

Township of
Langley



Est. 1873

REPORT TO MAYOR AND COUNCIL

PRESENTED: OCTOBER 19, 2015 – REGULAR EVENING MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: REZONING APPLICATION NO. 100433
 (EQPREP EARTHQUAKE PREPAREDNESS LTD. / 21805 – 86A AVENUE)

REPORT: 15-110
FILE: 11-30-0025

PROPOSAL:

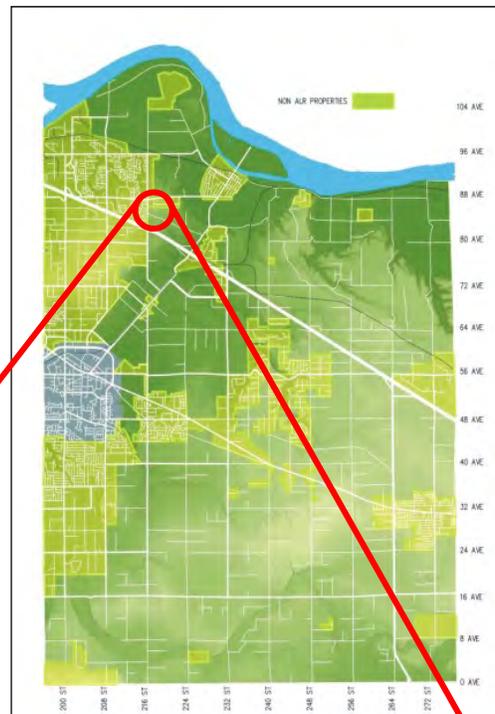
Application to rezone 0.65 ha (1.6 ac) of land at 21805 – 86A Avenue in the Rural Plan area to Suburban Residential Zone SR-3A to accommodate subdivision into two (2) lots.

RECOMMENDATION SUMMARY:

That Council give first and second reading to Rezoning Bylaw No. 5168, subject to the completion of four (4) development prerequisites and that staff be authorized to schedule the required Public Hearing.

RATIONALE:

Staff is supportive of the development proposal as it complies with the land use and density provisions of the Rural Plan.



RECOMMENDATIONS:

That Council give first and second reading to Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Eqprep Earthquake Preparedness Ltd.) Bylaw 2015 No. 5168, rezoning 0.65 ha (1.6 ac) of land at 21805 – 86A Avenue in the Rural Plan area to Suburban Residential Zone SR-3A to accommodate subdivision into two (2) lots, subject to the following development prerequisites being satisfied prior to final reading:

1. A Servicing Agreement being entered into with the Township to secure required road and utility upgrades and extensions in accordance with the Township's Subdivision and Development Servicing Bylaw to the acceptance of the Township;
2. Provision of a final tree management plan incorporating tree retention, replacement, protection details and security in compliance with the Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection) to the acceptance to the Township;
3. Completion of an erosion and sediment control plan in accordance with the Erosion and Sediment Control Bylaw to the acceptance of the Township; and
4. Payment of applicable site servicing fees and supplemental rezoning fees; and further

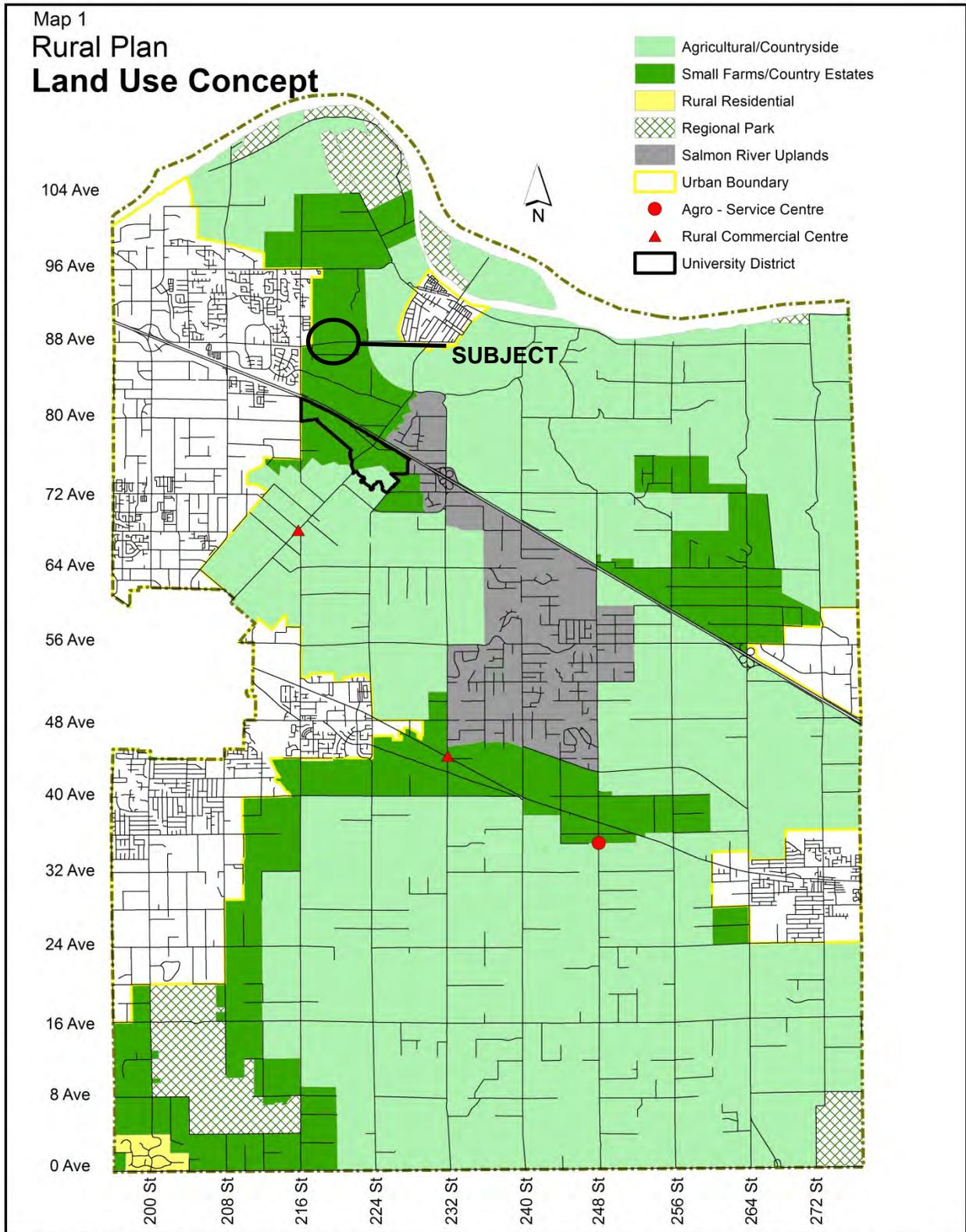
That Council authorize staff to schedule the required public hearing for Rezoning Bylaw No. 5168.

EXECUTIVE SUMMARY:

Joe McGovern, on behalf of Eqprep Earthquake Preparedness Ltd., has applied to rezone 0.65 ha (1.6 ac) of land at 21805 - 86A Avenue in the Rural Plan area to Suburban Residential Zone SR-3A to facilitate subdivision of the subject property into two (2) lots. The application complies with the provisions of the Rural Plan which accommodates the subdivision of existing non-ALR fee simple lots in the area south of 88 Avenue adjacent to the eastern boundary of Walnut Grove into two (2) lots. Final reading of the rezoning bylaw is contingent upon completion of the four (4) development prerequisites outlined in this report.

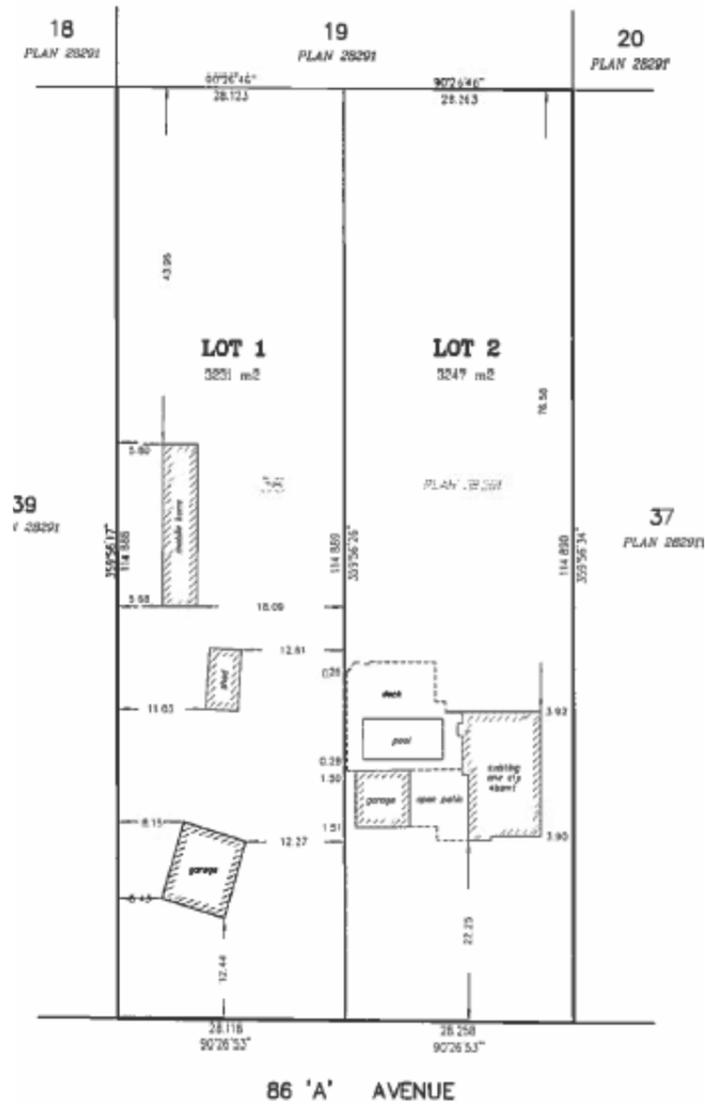
PURPOSE:

This report is to advise and make recommendations with respect to Rezoning Bylaw No. 5168.





ZONING BYLAW NO. 2500



Preliminary subdivision plan (provided by the applicant)

ADDITIONAL INFORMATION:**REFERENCE:**

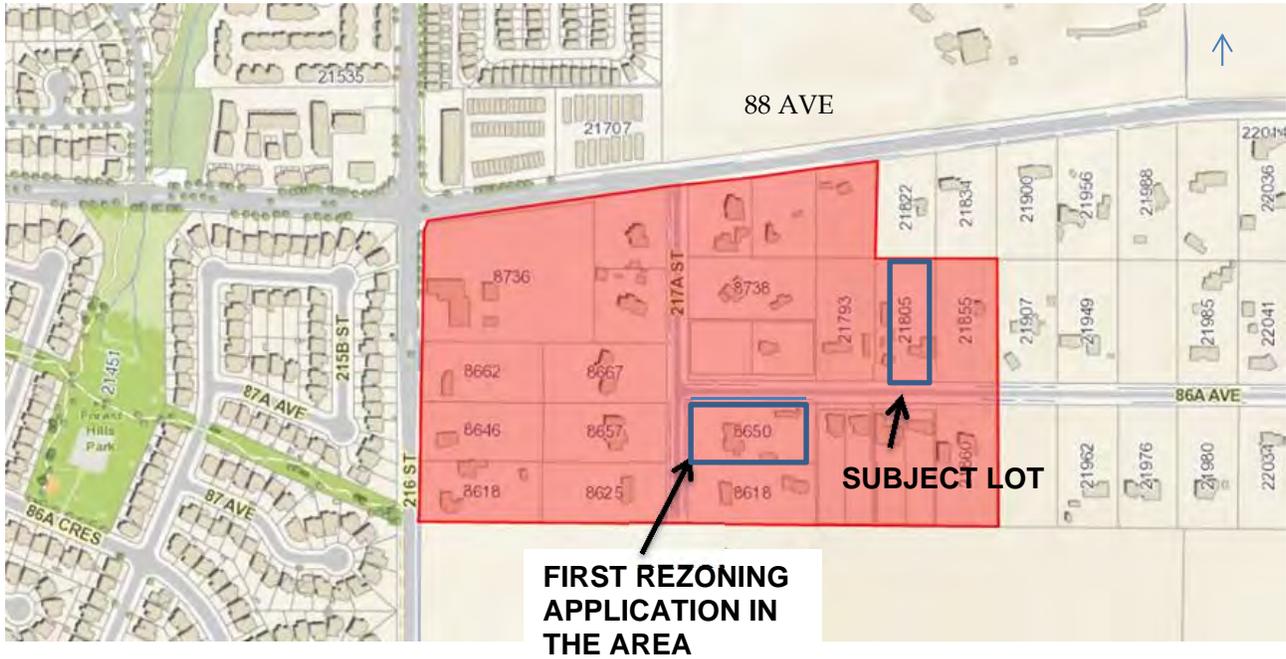
Owners:	Eqprep Earthquake Preparedness Ltd. 4 Ocean Point Drive West Vancouver, BC V7W 3G7
Applicant/Agent:	Joe McGovern P.O Box 32120 Walnut Grove Langley, BC V1M 2M3
Legal Description:	Lot 38 Section 30 Township 11 New Westminster District Plan 28291
Civic Address:	21805 – 86A Avenue
Area:	0.65 ha (1.6 ac)
Existing Zoning:	Rural Zone RU-1 (Min. lot size 1.7 ha / 4.2 ac)
Proposed Zoning:	Suburban Residential Zone SR-3A (minimum lot size 1,765m ² / 18,999 ft ² , subject to subdivision being limited to the creation of two (2) lots from any fee simple lot in existence as of April 28, 2014 and no more than one single family dwelling permitted on each lot)
Rural Community Plan:	Small Farms / Country Estates (minimum lot size 1.7 ha / 4.2 ac, subject to provisions of Section 5.6.5)
Agricultural Land Reserve:	Not in the ALR

BACKGROUND/HISTORY:

The subject property is currently zoned Rural Zone RU-1, designated 'Small Farms / Country Estates' in the Rural Plan, and is not located in the Agricultural Land Reserve (ALR). The RU-1 zone permits construction of two dwelling units per lot. Several property owners in the surrounding non-ALR area (east of 216 Street and south of 88 Avenue) have constructed two (2) houses on their properties and have registered strata plans on existing fee simple lots (pursuant to provincial regulations) to provide for separate ownership (strata tenure) of each dwelling unit.

In 2013, as part of the public hearing concerning the Official Community Plan (OCP) update, several landowners in the area submitted a petition requesting that properties in the area be included in the Walnut Grove Community Plan to allow two (2) fee simple lots to be created from each existing lot. Council subsequently passed a motion on July 22, 2013 directing staff to bring forward for review and, if appropriate, consideration of a bylaw amendment to facilitate future subdivisions in the area. On April 28, 2014, via Bylaw No. 5059, Council approved the amendment of the Rural Plan (specifically in relation to the area shown on the map below in this report) that allow future subdivision of existing properties into two (2) lots in the referenced area.

Area Affected by Rural Plan Section 5.6.5



DISCUSSION/ANALYSIS:

The subject property is located at 21805 - 86A Avenue in the Rural Plan area, and is developed with one (1) single family dwelling, one (1) mobile home, and accessory buildings. The mobile home on proposed Lot 1 has a detached garage and shed. The house on proposed Lot 2 has an attached garage, open patio, deck, and pool. The proponent has applied to rezone the subject property to Suburban Residential Zone SR-3A to accommodate subdivision of the property into two (2) lots. This is the second rezoning application to be processed in the area following Council’s adoption of amendments to the Rural Plan in 2014. (The first rezoning application for the property at 8650 – 217A Street advanced to Third Reading to facilitate a two lot subdivision.).

Surrounding Land Uses:

- North: A property zoned Rural Zone RU-1 and designated ‘Small Farms /Country Estates’, beyond which is 88 Avenue.
- East: Properties zoned Rural Zone RU-1 and designated ‘Small Farms /Country Estates’ in the Rural Plan.
- South: 86A Avenue, beyond which is a property zoned Rural Zone RU-1 and designated ‘Small Farms /Country Estates’ in the Rural Plan with two (2) single family houses that have been stratified.
- West: Properties zoned Rural Zone RU-1 and designated ‘Small Farms /Country Estates’.

Rural Plan:

The subject lot's Rural Plan designation ('Small Farms / Country Estates') provides for agricultural uses, with a minimum lot size of 1.7 ha (4.2 ac). Section 5.6.5 of the Rural Plan was added to the 'Small Farms / Country Estates' designation via the adoption of Bylaw 5059 on April 28, 2014. Section 5.6.5 states:

"Subdivision in the area immediately adjacent to the eastern boundary of Walnut Grove, south of 88 Avenue and not located in the ALR may be permitted, provided the current permitted density of two dwelling units per fee simple lot is maintained. Rezoning of properties in the area shall be considered provided:

- *The proposed zoning allows only two lots for each existing fee simple lot and only one single family dwelling per lot;*
- *The lot is serviced by municipal water and sanitary sewer services; and*
- *Access to lots fronting 216 Street and 88 Avenue is provided by new roads connecting to 217A Street or 86A Avenue."*

The proposed rezoning of the subject lot and subsequent subdivision into two (2) fee simple lots complies with the provisions of Section 5.6.5 of the Rural Plan, as adopted by Council in 2014.

Zoning Bylaw (Proposed SR-3A Zone):

The applicant proposes to amend the Zoning Bylaw by rezoning the subject property from Rural Zone RU-1 to Suburban Residential Zone SR-3A. The proposed zone is intended only to be used for rezoning applications in this area, and is modeled after the Suburban Residential SR-3 Zone with respect to provisions concerning permitted uses, lot coverage, lot area, lot width and depth, siting and height of buildings and structures, parking and loading.

In recognition of the previous amendment to the Rural Plan (to permit a transition of this area from rural to suburban residential land use), certain uses currently permitted on the subject lot under the existing (RU-1) zoning are not permitted under the proposed (SR-3A) zoning, namely:

- accessory parking of commercial vehicles
- agricultural uses
- commercial greenhouses
- equestrian centres and riding stables
- feedlots
- intensive swine operation
- veterinary clinics

References related to the ALR and provisions related to agricultural uses contained in the SR-3 zone are not included in the proposed SR-3A zone, as the zone will not be used on properties located in the ALR and agricultural uses will not be permitted. The proposed SR-3A zone also restricts residential use to one single family dwelling on each lot (consistent with Section 5.6.5 of the Rural Plan).

Council considered the proposed SR-3A Zone in conjunction with the first rezoning application in the area (Rezoning Application No.100418; Rezoning Bylaw No. 5133). As Bylaw No. 5133 has not been adopted by Council, the same Bylaw amendment is incorporated in this rezoning application.

Subdivision Provisions:

The proposed SR-3A Zone's provisions related to subdivision are also based on the SR-3 zone (which permits a minimum lot area of 1,765m² /18,999 ft²), with an added provision restricting subdivision to the creation of two (2) lots from any fee simple lot in existence as of April 28, 2014 (the date of adoption of Rural Plan Amendment Bylaw No. 5059, as noted previously in this report). The proposed SR-3A Zone includes the same minimum lot depth and frontage provisions as the SR-3 Zone, to provide for a consistent lot pattern and to accommodate potential future subdivisions in the area affected by Section 5.6.5 of the Rural Plan.

Subdivision:

A preliminary subdivision plan has been submitted in support of the rezoning application, proposing the creation of two (2) single family lots (Lot 1 with an area of 3,231 m² / 34,778 ft² and Lot 2 with an area of 3,247 m² / 34,950 ft²). One (1) single family house, one (1) mobile home, two (2) garages, a shed and a pool are currently located on the property. Details of the subdivision will be addressed at the subdivision stage pursuant to the requirements of the Subdivision and Development Servicing Bylaw, subject to Council's approval of the rezoning.

Schools:

School District 35 has provided comments (Attachment A) and anticipates that the proposed development will generate approximately one (1) new student for Topham Elementary located approximately 1.3 kilometres north of the site and one (1) new student for Walnut Grove Secondary located approximately 2.1 kilometers west of the site.

Parks:

The nearest park is Forest Hills Park located approximately 0.6 kilometres west of the subject site.

Servicing:

Prior to final reading, the applicant will be required to enter into a Servicing Agreement to secure servicing works such as the construction of roads, utility upgrades and /or extensions and provide a stormwater management plan to the acceptance of the Township. The applicant will be also required to provide erosion and sediment control measures in accordance with the Erosion and Sediment Control Bylaw, to the acceptance of the Township.

In February 2014, concurrent with adoption of amendments to the Rural Plan, Council also adopted an amendment to the Subdivision and Development Servicing Bylaw amending the subject area's servicing requirements from Level 4 – Rural to Level 2 – Special Urban which requires rural road standards and municipal water, storm, and sewer systems. Servicing details will be addressed at time of subdivision in accordance with the Township's Subdivision and Development Servicing Bylaw, as amended.

Transit:

Transit service is currently provided along 88 Avenue approximately 460 metres northwest of the subject site.

Environmental Considerations:

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, Streamside Protection Bylaw, 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. There are no watercourses on the subject site.

Development Prerequisites:

Prior to final reading, the following items must be satisfied:

1. A Servicing Agreement being entered into with the Township to secure required road and utility upgrades and extensions in accordance with the Township's Subdivision and Development Servicing Bylaw to the acceptance of the Township;
2. Provision of a final tree management plan incorporating tree retention, replacement, protection details and security in compliance with the Subdivision and Development Servicing Bylaw (Schedule I – Tree Protection) to the acceptance to the Township;
3. Completion of an erosion and sediment control plan in accordance with the Erosion and Sediment Control Bylaw to the acceptance of the Township; and
4. Payment of applicable site servicing fees and supplemental rezoning fees.

POLICY CONSIDERATIONS:

The proposed development is located in an area designated 'Small Farms / Country Estates' in the Rural Plan. The proposed rezoning is consistent with the land use and density provisions of this plan. Staff recommend that Council give first and second reading to Bylaw No. 5168 rezoning the subject property to Suburban Residential SR-3A Zone to allow subdivision of the subject property into two (2) lots.

Respectfully submitted,

Zorica Andjelic
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A School District Comments



September 14, 2015

Zorica Andjelic
Development Planner
Township of Langley
20338 65 Avenue
Langley, BC V2Y 3J1

RE: Development Application Project No. 11-30-0025 (EQPREP EARTHQUAKE PREPAREDNESS)

Civic: 21805 – 86A Avenue
Legal: Lot 38 Section 30 Township 11 NWD Plan 28291

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
Single Family Units	2	1	1
Catchment School		Topham	Walnut Grove

These schools have sufficient capacity to accommodate the number of students generated by this development.

Please advise if you need any other information.

Yours sincerely,

J. David Green, CA
Secretary-Treasurer

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500

AMENDMENT (EQPREP EARTHQUAKE PREPAREDNESS) BYLAW 2015 NO. 5168

EXPLANATORY NOTE

Bylaw 2015 No. 5168 rezones property located at 21805 – 86A Avenue to Suburban Residential Zone SR-3A to accommodate a two (2) lot residential subdivision.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500

AMENDMENT (EQPREP EARTHQUAKE PREPAREDNESS) BYLAW 2015 NO. 5168

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

WHEREAS it is deemed necessary and desirable to amend “Township of Langley Zoning Bylaw 1987 No. 2500” as amended;

NOW THEREFORE, 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 (Eqprep Earthquake Preparedness) Bylaw 2015 No. 5168”.
2. The “Township of Langley Zoning Bylaw 1987 No. 2500” as amended is further amended:
 - (a) by adding to the Table of Contents and to Section 104.1 the words “Suburban Residential Zone SR-3A” after the words “Suburban Residential Zone SR-3”.
 - (b) by adding to Section 110.1, after the words “Suburban Residential Zone SR-3” the words “Suburban Residential Zone SR-3A – 1765 m², 27.45 m, 30.5 m”.
 - (c) by adding after Section 303 “Suburban Residential Zone SR-3” the following as Section 304 “Suburban Residential Zone SR-3A”.

304 SUBURBAN RESIDENTIAL ZONE SR-3A

Uses Permitted:

- 304.1 In the SR-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 304.2

Residential Uses

- 304.2 No more than one *single family dwelling* is permitted on any one *lot*.

Lot Coverage

- 304.3
- 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 80 m² of ground floor *building area*.

Siting of Buildings and Structures

- 304.4. 1) Principal *buildings* and *structures* shall be sited in accordance with Section 303.4 1).
- 2) *Accessory buildings* and *structures* shall be sited in accordance with Sections 303.4 2) and 303.4 3).

Height of Buildings and Structures

304.5 The *height* of principal and *accessory buildings* and *structures* shall be in accordance with Section 303.5

Parking and Loading

304.6 Parking and loading shall be provided in accordance with Section 107.

Subdivision Requirements

- 304.7 1) All *lots* created by *subdivision* shall comply with Section 110 of this Bylaw and the Subdivision and Development Servicing Bylaw 2011 No.4861 as amended.
 - 2) Notwithstanding Section 304.7, any fee simple *lot* in existence as of April 28, 2014 shall not be subdivided to create more than two *lots*.
3. The "Township of Langley Zoning Bylaw 1987 No. 2500" as amended is further amended by rezoning the lands described as:

Lot 38 Section 30 Township 11 New Westminster District Plan 28291

as shown delineated on Schedule "A" attached to and forming part of this Bylaw to Suburban Residential Zone SR-3A.

READ A FIRST TIME the	day of	, 2015.
READ A SECOND TIME the	day of	, 2015.
PUBLIC HEARING HELD the	day of	, 2015.
READ A THIRD TIME the	day of	, 2015.
RECONSIDERED AND ADOPTED the	day of	, 2015.

_____ Mayor _____ Deputy Township Clerk

SCHEDULE 'A' BYLAW NO. 5168

