Township of Langley

Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED:	JUNE 10, 2024 - REGULAR MEETING	**REPORT:**	24-116
FROM:	COMMUNITY DEVELOPMENT DIVISION	**FILE:**	11-26-0022
SUBJECT:	REZONING APPLICATION NO. 100733 (WEST CREEK FARMS LTD. / 25044 – 88 AVENUE)		

PROPOSAL:

On October 23, 2023 Council considered third reading of Bylaw No. 5899 which proposed 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 and passed the following resolution:

> *"That Council refer this application back to staff to work with the proponent: (1) on one or more restrictive definitions to confirm the exact nature of the proposed operation; (2) to clarify the non-transferability of the ALC approval, as submitted at the public hearing; and (3) to consider other options to potentially reduce any potential impacts on the flood plain and the interests in property of residents within the surrounding area.*
>
> *That the Referral be amended to include a second Public Hearing once the application returns to Council."*

In response to Council's resolution, staff worked with the proponent and received a report on May 27, 2024 from West Creek Farms Ltd. that outlines a response to Council's resolution. A revised use definition and updated development prerequisites are provided for Council's consideration.

RECOMMENDATIONS:

That Council repeal second reading of "Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (West Creek Farms Ltd.) Bylaw No. 5899".

That Council give second reading to revised 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 processing and distribution facility for growing media as a root base medium for commercial sale but excluding any on-site composting or use of any composting materials 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. Submission of the following reports prepared by appropriately qualified professionals to the acceptance of the Township:
    a. Floodplain Management Plan
    b. Noise Mitigation Plan

   c. Dust Management Plan
   d. Odour Management Plan
4. Registration of a restrictive covenant acceptable to the Township requiring operation of West Creek Farms Ltd. in compliance with the Plans listed in prerequisite 3.
5. Registration of a restrictive covenant acceptable to the Township to ensure implementation and compliance with the "Quiet Zone" per the Community Standards Bylaw 2019 No. 5448.
6. Payment of applicable Development Engineering administration fees, Development Works Agreement (DWA) and Latecomer charges.

That Council authorize staff to schedule the requested Public Hearing.

EXECUTIVE SUMMARY:

On July 24, 2023 Council granted first and second reading of Bylaw No. 5899 which proposed 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 and requested staff to schedule a public hearing on September 25, 2023. On October 23, 2023 Council considered third reading of Bylaw No. 5899 and resolved the following:

> *"That Council refer this application back to staff to work with the proponent: (1) on one or more restrictive definitions to confirm the exact nature of the proposed operation; (2) to clarify the non-transferability of the ALC approval, as submitted at the public hearing; and (3) to consider other options to potentially reduce any potential impacts on the flood plain and the interests in property of residents within the surrounding area.*
>
> *That the Referral be amended to include a second Public Hearing once the application returns to Council."*

In response to the October 23, 2023 Council resolution, staff worked with the proponent and received a report on May 27, 2024 from West Creek Farms Ltd. that provides their response to Council's resolution. A revised use definition and updated development prerequisites are provided for Council's consideration.

Staff recommend that Council repeal second reading of Bylaw No. 5899, give second reading to revised Bylaw No. 5899 and authorize staff to schedule the requested Public Hearing.

PURPOSE:

To provide updated information for Council's consideration of Bylaw No. 5899.

BACKGROUND/HISTORY:

- Council considered first and second reading of Bylaw No. 5899 on July 24, 2023 (Attachment A), at a Public Hearing on September 25, 2023, and for third reading on October 23, 2023 and resolved the following:

> *"That Council refer this application back to staff to work with the proponent: (1) on one or more restrictive definitions to confirm the exact nature of the proposed operation; (2) to clarify the non-transferability of the ALC approval, as submitted at the public hearing; and (3) to consider other options to potentially reduce any potential impacts on the flood plain and the interests in property of residents within the surrounding area.*
>
> *That the Referral be amended to include a second Public Hearing once the application returns to Council."*

DISCUSSION/ANALYSIS:

- In response to the October 23, 2023 Council resolution, staff worked with the proponent and received a report on May 27, 2024 from West Creek Farms Ltd. that outlines their response to the three items included in the Council resolution (Attachment B).

(1) On one or more restrictive definitions to confirm the exact nature of the proposed operation.

- The Council Report from July 24, 2023 included the following definition for the proposed use:

> *"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."*

- The following more restrictive use definition based on input from the applicant is proposed in revised Bylaw No. 5899:

> *"Processing and distribution facility for growing media as a root base medium for commercial sale but excluding any on-site composting or use of any composting materials. This use, including all processing and distribution activities, must be entirely contained to the southern 4.0 ha (9.8 ac) portion of Parcel "C" (Reference Plan 4427) of the North West Quarter of Section 26 Township 11 New Westminster District and must be in accordance with ALC Resolution #35/2023 of the Agricultural Land Commission."*

- This definition prevents West Creek Farms Ltd. from expanding operations on the property or changing in the future to include on-site composting or use of composting materials (i.e., green waste or animal byproducts) when producing the growing media.
- It also ensures the proposed use is in accordance with ALC Resolution #35/2023 (Attachment C).

(2) To clarify the non-transferability of the ALC approval, as submitted at the public hearing.

- The ALC approved the non-farm use application on January 27, 2023, with Section 12(c) of ALC Resolution #35/2023 stating the following:

> *"Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable."*

- Staff requested the ALC clarify its position regarding transferability as per Section 12(c) of ALC Resolution #35/2023

  > *"To clarify the ALC's position it is our understanding that the ALC would not likely object to the sale, or change of ownership or control, of the company, or the company leasing the property to a third party for the approved non-farm use, as long as the company remains the registered owner of the property?"*

- The ALC provided the following response to the question above:

  > *"Yes, in this case this is generally accurate. If there is any uncertainty about a specific change to the ownership structure, the landowner should contact the ALC for confirmation."*

- The ALC does not object to another entity operating or leasing the facility provided ownership of the property remains with West Creek Farms Ltd.
- A change of ownership of the property from West Creek Farms Ltd. would require a new ALC application to continue operating the non-farm use, or confirmation from the ALC on a case-by-case basis the change is substantially compliant with ALC Resolution #35/2023.

(3) To consider other options to potentially reduce any potential impacts on the flood plain and the interests in property of residents within the surrounding area.

- The report provided by West Creek Farms Ltd. on May 27, 2024 indicates how they have been actively working to reduce impacts on the flood plain and the interests in property of residents within the surrounding area.
- In addition to the information received from the proponent, staff have updated the recommended development prerequisites to include the following reports to be prepared by appropriately qualified professionals to the acceptance of the Township:
  - Floodplain Management Plan
  - Noise Mitigation Plan
  - Dust Management Plan
  - Odour Management Plan
- Registration of a restrictive covenant acceptable to the Township to ensure West Creek Farms Ltd. operations are in compliance with the above plans has also been included as a development prerequisite to ensure impacts created by West Creek Farms Ltd. operations on the flood plain and the interests in property of residents within the surrounding area are mitigated.
- The property is currently designated as a "Quiet Zone" per the Community Standards Bylaw 2019 No. 5488 permitting sounds up to 55 dBA or 70 dBC received at a point of reception during the daytime and 45 dBA or 60 dBC when received at a point of reception during the nighttime. Should the zoning amendment be approved, the property would be redesignated as an "Activity Zone" per the Community Standards Bylaw 2019 No. 5488 permitting sounds up to 70 dBA or 85 dBC when received at a point of reception. Staff recommend further mitigating noise impacts created by West Creek Farms Ltd. operations through maintaining the designation of the property as a "Quiet Zone". Registration of a restrictive covenant acceptable to the Township has been included as a development prerequisite to ensure implementation and compliance with the "Quiet Zone" per the Community Standards Bylaw 2019 No. 5448.

Policy Considerations:

The proposed zoning amendment to allow a processing and distribution facility for growing media as a permitted use on a site-specific basis is consistent with the Rural Plan. Accordingly, staff recommend that Council repeal second reading of Bylaw No. 5899, give second reading to revised Bylaw No. 5899, and authorize staff to schedule the requested public hearing.

Respectfully submitted,

Alex Rowley
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A	July 24, 2023 Report to Council (without attachments)
ATTACHMENT B	May 27, 2024 Report Provided by the Applicant
ATTACHMENT C	ALC Resolution #35/2023

ATTACHMENT A

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. 25044 – 88 Avenue Langley, BC V1M 2S5
Agent:	Kurt Alberts 9054 Glover Road PO Box 760 Stn Fort Langley 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 (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

West Creek Farms Ltd: Response to Council Resolution on Rezoning Application

At the Public Hearing, Council adopted the following resolution on October 23, 2023, regarding the rezoning application by West Creek Farms Ltd.

"That Council refer this application back to staff to work with the proponent:

***(1)** on one or more restrictive definitions to confirm the exact nature of the proposed operation.*

***(2)** to clarify the non-transferability of the ALC approval, as submitted at the public hearing; and*

***(3)** to consider other options to potentially reduce any potential impacts on the flood plain and the interests in property of residents within the surrounding area."*

West Creek Farms Ltd (WCF) provides the following response for the consideration of Township staff and Council.

1. ***The exact nature of the proposed operation to inform one or more restrictive definitions (to inform potential bylaw revisions).***

<u>What is Growing Medium?</u>

A growing medium is a material other than soil in the ground in which plants are grown. Growing media provide rooting environment for plants and are used to grow a wide variety of vegetables, fruits, specialty plants and floriculture, tree, and shrub ornamentals. The growing medium ensures that the plant can grow vigorously by providing a range of essential elements:

- an optimum rooting environment for physical stability.
- storage of air for the roots.
- water absorption and retention availability to the plant when needed; and
- supply of nutrients for the roots.

The range of growing media constituents includes peat, coir pith (coconut), wood fibres and bark. Other constituents like perlite, dolomite, gypsum, lime, vermiculite, and kelp meal are also used. Growing media are formulated from a blend of such raw materials to achieve the correct balance of physical, chemical, and biological properties for the plants to be grown. Having the right growing media mix is as important for optimal plant growth as water and fertilizers.

Plant species differ considerably in their need for water and nutrients, and therefore different kinds of growing media are needed to provide the best growing conditions. The greenhouse and horticulture industry uses thousands of different growing media mixes.

Given the need for specialized equipment, technical expertise and space required for storage and processing facilities, it is not practical nor economical for individual growers to produce their own growing media.

Growing Media Produced by West Creek Farms

West Creek Farms' mission statement is "to provide the finest quality custom-made growing media to the Horticultural Industry". WCF **does not use any bio-waste nor compost** in their growing media. Growing media recipes are designed with each grower to suit specific greenhouse crops, container sizes and growing conditions for optimum plant growth. Computer controlled mixers make each recipe, and a sample of each load is kept on record to track and resolve any quality control issues.

As leaders in soil science, WCF has an on-site laboratory for research and development and to test the incoming ingredients and each individual custom recipe produced. Acidity (pH), electrical conductivity (EC) and nutrient balance are precisely measured. Test samples are cataloged and stored as part of a comprehensive data base of custom recipes.

Zoning Bylaw Revisions

Bylaw No. 5899 proposed the following wording: "*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*"

Concern was expressed that this proposed use description would not sufficiently prevent the operation from changing in the future to include use of green waste or other waste materials such as, for example, fish heads. A more restrictive description of the use could be considered. Since West Creek Farms operates with a guarantee of **"no green waste"**, the following wording would better capture the actual use:

> **"Processing and distributing facility for growing media as a root base medium for the greenhouse, horticulture and nursery sector and other related controlled growing environments (excluding any on-site composting and/or use of any commercial or green waste) including parking of commercial vehicles related to the processing and distribution facility on the south half of Parcel "C" (Reference Plan 4427) of the North West Quarter of Section 26 Township 11 New Westminster District."**

2. ***Clarification of the non-transferability of the ALC approval.***

The Agricultural Land Commission approved the non-farm use application on January 27, 2023 with the following conditions: "*…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.**" (emphasis added)*

The interpretation of condition (c) is that West Creek Farms Ltd, as the Applicant, cannot transfer the approval to any other owner, nor to any other property, nor to any other portion of the subject property than as outlined on Schedule A. The wording used by the ALC for the approval of this application is consistent with other non-farm use approvals, for

example, in 2015 the approval of non-farm use by the Canadian Museum of Flight on Township owned land included the condition that:

- *Approval for non-farm use is granted for the sole benefit of the Applicant* (Township of Langley) *and the Canadian Museum of Flight and is non-transferable.*

Accordingly, West Creek Farms Ltd must continue to own and operate the growing medium processing facility to be in compliance with the ALC approval.

3. ***Other options to reduce any potential impacts on the floodplain and the interests in property of residents within the surrounding area.***

Potential impacts on the floodplain and the interests of property of residents within the surrounding area including the impact of WCF operations on the West Creek watercourse, odour, potential use of green waste, noise and dust are reviewed below.

Potential Impacts on Floodplain

The question of widespread pollution due to potential flooding was reviewed jointly by Ian Whyte P.Ag, QEP, Envirowest Consultants, and Dave Melnychuk, P.Ag, QEP. Their findings include:

Flooding**:** Most properties in and out of the Agricultural Land Reserve, which are in close proximity to the Fraser River and have geodetic elevation of less than approximately 7.5 m (this elevation varies from Chilliwack to Richmond because of the grade of the river as it flows east to west), are subject to flooding due to a high river flow of the Fraser River during the spring freshet as demonstrated in the 1948 flood event. Severe flooding can impact hundreds of properties located throughout the Fraser Valley from Chilliwack to Richmond, causing damage to farmland, buildings structures, crops, livestock, machinery, along with releasing large amounts of debris, manures, fertilizers, fuel, chemicals, etc. into the environment.

Designated Flood Level: The Township of Langley Zoning Bylaw sets out the elevations for Designated Flood Level as established by the Province of British Columbia for the Fraser River: 6.94 m at the Jacob Haldi Bridge and 7.66 m at the Abbotsford/Langley border. West Creek Farms is approximately 3.5 k from the Jacob Haldi Bridge, and therefore, the property's Designated Flood Level is calculated to be approximately 7.26 m. A "Designated Flood means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval based on a frequency analysis of unregulated historic flood records" (Zoning Bylaw definition).

Flood Experience: In Langley several farm operations are located in flood prone areas with land elevations of 4 to 5 m. These areas have suffered flooding in the past causing damage to farms and, unfortunately, resulted in the release of fertilizers, manures, chemicals, etc. into the environment.

Much improvement has gone into the flood control infrastructure over the last several decades, although even the best infrastructure can be overcome by catastrophic flood

events as occurred in the November 2021 flood of the Abbotsford Sumas lowlands. During that event, West Creek Farms did not experience any flooding, nor have the owners of West Creek Farms experienced any serious degree of flooding in over 35 years of operation at this location.

West Creek Farms Property: The West Creek Farms property has a range of land elevations from 4 m in the north portion to as high as 10 m in the southeast corner. The northern half of the property has elevations of 4 to 5 meters and is primarily used for grass production, as well as, serving as a retention area for storm runoff from the southern half of the property.

The processing facility, buildings, and storage areas, are located at an elevation of approximately 6.5 m. The slab of the processing building is at an elevation of 7 m, 0.26 m or 10 inches below the Designated Flood Level. Products stored in the building (vermiculite, perlite, fertilizers, lime, etc.) are generally bagged in plastic and are easily raised on pallets or shelving approximately 1 ft to be above the Designated Flood Level.

All products stored on site have a substantial commercial value and the operator would be motivated to protect not just the materials stored but also the buildings. In case of a catastrophic flood event of the Fraser River, West Creek Farms is also capable of protecting their buildings by constructing a portable concrete block berm with a plastic sheet/membrane on the west side of the blocks around the buildings.

In regard to outdoor storage of materials, much of the bagged product (peat moss and coconut fibre) can be contained from being moved off site with receding flood waters. The third main bulk material, Douglas Fir bark chips, stored on site could potentially move off site with the receding flood waters, but the impact on the environment and ecology of the river system would be negligible. It should be noted that these materials are basically inert and are similar in chemistry to all the other wood fibre products produced and used by forestry and agricultural operations located in Langley and the rest of the Fraser Valley adjacent to the Fraser River. West Creek Farms do not import nor use any manures in preparation of the various growing medium produced for the Fraser Valley horticultural operations.

West Creek Farms has re-located the storage of spent mushroom substrate to the southeast corner of the property which is above 7 m elevation. This storage represents a very small portion of the materials stored on site (less than 2%). In the event of a catastrophic flood this small area could be further protected with a concrete block berm, if necessary. They have developed a contingency plan in the event of a high-risk flood warning.

In regard to flooding caused by severe rainstorms during the winter rainy period, the property has not experienced any flooding above the 5.0-meter elevation. As an example, the November 2021 rain event (>200-year return event) did not create flooding at West Creek Farms, but this event did cause serious flooding of farms closer to Fort Langley.

"**Summary re Impact on Floodplain:** Given the inert nature of the main materials (peat moss, coconut coir fibres, and Douglas fir bark) stored on site at West Creek Farms, and

the ability to elevate the storage inside the processing building, **widespread pollution impacting Fisheries is not considered to be an environmental concern."**

Impact of the Operation of WCF on the West Creek Watercourse:

In the fall of 2023 and early 2024, site visits of the property were conducted by the Ministry of Environment, Environmental Protection Division. WCF was assessed as Level 2 Category A with minor temporary impacts and indications that future and ongoing compliance are very high. WCF are now working with the Ministry of Environment to obtain a permit that ensures compliance with the Environmental Management Act related to water run-off. This process includes the Ministry engaging with First Nations.

In the application, the estimated rate of discharge is a range of 25 (minimal discharge if there is no rainfall) to 460 cubic meters/ day (depending on rainfall). The characteristic of the discharge consists mainly of rainwater that contacts natural materials such as COIR (coconut fibre), bark (Douglas Fir), peat, and sawdust and from water used to reconstitute COIR. Water that enters the creek from the pond filtration system will not exceed the following:

Parameters	Characteristics of Discharge
Total Nitrogen	19 Mg/l
Total Phosphorus	15 mg/l
Total Suspended Solids	30 mg/l
Biochemical Oxygen Demand	30 mg/l
Ph	range 6.5 to 9 Ph Units

This winter, water samples were taken of the creek in three locations: a) before the property, b) mid property and c) at the 88th Avenue Bridge.

Test (in mg/l)	Pre-Property	Mid Property	At 88th Ave Bridge
Nitrate	1.49	1.45	1.43
Orthophosphate - P	0.02	0.02	0.02
Total Suspended Solids	5	6.5	12
Biochemical Oxygen Demand	<4	<4	<4
Ph	6.7	6.7	6.7

Results indicate that West Creek Farms is not impacting West Creek watercourse.

Interests in Property of Residents in the Surrounding Area

With respect to the interests in property of residents within the surrounding area, WCF engaged Dave Melnychuk P. Ag, QEP to review the concerns and make recommendations on best management practices related to odour, dust, and noise. The following comments are provided:

Odour Reduction

- One product, namely spent mushroom substrate, is the only product responsible for episodic odour. This product is the pasteurized soil-like material remaining after a crop of mushrooms is grown and harvested. It is high in organic matter, making it desirable for use as a soil amendment or conditioner. It comprises less than 2% of all products used to produce growing media mixes at WCF. Less than 70-140 yards of material are stored on the property at any one point in time.
    - WCF has implemented a program of periodically turning the material, maintaining aerobic conditions and minimizing odours.
    - The smell is intermittent and dissipates quickly. It is not a continuous smell.
    - WCF meets the Provincial Regulations (Agricultural Environmental Management Code of Practice under the Environmental Management Act) regarding storage and use of spent mushroom substrate.
- WCF does not import, use, or store any manures in preparing their mixes.
- WCF does not compost any materials on site nor use any green waste. These activities would contaminate their products and not generate quality growing media for their customers.
- 98% of products used in their mixes consist of inert material (such as Douglas Fir chips, peat moss and coconut fibre, etc.) and these have no odour.

Concern that the Operation in the Future Might Use Green or Commercial Waste

- Speakers at the public hearing expressed concern that future owners might change the operation and include the use of waste material (for example, fish heads) and generate offensive smells.
- The proposed use description in the zoning bylaw specifically “excludes any on-site composting and/or use of any commercial or green waste”.
- WCF very much supports such restrictive wording as its existence depends upon a guarantee of “no green waste” to its customers.

Dust Reduction

Dust can be created by:

- Movement of machinery and trucks on the roadways and in the growing media preparation process at WCF. Dust is also created from similar processes at surrounding farms/ properties. West Creek Farms cannot use chemical dust suppressors on their roadways as these pose a potential risk of contaminating the growing media mixes. A sweeper is used once a week to clear the debris from the yard. During the dry season, sweeping may be done more frequently to minimize dust.
- The main function of the stack above the main production facility is to provide ventilation for the employees working in that area. Stack emissions consist mainly of

air and inert particles of material used to produce the growing media. It should be noted that one of the most dust prone products, perlite, has no significant health effects and is considered a nuisance dust. A sample of this emission was sent to EMSL laboratory in Ontario for analysis. The lab report indicates that the emissions released meets air quality standards as prescribed by the World Health Organization.

Noise Reduction:

- Noise is generated when trucks and loaders use back up beepers or back up horn signals. The back up beepers (which are on the lowest setting for decibels allowable) are a requirement of WCB. This noise is consistent with normal farming operations/ practices.
- In the summer of 2023, neighbours indicated there was a particularly noisy tractor which was replaced in August 2023.
- The Ministry of Agriculture's good neighbour farming guide recommends a strong vegetative buffer to mitigate the noise. WCF has a well-established vegetative buffer.
- The typical approach for cleaning the pavement has been to use a bucket to scrape the surface. This is noisy. A new sweeper was purchased in February 2024 and is now used to sweep the yard once a week.

Vegetative Buffers

- The Ministry of Agriculture, in cooperation with Agriculture Canada and producer organizations, have prepared a comprehensive guide for implementing vegetative buffers for operations in the Agriculture Land Reserve. The guidelines show how vegetative buffers can be used to address environmental concerns and improve neighbour relations in the rural area.
- An effective vegetative buffer mitigates odour, dust, noise and light while providing benefits for visual screening/aesthetics and biodiversity.
- WCF maintains a healthy tree buffer of 10 to 25 feet wide on their own property along all property boundaries.
- WCF more than meets the Ministry of Agriculture and ALC standards. Their buffer serves as an excellent example of a vegetative buffer and sets a high standard that is seldom seen in the Agricultural Land Reserve.

Key Support for Agriculture

West Creek Farms has been in operation since 1986. Since its inception, regulations have changed related to what constitutes a farm, the technology and services required to support successful farming, and the types of activities can be done on agriculture land. These rules and regulations continue to evolve as Agri Business becomes a new frontier and new technologies (drones, robotics, GPS technology, vertical farming, etc.) allow for farming to be done in ways never before considered. WCF started as a farm and had farm status. This status changed in recent years, and WCF has now taken the initiative to seek to align themselves with current zoning regulations.

Since the start of operations, the neighbourhood has also changed, with new developments arising on the hillside and the density of the neighbourhood increasing. Prior to WCF, a

mushroom farm operated on the property. Local residents were happy when that facility closed and WCF was established. WCF started in response to requests from members of the horticulture industry asking for a soil mixing service that created specialized growing media that would support the growth of various plants (food, trees, shrubs, flowers, etc.). WCF now provides the critical base ingredient that is an essential component for food and plant growth within the horticulture industry. Several speakers acknowledged the key support role that WCF provides to the agriculture industry.

The rezoning application by West Creek Farms is supportive of the agricultural goals in the Township's Official Community Plan and the Agricultural Viability Strategy. Further, the Rural Plan highlights:

- The agricultural industry is the largest component of the rural economy.
- Langley has more farms than any other municipality in BC.
- The primary goal of the rural plan is to enhance agricultural viability through recognition and protection of the diverse agricultural lands, preservation of larger lot sizes, creation of policies that reinforce designation of much of the land as ALR and encouragement of the agricultural industry within Langley; and
- The Township of Langley recognizes agriculture to be a priority and a continuing economic activity and land use and shall support the continued development of this industry.

The rezoning application is consistent with the "Agricultural" land use designation of the Metro Vancouver Regional Growth Strategy which states: "Agricultural areas are intended primarily for agricultural uses, facilities and supporting services with an emphasis on food production where appropriate."

The merits of the rezoning application rest on the fact that it is a "farm-related use" which supports agriculture. Permitting the West Creek Farms processing facility in the RU-5 Zone, as approved by the Agricultural Land Commission, is consistent with the following planning rationale:

1. The use is compatible with and will not hinder surrounding agricultural operations.
   The processing of growing media takes place in buildings and infrastructure previously used for a mushroom farm. Unlike the former use there are no offensive odours, and the current use is more compatible with adjacent mixed farming activities by the neighbours.

2. The use is directly related to farm operations in the area.
   The processing facility's location in Glen Valley is in central proximity to the majority of greenhouse, horticulture, and nursery operations in BC and, therefore, directly related to area farm operations.

3. The use provides direct products and services to farm operations as a primary activity.
   The facility produces growing media as its primary activity, an essential part of the supply chain serving farm operations.

4. The use supports agriculture.

   Not only does the processing facility support agriculture, the greenhouse, horticulture and nursery sector is dependent upon a reliable supply of quality growing media. Langley's Agricultural Viability Strategy specifically identifies greenhouses as having potential to enhance agricultural production.

Final Comments: During the Township of Langley public hearing, it was noted by almost all speakers that the current ownership has been responsible in their practices and have been responsive to any complaints. It was also acknowledged that West Creek Farms provides a necessary service to the Agricultural Industry. During the recent pandemic, the province designated West Creek Farms as an "essential service".

The majority of concerns were related to potential impact on the West Creek watercourse. The flood and watercourse concerns have been addressed by consultants with expertise in this matter. Widespread pollution impacting Fisheries is not an environmental concern.

There were also concerns related to the possibility of future owners not being responsible neighbours. It should be noted that the current zoning already allows for various forms of agriculture including mushroom farming, greenhouses, dairy operations, and other uses such as marine storage, etc. The Agricultural Land Commission has clearly specified the limits within which West Creek Farms can continue to operate. As well, the proposed wording for the zoning bylaw description of the use should address these concerns because "**any on-site composting and/or use of any commercial or green waste"** is specifically excluded.

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

ATTACHMENT C

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 Legal Description: Parcel “C” (Reference Plan 4427 of the Northwest Quarter of Section 26 Township 11 New Westminster District Civic: 25044 - 88 Avenue, Langley, BC Area: 8.4 ha (8.4 ha within the ALR)
Panel:	Ione Smith, South Coast Panel Chair Susan Gimse’ 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**J.1**

LOCAL GOVERNMENT: Langley



ALC FILE NO:	RESOLUTION NO:
62964	XX/2023

MAP PRODUCED: January 19, 2023

MAP SCALE: 1:2,500

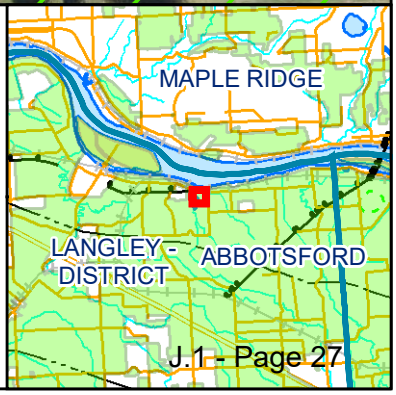
DATA SOURCES & NOTES:
ALC, BCGW & ESRI / Township of Langley. Contains information licensed under Open Government License - British Columbia.

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



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 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:

      "Processing and distribution facility for growing media as a root base medium for commercial sale but excluding any on-site composting or use of any composting materials. This use, including all processing and distribution activities, must be entirely contained to the southern 4.0 ha (9.8 ac) portion of Parcel "C" (Reference Plan 4427) of the North West Quarter of Section 26 Township 11 New Westminster District and must be in accordance with ALC Resolution #35/2023 of the Agricultural Land Commission."

   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	24	day of	July	, 2023
READ A SECOND TIME the	24	day of	July	, 2023
PUBLIC HEARING HELD the	25	day of	September	, 2023
READ A THIRD TIME the		day of		, 2024
RECEIVED THE APPROVAL OF THE MINISTRY OF AGRICULTURE AND FOOD the		day of		, 2024
ADOPTED the		day of		, 2024

_____ Mayor _____ Township Clerk

SCHEDULE 'A'
BYLAW NO. 5899

