject property has a long , narrow geometric configuration as it is a remainder portion of an old railway alignment. The original land contours were significantly altered for the railway bed and then further altered by the placement of a large amount of fill in the area where the current residence is located. To our knowledge this property has never been farmed and is not assessed as farm for tax purposes.

The properties to the west and north of the subject property are used for urban residential and park purposes. The property to the north-east is within the ALR and is used for golf recreational purposes (Langley Golf Centre). The property directly to the east is also within the ALR and is used for small farm operation purposes.

Thank you for your consideration in this matter and if you have any questions regarding the above, please contact me.

Regards,

Slade Dyer