



## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** MAY 31, 2021 - REGULAR MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** REZONING APPLICATION NO. 100661  
 (MCDONALD / 23639 - 36A AVENUE)

**REPORT:** 21-61  
**FILE:** 10-28-0049

### PROPOSAL:

Application to rezone 0.46 ha (1.15 ac) of land located at 23639 – 36A Avenue to Rural Zone RU-3A to accommodate subdivision of the subject property into two (2) single family lots.

### RECOMMENDATION SUMMARY:

That Council give first and second reading to Bylaw No. 5715 subject to two (2) development prerequisites being completed prior to final reading and that staff be authorized to proceed with the written submission opportunity.

### RATIONALE:

The proposal complies with the Rural Plan.



**RECOMMENDATIONS:**

**That** Council give first and second reading to Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (McDonald) Bylaw 2021 No. 5715 rezoning a 0.46 ha (1.15 ac) property located at 23639 – 36A Avenue to Rural Zone RU-3A to accommodate a subdivision to create two (2) single family lots, subject to the following development prerequisites being satisfied to the acceptance of the Township of Langley General Manager of Engineering and Community Development, unless otherwise noted prior to final reading:

1. Provision of security for a hydrogeological study; and
2. Compliance with the Community Amenity Contributions Policy; and further

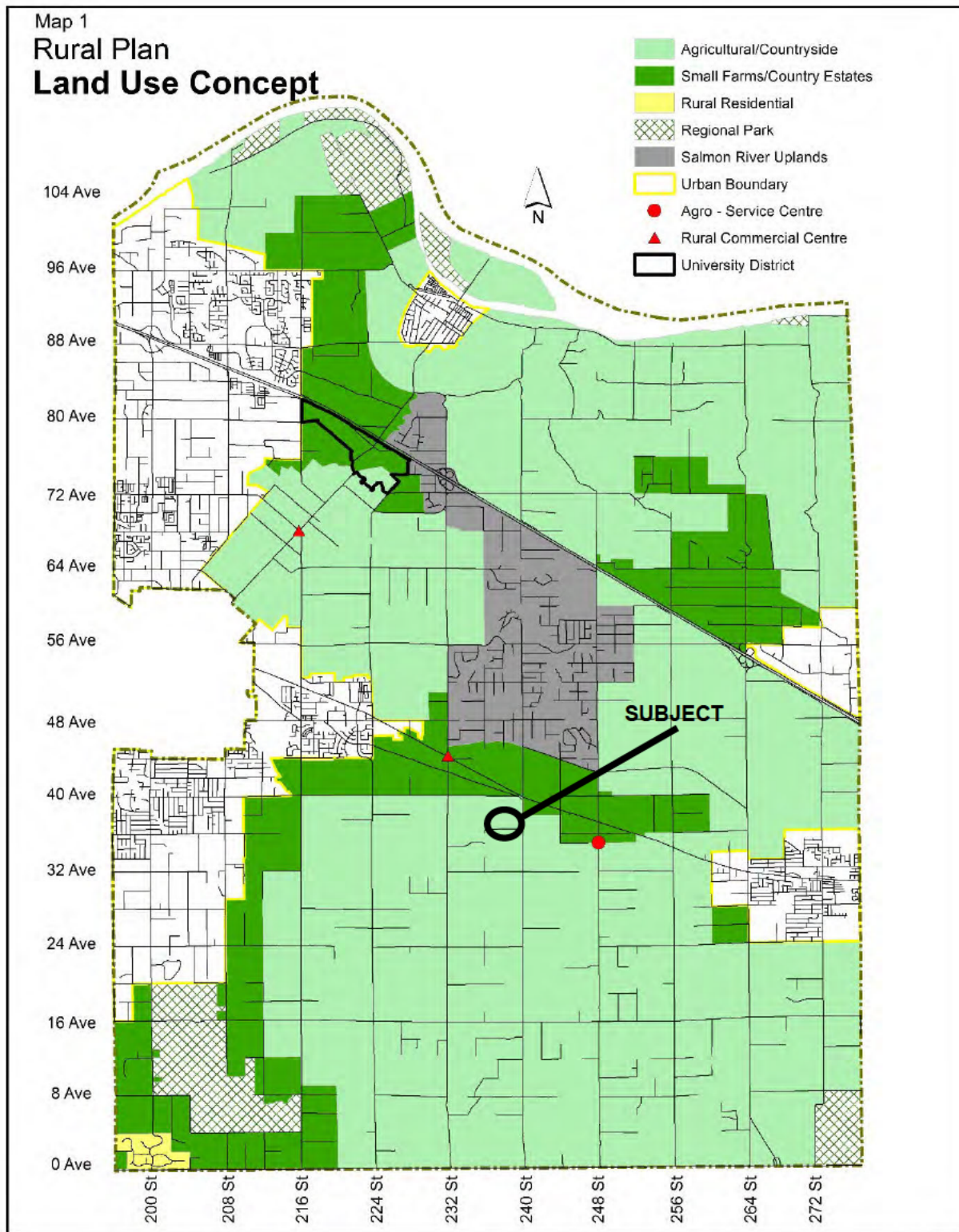
**That** Council authorize staff to proceed with the written submission opportunity notice prior to Council's consideration of third reading of Rezoning Bylaw No. 5715.

**EXECUTIVE SUMMARY:**

Dean Ganchar has applied on behalf of Peggy McDonald to rezone a 0.46 ha (1.15 ac) property located in south Langley to Rural Zone RU-3A to facilitate a subdivision to create two (2) single family lots. On July 30, 2020 Council granted final reading to Bylaw No. 5526, which amended the Rural Plan to accommodate subdivision of the properties (including the subject property) located on 36A Avenue between 236 Street and 240 Street. The proposal complies with the provisions of the Rural Plan. Final reading of Bylaw No. 5715 is contingent upon completion of the two (2) development prerequisites outlined in this report.

**PURPOSE:**

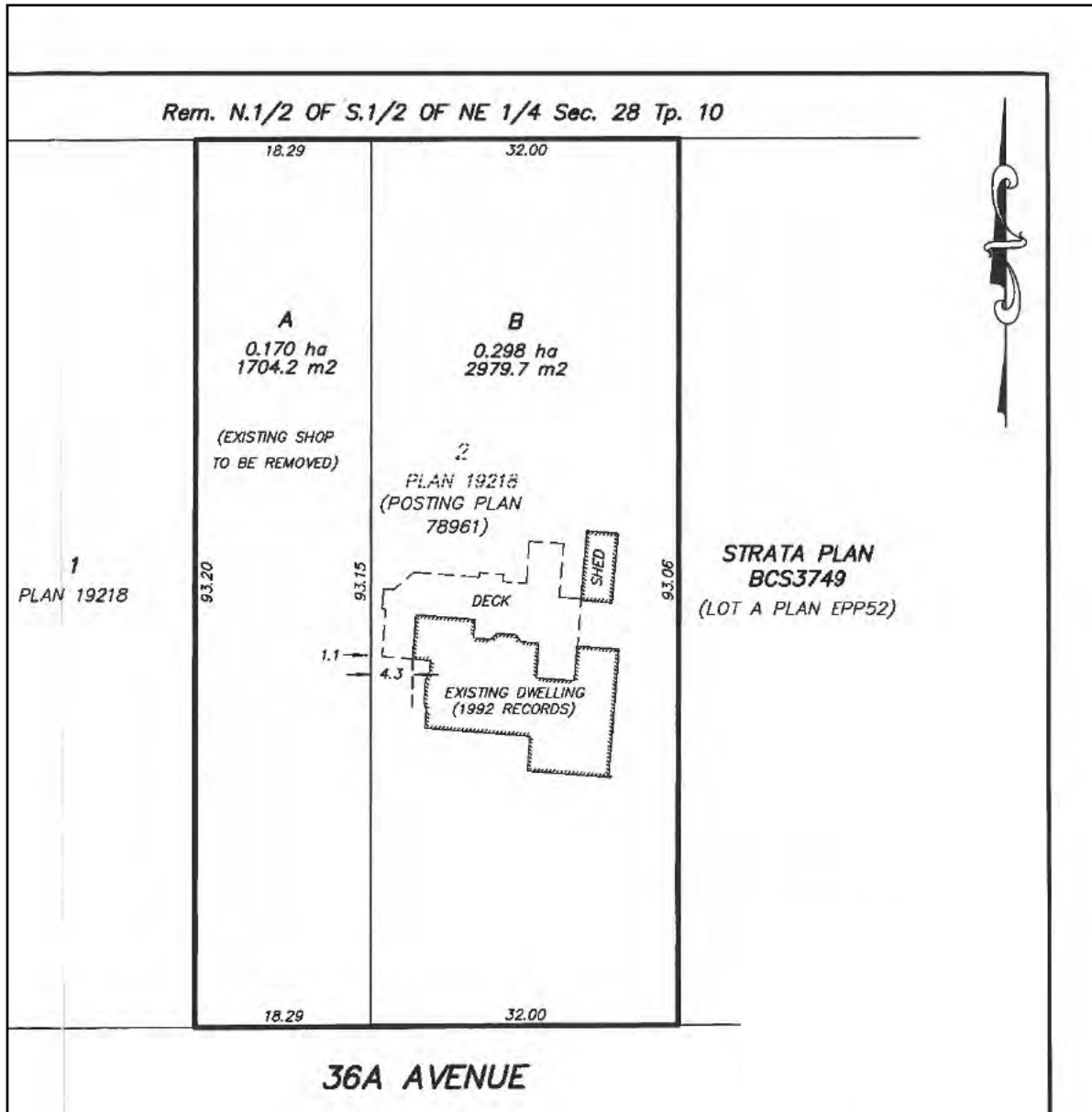
The purpose of this report is to advise and make recommendations to Council with respect to Rezoning Bylaw No. 5715 in the Rural area.



## RURAL PLAN



**ZONING BYLAW NO. 2500**



Preliminary Subdivision Plan – SUBMITTED BY APPLICANT

**REFERENCE:**

<b>Owner:</b>	Peggy McDonald 23639 – 36A Avenue Langley, BC V2Z 2J6
<b>Applicant / Agent:</b>	Dean Ganchar 23670 – 36A Avenue Langley, BC V2Z 2J6
<b>Legal Description:</b>	Lot 2 Section 28 Township 10 New Westminster District Plan 19218
<b>Location:</b>	23639 - 36A Avenue
<b>Area:</b>	0.46 ha (1.15 ac)
<b>Existing Zoning:</b>	Rural Zone RU-3
<b>Proposed Zoning:</b>	Rural Zone RU-3A
<b>Rural Plan:</b>	Agriculture/Countryside
<b>Agricultural Land Reserve:</b>	Not in the ALR

**BACKGROUND / HISTORY:**

The property's 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 which have subdivided through the provisions of the Strata Property Act. The applicant is proposing to rezone this property to RU-3A (accommodating one single family dwelling per lot) in order to enable future fee simple subdivision rather than through a strata configuration as permitted under the current RU-3 zoning.

On July 30, 2020, Council granted final reading to Bylaw No. 5526 which amended the Rural Plan to accommodate fee simple subdivision of the properties located on 36A Avenue (including the subject property) between 236 Street and 240 Street. Council subsequently granted final reading of Bylaw No. 5527, which rezoned six (6) properties to the newly created Rural Zone RU-3A (min. parcel size 0.17 ha) to accommodate future fee simple subdivision. To date, only one (1) property has applied for and completed a fee simple subdivision under the RU-3A zoning (Ganchar/Wheeler).

**DISCUSSION / ANALYSIS:**

Dean Ganchar has applied on behalf of Peggy McDonald to rezone and subdivide a 0.46 ha (1.15 ac) property located at 23639 – 36A Avenue in south Langley to Rural Zone RU-3A to facilitate a residential subdivision creating two (2) fee simple single family lots.

**Adjacent Uses:**

North: A rural residential property 14 ha (35 ac) in size, zoned Rural Zone RU-3 and designated Agriculture/Countryside in the Rural Plan and located in the ALR;

- South: 36A Avenue, beyond which is a 0.46 ha (1.13 ac) property zoned Rural Zone RU-3, designated Agriculture/Countryside in the Rural Plan and not located in the ALR;
- East: A 0.46 ha (1.15 ac) property accommodating two (2) single family dwellings with a strata plan registered on title, zoned Rural Zone RU-3, designated Agriculture/Countryside in the Rural Plan and not located in the ALR;
- West: A 0.45 ha (1.12 ac) property accommodating one (1) single family dwelling, zoned Rural Zone RU-3, designated Agriculture/Countryside in the Rural Plan and not located in the ALR.

### **Rural Plan:**

The Rural Plan designates the site Agriculture/Countryside. Section 5.5.6 of the Rural Plan states that:

*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.*

The proposal satisfies the above requirements of the Rural Plan.

### **Zoning Amendment:**

Rezoning Bylaw No. 5715 proposes to rezone the subject lands from Rural Zone RU-3 to Rural Zone RU-3A.

### **Subdivision:**

The preliminary subdivision plan submitted in support of the rezoning application proposes subdivision of the subject lot into two (2) fee simple single family lots. Details of the subdivision will be addressed at the subdivision stage pursuant to the requirements of the Subdivision and Development Servicing Bylaw.

### **Community Amenity Contributions:**

Staff note that the Community Amenity Contributions (CAC) Policy (adopted by Council on July 23, 2018 and subsequently revised on April 15, 2019 and November 18, 2019) is applicable to the subject residential rezoning application. The policy specifies target contribution amounts based on unit types. A partial exemption for one (1) lot is applicable to the subject rezoning application as indicated below in Section 5.4(b) of the Policy:

*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;*

According to Section 5.8 of the Policy, the current target contribution amount for each new single family lot is \$6,808. Based on the above provision in Section 5.4(b) for a partial exemption, the number of units proposed generate a target contribution amount of \$6,808.

The applicant has submitted a request for a full exemption to the CAC Policy included as Attachment B to this report.

On November 18, 2019 Council granted a full exemption to the CAC Policy for six (6) of the neighbouring properties in conjunction with Rezoning Bylaw No. 5527 (TOL Project 10-28-0042 / Ganchar).

Staff also note that the net density of the subject lands remains unchanged as a result of the proposed rezoning given that the current RU-3 zoning accommodates two (2) single family dwellings per lot.

Council may wish to consider granting an exemption to the CAC program requirements, based on the specific circumstances of this proposal similar to the neighbouring properties.

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.

**Public Information Meeting:**

Policy 07-164 requires the subject application hold a Public Information Meeting prior to proceeding to Council. Staff note that due to the COVID-19 pandemic and consistent with the Public Health Officer's orders, Council has temporarily suspended the requirement for a Public Information Meeting.

**Tree Protection / Replacement:**

The applicant indicates there are no significant trees on the property.

**Servicing:**

Servicing will be addressed at time of subdivision.

**Environmental Considerations:**

The subject property draws water from the Hopington aquifer. Section 5.5.6 of the Rural Plan identifies the requirement for the proponent(s) to conduct a hydrogeological study to review and mitigate any potential servicing issues prior to consideration of rezoning. More specifically, the study will provide a baseline to monitor the cumulative effects of development on the aquifer.

The study was secured by TOL Project No: 10-28-0042 / Ganchar in July 2020 as part of the development prerequisites for Rezoning Bylaw No 5527 (in proportion to the number of benefitting properties) for completion of this study by the Township. The applicant will be required to provide their subject portion of the security in the amount of \$1,875, 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. 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 Sites:**

School District 35 has provided comments (Attachment C) and anticipates that the overall development will generate approximately one (1) new student for Wix Brown Elementary (located approximately 2.5 km south of the site) and one (1) new student for D.W. Poppy Secondary School (located approximately 3 km north of the site).

#### **Parks:**

Brown Park, which is equipped with playing fields, is located in the 5100 block of 240 Street (approximately 3 km to the north of the subject site).

#### **Transit:**

Transit is currently available on Fraser Highway (route 503), approximately 1,500 m (4,921 ft) northeast of the subject site.

#### **Policy Considerations:**

The proposed rezoning to Rural Zone RU-3A would not result in additional density beyond what is currently accommodated by the subject properties' Rural RU-3 zoning. The proposed zoning amendment would however accommodate fee simple subdivision (pursuant to the Land Title Act) of the subject property into two (2) lots as an alternative to subdivision into two (2) strata lots pursuant to the Strata Property Act. Accordingly, staff recommend that Council give first and second reading to Bylaw No. 5715 (subject to the two (2) development prerequisites) and authorize staff to proceed with the written submission opportunity.

Respectfully submitted,

Daniel Graham  
 DEVELOPMENT PLANNER  
 for  
 COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A	Applicant Letter of Intent
ATTACHMENT B	Applicant CAC Exemption Request
ATTACHMENT C	School District Comments

## ATTACHMENT A

## Letter of Intent

The Corporation of the Township of Langley

March 22, 2021

Development Services Department  
 20338 65<sup>th</sup> Ave, Langley, B.C.  
 V2Y 3J1

To Whom it may Concern,

It is my wish to work with you  
 in my hope to rezone and Subdivide my  
 property at 23439 36<sup>th</sup> Ave, Langley.

I wish to divide a 0.170 ha lot from my  
 existing 0.468 ha property and retain my  
 home on the remaining 0.298 ha lot.  
 I've had a preliminary Plot plan done  
 showing my home and adjoining 0.170 lot,  
 that I wish to separate and eventually sell.  
 Thank you for your attention to this matter.  
 If at any time you require any more information,  
 please contact me.

Kind regards, Peggy McDonald  
 S.22(1)

**ATTACHMENT B**

Dear Mayor Froese and Council,

I am Peggy McDonald and I live at 23639 36A Ave in Langley, B.C. I have been living in the home built by my late husband and myself for almost 33 years. I have submitted an application to have my property rezoned and subdivided before council.

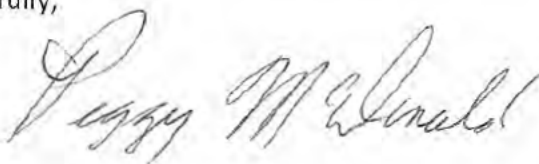
I am requesting that the Community Amenity Contribution be waived. The CAC is an asset to the Township, but in my case, I feel that over the 33 years I have paid property taxes and having the property subdivided will be a much larger asset to the community under the circumstances.

Currently our zoning allows for 2 houses to be built on my property, therefore there is no negative impact or increase in density to our street. There is no net density increase. No new infrastructure is needed and the CAC program doesn't identify a particular benefit to our neighbourhood. Similar projects on 36A have not been subject to the CAC, particularly 10 properties for which the CACs were waived in December of 2019.

Therefore, I feel this fee should be waived. Thank you for considering my request.

If you have any question or concerns, please contact me at s.22(1) or email me at s.22(1)

Gratefully,



Peggy McDonald

7 May 2021

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

**Re: Development Application Project 10-28-0049 / MCDONALD**

CIVIC: 23639 - 36A Avenue

LEGAL: Lot 2 Section 28 Township 10 NWD Plan 19218

We have reviewed the above proposal.

We calculate the approximate number of students generated by this proposal will be as follows:

Type of Housing	Number of Units	Elementary K-7	Secondary 8-12
Rural Residential	2	1	1

Given the current school catchments this development would impact Wix Brown Elementary School, and D.W. Poppy Secondary School. As you know, while the Langley School District is not responsible for the amount or pace of development we work closely with the Township of Langley in order to advocate to the Ministry of Education for the development of joint sites to benefit our students.

We make every effort to keep students in their catchment schools, but if there is insufficient space in the catchment school we will find them a space at another school in the district.

Please advise if you need any other information.

Yours sincerely,



Brian Iseli, CPA, CMA  
Secretary Treasurer

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**  
**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500**  
**AMENDMENT (MCDONALD) BYLAW 2021 NO. 5715**

**EXPLANATORY NOTE**

Bylaw 2021 No. 5715 rezones the property located at 23639 – 36A Avenue from Rural Zone RU-3 to Rural Zone RU-3A to accommodate subdivision of the lot into two (2) fee simple single family lots.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

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

**AMENDMENT (MCDONALD) BYLAW 2021 NO. 5715**

Bylaw to amend the 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 (McDonald) Bylaw 2021 No. 5715”.
- 2. The “Township of Langley Zoning Bylaw 1987 No. 2500” as amended is further amended by rezoning the lands described as:

Lot 2 Section 28 Township 10 New Westminster District Plan 19218

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

READ A FIRST TIME the	day of	, 2021
READ A SECOND TIME the	day of	, 2021
NOTICE WAS ADVERTISED the	day of	, 2021
READ A THIRD TIME the	day of	, 2021
ADOPTED the	day of	, 2021

_____	Mayor	_____	Township Clerk
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# SCHEDULE 'A' BYLAW NO. 5715

