



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: OCTOBER 3, 2016 – REGULAR AFTERNOON MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: AGRICULTURAL LAND COMMISSION APPLICATION NO. 100308
 (GUSE / 5925 – 248 STREET)

REPORT: 16-101
FILE: 11-10-0080

PROPOSAL:

Subdivision within the Agricultural Land Reserve (ALR) of a 0.808 ha (1.997 ac) parcel located at 5925 – 248 Street into four (4) suburban residential 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:

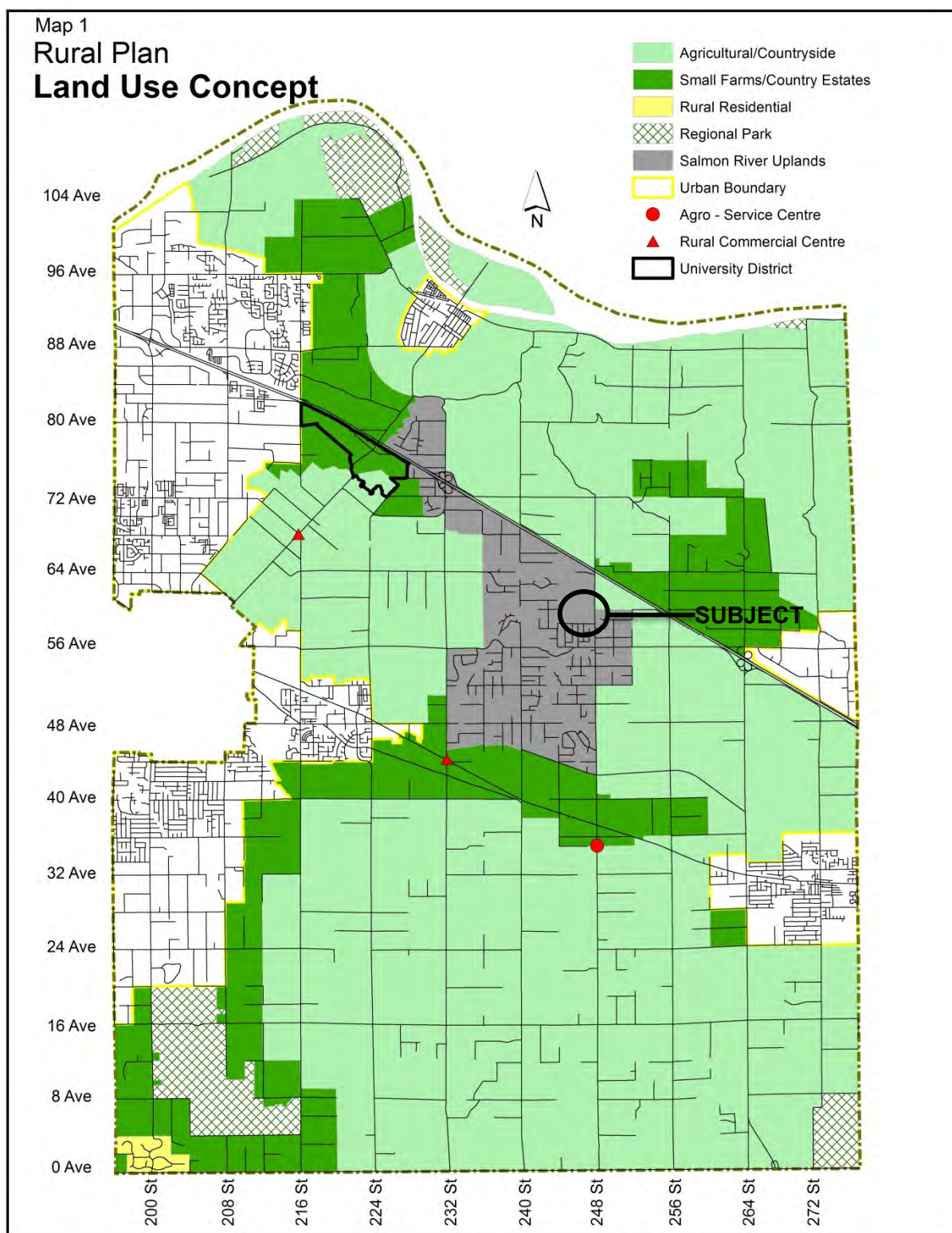
That Council advise the Agricultural Land Commission that the subdivision application submitted by OTG Development Concepts on behalf of Kathryn Guse for property located at 5925 – 248 Street within the Agricultural Land Reserve complies with the minimum parcel size provisions of the Suburban Residential SR-3 Zone of the Township's Zoning Bylaw, and request consideration based on agricultural merits.

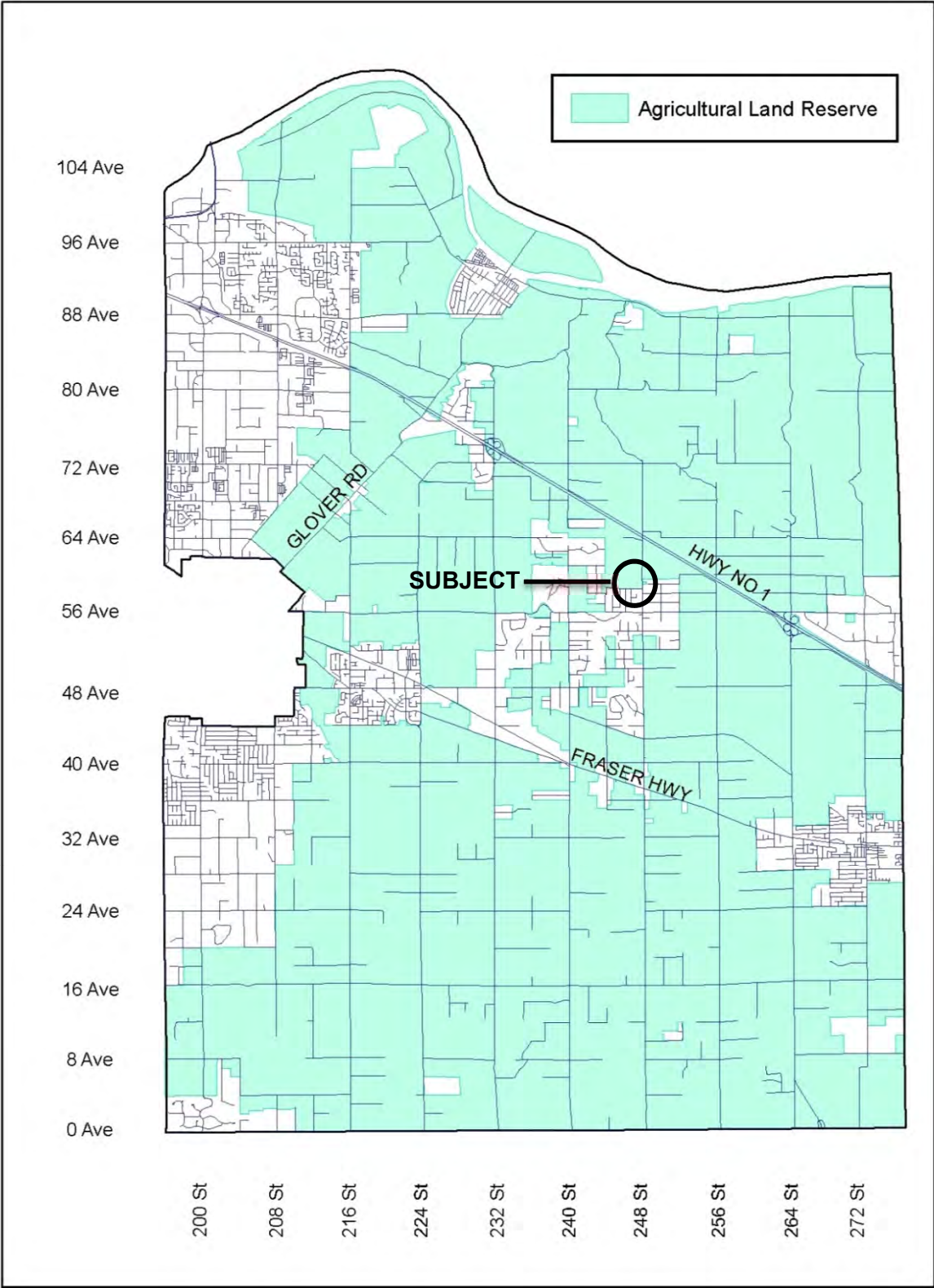
EXECUTIVE SUMMARY:

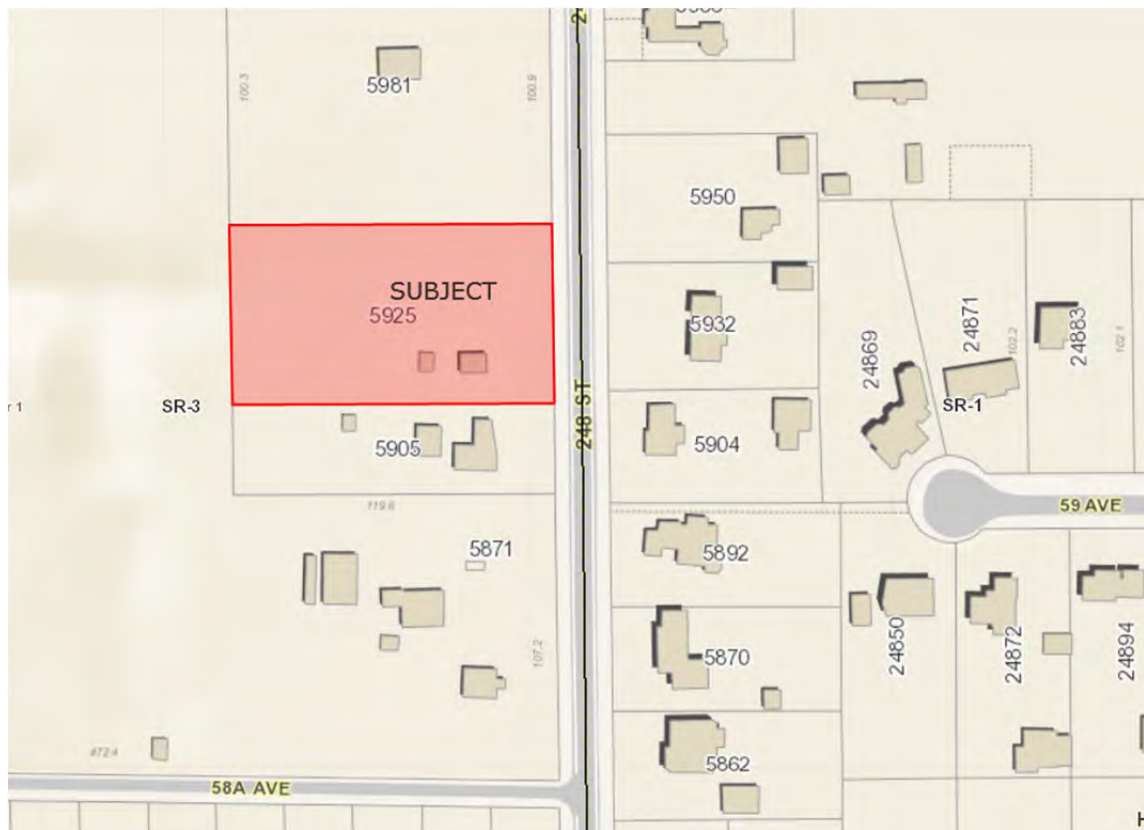
The applicant, pursuant to Section 21(2) of the Agricultural Land Commission (ALC) Act, has applied to subdivide a 0.808 ha (1.997 ac) property into four (4) suburban residential lots. Staff recommend that Council forward the application to the ALC, as the proposal complies with the minimum lot size requirements of the Township's Zoning Bylaw.

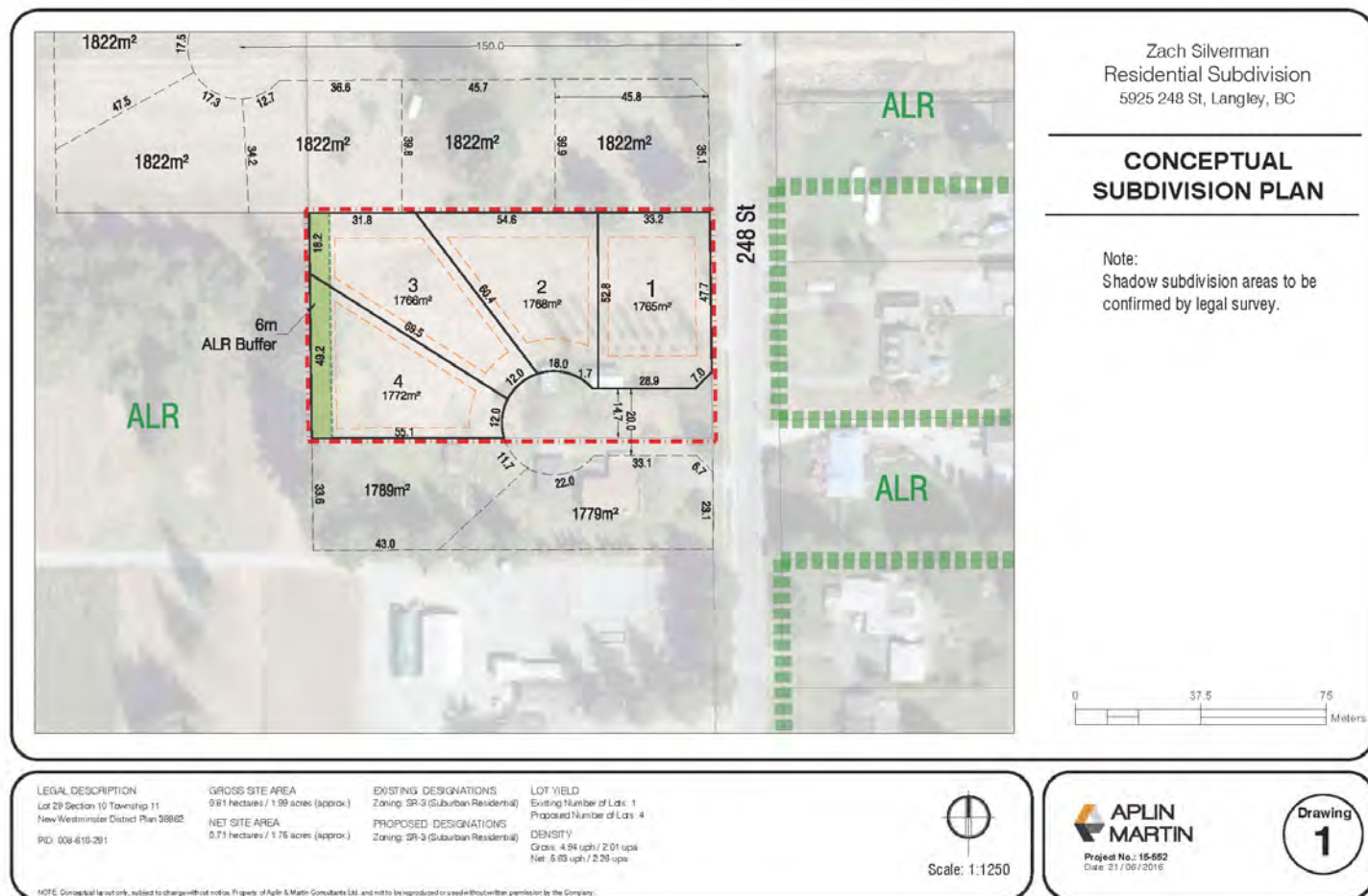
PURPOSE:

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





**ZONING BYLAW NO. 2500**



PRELIMINARY SITE PLAN – SUBMITTED BY APPLICANT

REFERENCE:

Agent	OTG Development Concepts 520 – 45715 Hocking Avenue Chilliwack, BC V2P 6Z6
Owner :	Kathryn Guse 5925 - 248 Street Langley, BC V4W 1C3
Legal Description:	Lot 29 Section 10 Township 11 New Westminster District Plan 38982
Location:	5925 – 248 Street
Area:	0.808 ha (1.997 ac)
Existing Zoning:	Suburban Residential Zone SR-3
Minimum Lot Size:	1,765 m ² (18,998 ft ²)
Rural Plan:	Salmon River Uplands
Agricultural Land Reserve:	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 5925 – 248 Street, within the ALR and designated Salmon River Uplands in the Rural Plan (adopted in 1993). The property is zoned Suburban Residential (SR-3) with a minimum lot size of 1,765 m² / 18,998 ft².

DISCUSSION/ANALYSIS:

An application has been submitted pursuant to Section 21(2) of the ALC Act to subdivide a single lot with an area of 0.808 ha (1.997 ac) into a total of four (4) suburban residential lots (fronting onto a proposed cul-de-sac off of 248 Street). The proposed lots will range in size from 1,765 to 1,788 m² (18,998 to 19,247 ft²), which is consistent with the requirements of the Zoning Bylaw. Access is proposed by construction of a half road cul-de-sac to reduce the number of driveways on the adjacent arterial roadway (248 Street). As a requirement at the time of subdivision, a 6 m landscape buffer will be constructed (along the west edge of the subject lands) in order to provide spatial separation from the adjacent ALR land.

Description of Property:

The applicant indicates the subject 0.808 ha (1.997 ac) property is not currently being utilized for farm use. The residence and accessory building previously on the site have been demolished.

Adjacent Uses and Property Sizes:

North: A 1.21 ha (2.99 ac) suburban residential parcel zoned Suburban Residential (SR-3), within the ALR and designated Salmon River Uplands in the Rural Plan;

East: 248 Street, beyond which are three (3) suburban residential lots (two (2) at 0.372 ha (0.918 ac) and one (1) at 0.330 ha (0.820 ac)) fronting onto 248 Street, all zoned Suburban Residential (SR-1) and designated Salmon River Uplands in the Rural Plan; of these three (3) lots, one (1) is within the ALR, another is not in the ALR, and the third is partially in the ALR;

South: A 0.405 ha (0.990 ac) suburban residential property zoned Suburban Residential (SR-3), within the ALR and designated Salmon River Uplands in the Rural Plan;

West: A 21.78 ha (53.83 ac) property (Giesbrecht Christmas Tree Farm) zoned Suburban Residential (SR-3) within the ALR and designated Salmon River Uplands in the Rural Plan; this property is currently under application (considered by Council at its July 25, 2016 meeting) to subdivide within the ALR to create suburban residential lots (along the property's south edge, adjacent to 58A Avenue and 248 Street), with two (2) large remainder lots proposed on the northern portion (for retention of the tree farm operation).

Agricultural Buffering

A 6.0 m (20 ft) wide landscaped, bermed and fenced buffer is proposed along the westerly edge of proposed Lots 3 and 4 to address the interface with the adjacent tree farm operation.

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 designates the subject property Suburban - Level 3. Should the application proceed to the subdivision stage, the applicant will be required to dedicate and construct a 14.7 m wide road allowance (north half of 59A Avenue) along the southern property. Additionally, the applicant will be required to dedicate and construct the north half of a 15.5 m radius cul-de-sac at the west end of 59A Avenue. Each proposed lot must be serviced with municipal water in accordance with the Subdivision and Development Servicing Bylaw. Each lot must also provide an onsite septic disposal system (including nitrate removal) and register a covenant for its location (including both primary and reserve fields), design and maintenance. 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 Salmon River Uplands in the Rural Plan. The proposed subdivision complies with the minimum lot size requirements of the Suburban Residential Zone (SR-3). Details of the proposed subdivision will be addressed at the subdivision stage in accordance with the Township's Subdivision and Development Servicing Bylaw and 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

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

**Via Email**

File No. 16-088

September 21, 2016

Development Services
Township of Langley
20338 65 Avenue
Langley, BC
V2Y 3J1

Attention: Stephen Richardson, Director of Development Services and Approving Officer

**Re: 5925 248th Street, Township of Langley, BC, Application for Subdivision in the
Agricultural Land Reserve (ALR)**

Dear Mr. Richardson

Please accept this letter as a supplement to the above noted Subdivision Application under the Agricultural Land Commission (ALC) Act, Section 21 (2), for the property located at 5925 248th Street.

Proposal

This application is for a Subdivision within the ALR at 5925 248th Street, which proposes to subdivide the subject property into four (4) residential fee-simple lots. As the subject property is zoned SR-3 (Suburban Residential), each of the proposed lots are pursuant to all of its minimum requirements. Please see the Draft Subdivision Plan created by Aplin Martin, included in this package for reference.

ALC Act

The subject property is within the ALR. However, as the property is less than 2 acres and has been on a separate certificate of title since prior to December 21, 1972 it is not subject to the ALC land use regulations.

The *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, Section 23 (1) outlines the following:

23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.

The ALC Application Portal Section 7 does not allow the applicant to exceed one decimal point when entering the total lot area. Due to such limitations, it does not allow the exact lot area to be demonstrated on the application portal. The exact size of the subject property is 0.808 ha (1.9970 acres).

Survey Details

The historic Legal Survey Plan (Pre-December 21 1972) of the subject property shows the property as 2.0 acres. It was common practice of the day to round up to the nearest whole number. As such, there has been some confusion as to the exact size of the subject property and if it is within the 2.0 acre parameters, thus allowing its exemption from the regulations of the ALR.

To clarify the above-noted issue, included within this package are two letters from British Columbia Land Surveyors (BCLS) substantiating that the subject property is less than 2.0 acres. Please see the attached letters from Joginder Riar, BCLS and A.M. Osman, BCLS outlining the Survey details.

Subdivision

The proposed subdivision meets all of the requirements of the SR-3 (Suburban Residential) zone. The four (4) proposed lots exceed the minimum parcel size of 1765m² and are as follows:

Lot 1: 1,765m² (0.436 acres)
Lot 2: 1,768m² (0.437 acres)
Lot 3: 1,766m² (0.436 acres)
Lot 4: 1,772m² (0.438 acres)

The Draft Subdivision Plan also shows the subdivision potential for the surrounding community and demonstrates that the proposed development will not have a negative impact on the subdivision potential of any of the neighboring properties.

Access

Each of the proposed lots will access via a proposed cul-de-sac that connects and fronts on to 248th Street.

Rationale

The subject property is not a farm. The land is over grown with weeds and is not suitable for agriculture. In the Draft Subdivision Plan supplied by Aplin Martin, it shows a clear 6m ALR buffer on the western border of the subject property to separate the ALR lands to the west from the proposed residential development.

Notes

In addition to this letter the following information has been supplied with this application:

- Title
- Legal Survey Plan
- Letter from Murray & Associates
- Letter from Isaak, Osman & Associates
- Draft Subdivision Plan provided by Aplin Martin
- Letter of Authorization

Thank you for your time and consideration. Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Regards,



Ryan Anderson, Planner

OTG Development Concepts

Phone: 604-217-7953

Email: ryan.anderson@otgdevelopments.com