

Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: SEPTEMBER 17, 2018 – REGULAR AFTERNOON MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: AGRICULTURAL LAND COMMISSION
 APPLICATION NO. 100352 (HANSEN / 9000 – 223A STREET)

REPORT: 18-125
FILE: 11-31-0048

PROPOSAL:

Subdivision application under Section 21(2) of the Agricultural Land Commission Act to subdivide a 8.7 ha (21.6 ac) property located at 9000 – 223A Street into two (2) rural lots.

RECOMMENDATION SUMMARY:

That Council not authorize referral of the subdivision application for property located at 9000 – 223A Street to the Agricultural Land Commission.

RATIONALE:

The proposed subdivision does not comply with the minimum lot size provisions of the Township of Langley Zoning Bylaw.



AGRICULTURAL LAND COMMISSION
APPLICATION NO. 100352 (HANSEN / 9000 – 223A STREET)
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RECOMMENDATION:

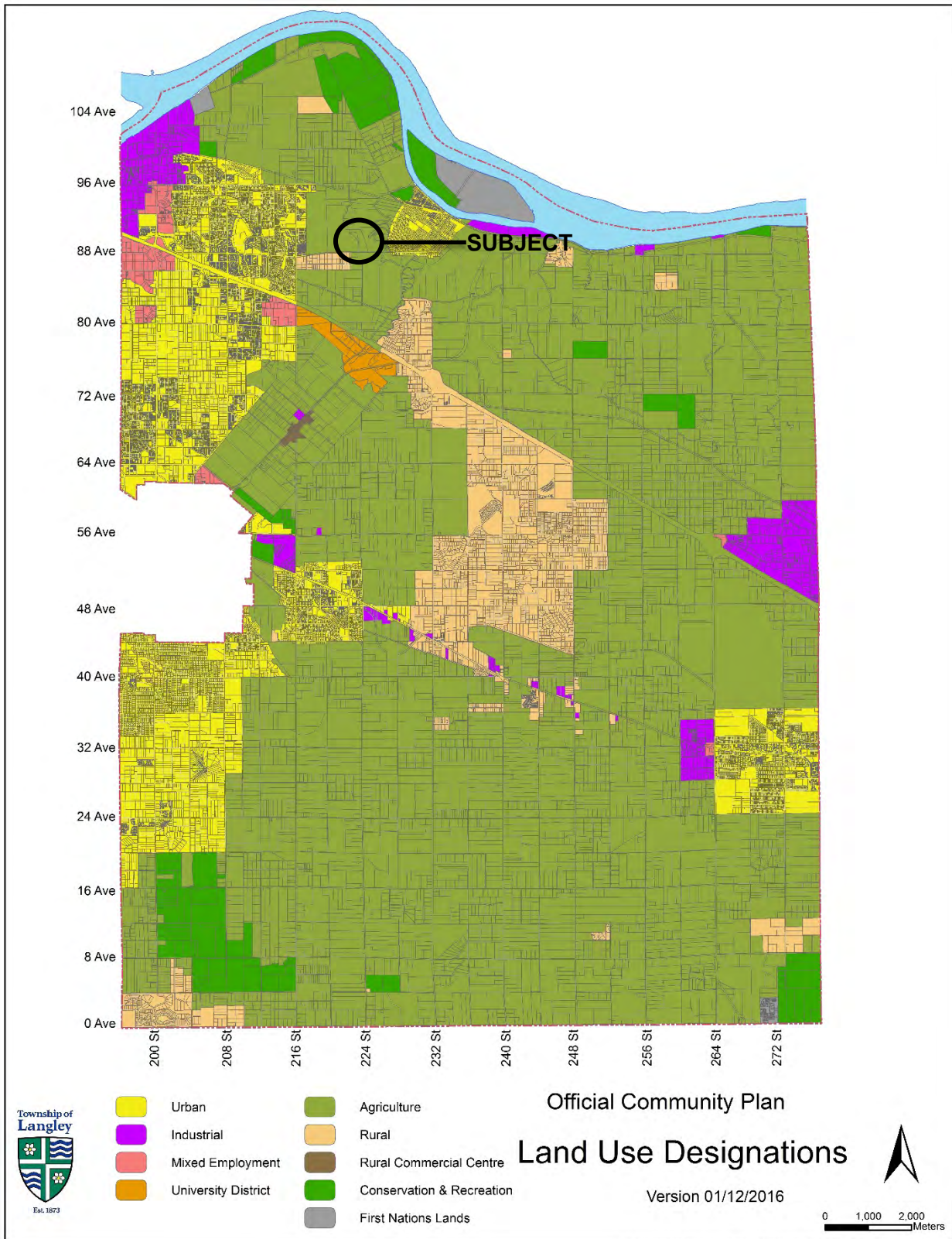
That Council not refer the subdivision application submitted by Jonathan Houweling on behalf of Steven and Laura Hansen, for a 8.7 ha (21.6 ac) property located at 9000 – 223A Street within the Agricultural Land Reserve, to the Agricultural Land Commission as it does not comply with the minimum parcel size provisions of the Township's Rural RU-4 zoning or the Agricultural/Countryside designation of the Rural Plan.

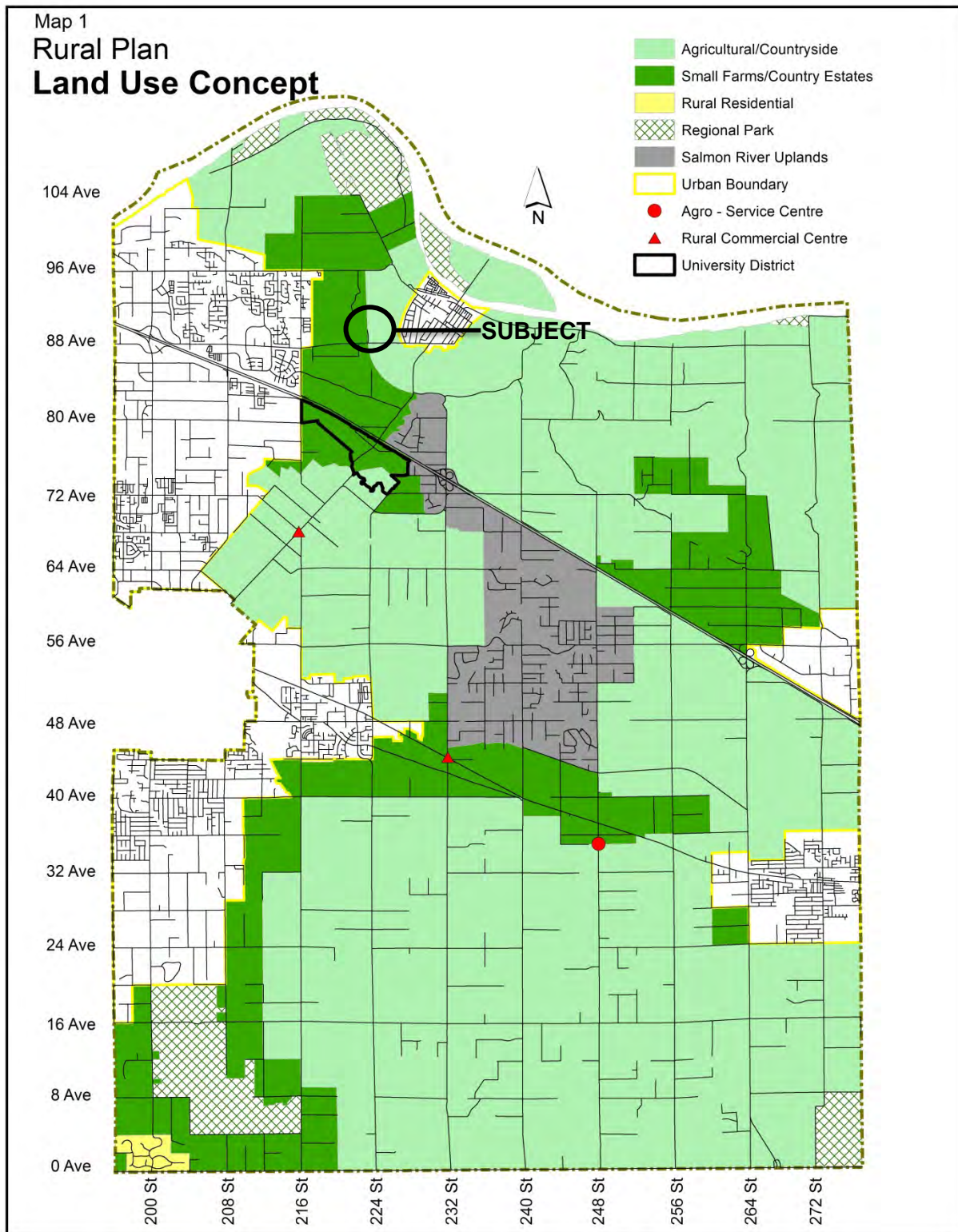
EXECUTIVE SUMMARY:

The applicant, pursuant to Section 21(2) of the Agricultural Land Commission (ALC) Act, has applied to subdivide a 8.7 ha (21.6 ac) property located at 9000 – 223A Street into two (2) rural lots 5.3 ha (13 ac) and 3.4 ha (8.4 ac) in size. The subject property is zoned Rural Floodplain Zone RU-4 and designated Agricultural / Countryside in the Rural Plan. The proposal does not comply with the minimum parcel size provisions of the Township's Zoning Bylaw and the Rural Plan.

PURPOSE:

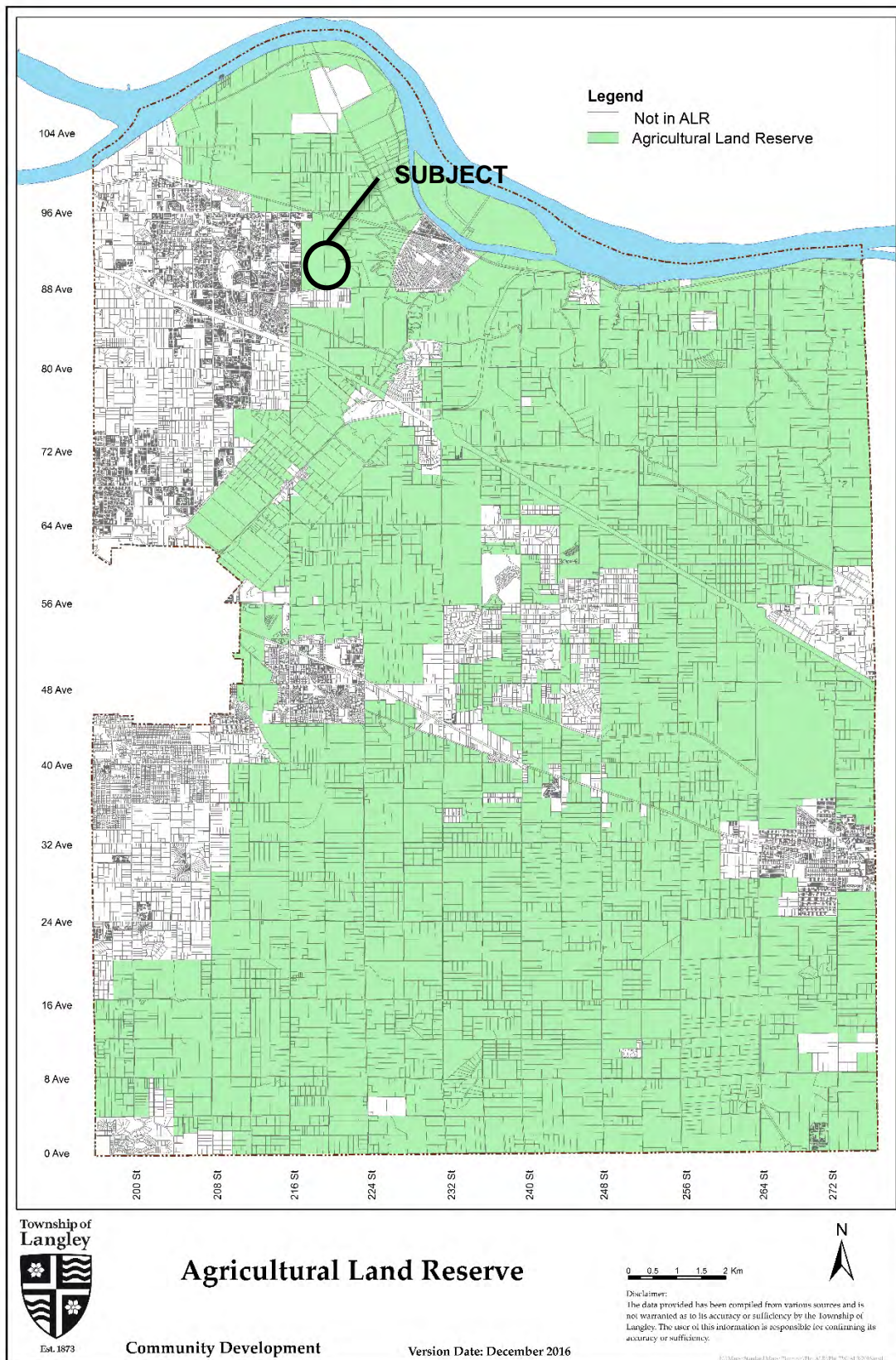
This report is to provide Council with information and a recommendation with respect to an Agricultural Land Reserve (ALR) subdivision application submitted under Section 21(2) of the ALC Act by Jonathan Houweling.

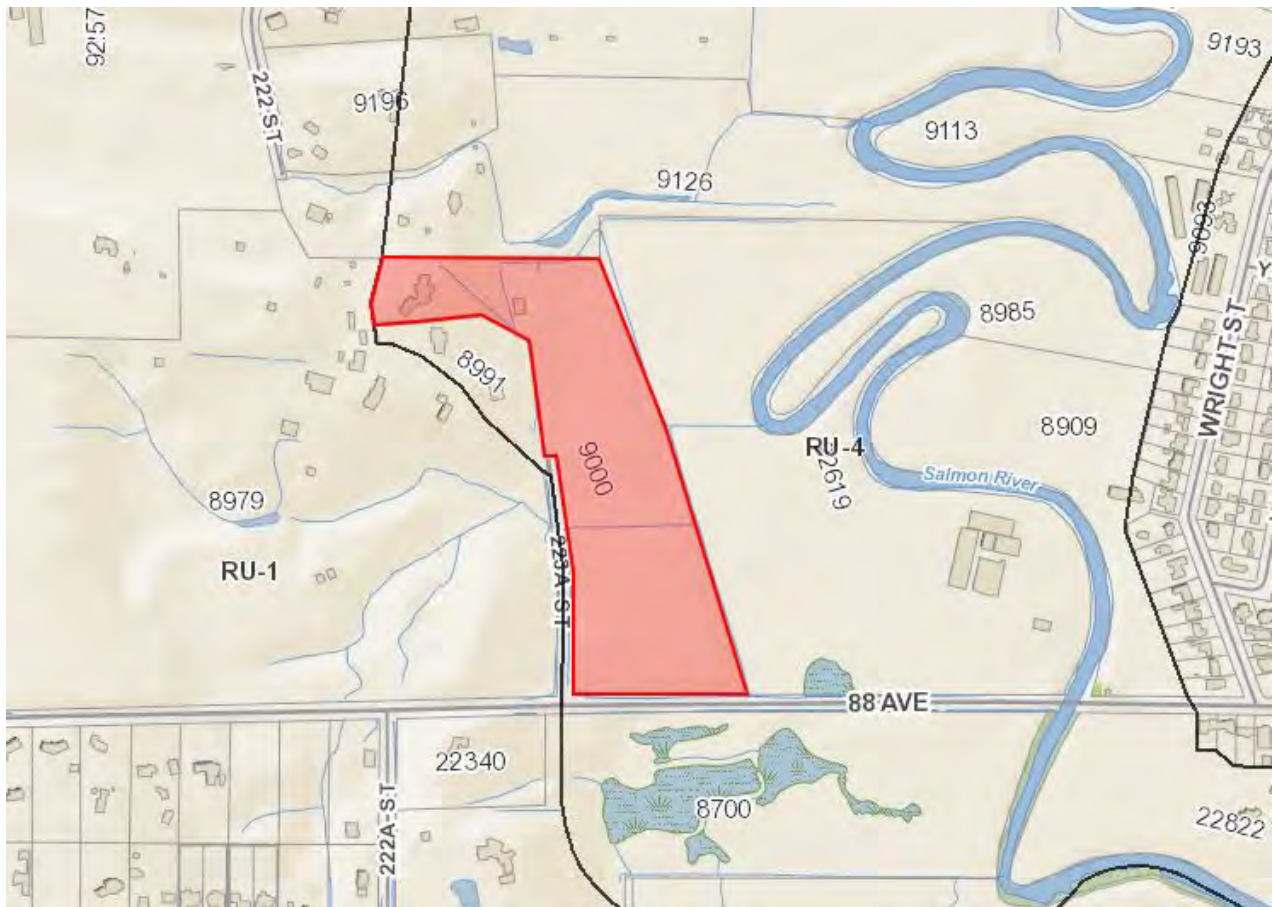




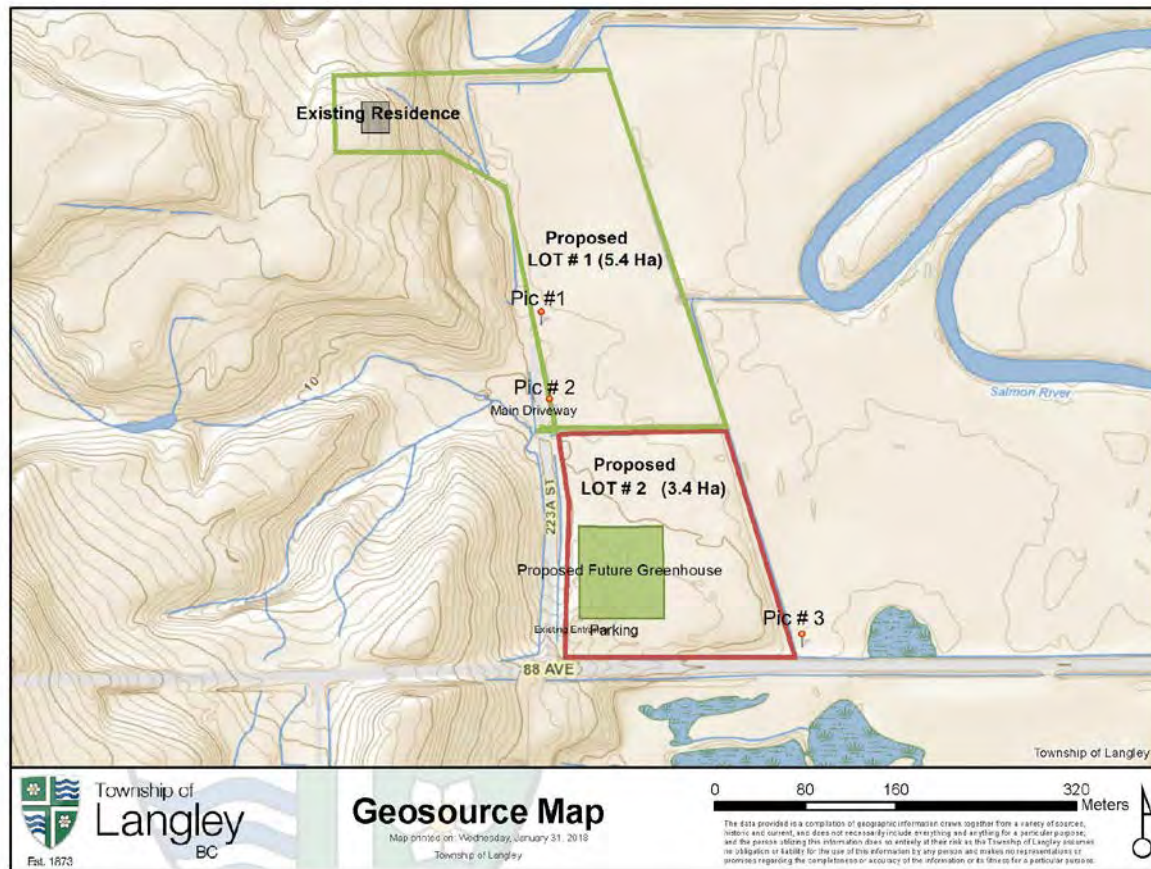
Amendment Bylaw No. 5103 - September 29, 2014

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ZONING BYLAW NO. 2500



SITE PLAN – SUBMITTED BY APPLICANT

REFERENCE:

| | |
|-----------------------------------|---|
| Agent | Jonathan Houweling 7-8438 – 207A Street Langley, BC V2Y 0N8 |
| Owners : | Laura and Steven Hansen 9000 – 223A Street Langley, BC V1M 3S9 |
| Legal Description: | Lot 6 District Lot 239 Group 2 New Westminster District Plan 48581 |
| Location: | 9000 – 223A Street |
| Area: | 8.7 ha (21.6 ac) |
| Existing Zoning: | Rural Floodplain Zone RU-4 |
| Minimum Lot Sizes: | 8.0 ha (19.8 ac) |
| Rural Plan: | Agricultural / Countryside |
| Agricultural Land Reserve: | In the ALR |

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, Official Community Plan and Metro Vancouver Regional Growth Strategy.

The application involves a 8.7 ha (21.6 ac) parcel located at 9000 – 223A Street. The lands are designated Agricultural / Countryside in the Rural Plan (adopted in 1993). The minimum lot size permitted for subdivision is 8.0 ha (19.8 ac) in the RU-4 Zone which is consistent with the site's Agricultural / Countryside designation in the Rural Plan.

The application proposes to subdivide the site into two (2) rural lots 5.3 ha (13 ac) and 3.4 ha (8.4 ac) in size. The applicant has provided rationale (Attachment A) in support of the proposal.

DISCUSSION/ANALYSIS:

An application has been submitted pursuant to Section 21(2) of the ALC Act to subdivide a 8.7 ha (21.6 ac) property into two (2) rural lots. Proposed Lot 1 is 5.3 ha (13 ac) in size consisting of the northern portion of the property currently accommodating a single family residence and accessory building, with frontage along 223A Street. Proposed Lot 2 is 3.4 ha (8.4 ac) in size, vacant and comprised of the southern portion of the subject property with frontage along 223A Street and 88 Avenue.

Official Community Plan:

The subject lands are designated Agriculture by the Official Community Plan (OCP), which contains the following policies:

2.2.1. Areas designated as Agriculture shall be used primarily for agricultural uses and supporting services to protect the agricultural land base and support food production. Food production and other forms of agriculture are encouraged within this area.

2.2.3. Limit the subdivision of agricultural land, as set out in the Rural Plan, subject to the approval of the Agricultural Land Commission for land within the ALR. Commercial, industrial, and institutional uses are not encouraged in this designation, except in conformity with the Rural Plan and subject to the approval of the Agricultural Land Commission.

The policy guidance in the OCP aims to preserve Agriculture designated areas for food production, conservation and other supportive uses.

Rural Plan:

The property is designated “Agricultural/Countryside” in the Township’s Rural Plan. Section 5.5.1 of the Rural Plan states:

“In areas designated Agriculture/Countryside, agricultural uses and considerations shall have priority over non-agricultural uses, where such uses would have an adverse impact on agriculture. Non-agricultural uses that do not comply with provisions of this plan are not permitted.”

Section 5.3.2 of the Rural Plan states:

“Where applications under the Agricultural Land Commission Act do not conform to the policies of this plan, Township Council may refuse to authorize them. In these cases, land owners may not apply to the Commission.”

Regional Growth Strategy:

In addition to Township policies and plans, when considering an application for subdivision of land, consideration is provided to the provisions of applicable regional plans, such as Metro Vancouver’s Regional Growth Strategy (RGS). The OCP references a Regional Context Statement that describes how the OCP is consistent with the policy objectives of the RGS. The RGS designates the subject property as Agriculture, a designation primarily intended for agricultural uses, facilities and services, and states:

Section 2.3.6(b) of the RGS states that the OCP policies shall support agricultural viability including:

- ii) Discourage subdivision of agricultural land leading to farm fragmentation*
- iv) Manage the agricultural-urban interface to protect the integrity and viability of agricultural operations (e.g. buffers between agricultural and urban areas or edge planning)*
- vi) Encourage the use of agricultural land, with an emphasis on food production*

Description of Property:

The subject property is 8.7 ha (21.6 ac) in size and contains a single family dwelling and accessory building in the northern portion of the site. The property is relatively flat in topography, provides hay and silage farm uses and accommodates a red coded tributary to the Salmon River.

Adjacent Uses and Property Sizes:

- North: A rural property located in the ALR, 12 ha (30 ac) in size, bounded by the Salmon River to the east, split zoned Rural Floodplain Zone RU-4 and Rural Zone RU-1 and split designated Agricultural / Countryside and Small Farms / Country Estates in the Rural Plan;
- East: A rural property located in the ALR accommodating a dairy farm, approximately 17.8 ha (44 ac) in size, zoned Rural Floodplain Zone RU-4, traversed by a red coded watercourse, bounded by the Salmon River to the east and designated Agriculture / Countryside in the Rural Plan;
- South: 88 Avenue, beyond which is a rural property 13 ha (33 ac) in size (located in the ALR), split zoned Rural Floodplain Zone RU-4 and Rural Zone RU-1 and split designated Agricultural / Countryside and Small Farms / Country Estates in the Rural Plan;
- West: 223A Street, beyond which is a rural property 1.7 ha (4.3 ac) in size, (located in the ALR), zoned Rural Floodplain Zone RU-4 and designated Agricultural / Countryside in the Rural Plan, and a rural property 32 ha (79 ac) in size, traversed by a red coded watercourse (located in the ALR), zoned Rural Zone RU-1 and designated Small Farms / Country Estates in the Rural 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, permitting each proposed lot to be serviced with well water and an onsite septic disposal system (including nitrate removal).

Staff note that the subject property is currently connected to municipal water service fronting the property. Additional servicing details and requirements will be addressed at time of subdivision, should the application be approved by the ALC.

Environmental Considerations:

The subject lands are traversed by a red coded watercourse. As the property is located in the ALR, the applicant would be responsible to meet senior government requirements for streamside protection.

POLICY CONSIDERATIONS:

The subject site is located within the ALR and designated Agriculture/Countryside in the Rural Plan. The subdivision proposal is inconsistent with the minimum parcel size requirements of the Rural Floodplain RU-4 zoning and the provisions of the Rural Plan. 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. Should the ALC consider this application favourably, the proponent would need to apply for land use amendments in consideration of the Zoning Bylaw (subject to approval of the Minister of Agriculture) and the Rural Plan.

Respectfully submitted,

Daniel Graham
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A Applicant Rationale

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

ATTACHMENT A

Feb 8, 2018

To: Township of Langley
20338 – 65 Avenue
Langley, B.C. V2Y-3J1
Attn: Department of Development

Re: Application to ALC for Subdivision of 9000-223a Street, Langley, B.C. V1M-3S9

To whom it concerns,

I, Jonathan Houweling, resident of Langley, B.C., represent Dr. Steven and Laura Hansen, owners of 9000-223a Street, Langley, and subject property of ALC subdivision application.

The purpose of our application is to subdivide the above referenced property into two parcels, approximately 14 and seven acres respectively. The smaller seven acre parcel, (fronting 88th Avenue), will be the future site of a proposed greenhouse & seasonal retail owned and operated by both Jonathan Houweling and Dr. Steven and Laura Hansen.

The lot is currently zoned RU-4 all within the Agricultural Land Reserve, (minimum lot size of approx 20 acres). Subdivision would create two lots less than 20 acres, making it non-compliant with RU-4 zoning. Intention then, is to apply for rezoning within the ALR, likely to RU-1, which has a minimum lot size 4.2 acres, as is the current zoning of most land neighbouring the property. Under normal circumstances, we'd go through these steps first.

Considering the rejection rate of other subdivision applications to the ALC, in spite of their TOL bylaw compliance and favour, we wish to first attempt approval from the ALC before asking the TOL to spend time and resources to consider rezoning.

In conclusion, we petition the Township of Langley to review and forward this application to the ALC knowing we are non-compliant with current zoning by-laws.

Sincerely,



Jonathan Houweling
Tel: 778-999-4385