



REPORT TO MAYOR AND COUNCIL

PRESENTED: OCTOBER 4, 2021 – REGULAR MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: LAND USE CONTRACT DISCHARGE AND REZONING
 APPLICATION NO. 100588 (MCTAFT PROPERTIES LTD. /
 6897 GLOVER ROAD AND 21690 SMITH CRESCENT)

REPORT: 21-112
FILE: 11-18-0001

PROPOSAL:

Application to discharge Land Use Contract No. 31 and rezone the subject properties located at 6897 Glover Road and 21690 Smith Crescent to Comprehensive Development Zone CD-167.

RECOMMENDATION SUMMARY:

That Council give first and second reading to Land Use Contract Discharge and Rezoning Bylaws No. 5745 and 5746, subject to completion of six (6) development prerequisites, and authorize staff to schedule the required Public Hearing.

RATIONALE:

The proposed land use contract discharge and rezoning applications are consistent with the overall objectives of the Township's Official Community Plan and Rural Plan.



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RECOMMENDATIONS:

That Council give first and second reading to Land Use Contract No. 31 Discharge (McTaft Properties Ltd.) Bylaw 2021 No. 5745, discharging Land Use Contract No. 31 from the properties located at 6897 Glover Road and 21690 Smith Crescent;

That Council give first and second reading to the Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (McTaft Properties Ltd.) Bylaw 2021 No. 5746 to rezone the properties to Comprehensive Development Zone CD-167, subject to the following development prerequisites being satisfied to the acceptance of the Township of Langley's General Manger of Engineering and Community Development, prior to final reading:

1. Approval of the rezoning and land use contract discharge Bylaws by the provincial Ministry of Transportation and Infrastructure (MoTI);
2. Provision of a Traffic Impact Assessment (TIA) and securing of any required works and improvements to accommodate proposed uses, site access and public safety to ensure compliance with Transportation Canada Notice and Order (January 20, 2003), MoTI and Township requirements, as applicable, including, but not limited, to review of Smith Crescent, Glover Road (Highway 10), Crush Crescent intersections and all associated horizontal and vertical alignment challenges in the referenced road network;
3. Provision of a 3 m wide recreational trail within a statutory right of way along the Glover Road frontage in accordance with the Official Community Plan (OCP);
4. Registration of the following restrictive covenants securing a 15 m wide ALR buffer along the north, west and east property lines;
5. Payment of all applicable fees and charges, including supplemental rezoning fees; and
6. Consolidation of the subject lands; or provision of an access easement securing access to Smith Crescent for 6897 Glover Road over the property to the north (21690 Smith Crescent); and further

That Council authorize staff to schedule the required Public Hearing for Land Use Contract Discharge Bylaw No. 5745 and Rezoning Bylaw No. 5746.

EXECUTIVE SUMMARY:

Pacific Land Group has applied on behalf of McTaft Properties Ltd. to discharge Land Use Contract No. 31 and rezone the subject properties located at 6897 Glover Road and 21690 Smith Crescent to Comprehensive Development Zone CD-167. The proposed rezoning formalizes uses currently accommodated on site under the existing land use contract as well as additional industrial uses.

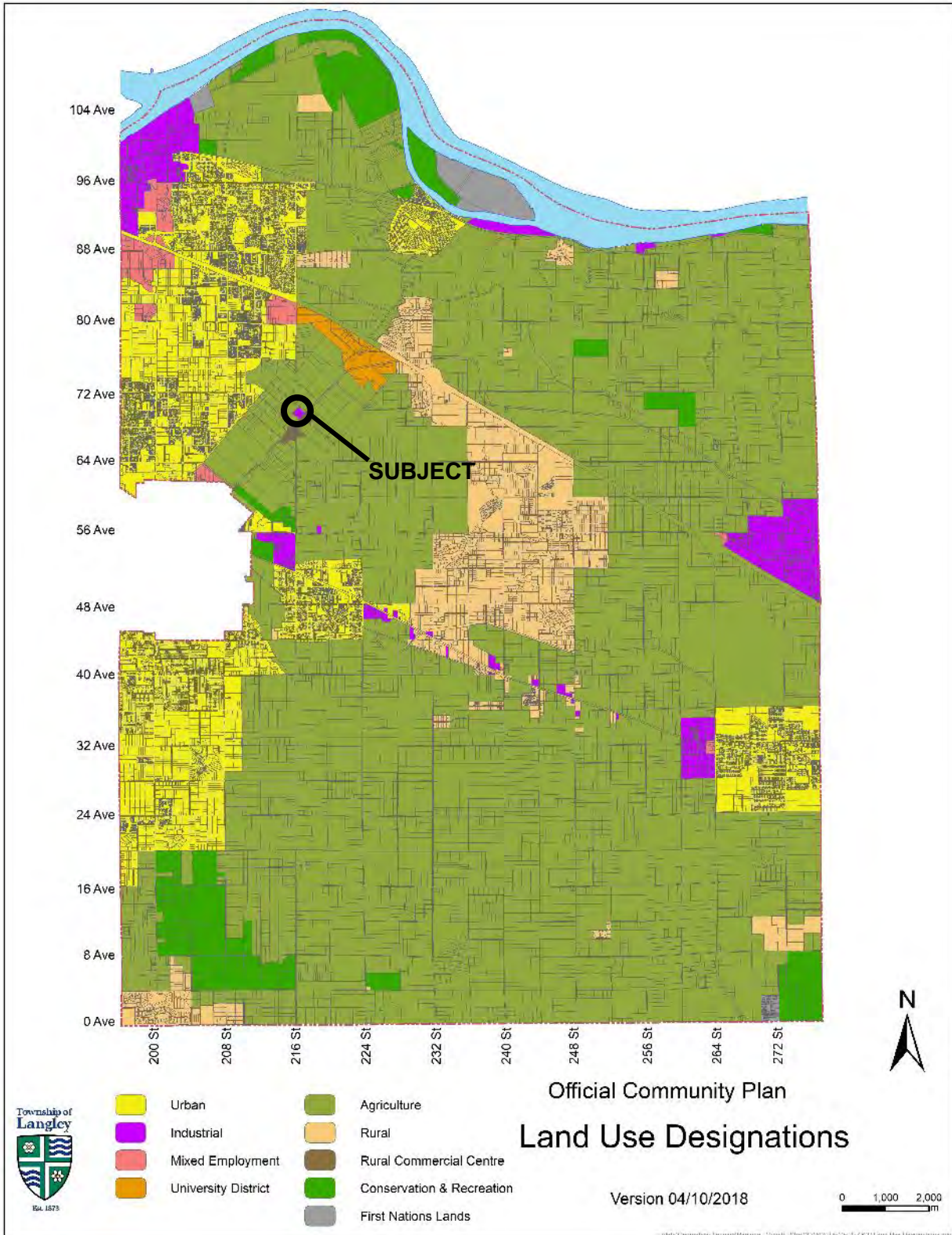
Provincial legislation requires that all land use contracts be discharged by June 30, 2024 and at that time the underlying zoning will regulate land use going forward unless a formal rezoning process is initiated by the landowner and ultimately approved by Council.

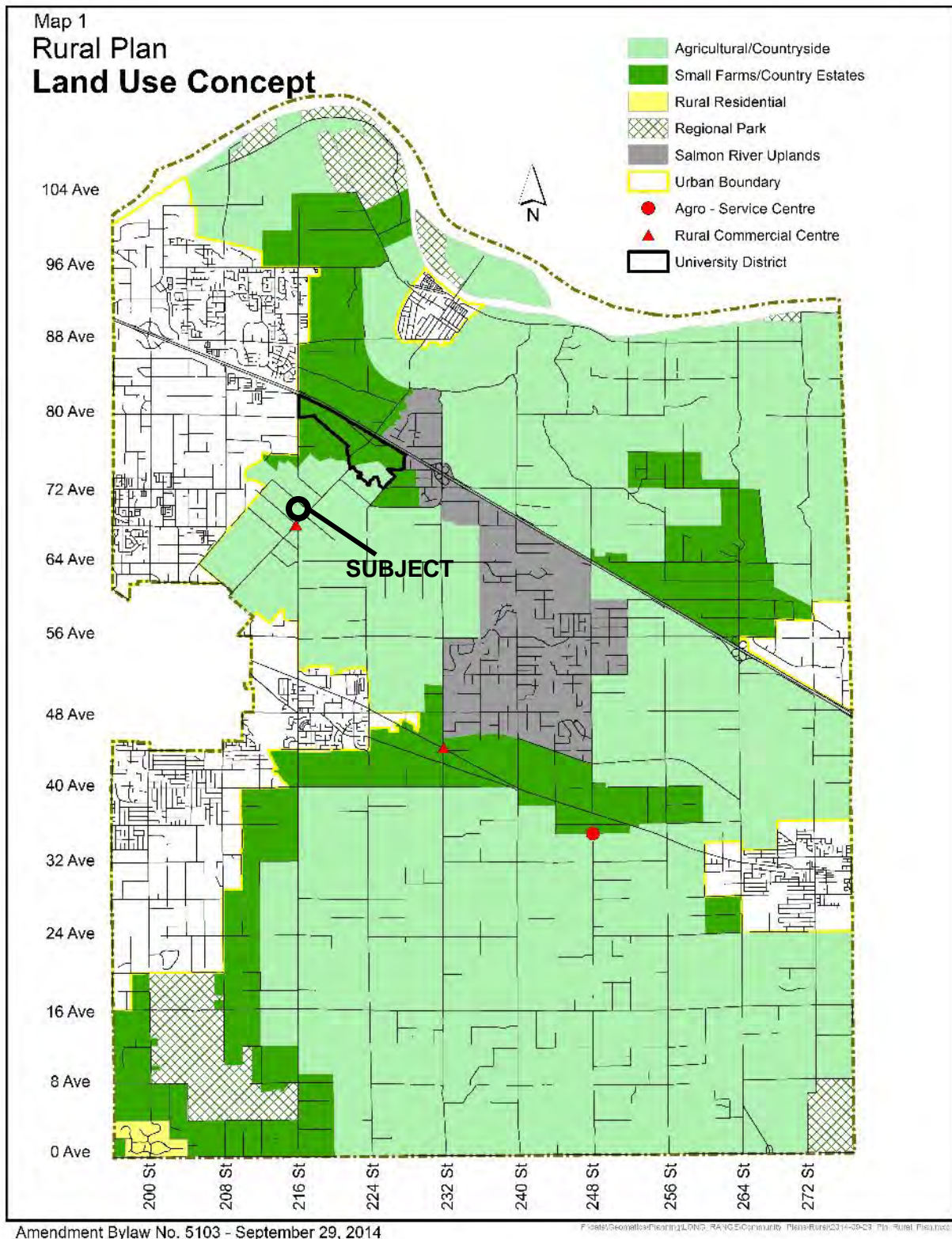
The applicant has elected discharge the land use contract and amend the Zoning Bylaw to accommodate the current land use as well as provide for future redevelopment of the site by adding other industrial uses to the list of permitted uses in proposed Comprehensive Development Zone CD-167. No development is proposed at this time and any future development of the site will require issuance of a Development Permit. Final reading of Bylaws No. 5745 and 5746 is contingent upon completion of six (6) prerequisites outlined in this report.

PURPOSE:

The purpose of this report is to advise and make recommendations to Council with respect to Land Use Contract Discharge Bylaw No. 5745 and Rezoning Bylaw No. 5746.

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ZONING BYLAW NO. 2500

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SITE PLAN – PROVIDED BY APPLICANT

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REFERENCE:

Owner:	McTaft Properties Ltd. 21690 Smith Crescent Langley, BC V2Y 2R1
Applicant / Agent:	Pacific Land Group Inc. 212, 12992 – 76 Avenue Surrey, BC V3W 2V6
Legal Description:	Lots 1 and 2 District Lot 22 Group 2 New Westminster District Plan 2424
Civic Address and Area:	21690 Smith Crescent (1.9 ha / 4.92 ac) 6897 Glover Road (1.95 ha / 4.81 ac)
Existing Zoning:	Land Use Contract No. 31
Underlying Zoning	Rural Zone RU-3
Proposed Zoning:	Comprehensive Development Zone CD-167
Official Community Plan:	Industrial
Rural Plan:	Agriculture/Countryside
Development Permit Area:	Area “C” – Rural Commercial, Industrial, Multi-Family and Intensive Residential

BACKGROUND / HISTORY:

The subject properties are designated Industrial in the Official Community Plan (OCP), recognizing the existing industrial use of the properties. The subject site is bounded on the north, south and west by the Agricultural Land Reserve (ALR). The subject site was excluded from the ALR on October 17, 1975.

The site is regulated by Land Use Contract No. 31 with underlying Rural Zone RU-3 zoning. The site accommodates a storage facility for modular trailers operated by Britco. A Land Use Contract (LUC) is a mechanism to govern land use matters (as an alternative to a Zoning Bylaw) enabled by the province through the Municipal Act for a limited time period in the mid-1970's. Land Use Contracts, similar to a Zoning Bylaw, regulate items such as permitted uses, lot size, and setbacks.

In the late 1970's, the province amended the Municipal Act to eliminate the LUC provisions resulting in all future land use matters being regulated by Zoning Bylaws. In 2014, the province adopted amendments to the Local Government Act which require the termination of existing LUCs by June 30, 2024. Once a LUC is terminated, the applicable underlying zone comes into effect.

Land Use Contract No. 31 was adopted by Council on June 22, 1976 and allows service and industrial uses such as storage and warehousing of raw materials and manufactured products, light manufacturing including construction of trailers, campers, RV's, and commercial vehicles. Should Land Use Contract No. 31 lapse, the Rural Zone RU-3 zoning would come into effect.

The current land use would then be considered pursuant to non-conforming use provisions of the Local Government Act given the subject site's underlying RU-3 zoning does not accommodate the current land use.

Land Use Contract No. 31 has specific provisions that require the site to be developed in accordance with the terms of the contract (similar to a development permit) which requires construction of permanent buildings and installation of landscaping. Staff note a previous owner commenced the storage of modular trailers without any site improvements. Litigation between the Township and the previous owner resulted in the Township being unsuccessful in preventing the current use from occurring on site without the site developing in accordance with the provisions of Land Use Contract No. 31 based on the Supreme Court of British Columbia ruling dated July 21, 1992.

In order to formalize the existing land uses and provide for future development of the site, the applicant is proposing to discharge Land Use Contract No. 31 (before it lapses) and to rezone the subject property to Comprehensive Development Zone CD-167. The applicant has not applied for a development permit at this time. The site is included in Development Permit Area "C" – Rural Commercial, Industrial, Multi-Family and Intensive Residential in the Rural Plan and accordingly, Council will be provided the opportunity to review the form and character of any future development of the site.

DISCUSSION / ANALYSIS:

Pacific Land Group has applied to discharge Land Use Contract No. 31 and rezone the subject property to Comprehensive Development Zone CD-167. The land uses currently permitted under Land Use Contract No. 31 include storage and warehousing of raw materials and manufactured products, light manufacturing including construction of trailers, campers, RV's and commercial vehicles. Comprehensive Development Zone CD-167 proposed uses include:

1. Accessory buildings and uses
2. Accessory open storage
3. Bakeries
4. Brewery or distillery
5. Building supplies, lumber yards
6. Offices accessory to permitted industrial uses
7. Parking of commercial vehicles
8. Public works yards, maintenance and storage facilities
9. The light manufacture, assembly, repair, finishing and packaging of products including the construction of trailers, campers, recreational or commercial vehicles or modules
10. Transportation and trucking terminals and compounds including public transportation depots
11. Warehousing, wholesaling and storage facilities excluding bulk energy storage facilities and the bulk storage of industrial chemicals, by-products and allied products
12. Workshops for the following and similar trade contractors; building, electrical, heating, air conditioning, plumbing, refrigeration, roofing, septic tanks, signs, paving, and landscape contractors
13. General industrial uses

The applicant has provided the following rationale with respect to the application:

To clarify the intent of this application, the owner is not currently seeking to redevelop the property. The rezoning application has been undertaken as a precautionary measure to ensure the current industrial use can continue undertaking site modifications to support the existing business operations once the Land Use Contract is terminated. The current operation was first established in the early 2000s and now employs approximately twenty full-time employees and four-to-six subcontractors.

The property owner is seeking a rezoning now to avoid potential issues that will arise when the Land Use Contract is discharged in 2024 and the underlying zoning becomes the applicable land use regulation. These issues include development limitations that will prevent the business from replacing aging structures and making necessary modifications to the site to support changes in business operations. The rezoning would also provide greater certainty to the property owner should it become necessary to move the current operation to a new site in the future. At this time, the owner is not intending to make any changes to the use or structures on the property as part of this rezoning process.

According to Township records, the subject operation was issued a business licence in 2004 for “portable modular building sales office”. Upon a change in ownership, a subsequent business licence was issued between 2011 to 2017 for “rental building storage yard”. From 2017 to present a business licence is active on the site for “modular building storage”.

Adjacent Uses:

North: Smith Crescent, beyond which is land in the Agricultural Land Reserve, zoned Rural Zone RU-3, designated Agricultural / Countryside in the Rural Plan;

South: Land in the Agricultural Land Reserve, zoned Rural Zone RU-3, designated Agricultural / Countryside in the Rural Plan;

East: Glover Road, beyond which are residential properties zoned Suburban Residential Zone SR-2 and designated Agricultural / Countryside in the Rural Plan; and

West: Land in the Agricultural Land Reserve, zoned Rural Zone RU-3, designated Agricultural / Countryside in the Rural Plan.

Rural Plan:

The subject site is designated Agriculture / Countryside in the Rural Plan. This land use designation is primarily intended for food production; however, the subject site is not included in the ALR. The Rural Plan recognizes existing industrial uses and provides for additional industrial uses in order to support the rural economy. The proposed rezoning of the subject site to Comprehensive Development Zone CD-167 is consistent with the provisions of the Rural Plan.

LUC Discharge:

Bylaw No. 5745 proposes to discharge Land Use Contract No. 31.

Zoning Amendment:

Rezoning Bylaw No. 5746 proposes to rezone the subject site to a site specific Comprehensive Development Zone CD-167.

Parking:

No changes to the site are currently proposed though staff note that under the parking requirements of the Zoning Bylaw, 36 parking spaces are required with 41 parking spaces provided.

Tree Protection/Replacement:

Tree protection and replacement matters will be addressed at time of Development Permit in accordance with Schedule I – (Schedule I – Tree Protection) of the Subdivision and Development Servicing Bylaw.

Landscape:

The Recreational Greenway Plan of the OCP anticipates a recreational trail connection along Glover Road. Accordingly a 3 m (10 ft) wide multi-use trail along the eastern property line fronting Glover Road (in accordance with the OCP and Subdivision and Development Servicing Bylaw) is included as a development prerequisite.

As the site is bounded to the north, south and west by the ALR application of edge planning principles are appropriate to protect adjacent farm uses from negative impacts of industrial development, should Council support the proposed rezoning. Accordingly, the applicant will be required to secure (by restrictive covenant) a 15 m (49 ft) wide ALR buffer along the south, east, and west boundaries of the subject site.

Intergovernmental Implications:

As the subject site is located within 800 m of a controlled access highway (Highway 10), approval of the Rezoning Bylaw by the Ministry of Transportation and Infrastructure is required prior to Council's consideration of final reading. Preliminary correspondence from the Ministry of Transportation and Infrastructure (June 28, 2021) indicated no objection to the proposal.

Servicing:

The subject properties are designated Service Level 1 – Urban. Full municipal services currently exist on the site. Staff note that Transportation Canada placed a notice and order on the subject properties January 20, 2003 in response to the intersection condition at Smith Crescent and Glover Road which restricts commercial trucks longer than 7 m (23 ft) from crossing the rail tracks.

Accordingly, as a condition of rezoning, provision of a traffic impact assessment including implementation of any recommended improvements overall and/or for the intersections at Smith Crescent and Glover Road as well as Smith Crescent and Crush Crescent including the ninety-degree bend on Smith Crescent to the acceptance of the Township of Langley General Manager of Engineering, MOTI, and Transport Canada requirements.

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, 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

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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.

Policy Considerations:

The discharge of Land Use Contract No. 31 and rezoning of the subject site to Comprehensive Development Zone CD-167 is consistent with the overall objectives of the Rural Plan and adjacent land uses in the area. Accordingly, staff recommend Council give first and second reading to Bylaws No. 5745 and 5746 (subject to six (6) development prerequisites) and authorize staff to schedule the required Public Hearing.

Respectfully submitted,

Daniel Graham
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY LAND USE CONTRACT NO. 31 DISCHARGE
(MCTAFT PROPERTIES LTD.) BYLAW 2021 NO. 5745**

EXPLANATORY NOTE

Bylaw 2021 No. 5745 discharges Land Use Contract No. 31 from properties located at 6897 Glover Road and 21690 Smith Crescent.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY LAND USE CONTRACT NO. 31 DISCHARGE
(MCTAFT PROPERTIES LTD.) BYLAW 2021 NO. 5745**

A Bylaw to discharge Land Use Contract No. 31

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 Land Use Contract No. 31 Discharge (McTaft Properties Ltd.) Bylaw 2021 No. 5745".
2. The Land Use Contract registered in the Land Title Office, in the City of New Westminster, Province of British Columbia, under M101052 is hereby discharged with respect to the lands described as:

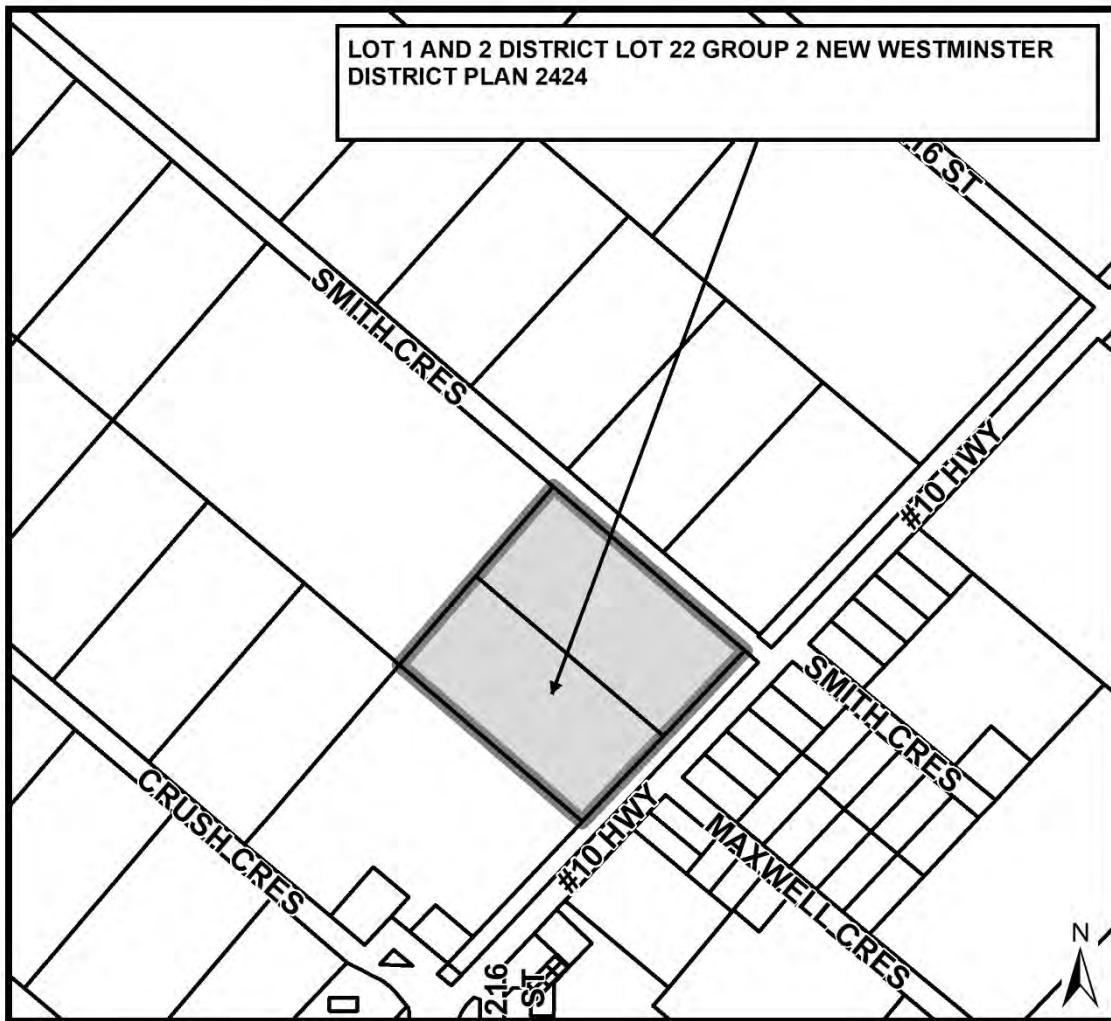
Lots 1 and 2 District Lot 22 Group 2 New Westminster District Plan 2424

as shown delineated on Schedule "A" attached to and forming part of this Bylaw.

READ A FIRST TIME the	day of	, 2021
READ A SECOND TIME the	day of	, 2021
PUBLIC HEARING HELD the	day of	, 2021
READ A THIRD TIME the	day of	, 2021
RECEIVED THE APPROVAL OF THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE the	day of	, 2021
ADOPTED the	day of	, 2021

_____ Mayor _____ Township Clerk

SCHEDULE 'A' BYLAW NO. 5745



THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (MCTAFT PROPERTIES LTD.) BYLAW 2021 NO. 5746**

EXPLANATORY NOTE

Bylaw 2021 No. 5746 rezones properties at 6897 Glover Road and 21690 Smith Crescent to Comprehensive Development Zone CD-167.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (MCTAFT PROPERTIES LTD.) BYLAW 2021 NO. 5746**

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 (McTaft Properties Ltd.) Bylaw 2021 No. 5746".
2. The "Township of Langley Zoning Bylaw 1987 No. 2500" as amended is further amended by:
 - (1) Adding to the Table of Contents and Section 104.1 – Zones the words "Comprehensive Development Zone CD-167" after the words "Comprehensive Development Zone CD-166"
 - (2) Adding to Section 110.1 after the words "CD-166" the words "CD-167 – 1.7 ha"
 - (3) Adding after Section 1066 "Comprehensive Development Zone CD-166" the following as Section 1067 "Comprehensive Development Zone CD-167"

1067 COMPREHENSIVE DEVELOPMENT ZONE CD-167

Uses Permitted

- 1067.1 In the CD-167 Zone, only the following *uses* are permitted and all other *uses* are prohibited:
- 1) *accessory buildings and uses*
 - 2) *accessory open storage*
 - 3) *bakeries*
 - 4) *brewery or distillery*
 - 5) *building supplies, lumber yards*
 - 6) *offices accessory to permitted industrial uses*
 - 7) *parking of commercial vehicles*
 - 8) *public works yards, maintenance and storage facilities*
 - 9) *the light manufacture, assembly, repair, finishing and packaging of products*
 - 10) *transportation and trucking terminals and compounds including public transportation depots*
 - 11) *warehousing, wholesaling and storage facilities excluding bulk energy storage facilities and the bulk storage of industrial chemicals, by-products and allied products*
 - 12) *workshops for the following and similar trade contractors; building, electrical, heating, air conditioning, plumbing, refrigeration, roofing, septic tanks, signs, paving, and landscape contractors including the sale of garden ornaments, swimming pools and outdoor furniture*
 - 13) *general industrial uses*

Industrial Uses

- 1067.2 All business shall be conducted within a completely enclosed *building* except for parking, loading and open storage areas, where accessory to a permitted *use*.

Storage Areas

- 1067.3 Material stored in a permitted accessory open storage area shall not be located within a setback as described in Section 1067.6.

Residential Use

- 1067.4 *Residential use* is limited to one *dwelling unit* or *mobile home* per *lot* for occupancy by the owner, manager or caretaker and immediate *family*.

Lot Coverage

- 1067.5 *Buildings* and *structures* shall not cover more than 60% of the *lot area*.

Siting of Buildings and Structures

- 1067.6 Except as provided for in Sections 104.4, 104.15 and 105.1 2), no *building* or *structure* shall be sited less than 15 metres from a lot line except:
- a) 10 metres from a lot line abutting a rail right of way (Plan 22161);
 - b) no setback is required from an interior rear or interior *side lot line* abutting an M or CD Zone permitting industrial uses.

Height of Buildings and Structures

- 1067.7 Except as provided for in Section 104.5 the *height* of *buildings* and *structures* shall not exceed 12 metres.

Parking and Loading

- 1067.8 Parking and loading shall be provided in accordance with Section 107.

Subdivision Requirements

- 1067.9 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.

Landscaping, Screening and Fencing

- 1067.10 Landscaping areas, landscaping screens and fencing shall comply with Section 111.

3. Rezoning the lands described as:

Lot 1 and 2 District Lot 22 Group 2 New Westminster District Plan 2424

as shown delineated on Schedule "A" attached to and forming part of this Bylaw to Comprehensive Development Zone CD-167.

READ A FIRST TIME the	day of	, 2021.
READ A SECOND TIME the	day of	, 2021.
PUBLIC HEARING HELD the	day of	, 2021.
READ A THIRD TIME the	day of	, 2021.
RECEIVED THE APPROVAL OF THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE the	day of	, 2021.
ADOPTED the	day of	, 2022.

_____	Mayor	_____	Township Clerk
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SCHEDULE 'A' BYLAW NO. 5746

