Township of Langley

Est. 1873

# REPORT TO MAYOR AND COUNCIL

| | | | |
|---|---|---|---|
| **PRESENTED:** | JULY 24, 2023 - REGULAR MEETING | **REPORT:** | 23-143 |
| **FROM:** | COMMUNITY DEVELOPMENT DIVISION | **FILE:** | 11-26-0022 |
| **SUBJECT:** | REZONING APPLICATION NO. 100733 (WEST CREEK FARMS LTD. / 25044 – 88 AVENUE) | | |

**PROPOSAL:**

Application to amend Rural Floodplain Zone RU-5 to allow a growing media processing and distribution facility as a permitted use for the greenhouse, horticulture and nursery sector on a site-specific basis on a 4.0 ha (9.8 ac) portion of an 8.3 ha (20.7 ac) property located at 25044 – 88 Avenue.

**RECOMMENDATION SUMMARY:**

That Council give first, second and third reading to Bylaw No. 5899 subject to three (3) development prerequisites being satisfied prior to final reading.

**RATIONALE:**

The proposed development is consistent with the Rural Plan.

**RECOMMENDATION:**

**That** Council give first, second and third reading to Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (West Creek Farms Ltd.) Bylaw No. 5899 amending Rural Floodplain Zone RU-5 to allow a growing media processing and distribution facility as a permitted use on a site-specific basis on a 4.0 ha (9.8 ac) portion of an 8.3 ha (20.7 ac) property located at 25044 – 88 Avenue subject to the following development prerequisites being satisfied to the acceptance of the Township prior to final reading:

1. Approval of the rezoning bylaw by the Ministry of Agriculture and Food
2. Confirmation that the existing access and servicing is compliant with the Subdivision and Development Servicing Bylaw 2019 No. 5382
3. Payment of applicable Development Engineering administration fees, Development Works Agreement (DWA) and Latecomer charges

**EXECUTIVE SUMMARY:**

West Creek Farms Ltd. has applied to amend Rural Floodplain Zone RU-5 to allow a growing media processing and distribution facility as a permitted use supporting the greenhouse, horticulture and nursery sector on a site-specific basis on a 4.0 ha (9.8 ac) portion of an 8.3 ha (20.7 ac) property located at 25044 – 88 Avenue.

Council considered a non-farm use application submitted by West Creek Farms Ltd. at its meeting of June 27, 2022 and resolved to refer the application to the ALC for consideration based on agricultural merits. The ALC subsequently considered and approved the application on January 27, 2023.

Staff recommend that Council support the rezoning amendment subject to completion of three (3) development prerequisites as it complies with the Rural Plan.

**PURPOSE:**

The purpose of this report is to advise and make a recommendation to Council with respect to Rezoning Bylaw No. 5899.

**REFERENCE:**

| | |
|---|---|
| **Owner:** | West Creek Farms Ltd.<br>25044 – 88 Avenue<br>Langley, BC V1M 2S5 |
| **Agent:** | Kurt Alberts<br>9054 Glover Road<br>PO Box 760 Stn Fort Langley<br>Langley, BC V1M 2S2 |
| **Legal Description:** | Parcel "C" (Reference Plan 4427) of the North West Quarter of Section 26 Township 11 New Westminster District |
| **Location:** | 25044 – 88 Avenue |
| **Area:** | 8.3 ha (20.7 ac) |
| **Existing Zoning:** | Rural Floodplain Zone RU-5 |
| **Minimum Lot Size:** | 8.0 ha (19.8 ac) |
| **Rural Plan:** | Agriculture / Countryside<br>(8.0 ha / 19.8 ac minimum lot size) |
| **Agricultural Land Reserve:** | In the Agricultural Land Reserve |

**BACKGROUND/HISTORY:**

- The property is designated Agriculture in the OCP, designated Agricultural / Countryside in the Rural Plan, zoned Rural Floodplain Zone RU-5 and is in the ALR.
- The site plan submitted by the applicant indicates the property currently accommodates a single-family dwelling with an office, a building for the growing media processing facility and a forage field (Attachment D).
- West Creek Farms Ltd. indicated they have been operating a growing media processing facility supporting the greenhouse, horticulture and nursery sector on the subject property since 1986.
- According to the applicant, the property's land use was revised from farm to miscellaneous (food processing) by BC Assessment in 2015.
- West Creek Farms Ltd. does not produce the farm products used for producing the growing media on the property and therefore does not qualify for designation as a farm use per the ALR Use Regulation.
- Council considered a non-farm use application submitted by West Creek Farms Ltd. at its meeting of June 27, 2022 and resolved to refer the application to the ALC for consideration based on agricultural merits.
- The ALC subsequently considered and approved the application on January 27, 2023.

**DISCUSSION/ANALYSIS:**

- Proposal to amend Rural Floodplain Zone RU-5 on a site-specific basis to allow a growing media processing and distribution facility as a permitted use supporting the greenhouse, horticulture and nursery sector.
- The proposal is consistent with the Rural Plan, specifically section 5.5.1 which 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.*"

**Adjacent Uses:**

| | Existing Use | Rural Designation | Existing Zoning |
|---|---|---|---|
| **North:** | River Road and the Canadian National Railroad, beyond which is an undeveloped property adjacent to the Fraser River | Agricultural / Countryside | Rural Floodplain Zone RU-5 |
| **South:** | Properties with existing single family dwellings and farms | Agricultural / Countryside | Rural Zone RU-2 and Rural Floodplain Zone RU-5 |
| **East:** | Properties with existing single family dwellings and farms | Agricultural / Countryside | Rural Zone RU-2 and Rural Floodplain Zone RU-5 |
| **West:** | West Creek, which is a Class A Watercourse, beyond which are two properties with existing single family dwellings and farms | Agricultural / Countryside | Rural Zone RU-2 and Rural Floodplain Zone RU-5 |

**Zoning Amendment:**

- Bylaw No. 5899 proposes to amend Rural Floodplain Zone RU-5 to allow a growing media processing and distribution facility as a permitted use on a site-specific basis on a 4.0 ha (9.8 ac) portion of an 8.3 ha (20.7 ac) property located at 25044 – 88 Avenue.

**Policy Considerations:**

The proposed zoning amendment to allow a growing media processing and distribution facility as a permitted use supporting the greenhouse, horticulture and nursery sector on a site-specific basis is consistent with the Rural Plan. Accordingly, staff recommend that Council give first, second and third reading to Bylaw No. 5899.

Respectfully submitted,

Alex Rowley
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

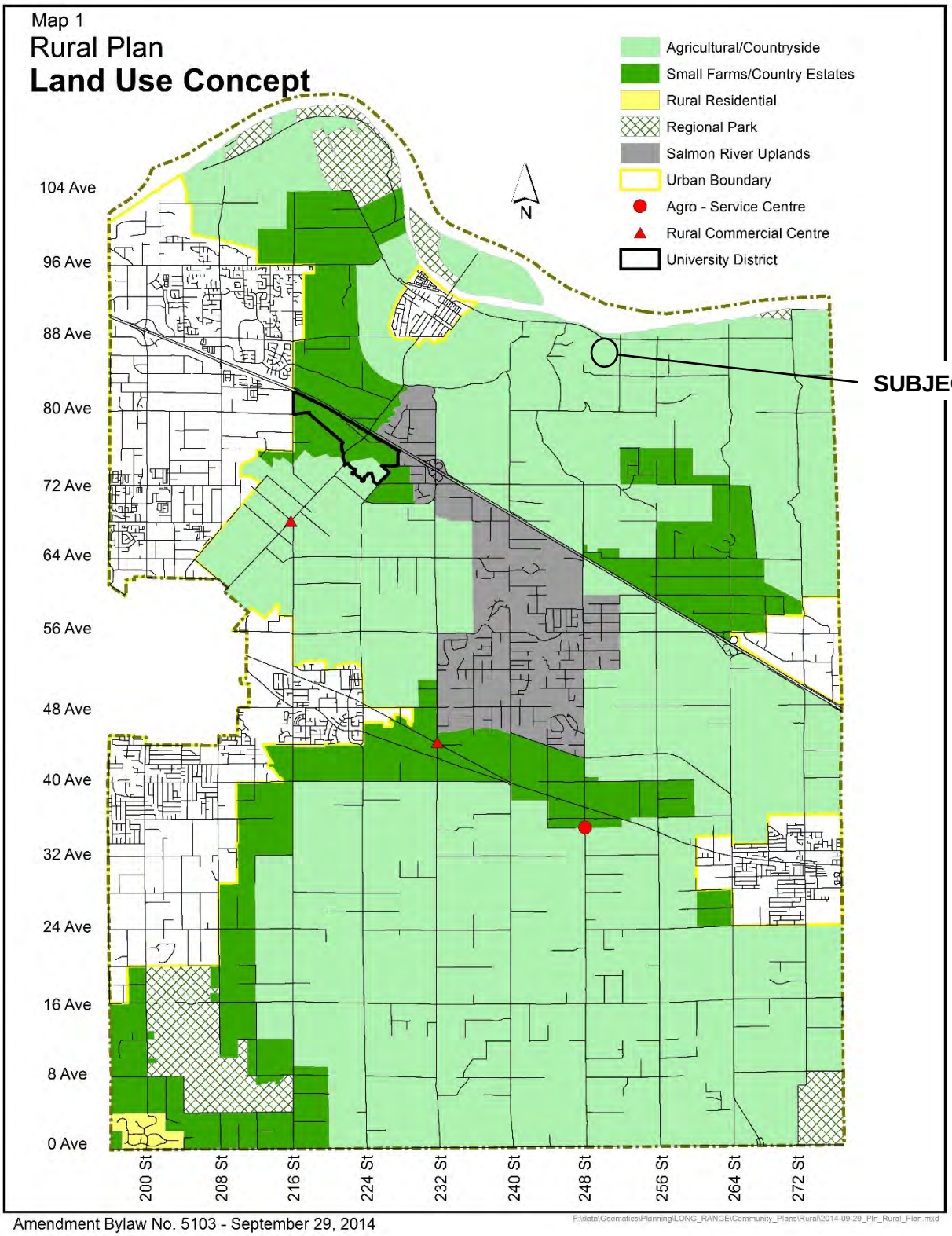
ATTACHMENT A Aerial Context Map
ATTACHMENT B Rural Plan Map
ATTACHMENT C Zoning Bylaw No. 2500 Map
ATTACHMENT D Site Plan Submitted by the Applicant

# ATTACHMENT A

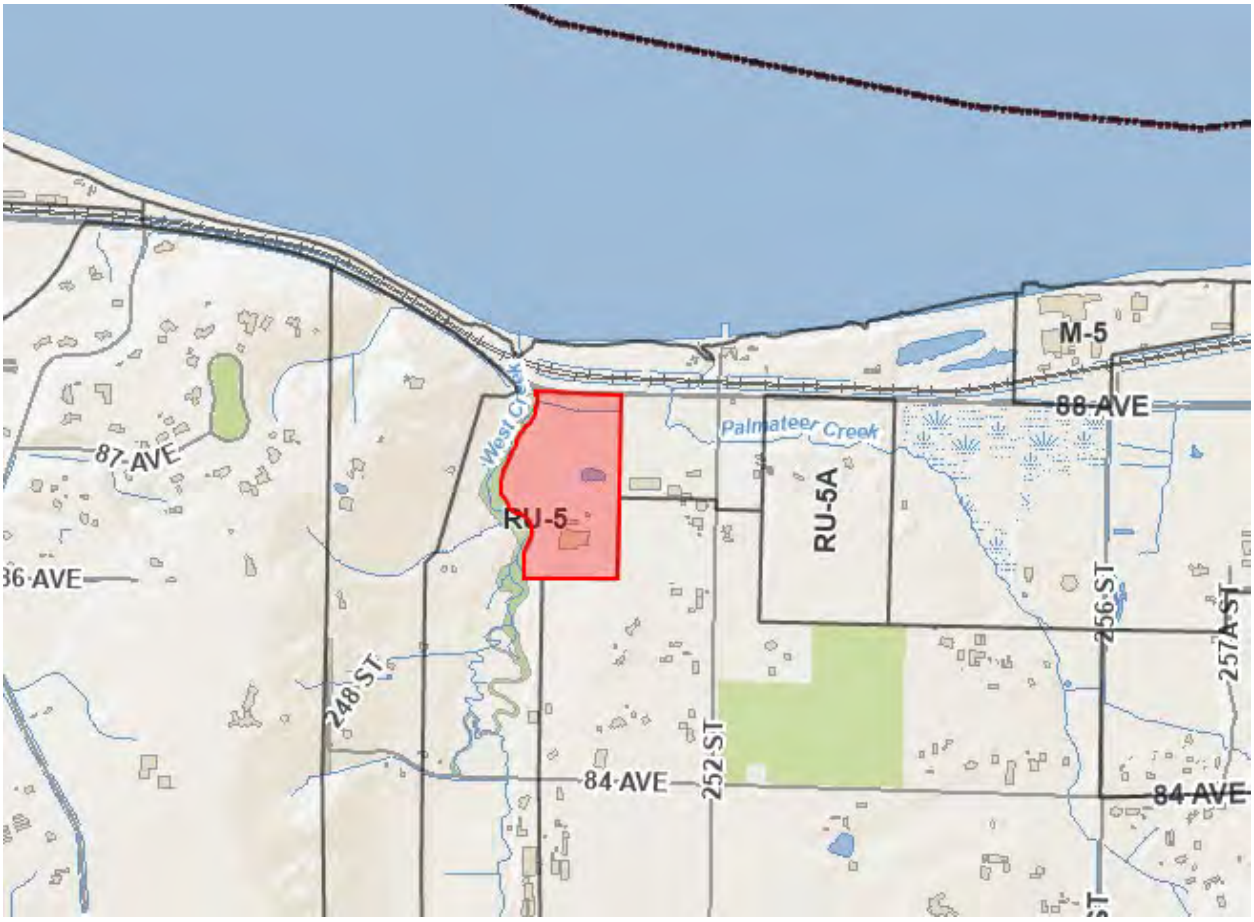



**AERIAL CONTEXT MAP**

**ATTACHMENT B**



# ATTACHMENT C

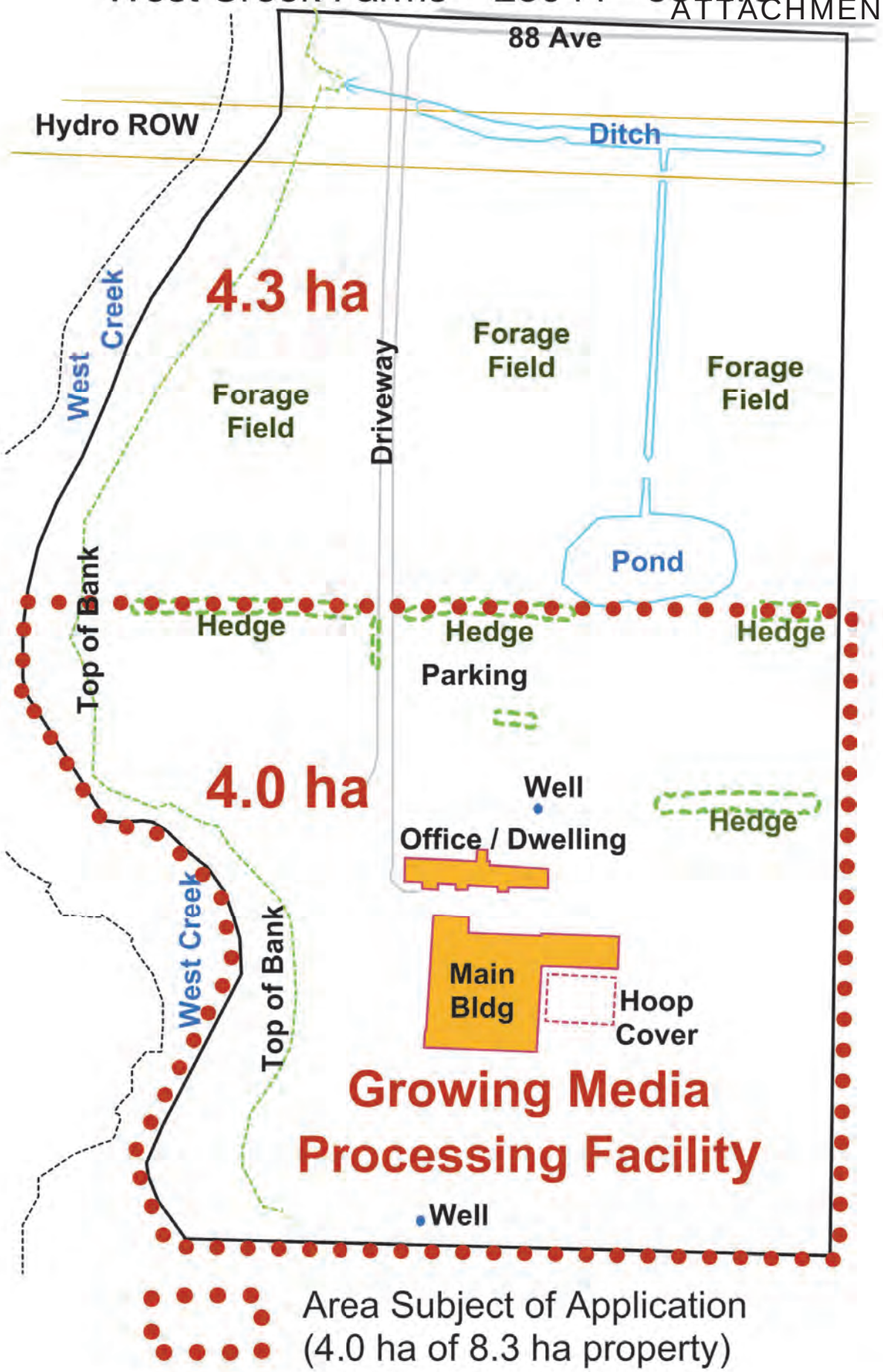



**ZONING BYLAW NO. 2500 MAP**

# Schedule C: Proposal

West Creek Farms 25044 - 88 Ave





**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500**

**AMENDMENT (WEST CREEK FARMS LTD.) BYLAW NO. 5899**

**EXPLANATORY NOTE**

Bylaw No. 5899 amends Rural Floodplain Zone RU-5 to allow a growing media processing and distribution facility as a permitted use on a site-specific basis on a 4.0 ha (9.8 ac) portion of an 8.3 ha (20.7 ac) property located at 25044 – 88 Avenue.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500**

**AMENDMENT (WEST CREEK FARMS LTD.) BYLAW NO. 5899**

A Bylaw to amend Township of Langley Zoning Bylaw 1987 No. 2500

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (WEST CREEK FARMS LTD.) Bylaw 2023 No. 5899”.

2. The “Township of Langley Zoning Bylaw 1987 No. 2500” as amended is further amended:

   a) Amending Section 205.1 Uses Permitted in the Rural Floodplain Zone RU-5 by adding the following:

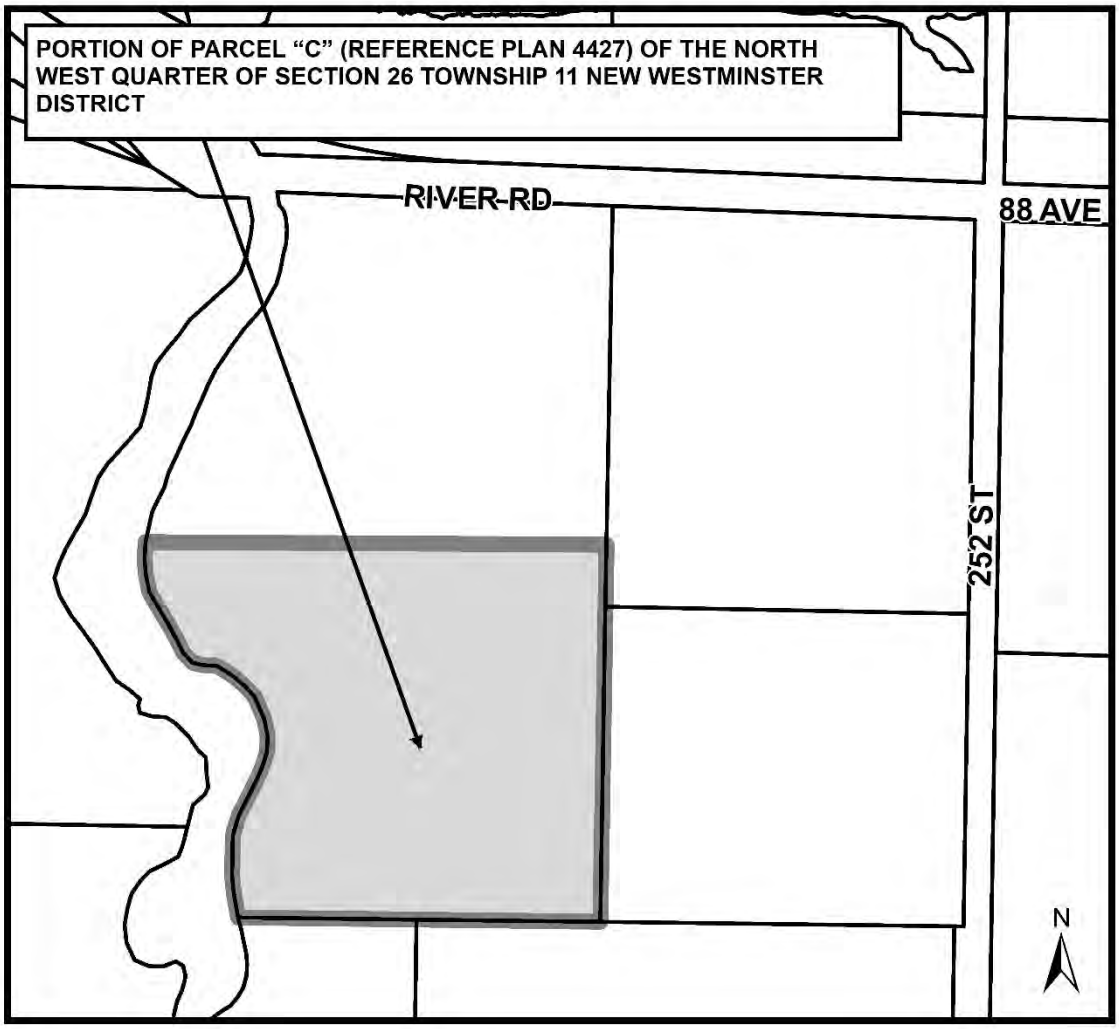
      growing media processing and distribution facility on a portion of Parcel “C” (Reference Plan 4427) of the North West Quarter of Section 26 Township 11 New Westminster District

   As shown delineated on Schedule “A” attached to and forming part of this Bylaw to Rural Floodplain Zone RU-5.

| | | | | |
|---|---|---|---|---|
| NOTICE WAS ADVERTISED the | 13 & 20 | day of | July | , 2023 |
| READ A FIRST TIME the | | day of | | , 2023 |
| READ A SECOND TIME the | | day of | | , 2023 |
| READ A THIRD TIME the | | day of | | , 2023 |
| RECEIVED THE APPROVAL OF THE MINISTRY OF AGRICULTURE AND FOOD the | | day of | | , 2023 |
| ADOPTED the | | day of | | , 2023 |

_____ Mayor _____ Township Clerk

# SCHEDULE 'A'
# BYLAW NO. 5899



**Agricultural Land Commission**
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 27, 2023

ALC File: 62964

**Kurt Alberts**

**DELIVERED ELECTRONICALLY**

Dear Kurt Alberts

**Re: Reasons for Decision - ALC Application 62964**

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #35/2023). As agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a $150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* ("ALCA"), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
  - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
  - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per ALC Policy P-08: Request for Reconsideration.

Please refer to the ALC's Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to ALC.SouthCoast@gov.bc.ca

Yours truly,

Evans A. Frimpong

Evans Frimpong, Land Use Planner

Enclosures: Reasons for Decision (Resolution #35/2023)
Schedule A: Decision Map

cc: Township of Langley (11-26-0022/AL100399) Attention: Alex Rowley

62964d1

**AGRICULTURAL LAND COMMISSION FILE 62964**
**REASONS FOR DECISION OF THE SOUTH COAST PANEL**

Non-Farm Use Application Submitted Under s.20(2) of the Agricultural Land Commission Act

| | |
|---|---|
| **Applicant:** | West Creek Farms Ltd. |
| **Agent:** | Kurt Alberts |
| **Property:** | Parcel Identifier: 001-912-577<br>Legal Description: Parcel “C” (Reference Plan 4427 of the Northwest Quarter of Section 26 Township 11 New Westminster District<br>Civic: 25044 - 88 Avenue, Langley, BC<br>Area: 8.4 ha (8.4 ha within the ALR) |
| **Panel:** | Ione Smith, South Coast Panel Chair<br>Susan Gimse’<br>Holger Schwichtenberg |

## OVERVIEW

[1] The Property is located within the Agricultural Land Reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* ("ALCA").

[2] The Applicant is applying to the Agricultural Land Commission (the "Commission" or "ALC") under s. 20(2) of the ALCA to use 4 ha of the Property to continue operating a growing media processing and distribution facility (the "Processing Facility") (the "Proposal").

[3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:

> 6 (1) The following are the purposes of the commission:
>
> (a) to preserve the agricultural land reserve;
>
> (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
>
> (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
>
> (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
>
> (a) the size, integrity and continuity of the land base of the agricultural land reserve;
>
> (b) the use of the agricultural land reserve for farm use.

## EVIDENTIARY RECORD

[4] The Proposal, along with related documentation from the Applicants, Agent, local government, third parties, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

## BACKGROUND

[5] The Property is located in the Township of Langley and is bordered by the Fraser River on the north, and West Creek on the south and west. The Application materials state that the Applicant has owned the Property since 1985.The northern half of the Property (approximately 4.3 ha) is used for forage (along 88th Ave). The southern half of the Property (approximately 4 ha) contains the proposed non-farm use area, which includes a 185 $m^2$ principal residence, a 185 $m^2$ office, and the 2,681 $m^2$ Processing Facility. The proposed non-farm use area is also used for storing raw materials for the Processing Facility. The Applicant states that they have produced growing medium on the Property for over 35 years as a supplier for the greenhouse, horticulture, and nursery sectors in British Columbia.

[6] The Township of Langley forwarded this Application to the Commission "*for consideration based on agricultural merits*". The Proposal is consistent with the Township of Langley's (the "Township") Official Community Plan designation of Agriculture but is inconsistent with the Township's Zoning Bylaw designation of Rural Floodplain (RU-5). The Property is designated as Agricultural/Countryside in the Township's "Rural Plan". Should the application be approved by the Commission, the Township will require the Applicant to submit a rezoning application for a site-specific text amendment to the RU-5 Zone to permit the Processing Facility.

## ANALYSIS AND FINDINGS

[7] Section 11(2)(a) of the Agricultural Land Reserve Use Regulation permits the use of ALR land for processing farm products provided at least 50% of the farm product being processed is produced on the parcel containing the processing facility (or by an association to which the landowner belongs). The Application materials state that a 2015 BC Assessment review of the Property's use code first identified that the Processing Facility may not comply with s.11(2) of the ALR Use Regulation. The Application was submitted in response.

[8] The Panel considered the impact of the proposed non-farm use on agricultural use on the Property and on surrounding ALR lands. The Panel referred to the Agricultural Report and Environmental Farm Plan Review that was included in the Application materials, prepared by Dave Melnychuk on February 7, 2022 (the "Melnychuk Report"). The Melnychuk Report states that the forage fields on the Property are poorly drained and experience high water tables and surface flooding during the Fraser River freshet, which restricts normal farm equipment activity and "*allows for a very narrow range of cropping options".* Additionally, the Melnychuk Report states that all setbacks for structures associated with the West Creek Farm operations are compliant with the Agricultural Environmental Management Code of Practice (AEMCoP) and the recommended setbacks as outlined in the Environmental Farm Plan Reference Guide. Further, the Panel referred to the seven letters of support from the agricultural community for the Proposal that were included in the application. The letters explained how growing media produced by West Creek Farms support the agricultural and horticultural industries across the province.

[9] The Panel appreciated the information provided in the Melnychuk Report, confirming that agricultural use of the northern half of the Property is limited and not supportive of normal farm equipment activity due to poor drainage. The Panel is encouraged that West Creek Farms supports the greenhouse, horticulture and nursery sector with its products (growing media) across the province. The Panel finds that the Processing Facility provides an essential service to agriculture, and therefore supports the purposes of the ALR by providing materials for the greenhouse, horticulture and nursery industries.

[10] The Panel then considered the impact of the non-farm activity on the surrounding ALR land, specifically, the impact of the Processing Facility on the Property's high-water table. However, the Panel's potential concerns were allayed by the Melnychuk Report, which indicates that West Creek Farms is complaint with all setbacks as recommended in the Environmental Farm Plan Reference Guide. The Panel therefore finds that the existing facility has minimal impacts on the surrounding ALR land.

[11] In spite of the Panel's support for the Processing Facility, the Panel reminds the Applicant that any expansion of the non-farm use requires ALC's consideration through the submission of a new non-farm use application.

## DECISION

[12] For the reasons given above, the Panel approves the Proposal to use 4 ha of the Property to continue operating a growing media processing and distribution facility subject to the following conditions:

(a) Siting of the non-farm use in accordance with Schedule A

(b) No further expansion of the non-farm use without approval of the ALC through the submission of a new non-farm use application.

(c) Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

[13] Should the above conditions of approval not be completed to the satisfaction of the ALC within the timeframe(s) specified, the approval will expire, and a new application may be required.

[14] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[15] These are the unanimous reasons of the Panel.

[16] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[17] Resolution #35/2023
Released on January 27, 2023



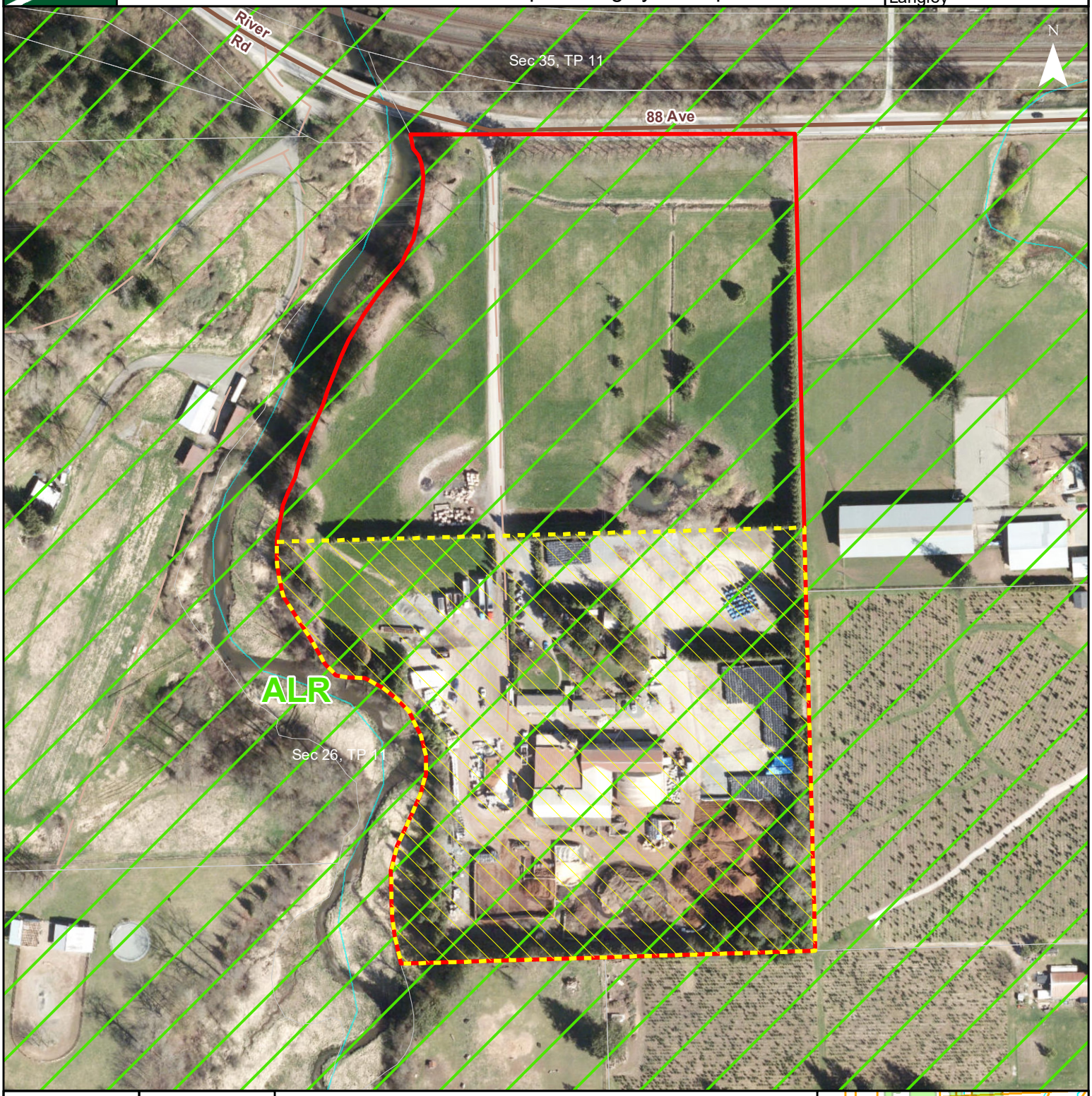
**Ione Smith, Panel Chair**
On behalf of the South Coast Panel

# Schedule A: Decision Map

2021 ESRI / Township of Langley Orthophoto

MAPSHEET NO: 92G.018 **G.3**

LOCAL GOVERNMENT: Langley




| ALC FILE NO: | RESOLUTION NO: |
|---|---|
| 62964 | XX/2023 |

MAP PRODUCED: January 19, 2023

MAP SCALE: 1:2,500

DATA SOURCES & NOTES:
ALC, BCGW & ESRI / Township of Langley. Contains information licensed under Open Government License - British Columbia.

Map for reference only. Accuracy not guaranteed.

- Conditionally Approved Non-Farm Use Area (~4.1 ha)
- Subject Property
- Agricultural Land Reserve
- PMBC Parcel Cadastre

0 20 40 60 80 100
Metres

