

Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED:	MARCH 30, 2015 - REGULAR AFTERNOON MEETING	REPORT:	15-22
FROM:	COMMUNITY DEVELOPMENT DIVISION	FILE:	BA000009
SUBJECT:	NORTHWEST LANGLEY REZONING OPTIONS		

RECOMMENDATION:

That Council receive the “Northwest Langley Rezoning Options” report for information.

EXECUTIVE SUMMARY:

At its Regular Evening Meeting on September 8, 2014, Council received a delegation from a resident, expressing concerns with a 2 lot strata subdivision in the northwest Langley area. The resident requested Council consideration of rezoning the area, from the current RU-1 to R-1A with the intent of preventing other similar strata subdivisions in the area, generally described as south of the CN Rail lines to 98 Avenue and between 201 and 203 A Streets (see Attachment A). However, the resident also expressed a desire for services to not be upgraded to urban standards, as required for the R-1A Zone, but rather remain rural (see Attachment D). Council then referred the delegation to staff for a report.

The current RU-1 Zone permits construction of two dwelling units per lot, which based on provincial regulations can be subdivided as two strata lots. This is a historic provision in the Zoning Bylaw dating back to the early 1980’s based on farming operational needs. The subject area, currently zoned RU-1, comprises 37 existing parcels; and is surrounded by industrial uses to the north, south and west, with a single family residential development zoned R-1A to the east.

The subject area is designated Urban in the Township’s Official Community Plan, and designated as Low Density Residential in the Northwest Langley Community Plan, adopted in 1985 and updated in 2005, which permits a density of 4 to 6 units per acre. While the area is served with the municipal sewer and water system, it lacks the typical urban features such as curb and gutter, streetlights and sidewalks and is not part of the municipal solid waste system.

The following five possible options, as listed below and described in more detail in this report, are presented for Council’s consideration:

1. Status quo;
2. Rezone to R-1A;
3. Rezone to permit fee simple subdivision consistent with current allowable density;
4. Rezone to maintain existing lot sizes but with a provision of one dwelling per lot; and
5. Amend the Zoning Bylaw to eliminate the provision of 2 dwelling units in the RU-1 Zone.

PURPOSE:

This report is provided in response to a request from Council resulting from a delegation made in September 2014; and aims to present options for Council’s consideration.

BACKGROUND/HISTORY:

A delegation to Council on September 8, 2014 expressed concerns about the area generally described as being located north of 98 Avenue to the railroad, and east of the industrial development on 201 Street (Attachment A) to approximately 204 Street. The resident primarily expressed concerns about a strata development with two dwellings on a fee simple lot. The resident felt that the area does not have the necessary services to support continued development with each lot having the potential for two homes.

The delegate requested the area be rezoned from the current Rural RU-1 Zone to Residential R-1A Zone, similar to the area to the east, to ensure that the area remains low density. Information presented by the resident is provided as Attachment B, who also expressed concerns about an unbuilt lane fenced off by adjacent landowners, traffic volume on 202 Street and restricted traffic flow due to the one-way access at 98 Avenue and 203 Street. However, she specifically requested no increase to municipal services for the area.

At its Regular Evening Meeting of September 8, 2014, Council adopted the following motion:

“That Daphne Kelly’s delegation regarding changing the current RU-1 zoning to R-1A for the area bounded by CN rail line to the north, Stave Road to the west, 98 Avenue to the south, and 204 Street to the east, be referred to staff for a report.”

The subject area is surrounded by industrial zones and uses to the north, south and west, with single family residential (zoned R-1A) to the east. In the area west of 203 Street lots range in size from about 557 square metres (6,000 sq. ft.) to 1,115 square metres (12,000 sq. ft.), typically with a 20 metre (66 ft.) frontage. In the area east of 203 Street lots are larger, ranging in size from 734 square metres (7,900 sq. ft.) to 1,579 square metres (17,000 sq. ft.) in area. These existing lots were created by a legal plan registered over 100 years ago, occupied primarily by mobile homes. There are currently 37 existing parcels within the subject area. One lot has two dwelling units that have recently been constructed pursuant to provisions of the provincial legislation as strata lots. An existing vehicle repair service is located on one of the lots, predating the current zoning bylaw.

The area is currently designated General Urban in the Regional Growth Strategy (RGS) and designated Urban in the Township of Langley’s Official Community Plan, currently at third reading, pending the resolution of a dispute with Metro Vancouver. It is designated as Low Density Residential in the Township’s Northwest Langley Community Plan, which permits single family dwellings at a density of between 4 to 6 units per acre. The area is currently zoned RU-1 which has a minimum lot size requirements of 1.7 ha (4.2 acres) and permits two single family dwellings or mobile homes per lot. Given this more urban context, the current RU-1 Zoning, in staff’s opinion, is not appropriate, as it was intended for large lots in rural areas.

DISCUSSION/ANALYSIS:

Development in the subject area, beyond what is permitted under current zoning, will require extension of roads and services in compliance with provisions of the Township’s Subdivision and Development Servicing Bylaw, adopted by Council in 2011. Council may, as part of their consideration of a rezoning application, also consider an amendment to the Subdivision and Development Servicing Bylaw to remove the requirement for extension of urban services.

A review of storm water management requirements for the area will be required, as part of a development application, regardless of bylaw requirements, in order to minimize drainage impacts and ensure environmental sustainability.

With respect to road works, the area currently lacks the typical urban features such as curb and gutter, streetlights and sidewalks. Concerns have also been expressed by some area residents relating to removal of the traffic calming feature located at the intersection of 203 Street and 98 Avenue, which restricts access to the area. Removal of this restriction and conversion of the system to a two-way road is subject to funding and confirmation of majority acceptance as part of a local public consultation process.

Other road-related typical requirements associated with possible rezoning of the area would be upgrading of 203 Street between 98 Avenue and 98A Avenue; and of 98A Avenue west of 203 Street to 201 Street to urban standards. In addition, the unopened road on the western boundary of the subject area (201 Street or Stave Road), between 98 Avenue and 98A Avenue would be required to be constructed to provide an alternative access to the neighbourhood. Subject to the development option chosen, construction of the currently unopened lanes may also be required.

In regard to other potential utility upgrades, the area is currently served with municipal water and sewer systems for the most part. Upgrades to these systems may be required as part of a rezoning or development and subject to further detailed analyses.

This area is immediately adjacent to the CN Railway. New development may have to comply with CN's guidelines for new development in proximity to railway operations to mitigate issues such as safety, noise and vibration.

The following five (5) possible options, with descriptions and implications as shown below, are presented for Council's consideration:

1. Status quo;
2. Rezone to R-1A;
3. Rezone to permit fee simple subdivision consistent with current permitted density;
4. Rezone to maintain existing lot sizes but with a provision of one dwelling per lot; and
5. Amend the Zoning Bylaw to eliminate the provision of 2 dwelling units in the RU-1 Zone.

Option 1 - Status Quo:

This option would result in maintaining the status quo with the current zoning of the area as is, as Rural RU-1, which would permit further development of two dwelling units on a fee simple lot, without the need for any further approvals from the municipality, based on provisions of the provincial legislation relating to strata developments.

As discussed previously, the RU-1 zoning is not considered by staff to be appropriate, given the area's current urban context. Furthermore, continued stratification, based on the two-dwelling unit provision of the Township's Zoning Bylaw and strata provisions of the provincial legislation, will result in an increase in overall population in the area, without the benefit of full urban services and public amenities.

There are currently 37 existing legal parcels within the subject area. Records indicate that one has undergone recent construction with two dwelling units as separate strata lots. Assuming a theoretical continued redevelopment based on current regulatory framework, there is a potential for doubling of the residential units from the existing 38 to 74 units, an increase of 36 units or approximately 90 people at an assumed average density of 2.5 people per unit.

Option 2 - Rezone to R-1A:

Rezoning the area to Residential R1-A Zone, appears, on the surface, to be in compliance with the request of the resident, appearing as a delegate at Council's September 8, 2014 meeting. However, as noted earlier, while requesting the zoning change, the resident also requested not extending urban services such as road improvements and others typically associated with urban areas and required as part of the Township's Subdivision and Development Servicing Bylaw. Accordingly, an amendment to Servicing Bylaw would be required, if Council wished to exempt the area from typical standards, including sidewalks, curb and gutter, streetlights, etc.

This option, if approved, would allow only one dwelling unit per lot, eliminating the ability to construct two dwelling units and stratify as two lots. The R-1A Zone does not permit mobile homes. Accordingly, the existing mobile homes can remain as legal non-conforming uses; or there could be a site-specific zone created that would reflect the lot sizes, setbacks and other provisions of the R-1A Zone with the exception of allowing mobile homes. As discussed previously, the area is designated as Low Density Residential in the Northwest Langley Plan. Accordingly, there may be a need for a Community Plan amendment.

The R-1A Zone allows a minimum of approximately 4,000 square foot lot, which means that owners could apply to subdivide their properties, if they can fulfil all the requirements of subdivision. A preliminary analysis indicates that, in theory, approximately 19 additional lots may be created, pursuant to the R-1A Zone, based on the applicable area and setback requirements. However, as noted earlier, urban services would have to be extended or their adequacy confirmed as part of engineering analyses conducted at the subdivision approval stage. Alternatively, Council could direct staff to amend the Servicing Bylaw. It is possible for the theoretical number of additional lots that can be created to increase as part of possible larger land assemblies in the area.

If selected by Council, this option would prevent future construction of two homes on each lot and creating 2 lot strata subdivisions. Another one of the key implications of this option would be inclusion of the area into the Township's solid waste management system.

Option 3 - Rezone to permit fee simple subdivision consistent with current allowable density:

This option would allow subdivision to permit two single family fee simple lots consistent with the current permitted density of 2 dwelling units per lot. This option could be viewed as a hybrid of the previous two options, in that it would trigger a rezoning, and possibly community plan amendment process (similar to option 2); but with a potential new dwelling unit of 36 (similar to option 1), with a net increase of 17 new additional dwelling units from that provided in option 2.

The new zone to be created could permit the subdivision of each lot into no more than two new lots, that would permit mobile homes, but not more than one dwelling on each lot. Implications of this option would be maintaining the existing density of two dwellings per lot, by allowing each lot to be subdivided into two lots, as fee simple lots, rather than through stratification. This option would involve similar requirements as option 2, with respect to subdivision and servicing.

Option 4 - Rezone to maintain existing lot sizes but with a provision of only one dwelling per lot:

This option would see rezoning of the subject area to a zone similar to the R1-E Zone in the current Township of Langley Zoning Bylaw that permits +/- 10,000 square-foot lots with only one dwelling per lot. It would be modified to allow for mobile homes as a permitted use.

This option would not permit stratification and, based on a preliminary review, would permit further subdivision of only two of the existing 37 lots, both of which are located on the east side of 203 Street. As such, this option would result in the creation of two new additional lots.

This option would also address the concerns expressed by the delegation to Council in September of 2014, as it would eliminate the potential for strata development and would not require additional services such as sidewalks and street lighting.

Option 5 - Amend the Zoning Bylaw to eliminate 2 dwelling unit provision of RU-1 Zone:

This option would aim to eliminate the historic provision contained in the Zoning Bylaw of allowing construction of 2 dwelling units on a parcel. This provision has been in place since the early 1980's and has its roots in agricultural considerations, based on the need for farm help or extended families. It was not intended to be used to accommodate a subdivision. However, relatively recent changes in provincial regulations have resulted in stratification of the homes without a referral to, or need for approval from, the local government through the provincial Land Titles Office.

This option, if selected by Council, would remove this historic provision from the RU-1 zone throughout the Township, which would likely be opposed by the land owners, who would consider it as an historic entitlement.

Summary:

Option	Description	Implication Highlights
1	Status Quo	Further strata development into 2 lots, based on existing regulations, resulting in increased population and no added community benefits in terms of servicing standards. Potential for 36 additional dwelling units.
2	Rezone to R-1A	More consistent with the area to the east. Provides for 1 dwelling unit per +/- 4,000 ft ² lot. 19 new lots may be created, based on area and frontage requirements. Must consider services & allowing mobile homes.
3	Rezone to permit fee simple s/d based on current strata density	Essentially a hybrid option with the density allowed under option; and rezoning process (including servicing) requirements of option 2. Approx. no. of new dwelling units, in theory, would be 36.
4	Rezone to maintain existing lot size, but with 1 dwelling per lot	Rezone to allow a minimum lot size of +/- 10,000 ft ² , preventing the 2 unit strata developments, as well as possible subdivision potential of options 2 & 3. Would result in only 2 new additional lots being created.
5	Amend Zoning Bylaw to eliminate 2 dwelling unit allowance in RU-1	This option would amend the Zoning Bylaw to eliminate the provision of 2 dwelling units on a RU-1 lot, which is a historic provision in the Bylaw and likely to be opposed by residents across the municipality.

New development potential of the options analyzed, where applicable is theoretical and subject to change based on possible land assembly, and servicing restrictions including and not limited to detention requirements.

The current RU-1 Zoning gives owners the entitlement to have two dwellings on each lot. Retaining the current zoning and permitting further stratification is the only way to maintain that entitlement. Future development is limited based on current lot size, layout of the area and servicing requirements. Council could review the requirement for works and services to be provided and direct staff to bring forward amendments to the Township's Subdivision and Development Servicing Bylaw concurrent or independently of the listed options.

The historic entitlement of two dwelling units per lot may be removed at Council's discretion, for either the subject area, or as part of an amendment of the Zoning Bylaw affecting other areas. As the area is currently occupied predominately by mobile homes, related consideration must be given to such provision.

Respectfully submitted,

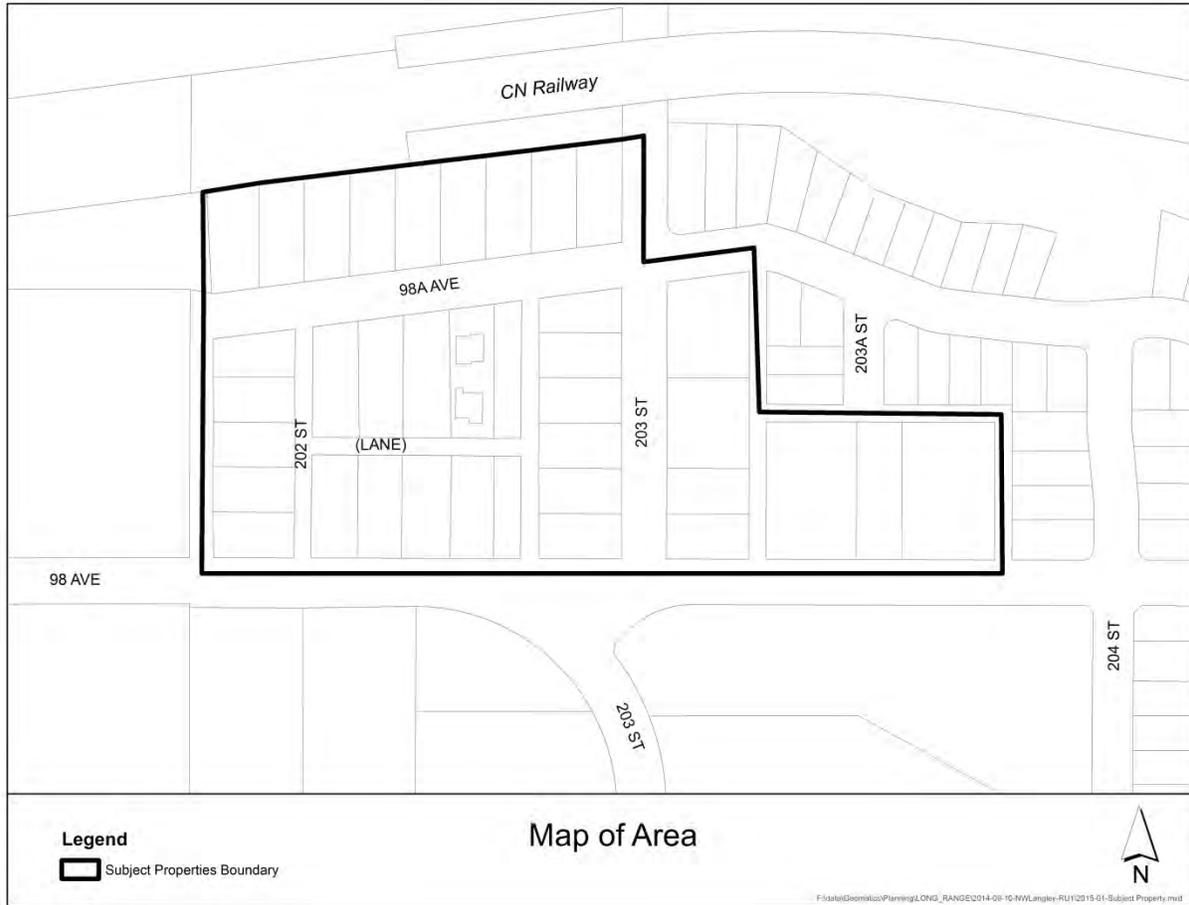
William Ulrich
LONG RANGE PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

This report has been prepared in consultation with the following listed departments.

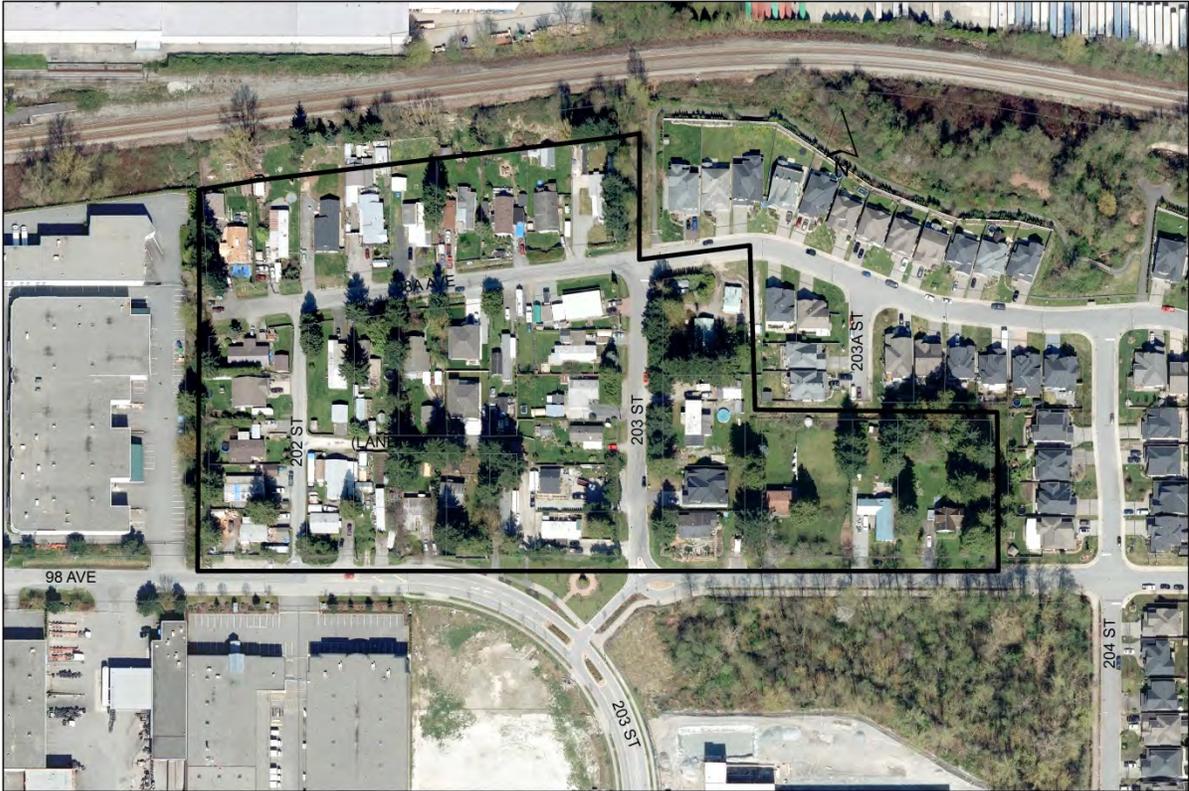
CONCURRENCES	
Division / Department	Name
MANAGER DEVELOPMENT ENGINEERING	Dave Anderson
MANAGER TRANSPORTATION ENGINEERING	Paul Cordeiro

- ATTACHMENT A Context Map of Area
- ATTACHMENT B Aerial Map of Area
- ATTACHMENT C Current Zoning Bylaw Map
- ATTACHMENT D Submission from Ms. Kelly, dated September 8, 2014

ATTACHMENT A



ATTACHMENT B



Air Photo

F:\data\Geomatics\Planning\LONG_RANGE\2014-09-10-NWLangley-RU1\2015-01-RU_Zone.mxd

ATTACHMENT C



Submit by Email

Attachment D



Delegation Request To Appear Before Township Council

I/we would like to appear as a delegation at the Council meeting on

Monday, Sept. 8, 2014 at the (Council meeting date requested)

- 4:00pm Regular Afternoon Meeting
- 7:00pm Regular Evening Meeting

Name of delegate or organization wishing to appear

Daphne Kelly

(Please print; printed or typed name is considered your signature)

1 Topic

The topic of discussion is (be specific, provide details, and attach additional information, if required)

Please see attached.

2 Purpose

Purpose of presentation

- Information only
- Request letter of support
- Request funds
- Other

Desired resolution

Please see attached.

Activities to date relative to the matter

Please see attached.

3 Contact Information

Contact person (if different than above)

Daphne Kelly

Address

20227 - 98A AVE

City

Langley B.C.

Postal code

V1M 3E3

Phone (day)

(cell)

Phone (evening)

(cell)

Cell

604-785-9026

Fax

N/A

Email

kelly7@shaw.ca

Office use only

- Approved
- Declined
- Other

Applicant informed

Delegation Request to Appear before Township Council
Attachment to request submitted by Daphne Kelly

1. TOPIC

The current zoning of the area bounded by CN rail line to the north, Stave Road to the West, 98th Avenue to the South and 204th Street to the East is RU-1.

I would ask that the Mayor and Council consider changing the zoning of this area to R-1A to be more in line with the Northwest Langley Community Plan adopted July 29, 1985, which identifies this area as low density residential. The residential area immediately to the east is zoned R-1A. (refer to map on page 10 of the Community Plan).

Detailed information is contained in my email to Mayor and Council dated July 18, 2014.

2. PURPOSE

Desired resolution: Update the zoning of this area from RU-1 to R-1A to be consistent with the Northwest Langley Community Plan adopted July 29, 1985. To maintain this area with single family dwellings instead of allowing two dwellings, with strata suites on lot sizes that are identified as low density residential (4 – 6 units per acre).

I would also ask that no further building permits be issued for properties in this area until this zoning issue can be resolved so that it complies with the Community Plan.

Please refer to my email of July 18th, 2014 which addresses other issues that are impacted with multiple dwellings on lots in this area, the traffic issues, lack of street lights, lack of garbage and green waste pick up.

Activities to date relative to the matter:

- Sept. 3, 2014** - submitted request to appear as a Delegation before Township Council
- Sept. 2, 2014** - received email from Robert Krall regarding information required on a Petition
- Aug. 27, 2014** - met with Robert Krall, Manager Development Planning at TOL office to discuss our email correspondence

- Aug. 26, 2014** - spoke with Suzanne Little, Legislative Services regarding application to appear as a delegation to Council

Aug. 26, 2014 - telephone call with Robert Krall re his email reply dated August 13, 2014
- Aug. 13, 2014** - received email from Robert Krall replying to my email to Mayor and Council dated July 18, 2014
- Aug. 7, 2014** - spoke to Robert Krall – he advised that he would be preparing a memo to Mayor and Council regarding my email to them, and that I would receive a reply by Aug. 15, 2014 (which I in fact received on Aug. 13, 2014)
- Aug. 5, 2014** - received a phone call from Lainey, advising that my email had been forwarded to Wendy Bower and sent to Mayor and Council on the distribution list.
- Aug. 1, 2014** - I left a message at the Mayor’s office (604-533-6000) regarding the fact that I had not received a response to my email dated July 18, 2014
- Nov. 5, 2013** - received email from Michele Fernie, Engineering Technologist 11 with results of the traffic count on 202 Street between 98 and 98A Avenues which was conducted by TOL staff between Oct. 22 and Oct. 30, 2013
- Early Oct. 2013** - spoke with Michele Fernie via telephone and requested a traffic count on 202 Street between 98 and 98A Avenues
- Sept. 25, 2013** - received email reply from “Ask a Question” web form regarding the width of one lane roads, two lane roads and lane ways in the Township. This question was directly related to the building of two single family dwellings with basement suites and stratified at 20256 – 98A Avenue and the rear (lane access) of 20256 – 98A Avenue.
- Prior to Sept. 1, 2013** I had discussions with Patrick Ward regarding the two building permits at 20256 – 98A Avenue, the zoning bylaw and the strata issues.

Draft – email to Mayor and Council

The Mayor and Council – Twp of Langley

We recently visited the Township Municipal Hall to express our concerns regarding Building Permit numbers 126019126020 and at 20256 – 98A Avenue in the Township of Langley.

We would like to ask that before any additional building permits are issued for this area that consideration be given to the present zoning of RU-1 and consideration be given to changing the zoning of this area.

The area in question is bounded by 98A Avenue to the North, 202 Street and/or Stave Street to the West, 203rd Street to the East and 98 Avenue to the South, with industrial lands to the south and west, CN rail to the north and a new subdivision of single family homes (approx. 7 years old) to the east. A good portion of this area was at one time one property and we believe it was subdivided some time in the 1970's. After discussions with Township staff in the Community Development Division, we understand that RU-1 zoning is usually used for parcels of land 20 acres and larger. There are ___ properties in this area and as you can see from the attached map, the properties are at the most, approximately ¼ acre in size. We believe that after the subdivision in the 70's the properties were never rezoned to a more appropriate zoning.

The issue is that the property in question, 20256 – 98A Avenue is approximately ¼ acre in size. The owner has been issued with two building permits to build two 2-story dwellings, each with a basement suite, resulting in 4 families in the two buildings. As the building permits have been issued, it appears that all set-backs etc. have been adhered to.

We are pleased that there is development in our neighborhood, new family homes replacing the 1970's era mobile homes. BUT, we feel this neighborhood is not appropriate for two houses on the lot in question or on other lots in the neighborhood.

Some of our concerns include:

- This area is **not** serviced by municipal garbage collection or green waste pickup. We do receive blue box service.
- The roadway of the back alley where one of the dwellings will front onto is 154" wide, packed gravel.

- The dwelling fronting onto the alley must access from 202 Street which is actually an alley (132" wide). The four dwellings on 202 Street actually front onto Stave Street which is not really a street but an overgrown area approximately ____ feet wide, and lying between the property line of the four dwellings and industrial buildings fronting on 201 Street.
- There are no sidewalks or curbs in this area.
- There are open ditches and no accommodation for street parking
- We are concerned that open ditches may be improperly filled in to provide parking

From the attached map you will see that there is municipal lane property – this is not a lane at present but has been adopted by residents of 203rd street. If this lane was opened up it could help alleviate the amount of traffic on 202 street.

- Request traffic count for 202 street (in both north and south directions) as this road is not wide enough for two vehicles to safely pass each other.
- Another issue with 202 street is that the stop signs north at 98A and south at 98 are not been adhered to.

Subject: Building Permits and Zoning
From: Robert Knall <rknall@tol.ca>
Date: 8/13/2014 9:38 AM
To: "kelly7@shaw.ca" <kelly7@shaw.ca>
CC: "canucks1fan@shaw.ca" <canucks1fan@shaw.ca>

Dear Ms. Kelly:

Thank you for your e-mail communication of July 18, 2014, addressed to Mayor and Council that has been referred to staff for review and follow up. Further to your discussion with Patrick Ward, of our Development Planning department on July 17, 2014, and my August 6, 2014 e-mail, I am able to provide the following information.

As you note in your correspondence the subject Rural Zone (RU-1) area is generally bounded by the CN Railway to the north, 98 Avenue to the south, 'Stave Road' (an unopened road allowance west of 202 Street) to the west, and an undeveloped lane (west of 204 Street) to the east. Staff note the subdivision plan for this area was originally deposited in 1911. The area immediately to the east is zoned Residential Zone (R-1A).

The applicable Community Plan for this area is the Northwest Langley Community Plan, adopted by Council in 1985. The Plan designates this area (Sec. 2.2) as Low Density Residential, stating that: 'Areas designated Residential west of Yorkson Creek may include single family or multi family residential development provided density does not exceed 6 units per acre.' The Township's Long Range Planning department work program does not currently anticipate an update to the Plan or related zoning amendments. Having said that, owners of land are entitled to apply for consideration of a zoning bylaw amendment that would be subject to Council's approval, including a public hearing process.

As you point out, the RU-1 Zone as incorporated in the Township's Zoning Bylaw No. 2500 (1987) provides that: 'no more than two single family dwellings or mobile homes are permitted on any one lot'. A secondary suite is accommodated in a single family dwelling in the Township's Zoning Bylaw definition of a dwelling unit that provides for 'a maximum of two sets of cooking and/or laundry facilities'.

Given the current RU-1 Zone, building permit applications may be submitted to accommodate two single family dwellings on individual properties such as 20241 – 98A Avenue as noted in your correspondence. Under the Strata Property Act, property owners may apply directly to the Land Title Office for stratification of unoccupied buildings (e.g. single family dwellings). However, the Strata Property Act requires approval, by the municipal Council, of strata plans involving previously occupied buildings. Council may approve the strata plan, approve the strata plan subject to terms and conditions, refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions imposed are met. Council approval of the strata plan is required prior to it being registered at the Land Title Office.

Staff would be pleased to meet with you regarding the items included in your correspondence as well as provide further clarification to the items noted above. Please contact me at 604 533-6060 to arrange a suitable time.

Regards,

Robert Knall | Manager, Development Planning
Community Development Division | Township of Langley
20338 – 65 Avenue, Langley, BC V2Y 3J1
Telephone: 604.533.6060

(T-W-F)
- copied, m/c to
email
3 pm Wed.
Development Services

STAVE
ROAD
DO NOT
BLOCK



