From: PairofKnees [mailto:pairofknees@gmail.com]
Sent: Friday, March 28, 2014 10:02 AM
To: Ross Taylor
Cc: Mayor and Council - DNV; Corrie Kost
Subject: Re: April 1st pubic hearing

Hi Ross

I found the info on the public hearing for the "Update of the Regional Context Statement" on the web page to be extremely repetitive I think the info was repeated three times in the 154 pages (which would put most people off of even thinking about reading it). There would appear to be far too much detail for an OCP which the District tells us all the time is only a guideline, particularly as the District does not enforce most of its own bylaws.
It is about time the District took a stand with Metro with regard to following their rules and told them this will not happen it is just words and did things that are best for its residents.

Thanks
David

Corrie Kost
submitted at the Public Hearing
April 1, 2014

Regional Goal 1: Create a Compact Urban Area

The growth management and land use policies contained in the District's OCP (chapters 1 and 2) direct future development and redevelopment in the District in a way to create a compact urban area. This OCP affirms an Urban Containment Boundary, restricts uses and development outside this boundary, and directs residential, office and retail growth to a transit efficient Network of Centres.

Specific Actions

RGS Roles for Municipalities	**District OCP Actions**
Strategy 1.1.3 a Depict the Urban Containment Boundary	Urban Containment Boundary illustrated on Regional Features Map
Strategy 1.1.3 b Provide population, dwelling unit and employment projections	Urban Containment Boundary established and growth restricted outside it (Policy 1.1 and 1.2) Parks, Open Space and Natural Areas and Rural Residential Land Use designations applied to areas outside Urban Containment Boundary (District wide Land Use Map, Parks and Trails Map) The OCP identifies capacity for an additional 20,000 population, 10,000 housing units, and 10,000 jobs for year 2030 (Chapter 1). The assumed baseline population for the OCP is 85,000 (2006 census counted 82,500; 2011 census has since confirmed 84,500). The OCP therefore provides capacity for a population of 105,000 by 2030. The assumed baseline employment for the OCP is around 26,000 (2006 census counted 22,000 fixed workplace jobs, and between 4,000 and 5,000 no fixed workplace jobs are assumed). The OCP therefore provides capacity for 36,000 jobs by 2030. The assumed baseline dwelling unit count is 30,500 (2006 census counted 30000 units, 2011 census confirmed 30,500). The OCP therefore provides capacity for 40,500 by 2030. These figures meet or are generally consistent with RGS guidelines provided in Table A.1 up to year 2031. RGS projections for year 2041 are beyond the planning horizon of this plan. Section 12.1 of the OCP anticipates formal reviews of the OCP to occur every five years. The District will work towards consistency with the RGS projections to 2041 in subsequent OCP reviews. Current 2041 RGS figures (114,000 population 45,000 dwelling units, 40,000 jobs) are recognized as being consistent with the trajectory described in the OCP.

nowhere in package ?!

Proposed Amendment (2014)	Existing (Adopted 2011)
Regional Goal 1: Create a Compact Urban Area The growth management and land use policies contained in the District's OCP (chapters 1 and 2) direct future development and redevelopment in the District in a way to create a compact urban area. This OCP affirms an Urban Containment Boundary, restricts uses and development outside this boundary, and directs residential, office and retail growth to a transit efficient Network of Centres.	**Regional Goal 1: Create a Compact Urban Area** The growth management and land use policies contained in the District's OCP (chapters 1 and 2) direct future development and redevelopment in the District in a way to create a compact urban area. This OCP affirms an Urban Containment Boundary, restricts uses and development outside this boundary, and directs residential, office and retail growth to a transit efficient Network of Centres.

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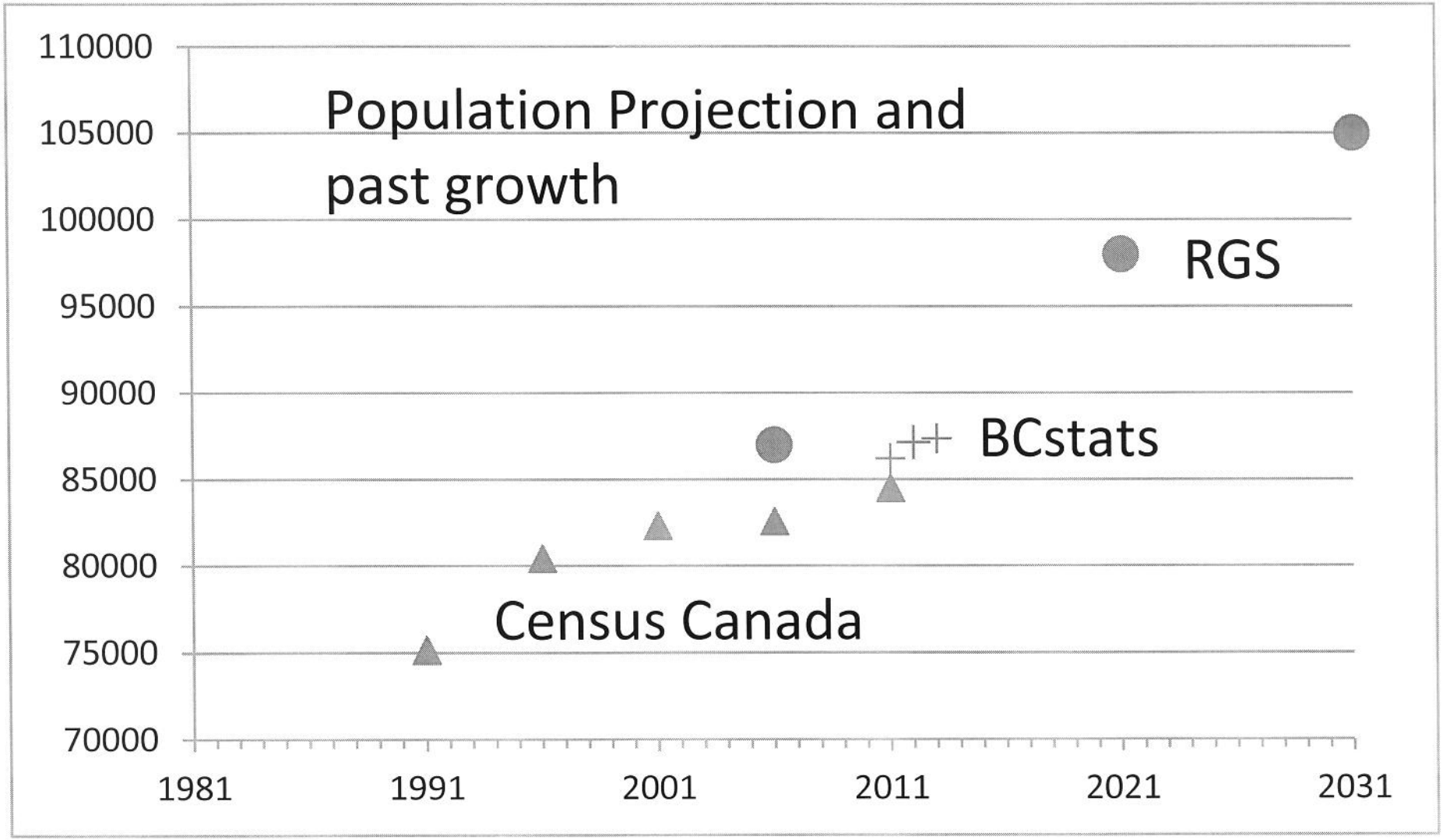
Strategy 1.2.6 a Provide dwelling unit and	75-90% of residential growth is directed to four centres on a 'Network of Centres' (Target 1, Map 1 – Network of Centres Concept). The three DNV growth centres with regional designations (i.e. Lynn Valley Municipal Town Centre, and Lower Lynn and Lower Capilano/Marine Drive FTDAs) are anticipated to account for up to 75% of new residential development (up to approximately 25% in Lynn Valley, 30% in	75-90% of residential growth is directed to four centres on a 'Network of Centres' (Target 1). This nodal growth pattern exceeds the RGS region-wide guideline (Table 2) of 68% of residential growth to occur within Urban Centres and Frequent Transit Development Areas. One of the District's four growth centres

Clarity on where & when & how many jobs are being created is not obvious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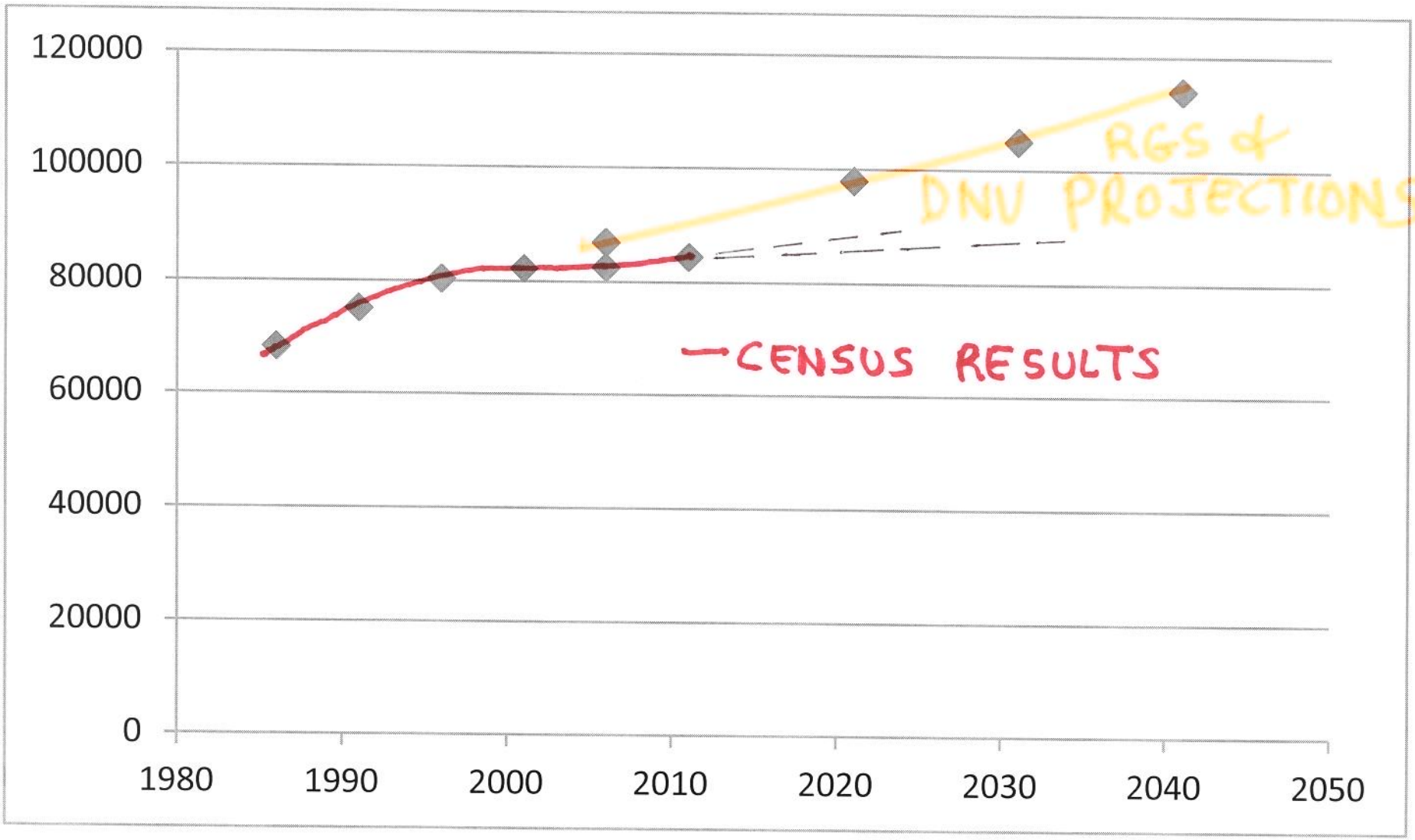
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RGS & DNV PROJECTIONS
CENSUS RESULTS

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Greater Vancouver (Regional District) v. Langley (Township),* 2014 BCSC 413

Date: 20140312
Docket: S136194
Registry: Vancouver

Re: In the Matter of an Application for an Order Pursuant to s.262 of the *Local Government Act*, RSBC 1996, c.323 and the *Judicial Review Procedure Act*

Between:

Greater Vancouver Regional District

Petitioner

And

The Corporation of the Township of Langley and Alan Hendricks

Respondents

And

Trinity Western University

Intervener

Before: The Honourable Madam Justice Sharma

Reasons for Judgment

Counsel for the Petitioner:	G.H. Cockrill and S.S. Manhas
Counsel for the Respondent, Alan Hendricks:	N.J. Baker
Counsel for the Respondent, The Corporation of the Township of Langley:	P.A. Hildebrand and M.M. Giltrow
Counsel for the Intervener, Trinity Western University:	K. Boonstra
Place and Date of Hearing:	Vancouver, B.C. January 13-15, 2014
Place and Date of Judgment:	Vancouver, B.C. March 12, 2014

I. INTRODUCTION

[1] This petition was heard at the same time as *Greater Vancouver Regional District v. The Corporation of the Township of Langley and Peter Wall*, No. S-135127 (the "4947 Bylaw Petition"). Both petitions are brought pursuant to the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241 and the *Local Government Act*, R.S.B.C. 1996, c. 323 ("*Act*") and challenge bylaws enacted by the Corporation of the Township of Langley ("Langley"). The planning documents and statutory provisions at issue in these petitions are the same but the facts and bylaws are different. The bylaw at issue in this petition is the Langley Official Community Plan Bylaw 1979 No. 1842 Amendment (Rural Plan) Bylaw 1993 No. 3520 Amendment (Hendricks) Bylaw 2011 No. 4875 ("Bylaw 4875").

[2] This Court can set aside all or part of a bylaw for illegality (*Act*, s. 262). The GVRD alleges Bylaw 4875 is illegal because s. 866(4) of the *Act* requires that any amendment to Langley's regional context statement be submitted to the GVRD for "acceptance" and that was not done here. In the alternative, the GVRD says that contrary to s. 866(3) of the *Act*, Bylaw 4875 creates inconsistency between Langley's official community plan and its regional context statement.

[3] This petition focuses on the designation of an area of land owned by, among others, Mr. Hendricks, known as the "Hendricks Site. The Hendricks Site is located within the Agricultural Land Reserve (the "Reserve").

[4] Today, I dismissed the 4947 Bylaw Petition. The relevant legislation and planning documents in the two petitions are identical; the issues and legal differ only with regard to the differences in the bylaws. Because of these similarities, the reasoning from my judgment in 4947 Bylaw Petition applies here and I dismiss this Petition.

[5] At paragraphs 7 to 20 of the Bylaw 4947 Petition judgment, I review the statutory regime for land use planning in British Columbia, and at paragraphs 21 to 31, I review the particular planning documents at issue in both petitions. Those reviews are directly relevant to this Petition and I adopt those paragraphs.

II. FACTS

Bylaw 4875

[6] In July 2013 Langley adopted Bylaw 4875 that replaced the designation "Comprehensive Rural Estates" with "Rural Residential". The adoption of Bylaw 4875 also designated the Hendricks Site as Rural Residential. Prior to this it was designated "Small Farms/Country Estates" and not Comprehensive Rural Estates. It is important to understand how these three designations relate.

[7] Prior to the adoption of Bylaw 4875, Comprehensive Rural Estates was a designation that could not apply to any land within the Reserve but could apply to land adjacent to the Reserve (Rural Plan ss. 5.8.1). When land adjacent to the Reserve was designated Comprehensive Rural Estates there was a requirement for it to be "developed in a manner compatible with the [Reserve]" by imposing buffer requirements, larger lot sizes, greater setbacks from Reserve land, or the "preservation of natural features, open space and environmental areas adjacent to [Reserve] boundaries" (Rural Plan s. 5.8.1). The Comprehensive Rural Estates designation also imposed a

maximum density of 0.65 units per acre, a minimum lot size of 0.20 hectares, and required that all developments would be provided full urban services.

[8] The replacement of Comprehensive Rural Estates with Rural Residential, pursuant to Bylaw 4875, altered some of these characteristics. Primarily, it allowed land within the Reserve to be designated Rural Residential, removed any maximum density or minimum lot size and allowed for the possibility of site specific exceptions to the requirement for full urban services. It did maintain the requirement for development adjacent to Reserve lands to be developed in a manner compatible with the Reserve.

[9] The provisions in both the Comprehensive Rural Estates and Rural Residential designation regarding developments adjacent to Reserve lands reflect Langley's urban/rural interface policies. Section 5.1 of the Rural Plan states that "an important issue in Langley is treatment of the urban/rural interface…The plan provides a number of approaches that can be used along this interface to reduce conflicts". In particular, the Rural Residential designation reflects the approaches of "increasing the lot size with distance from the urban boundary" and the "provision of larger and deeper lots on the urban side of the interface", two of the many measures designed to serve as buffer treatments along the urban/rural interface (s. 5.11.1(e) and (f)).

[10] In contrast, the designation Small Farms/Country Estates provides for agricultural uses and required a minimum lot size of 1.7 hectares "subject to the approval of the Agricultural Land Commission", (Rural Plan, s. 5.6.2). While the Small Farms/Country Estate designation does not appear to apply to the urban/rural interface, the Rural Plan acknowledges that the Small Farms/Country Estates designation "does provide for some additional smaller parcels" and that development of these parcels "will mainly be in the form of infill in existing areas of smaller lots" (s. 5.1). There is a requirement that "the design of new subdivisions" within the Small Farms/Country Estates designation give "attention…to ensuring a usable land area on each lot and preventing the creation of long narrow lots" (Rural Plan, s. 5.6.3).

[11] The Hendricks Site, 4.46 hectares of land, approximately 690 meters long and 65 meters wide, located at 216 Street and 44 Avenue in Langley, is located within the Reserve and the Green Zone. Because it is located within the Reserve, the Hendricks Site could not have been designated Comprehensive Rural Development and is subject, in addition to the land use management bylaws of Langley, to the authority of the Commission.

[12] Mr. Hendricks bought his property in 1989 and built a family home on it, but shortly thereafter the lands directly across the street (to the north) were redeveloped. As noted by his counsel, that development altered the character of the land for Mr. Hendricks because the view from his home was of a residential development instead of open land. In addition, apparently a portion of his land was being subjected to "dumping". Consequently, he has applied numerous times over the last 10 years to have the Hendricks Site removed from the Reserve, but the Commission has refused all of the applications and it remains within the Reserve.

[13] However in 2010, the Commission determined the subdivision into 21 residential lots, all fronting on to 44 Avenue and being approximately 65 meters deep, would "not impact agriculture" and could be "consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land". In particular the commission found that:

> **Assessment of Agricultural Suitability**
>
> …The Commission believes there are external factors that render the land of very limited suitability for agricultural use. They are encroaching non-farm development and the extremely shallow depth of the properties.
>
> **Assessment of Impact of Agriculture**
>
> The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. At present, the [Hendricks Site] and the adjoining farmland to the south are subject to dumping from the residential area through the treed areas along the length of the shallow subject lands. The proposal would eliminate the potential for dumping on the farmlands to the south, thus the Commission believes the proposal could have a positive impact on existing or potential agricultural use of adjoining lands.

[14] The Commission concluded that its approval "in principle [of] the subdivision of the [Hendricks site is] on the understanding that the Township of Langley is in favour of the type of edge planning proposed for this application".

[15] The reference to edge planning is an acknowledgment that the Hendricks Site is at the edge of the Reserve and is part of the urban/rural interface between the urban area to the north, known as Murrayville, and more rural areas of Langley. As noted above, the use of the Hendricks Site to accomplish edge planning indicates that it should be designated Rural Residential and not Small Farms/Country Estates, which is what Bylaw 4875 did.

III. ISSUES:

[16] Because they are directly applicable, I adopt paragraph 38 to 48 of my judgment in the 4947 Bylaw Petition and apply it to this Petition. Those paragraphs address standard of review and the interpretation of the word "consistent" as used in s. 866(3) of the *Act*. The standard of review in both petitions is "reasonableness". With regard to the consistency, the approach is to ask if a reasonable council, informed by all applicable factors, could determine the regional context statement is consistent with the rest of the official community plan then s. 866(3) has not been violated.

[17] The GVRD alleges that Bylaw 4875 is invalid because it amounts to an unauthorized amendment of the regional context statement contrary to s. 866(4). In the alternative, the GVRD argues it creates an inconsistency between the regional context statement and the rest of Langley's official community plan contrary to s. 866(3)

Unauthorized Amendment

[18] The arguments made by the GVRD in support of its position on this issue are identical to those it made in the Bylaw 4947 Petition. For the same reasons I rejected the argument in the 4947 Bylaw Petition (at paragraphs 65 to 74), I also reject the GVRD's arguments here. I find that Bylaw 4947 did not amend the regional context statement and therefore it was not required to be submitted to the GVRD for acceptance. Section 866(4) was not violated.

Inconsistency

[19] Bylaw 4875 changed the designation of the Hendricks Site from "Small Farms/Country Estates", which imposed a minimum lot size of 1.7 hectares, to Rural Residential, which has no minimum lot size. The GVRD says

this has created an inconsistency between s. 5.8 of the Rural Plan (which is part of the official community plan) and the regional context statement that includes "setting minimum lot sizes to preserve a land base for agricultural production" as an example of how it protects the Green Zone.

[20] As Langley points out the Commission determined the development "could have a positive impact on existing or potential agricultural use of adjoining lands". The Commission has a statutory mandate to preserve and encourage farming on agricultural land, and to encourage local governments to accommodate farm use of agricultural land. The Commission's conclusion was due, in part, to the likelihood that the development of the Hendricks Site would prevent the dumping on rural land that was taking place. Langley relies on the Commission's conclusion in support of its decision that Bylaw 4875 is consistent with the preservation of a land base for agricultural production, and thus cannot be seen as contrary to its goal of protecting the Green Zone.

[21] I agree with Langley. I cannot accept that a development could simultaneously have a potential positive impact on agricultural land and detract from agricultural viability. Consequently, Bylaw 4875 does not erode the protection of the Green Zone.

[22] Furthermore, the minimum lot size specified in the Small Farms/Country Estate designation is qualified "subject to the approval of the Agricultural Land Commission." This qualification recognizes the expertise of the Commission. The Commission noted that allowing smaller lots sizes in the context of this particular development has the possibility to benefit agriculture. In these circumstances it was entirely reasonable for Langley to place great reliance on the Commission's conclusion.

[23] In all other respects, the arguments raised by the GVRD were identical to those raised in the 4947 Bylaw Petition. For the reasons discussed at paras 49 to 65 of my judgment in that case, I reject the GVRD's argument. Bylaw 4875 does not create an inconsistency between the regional context statement and the rest of the OCP so it is not illegal and s.866 (3) of the *Act* has not been violated.

III. CONCLUSION:

Bylaw 4875 is valid. It does not create an inconsistency between the regional context statement and the official community plan and is not an amendment to the regional context statement. Section 866(3) and (4) has not been violated.

"Sharma J."