

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

LANGLEY OFFICIAL COMMUNITY PLAN BYLAW 1979 NO. 1842

AMENDMENT (RURAL PLAN) BYLAW 1993 NO. 3250

AMENDMENT (GANCHAR) BYLAW 2019 NO. 5526

EXPLANATORY NOTE

Bylaw 2019 No. 5526 amends the Rural Plan by adding a provision to the Agricultural/ Countryside designation to provide for future rezoning to accommodate subdivision of each of the thirty-two (32) - one (1) acre fee simple lots created under NWD Plan 19218 into two lots for an area located outside the Agricultural Land Reserve on 36A Avenue between 236 and 240 Streets.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

LANGLEY OFFICIAL COMMUNITY PLAN BYLAW 1979 NO. 1842

AMENDMENT (RURAL PLAN) BYLAW 1993 NO. 3250

AMENDMENT (GANCHAR) BYLAW 2019 NO. 5526

A Bylaw to amend Township of Langley Official Community Plan Bylaw 1979 No. 1842
Amendment (Rural Plan) Bylaw 1993 No. 3250

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 “Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Rural Plan) Bylaw 1993 No. 3250 Amendment (Ganchar) Bylaw 2019 No. 5526”.
2. “Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Rural Plan) Bylaw 1993 No. 3250” as amended is further amended by adding the following as Section 5.5.6:

Rezoning of properties to enable fee simple subdivision of lands on 36A Avenue
between 236 Street and 240 Street may be considered provided:

- The lots are not located within the Agricultural Land Reserve;
- Only one additional lot is created from each existing fee simple lot surveyed on NWD Plan 19218;
- Only one single family dwelling per lot is permitted;
- Provision of a hydrogeological study to assess the impact of additional demand on local ground water resources, to the acceptance of the General Manager of Engineering and Community Development shall be resolved prior to Council’s consideration of a zoning bylaw amendment.

READ A FIRST TIME the	21	day of	October	, 2019.
READ A SECOND TIME the	21	day of	October	, 2019.
PUBLIC HEARING HELD the	18	day of	November	, 2019.
READ A THIRD TIME the		day of		, 2019.
ADOPTED the		day of		, 2019.

_____ Mayor _____ Township Clerk

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500

AMENDMENT (GANCHAR) BYLAW 2019 NO. 5527

EXPLANATORY NOTE

Bylaw 2019 No. 5527 rezones eleven (11) properties located on 36A Avenue west of 240 Street to Rural Zone RU-3A to accommodate fee simple subdivision.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500 AMENDMENT (GANCHAR) BYLAW 2019 NO. 5527

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 (Ganchar) Bylaw 2019 No. 5527”.
2. The “Township of Langley Zoning Bylaw 1987 No. 2500” as amended is further amended:
 - (1) By adding to the “Table of Contents” and to Section 104.1 – Zones the words “Rural Zone RU-3A”
 - (2) By adding to Section 110 after the words “RU-3” the words “RU-3A – 0.17 ha”
 - (3) By adding after Section 203 “Rural Zone RU-3” the following as Section 203A “Rural Zone RU-3A”

203A **RURAL ZONE RU-3A**

Uses Permitted

203A.1 In the RU-3A Zone only the following *uses* are permitted and all other *uses* are prohibited:

- 1) *accessory buildings and uses*
- 2) *accessory home occupations* subject to Section 104.3
- 3) *residential uses* subject to Section 203A.2
- 4) *hobby beekeeping* subject to Section 104.18

Residential Uses

203A.2 No more than one *single family dwelling* is permitted on any one *lot*.

Lot Coverage

- 203A.3
- 1) *Buildings and structures* shall not cover more than 33% of the *lot area*.
 - 2) *Accessory buildings and structures* shall not exceed a total of 100 m² of ground floor *building area*.

Siting of Buildings and Structures

- 203A.4
- 1) Except as provided for in Sections 104.4 and 105.1 2), no principal *building* or *structure* shall be sited less than:
 - a) 9.75 metres from a *front lot line*;
 - b) 7.5 metres from a *rear lot line*;
 - c) 3.0 metres from a *side lot line*⁽¹⁾; and
 - d) 7.5 metres where the *side lot line* abuts a *flanking street*.

¹ notwithstanding Section 203A.4(1)(c) where a lot is being created by *subdivision*, the Approving Officer may consider a reduction where a *building or structure* was constructed prior to September 30, 2019.

- 2) Except as provided for in Sections 104.4, 104.15 and 105.1 2), no *accessory building or structure* shall be sited less than:
 - a) 9.75 metres from a *front lot line*;
 - b) 1.5 metres from a *rear lot line* except that where a through *lot* fronts onto 2 *streets* the setback shall be the same as for the front yard setback for the principal *building*;
 - c) 1.5 metres from a *side lot line*; and
 - d) 4.5 metres where the *side lot line* abuts a *flanking street*.

Height of Buildings and Structures

203A.5 Except as provided for in Section 104.5

- 1) The *height* of a *single family dwelling* shall not exceed 9 metres.
- 2) The *height* of all other *buildings and structures* shall not exceed 9 metres or 2 *storeys*, whichever is lesser.

Parking and Loading

203A.6 Parking and loading shall be provided in accordance with Section 107.

Subdivision Requirements

- 203A.7 1) All *lots* created by *subdivision* shall comply with Section 110 of this Bylaw and the Subdivision and Development Servicing Bylaw 2019 No. 5382 as amended.
- 2) Notwithstanding Section 203A.7(1), any fee simple lot in existence as of September 30, 2019 shall not be subdivided to create more than two lots.

Landscaping, Screening and Fencing

203A.8 Landscaping areas, landscaping screens and fencing shall comply with Section 111.

3. The "Township of Langley Zoning Bylaw 1987 No. 2500" as amended is further amended by rezoning the lands described as:

Lots 9, 23 and 31 Section 28 Township 10
New Westminster District Plan 19218

Strata Lots 1 and 2 and common property
Section 28 Township 10 New Westminster
District Strata Plan EPS1357

Strata Lots 1 and 2 and common property
Section 28 Township 10 New Westminster
District Strata Plan EPS3896

Strata Lots 1 and 2 and common property
Section 28 Township 10 New Westminster
District Strata Plan BCS4069

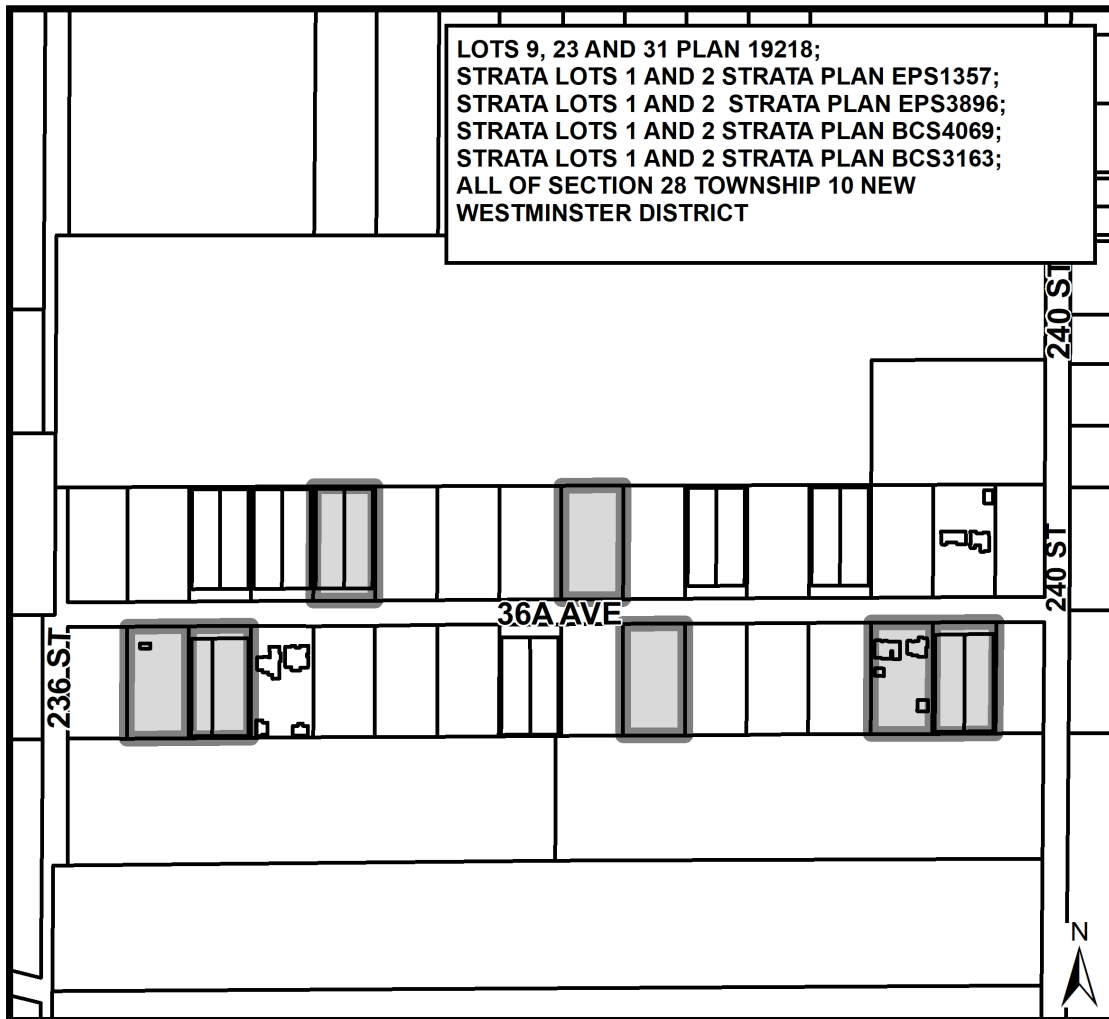
Strata Lots 1 and 2 and common property
 Section 28 Township 10 New Westminster
 District Strata Plan BCS3163

as shown delineated on Schedule "A" attached to and forming part of this Bylaw to
 Rural Zone RU-3A.

READ A FIRST TIME the	21	day of	October	, 2019.
READ A SECOND TIME the	21	day of	October	, 2019.
PUBLIC HEARING HELD the	18	day of	November	, 2019.
READ A THIRD TIME the		day of		, 2019.
ADOPTED the		day of		, 2019.

_____	Mayor	_____	Township Clerk
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SCHEDULE 'A' BYLAW NO. 5527





REPORT TO MAYOR AND COUNCIL

PRESENTED: OCTOBER 21, 2019 - REGULAR EVENING MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: OFFICIAL COMMUNITY PLAN AMENDMENT AND
 REZONING APPLICATION NO. 100184
 (GANCHAR / 23600 - 23900 BLOCKS OF 36A AVENUE)

REPORT: 19-161
FILE: 10-28-0042

PROPOSAL:

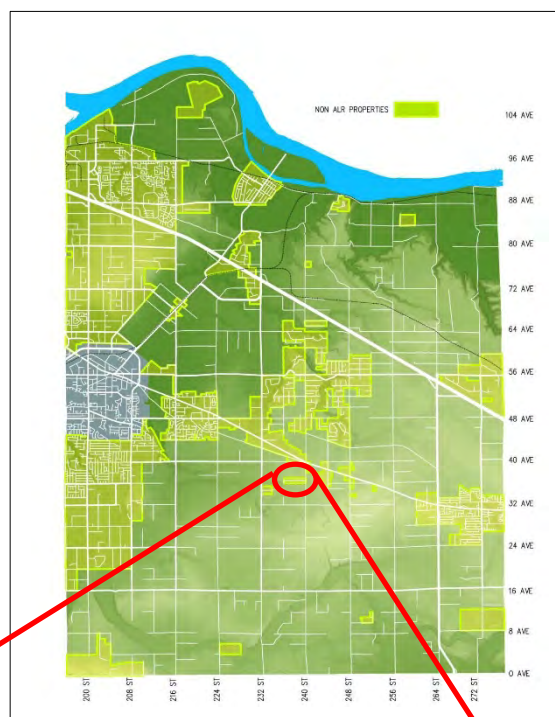
Application to amend the Rural Plan and the Zoning Bylaw to accommodate fee simple subdivision of eleven (11) rural residential properties located between the 23600 and 23900 blocks of 36A Avenue, not within the ALR. A request has also been made for an exemption from the Community Amenity Contributions Policy.

RECOMMENDATION SUMMARY:

That Council give first and second reading to Bylaw Nos. 5526 and 5527 subject to two (2) prerequisites and authorize staff to schedule the required Public Hearing.

RATIONALE:

The permitted residential density is unaffected by the proposed change in land tenure.



RECOMMENDATIONS:

That Council give first and second reading to Langley Official Community Plan Bylaw 1979 No. 1842 (Rural Plan) Bylaw 1993 No. 3250 Amendment (Ganchar) Bylaw 2019 No. 5526 and Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Ganchar) Bylaw 2019 No. 5527, rezoning eleven (11) rural residential properties located in the 23600 – 23900 block of 36A Avenue to Rural Zone RU-3A, subject to the following development prerequisites being satisfied prior to final reading:

1. Provision of security for a hydrogeological study, to the acceptance of the General Manager of Engineering and Community Development; and
2. Compliance with the Community Amenity Contributions Policy;

That Council consider that Langley Official Community Plan Bylaw 1979 No. 1842 (Rural Plan) Bylaw 1993 No. 3250 Amendment (Ganchar) Bylaw 2019 No. 5526, is consistent with the Township's Five Year Financial Plan as updated annually and with Metro Vancouver's Integrated Liquid Waste Resource Management Plan and Integrated Solid Waste Resource Management Plan, and with the consultation requirement of Official Community Plan Consultation Policy (07-160); and further

That Council authorize staff to schedule the required public hearing.

EXECUTIVE SUMMARY:

The subject lands are designated Agriculture/Countryside in the Rural Plan which accommodates an 8 ha / 19.8 ac minimum parcel size. As the properties were created by subdivision in the 1950's and are approximately 0.4 ha / 1 ac in size, they were not included within the ALR (at time of creation). The current zoning accommodates two single family dwellings per lot. The applicant is proposing to amend the Rural Plan to facilitate rezoning of eleven (11) non-ALR properties located on 36A Avenue (between 236 Street and 240 Streets) to further accommodate subdivision in a fee simple form versus strata.

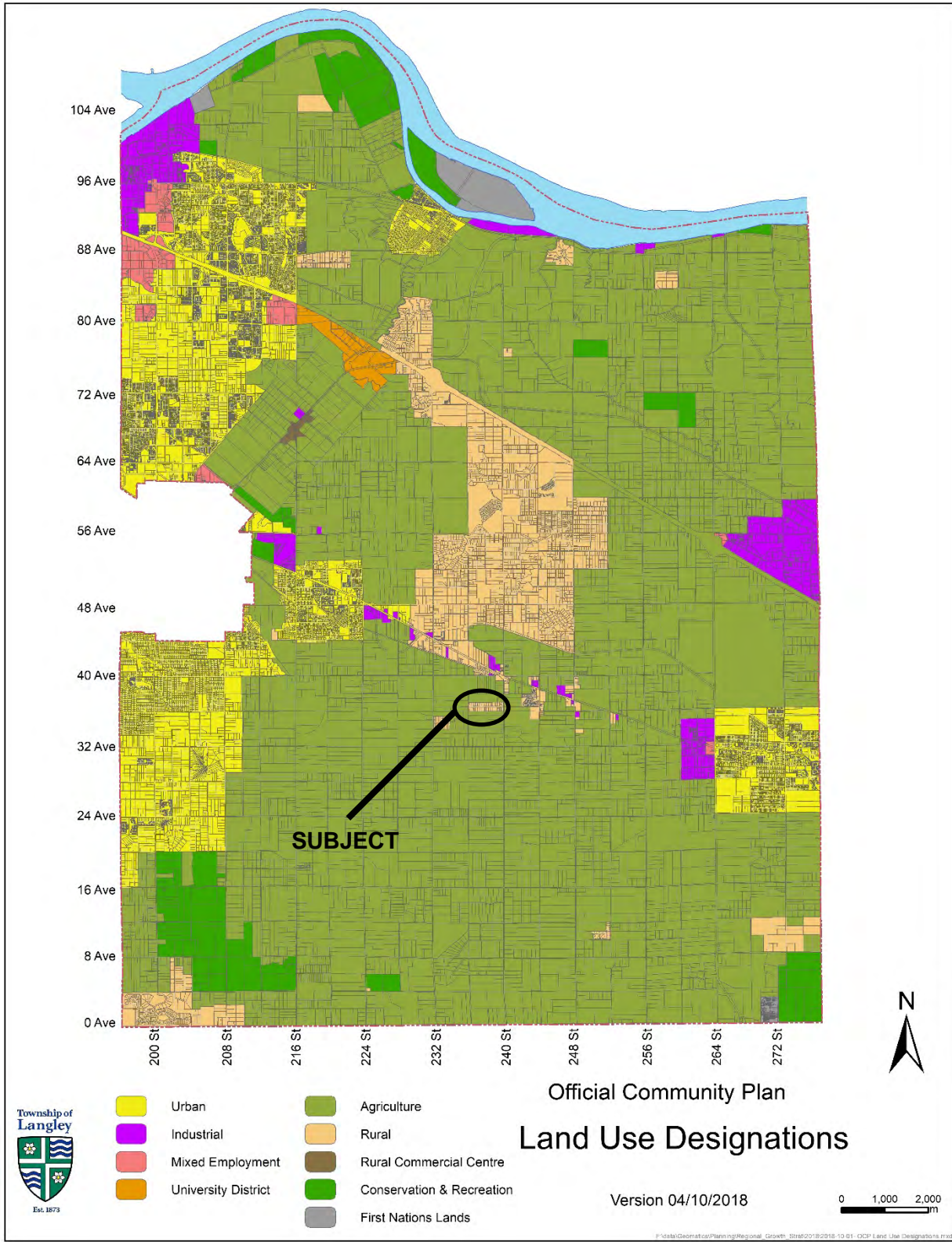
On June 25, 2018 Council received a staff report for information and resolved to select 'Option B', which involves individual property owners submitting Rural Plan amendment, rezoning and subdivision applications for evaluation on a case by case basis.

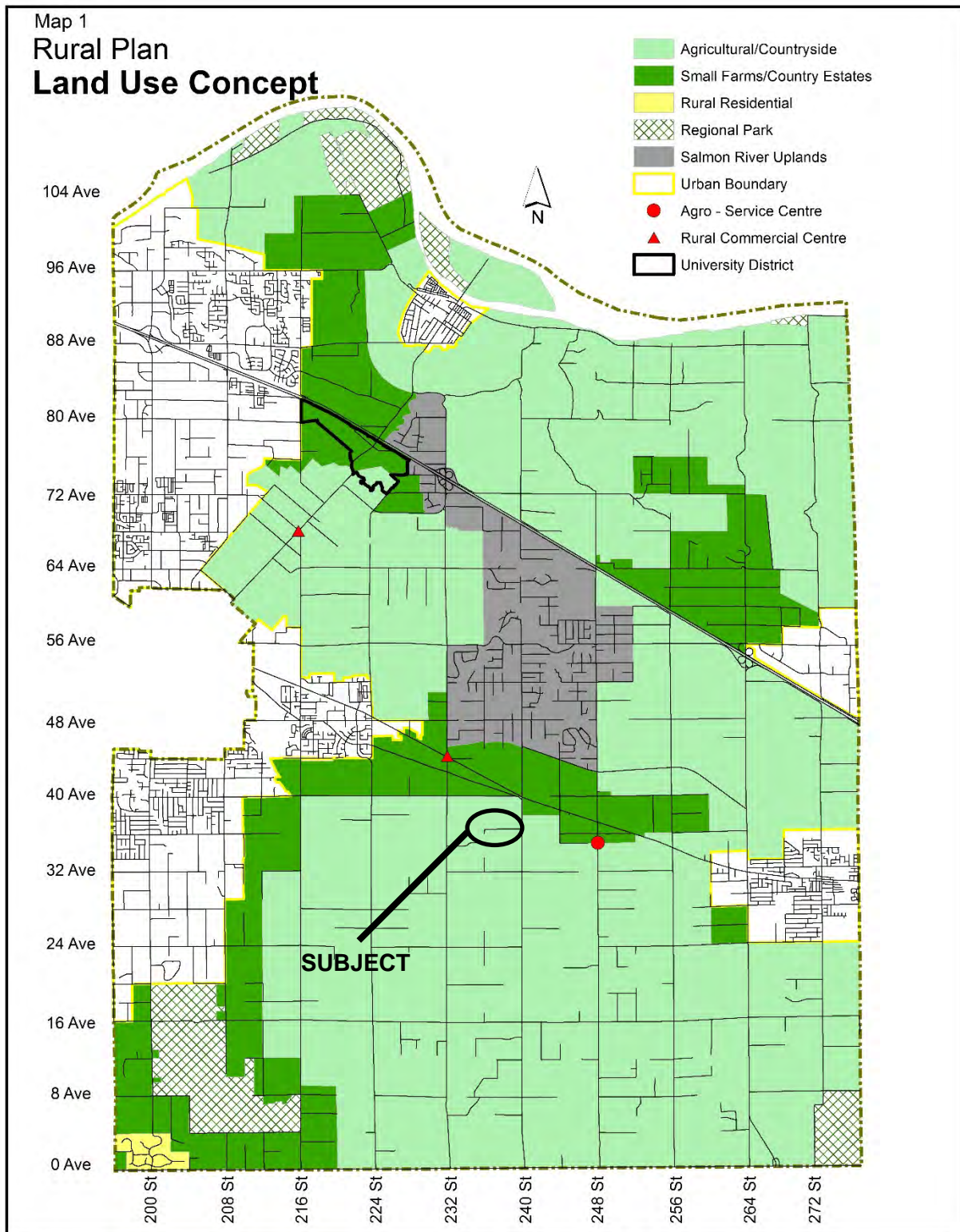
A request has also been received for the application to be granted an exemption from the Community Amenity Contributions Policy. Although the application does not meet the conditions outlined in the CAC Policy under which Council may consider an exemption, Council may wish to consider granting an exemption, which is not recommended by staff, based on the specific circumstances of this proposal.

PURPOSE:

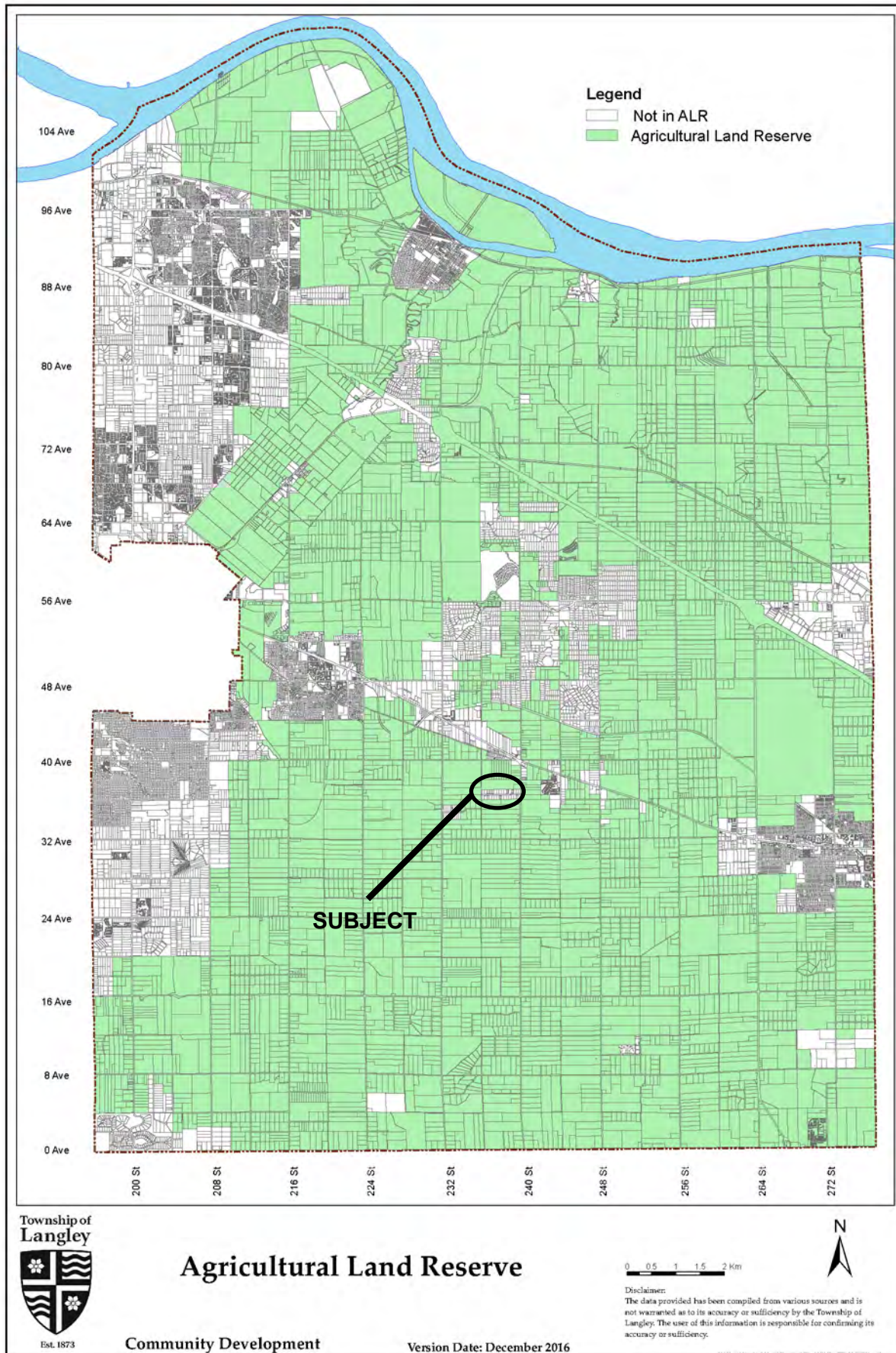
This report is to provide information and recommendations to Council concerning the proposed Official Community Plan Amendment and Rezoning Application.

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REZONING APPLICATION NO. 100184
(GANCHAR / 23600 - 23900 BLOCKS OF 36A AVENUE)
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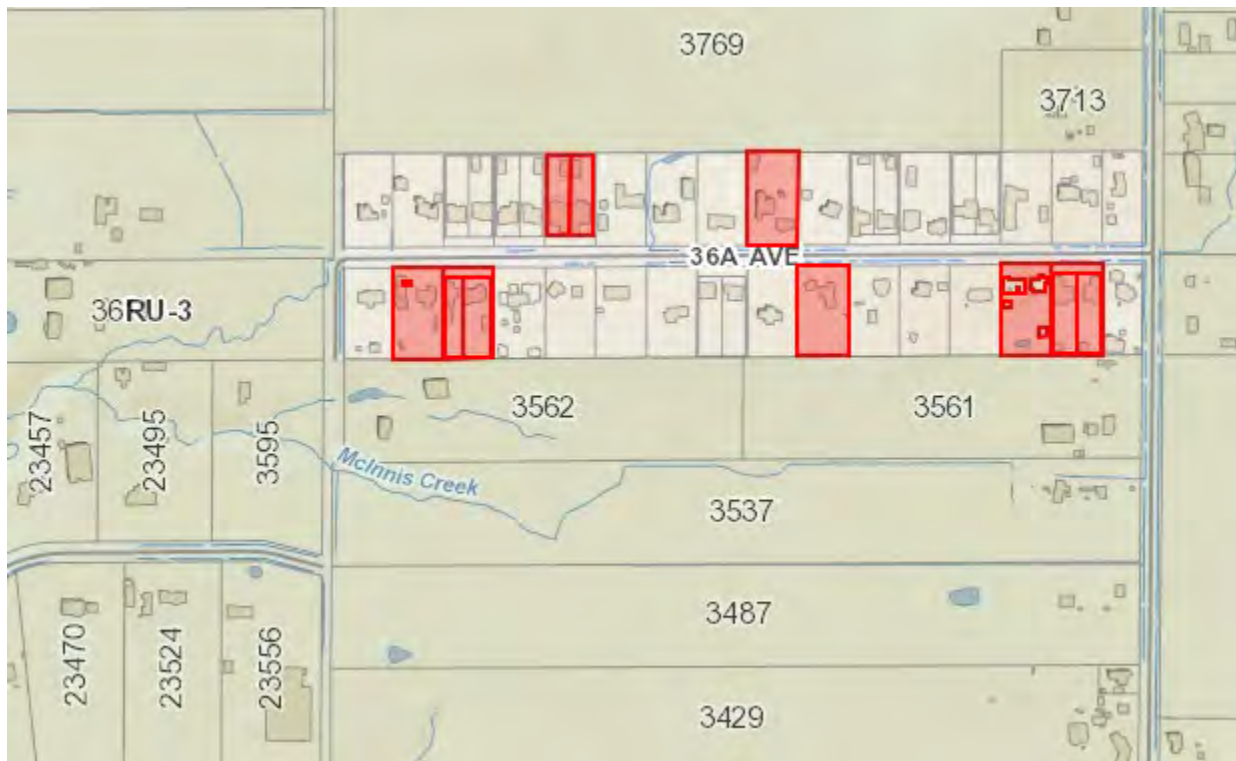




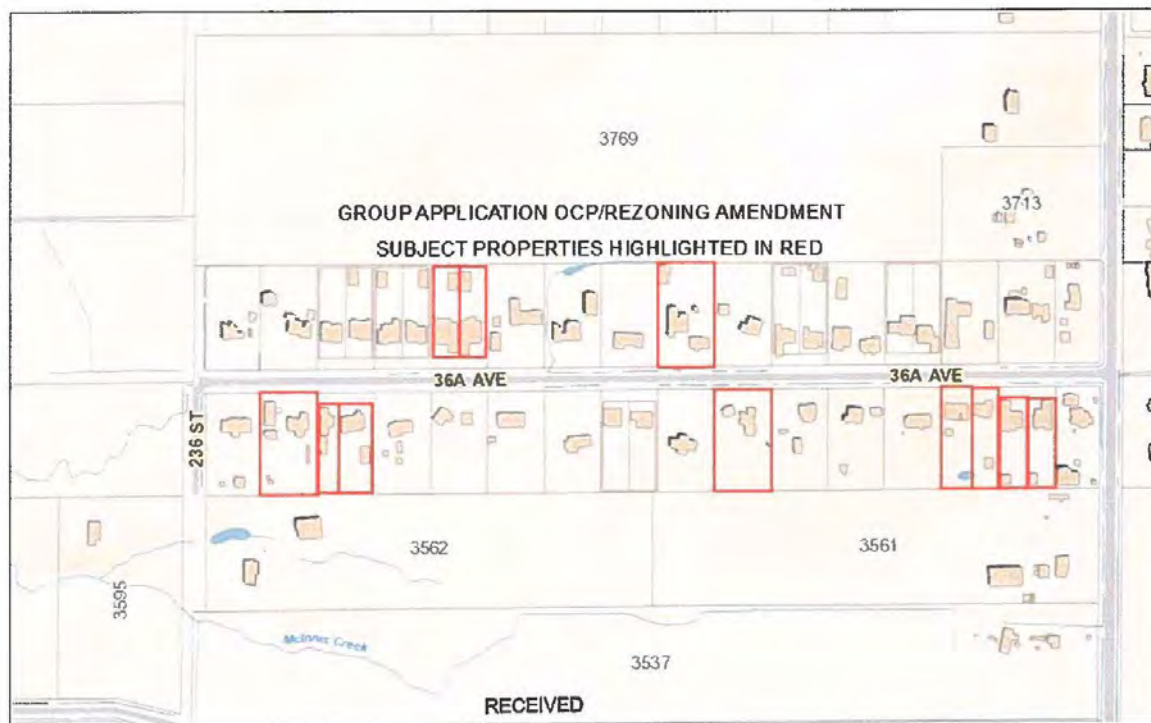
OFFICIAL COMMUNITY PLAN AMENDMENT AND
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Zoning Bylaw No. 2500



Site Plan – SUBMITTED BY APPLICANT

Reference:

Applicant:

Dean Ganchar
23676 - 36A Ave
Langley, BC V2Z 2J6

Owners:

Dean and Nisha Ganchar
23676 - 36A Avenue, Langley, BC V2Z 2J6

Vernon Bauer and Carolyn Van Schagen
23958 - 36A Avenue, Langley, BC V2Z 2J6

Clinton and Frances Daigneault
23844 36A Avenue, Langley, BC V2Z 2J6

Vincent and Hannah De Vries
23936 - 36A Avenue, Langley, BC V2Z 2J6

Stephen and Ana Lindberg
23944 – 36A Avenue, Langley, BC V2Z 2J6
Anita Korpa
23707 - 36A Avenue, Langley, BC V2Z 2J6

Alexander and Nathalie Moffat
23950 - 36A Avenue, Langley, BC V2Z 2J6

Frederick and Sandra Schaefer
23727 - 36A Avenue, Langley, BC V2Z 2J6

Robert and Maureen Scharf
23805 - 36A Avenue, Langley, BC V2Z 2J6

Ian Thompson and Adele Patel
23942 - 36A Avenue, Langley, BC V2Z 2J6\

Gilbert and Natalie Tribe
23642 - 36A Avenue, Langley, BC V2Z 2J6

Anthony and Carolyn Wheeler
23668 - 36A Avenue, Langley, BC V2Z 2J6

Legal Description:

Lots 9, 23 and 31 Plan 19218;
Strata Lots 1 and 2 Strata Plan EPS1357;
Strata Lots 1 and 2 Strata Plan EPS3896;
Strata Lots 1 and 2 Strata Plan BCS4069;
Strata Lots 1 and 2 Strata Plan BCS3163;
All of Section 28 Township 10
New Westminster District

Area:

Each parcel is approximately 0.4 ha / 1 acre
pre subdivision

Existing Zoning:	Rural Zone RU-3
Proposed Zoning:	Rural Zone RU-3A
Rural Plan:	Agriculture / Countryside

BACKGROUND/HISTORY:

The subject lands are designated Agriculture/Countryside in the Rural Plan which accommodates an 8 ha / 19.8 ac minimum parcel size. As the properties were created by subdivision in the 1950's and are each approximately 0.4 ha / 1 acre in size, they were not included within the ALR (at time of its creation in 1972).

The current zoning accommodates two single-family dwellings per lot. Throughout the rural areas of Langley, there are small enclaves of properties (not located within the ALR) accommodating two single-family dwellings per lot. Many of these properties have subdivided through the provisions of the Strata Property Act. The applicant is proposing to amend the Rural Plan in order to enable property owners on 36A Avenue to collapse their respective strata plans and to accommodate future fee simple two lot subdivision.

On June 25, 2018 Council received a staff report for information and resolved to select 'Option B' - "to consider fee simple subdivision of the subject properties on a case by case basis." The staff report notes that this option requires individual property owners to submit Rural Plan amendment, rezoning and subdivision applications for evaluation. The report also notes that a hydrogeological study will be required to review and address potential servicing issues for the block.

DISCUSSION/ANALYSIS:

An amendment to the Rural Plan is necessary to accommodate rezoning of the subject lands to further accommodate subdivision in a fee simple form versus strata. To date, eleven (11) of the original 32 properties have subdivided pursuant to the Strata Property Act – creating an additional eleven (11) strata lots on the street.

The subject application includes a combination of eight (8) strata lots (four (4) parent parcels) and three (3) fee simple lots that will potentially subdivide at a future date to create an additional seven (7) fee simple lots on the street. Other similarly sized non-ALR fee simple and strata lots located on 36A Avenue between 236 and 240 Street are not part of the application.

Adjacent Uses:

- North:** A rural residential property 14 ha (35 ac) in size and a rural residential property 1.4 ha (3.5 ac) in size, both zoned Rural Zone RU-3 and designated Agriculture/Countryside in the Rural Plan, located in the ALR;
- South:** Two (2) 4 ha (10 ac) rural residential properties zoned Rural Zone RU-3 and designated Agriculture/Countryside in the Rural Plan, located in the ALR;
- East:** 240 Street, beyond which is a 4 ha (10 ac) rural residential property zoned Rural Zone RU-3; a 4 ha (10 ac) property split zoned Mobile Home Park Zone MH-1 and Rural Zone RU-3 (formerly accommodating the septic field for Langley Grove Estates) and designated Agriculture/Countryside in the Rural Plan, located in the ALR;

West: 236 Street, beyond which is a rural residential property 11.5 ha (28.5 ac) in size and a rural residential property 3.9 ha (9.8 ac) in size, both zoned Rural Zone RU-3 and designated Agriculture/Countryside in the Rural Plan, located in the ALR

Official Community Plan:

The subject properties are designated Rural in the Official Community Plan (OCP) and are intended to maintain the existing rural character of the area as further described below in Section 2.2.6:

2.2.6. Areas designated as Rural are intended to maintain the existing rural residential character of the area. Rural residential development and agricultural uses are permitted in conformity with the provisions of the Rural Plan and the Zoning Bylaw, unless otherwise approved by the Agricultural Land Commission..

Urban design objectives in Section 2.5 of the OCP identify the need for a range in housing types and tenures as illustrated below:

Sustainable communities allow for a wide range of housing types and tenures based on income, age, and ability to support a broad population mix in each community. A range of affordable housing alternatives provide a variety of adequate dwelling sizes and prices to meet residents' needs.

Rural Plan:

The subject properties are designated Agriculture/Countryside in the Rural Plan, a designation primarily intended for larger parcels of land located within the Agricultural Land Reserve. The subject properties' Rural RU-3 zoning accommodates two (2) single-family dwellings on each parcel. The Strata Property Act enables landowners to divide ownership of each dwelling. The Rural Plan does not provide guidance on subdivisions pursuant to the Strata Property Act.

Proposed Rural Plan Amendment:

The subject property is designated Agriculture/Countryside in the Rural Plan, which anticipates an 8.0 ha (19.8 ac) minimum parcel size, consistent with the site's Rural RU-3 zoning and Section 5.5.3 of the Rural Plan as noted below:

5.5.3 The minimum lot size in the Agriculture/Countryside designation shall be 8.0 ha (19.8 acres)....

Staff note the subject properties do not currently meet the 8.0 ha (19.8 ac) minimum parcel size requirements of the Rural Plan and Zoning Bylaw. Bylaw 2019 No. 5526 proposes to amend the provisions of Section 5.5 – Agriculture/Countryside of the Rural Plan to include a separate, site specific, provision to enable fee simple subdivision (at less than the 8.0 ha / 19.8 ac minimum parcel size) of the subject and remaining properties along 36A Avenue between 236 Street and 240 Street.

Proposed Zoning:

The subject properties are currently zoned Rural Zone RU-3. Bylaw 2019 No. 5527 proposes to rezone the site to a new Rural RU-3A Zone to accommodate subdivision of the subject properties into two (2) fee simple lots with a minimum lot area requirement of 0.17 ha (0.42 ac).

The maximum permitted gross floor area of accessory buildings has been reduced to 100m² (1,076 ft²) from 200m² (2,152 ft²) permitted in Rural Zone RU-3. This is in line with the existing status quo as each strata lot currently shares the overall 200m² (2,152 ft²) accessory building floor space limit.

As the proposed lots are a rural residential use (not located within the ALR) and relatively small in size, agricultural related uses (notwithstanding hobby bee keeping) have been removed from the list of permitted uses, consistent with the Suburban Residential SR-3A Zone applied near the Walnut Grove area to enable fee simple subdivision of strata lots.

The lot coverage, siting, height, parking and landscape requirements are consistent with the provisions of the Rural RU-3 Zone.

Official Community Plan Consultation Policy:

In accordance with the Official Community Plan Consultation Policy (07-160), the Langley School District was consulted during the early stages and throughout the Official Community Plan (OCP) amendment application process. The School District did not express any concerns regarding the proposed amendments. Staff recommends that Council consider the consultation completed consistent with the requirements of the Official Community Plan Consultation Policy (07-160).

Council's Official Community Plan Consultation Policy also requires Council to consider the OCP amendment in conjunction with the financial plan and any applicable waste management plan. Staff recommends that Council consider the proposed OCP amendment consistent with the Township's financial plans (both operating and capital) and Metro Vancouver's waste management plans.

Servicing:

Servicing will be addressed at time of subdivision.

Landscaping:

Landscaping will be addressed at time of subdivision.

Tree Protection and Replacement:

The subject properties accommodate existing single family dwellings. Tree protection matters will be addressed at time of subdivision in accordance with the Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection).

Environmental Considerations:

The subject properties draw water from the Hopington aquifer. The Report to Council dated June 25, 2018 identified the requirement for the proponent(s) to conduct a hydrogeological study to review and mitigate any potential servicing issues. More specifically, the study will provide a baseline to monitor the cumulative affects of development on the aquifer. Provision of security (in proportion to the number of benefitting properties) for completion of this study by the Township is noted as a condition of rezoning.

The Township's Sustainability Charter includes environmental objectives to protect and enhance rivers, streams, wildlife habitats and environmentally sensitive areas in the Township. These environmental objectives are supported by policy and guidance outlined in the Township's Environmentally Sensitive Areas Study, Wildlife Habitat Conservation Strategy, Schedule 3 of the Township of Langley Official Community Plan, Erosion and Sediment Control Bylaw, and

Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection) which promote sound environmental management practices and outline Township environmental performance expectations. At subdivision stage, the provision of stormwater management and sediment control measures and compliance with the Township's Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection) satisfies the objectives of the Sustainability Charter.

School:

School District 35 has provided comments stating no objection to the proposed rezoning (Attachment A).

Community Amenity Contribution:

The applicant has submitted a request (Attachment B) for an exemption from the CAC Policy requirements. The Community Amenity Contributions Policy No. 07-166 (Attachment C) anticipates provision of an amenity or 'cash in lieu' for all residential rezoning applications submitted after adoption of the Policy on July 23, 2018. Although the subject application was submitted on April 4, 2019, staff note the Community Policy and Planning Department advanced a related Report to Council on June 25, 2018 prior to Council adoption of the CAC Policy on July 23, 2018. The report provided an option to accommodate a case by case Rural Plan and rezoning application to be considered by Council to allow subdivision of individual properties. Council resolved to proceed with this option, which led to the submission of the subsequent Rural Plan and rezoning amendment application by Mr. Ganchar and a group of property owners on 36A Avenue.

The applicants have requested that Council grant an exemption from the requirements of the CAC Policy for their application.

Section 5.4 of the CAC Policy outlines conditions under which Council may consider an exemption from the CAC program. Section 5.4(f) states that an exemption may be considered for:

(f) Residential rezoning applications received prior to initial adoption of this Policy on July 31, 2018, and that have received Third Reading from Council prior to adoption of the amend Policy on April 15, 2019.

The subject application does not meet this condition, as the application was submitted on April 4, 2019 and has not yet received any bylaw readings.

According to Section 5.8 of the Policy, the current target contribution amount for each new single family lot is \$5,673. The application is proposing to rezone eleven (11) properties in order to subdivide to create fourteen (14) fee simple lots. The number of units proposed generate a target contribution amount of \$79,422 if the exemption is not granted.

Staff also note that the net density of the subject lands remains unchanged as a result of the proposed rezoning and plan amendment. The current zoning accommodates two (2) single family dwellings per lot and to date, some of the properties have registered a strata plan to separate ownership.

Although the application does not meet the conditions outlined in Section 5.4(f) of the CAC Policy under which Council may consider an exemption, Council may wish to consider granting an exemption to the CAC program requirements, based on the specific circumstances of this proposal.

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A rezoning prerequisite has been included requiring compliance with the CAC Policy prior to consideration of final reading of the rezoning bylaw. If the exemption is not granted, final reading may not be achieved until the proponent has complied with the Community Amenity Contributions Policy No. 07-166.

POLICY CONSIDERATIONS:

The proposed amendment to the Rural Plan is consistent with the Rural designation in the Official Community Plan. The proposed rezoning to Rural Zone RU-3A does not result in additional density beyond what is currently accommodated by the subject properties' Rural RU-3 zoning. The proposed zoning amendment accommodates fee simple subdivision (pursuant to the Land Title Act) of the subject properties into two (2) lots as an alternative to subdivision into two (2) strata lots pursuant to the Strata Property Act.

Respectfully submitted,

Daniel Graham
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A School District Comments
ATTACHMENT B Applicant's request for CAC exemption
ATTACHMENT C Community Amenity Contributions Policy No. 07-166



26 August 2019

Daniel Graham
Development Planner
Township of Langley
20338 65 Avenue
Langley, BC V2Y 3J1

Re: Development Application Project 10-28-0042 / GANCHAR

CIVIC: 23600 – 23900 Block of 36A Avenue

LEGAL: Strata Lots 1 & 2 Strata Plan EPS1357, Strata Lots 1 & 2 Strata Plan BCS4069,
Strata Lots 1 & 2 Strata Plan BCS3163, Strata Lots 1 & 2 Strata Plan EPS3896, and
Lots 9, 23 & 31 Plan 19218; all of Section 28 Township 10 NWD

We have reviewed the above proposal. As this proposal involves re-zoning and amendment to the OCP we have no comments to make at this time. We will provide more detailed comments when more information is available.

Please advise if you need any other information.

Yours sincerely,

Brian Iseli, CPA, CMA
Secretary-Treasurer

To Township of Langley Mayor and Council,

This is a formal request on behalf of the applicants of project # 10-28-0042. We are asking the Mayor and Council to waive the Community Amenity Contribution (CAC) for all properties involved in this application (Total of 11). The application is to rezone the current single-family residential lots, so that the legal tenure can be changed from strata to fee simple. Currently the zoning allows for 2 single family dwelling per fee simple lot or 2 strata single family residential lots.

The justification for our request is that there will be no net density change or increase to density to our neighbourhood. This is not to rezone for a new development, as every residential lot and dwelling included in this application is already established and existing. No additional infrastructure needs to be built or maintained. It is simply a rezoning application to change the legal tenure. There is no new construction or development of extra lots or dwellings which is not already allowed, and no new burden to the Langley Township. Since our neighbourhood has existed prior to 1975, the CAC program doesn't identify any benefit to our neighbourhood. Moreover, it should be noted that the TOL has already benefited from previous strata lot creation through an increase in property taxes collected from these properties.

In addition, we initiated the process of changing the legal tenure from strata to fee simple through the Township of Langley Council prior to the adoption of the CAC policy. Please accept this as a formal request to waive the Community Amenity Contribution for this application as all the applicants involved have already contributed substantially to the positive growth and development of the Township of Langley.

If you have any further questions please contact me at 778-988-1804 or at deanganchar@hotmail.com

Gratefully on behalf of the applicants of project #10-28-0042,

Dean Ganchar

COUNCIL POLICY

Subject: Community Amenity Contributions

Policy No:

07-166

Approved by Council:

2018-07-23

Revised by Council:

2019-04-15

1. Purpose

- 1.1 To provide administrative guidelines for a Community Amenity Contribution (CAC) Program.

2. Background

- 2.1 Municipalities are required to balance their budgets, which means the demand for new capital infrastructure and improvements must be kept within current fiscal and economic limits. Development Cost Charges (DCC), which are a primary source of funding especially for roads, water, sewer, stormwater systems, and park land acquisition and improvement, do not sufficiently assist in providing all facilities required for new communities.
- 2.2 CACs are amenity contributions by the developer as part of a rezoning process.
- 2.3 CACs are intended to offset the cost of providing community amenities associated with new residential development, thereby having a benefit to the community. In the event that CACs are not made to help provide the amenities, it is not necessarily in the public interest for the local government to support a rezoning. It has become common practice for many municipalities in B.C. for developers to propose, or municipalities to seek, amenities from projects that are applying for changes in use or density, in order to help address the needs or impacts of new development. In this policy, the amenities are intended to be collected through a fixed rate contribution, based on a set of predetermined amenities.

3. Related Policies

- 3.1 The Official Community Plan (OCP) provides objectives and policies for the establishment of a community amenity contribution program. Objectives related to CACs aim to:
 - (a) Ensure that new development pays for the capital costs of providing new infrastructure and facilities to serve that development.
 - (b) Diversify revenue sources to fund new community infrastructure.
 - (c) Provide tools and incentives to encourage affordable housing options.

3.2 Specific policies include:

- (a) Investigate potential for community amenity charges to cover the costs of facilities and amenities required for development that are not funded by DCCs.
- (b) Create incentives to encourage developers to include affordable market rental housing and/or non-market housing in new developments, using community amenity contributions that include affordable housing as a community benefit (new units or cash).

4. Principles

- 4.1 As residential growth occurs, new development should make a fair contribution to new community amenities, affordable housing, and other community needs, in order to meet the needs of a growing community and to contribute to managing growth pressures.
- 4.2 The Township of Langley will set its targets for CACs such that the cost implications for new development will be reasonable. The level of CACs will be such that there is minimal impact on new development. More specifically, the expectations for CACs are not likely to affect the financial viability of new development projects. The costs will be such that developers and land owners will still see incentives to seek higher density for residential developments.

5. Policy

- 5.1 The provision of community amenities will be subject to community input, Council prioritization and available revenue. Where one developer is not expected to provide an entire amenity, the developer may pay the Township cash in lieu, referred to as CACs. The amenities are as follows:
 - (a) 15% will be Affordable Housing, and therefore 15% of CACs will go into the Affordable Housing Reserve Fund; and
 - (b) 74% of community amenities will be Township-wide enhancements, and therefore 74% of CACs will go into a Community Amenity Contribution Fund to assist in funding of the following amenities:
 - Township-wide Greenway
 - Satellite RCMP Detachment
 - Conference and Entertainment Centre
 - Recreation Centre in Willowbrook-Willoughby
 - Recreation Centre in Brookwood-Fernridge
 - (c) 11% of community amenities will be enhancements to areas within the Aldergrove Core Area Plan, and therefore 11% of CACs will go into an Aldergrove Community Amenity Fund to assist in funding amenities.

- 5.2 The Township intends to obtain contributions to civic infrastructure and amenities from new development that involves rezoning. In doing so, the Township will apply the following principles:
- (a) New development should make a fair contribution to new community amenities, affordable housing, and other community needs, to meet the needs of a growing community and to address some of the impacts of growth.
 - (b) The Township's community amenities are set out in section 5.1.
 - (c) The Township will set its targets for amenities (and for cash in lieu of amenities, referred to herein as CACs, where one developer is not expected to provide an entire amenity) such that the cost implications for new development will be reasonable. The extent of Community Amenity Contributions will be such that there is little risk that there will be any impact on the pace of new development in the Township.
 - (d) The Township will set targets for cash in lieu Community Amenity Contributions it hopes to obtain from new development. Effective January 1, 2021, the targets are set out in Table 1 and may be reviewed by Council from time to time, based on changing community needs, changing priorities, and changing market conditions.
 - (e) The Township will use phased development agreements as the mechanism to obtain cash in lieu Community Amenity Contributions. In site by site negotiations, the Township will seek to obtain a target contribution that makes a meaningful contribution to community amenities while ensuring that land owners still have enough incentive to make land available in the redevelopment market.

Table 1

Residential Type	Target Amenity Contribution	Required Amenity (or) Allocation of the Amenity Contribution
New single family lot	\$6,808 per lot	See section 5.1
Townhouse/rowhouse/duplex or other ground-oriented dwelling unit	\$5,776 per unit	See section 5.1
Low rise apartment (6 storeys or less)	\$4,539 per unit	See section 5.1
Mid-high rise apartment (7 storeys or more)	\$3,507 per unit	See section 5.1

5.3 (This section was deleted on April 15, 2019.)

5.4 EXEMPTIONS

Where development meets the following conditions Council may consider an exemption from the CAC program:

- (a) Any not-for-profit development as defined in the Development Cost Charge Waiver For Affordable and Supportive Housing Bylaw 2019 NO. 5462
- (b) Where single family residential subdivisions propose fewer than 3 lots, the original lot is exempt, after which the CAC program applies to each new lot;
- (c) Accessory dwelling units, such as a secondary suite or coach house;
- (d) Duplex, triplex and fourplex dwelling units, where only one building is being constructed – only the first dwelling unit is exempt, after which the CAC program applies to each additional dwelling unit.
- (e) The development of residential dwellings within the area identified in the Aldergrove Core Area Plan, including mixed-use development, that have received Third Reading from Council prior to July 31, 2024.
- (f) Residential rezoning applications received prior to initial adoption of this Policy on July 31, 2018, and that have received Third Reading from Council prior to adoption of the amended Policy on April 15, 2019.

5.5 COLLECTION OF CACs

- (a) Payment of the CAC shall be made to the Township prior to Council consideration of adoption of the Zoning Bylaw amendment bylaw, pursuant to a Phased Development Agreement. If adoption is not given by Council to the Zoning Bylaw amendment bylaw, the CAC (without interest) shall be returned to the applicant by the Township.
- (b) Alternatively, payment of the CAC may be made to the Township at the time of issuance of a development permit, or where one is not required, at the time of issuance of a building permit. Where this option is selected by the applicant, an irrevocable letter of credit must be provided to the Township for the full amount of the CAC prior to Council consideration of adoption of the Zoning Bylaw amendment.

5.6 Any rezoning application, submitted prior to the final adoption of this policy, shall be granted a twelve (12) month grace period from the date of final adoption of this policy, in order to receive fourth and final reading by Council of the Zoning Amendment Bylaw. If the process is not completed within the one-year period, payment of the CAC shall apply.

5.7 Council may amend the CAC target contribution amounts and any other aspect of this Policy as it deems appropriate in response to changing needs.

5.8 The Township's community amenity contribution targets shall be based on Table 2 below, increasing at 3-month intervals, applicable as per Section 5.5 above.

Table 2

	New single family lot – per lot	Townhouse / rowhouse / duplex or other ground-oriented dwelling unit – per unit	Low rise apartment (6 storeys or less) – per unit	Mid-high rise apartment (7 storeys or more) – per unit	Required Amenity (or) Allocation of the Amenity Contribution
Prior to January 01, 2020	\$ 5,673	\$4,814	\$3,782	\$2,923	See section 5.1
January 01, to March 31, 2020	\$5,673	\$4,814	\$3,782	\$2,923	See section 5.1
April 01, to June 30, 2020	\$5,957	\$5,055	\$3,971	\$3,069	See section 5.1
July 01, to September 30, 2020	\$6,241	\$5,295	\$4,161	\$3,215	See section 5.1
October 01 to December 31, 2020	\$6,524	\$5,536	\$4,350	\$3,361	See section 5.1
After January 01, 2021	\$6,808	\$5,776	\$4,539	\$3,507	See section 5.1

5.9 This Policy is to be administered and monitored by the Community Development Division and the Finance Division.

5.10 This Policy will be reviewed periodically to assess amenities and associated capital costs as required. Timing of the CAC Policy review will be offset so as not to overlap with the periodic review of the Development Cost Charges Bylaw to the extent possible.