

Township of
Langley



Est. 1873

OFFICE OF
THE MAYOR
JACK FROESE

COUNCILLORS

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May 15, 2012

File No. 0400-50

BY EMAIL

Greg Moore, Chair
Metro Vancouver – GVRD Board
4330 Kingsway Avenue
Burnaby, BC V5H 4G8

Dear Chair Moore: *GM*

Re: Metro Vancouver – Regional Growth Strategy – Trinity Western University and Other Township of Langley Official Community Plan Amendments

The Township is in receipt of your legal counsel's letter of May 14, 2012 and your message of May 11, 2012 in relation to the above matter. We understand there will be no further information forthcoming before the Metro Vancouver Board meeting scheduled for 8:00 am tomorrow. In response, I would like to point out a number of things:

1. The Township is committed to acting reasonably in regard to the Metro Vancouver regional growth strategy, and is satisfied that the proposed Trinity Western University OCP amendment is consistent with the applicable regional context statement;
2. The Township has written to Metro on March 30 and April 12, 2012 to affirm that the Township OCP is consistent and that the Township is proceeding in accordance with its statutory and moral obligations in regard to the regional plan, but has had no substantive response from Metro in regard to the detailed content of the Township submissions on topic. We did receive a submission from Metro Vancouver at the Public Hearing and an additional request to meet after the Public Hearing which as you know would have jeopardized the Public Hearing process. To accommodate the Metro Vancouver request we then adopted the referenced bylaws and proceeded to arrange the meeting requested by Metro Vancouver.
3. A detailed commentary on the legality of the Township's actions is attached ("Briefing Note");
4. The only response from Metro is the formal letter from Metro legal counsel saying that Metro offered to meet with the Township but that the Township could not meet until July 9. This is simply not true. I and my Council have always been ready to meet with you and the Committee Chair, and any other interested Metro representatives, and we remain ready to do so. We assumed the July date was a result of prior commitments of Metro representatives.

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5. As you know, I also wrote to you to ask if the Township could appear to make a submission at the Special Closed Board Meeting tomorrow morning. We did not get a response and the parties that I sought to have attend are now otherwise engaged;
6. As a result of the foregoing I have returned Bylaws 4900 and 4901 for reconsideration, and the bylaws are on the agenda for a Special Council meeting tomorrow (Wednesday) at which Council will be reconsidering adoption of the bylaws. Council then intends to proceed with new bylaws and a new consultation and hearing process in the hope that Metro Vancouver will communicate with the Township in a fair, effective and forthright manner respecting the jurisdiction of the duly elected officials of the Township of Langley. We hope that Metro will take advantage of the consultation process to provide input, and in particular to respond to our letters of March 30 and April 12, 2012.

Sincerely,



Jack Fradese
MAYOR

copy: Metro Vancouver Board of Directors
Delia Laglagaron, Interim Commissioner, Chief Administrative Officer



BRIEFING NOTES

May, 15, 2012

RE: Proposed Official Community Plan Amendments for Trinity Western University

Executive Summary

- The Township of Langley is a member municipality of Metro Vancouver which comprises 24 municipalities and other local authorities. Metro has adopted a regional growth strategy which is subject to the absolute unfettered discretion of the democratically elected Council of each member municipality to control its own local land use so long as its land use decisions are consistent with its own regional context statement.
- The key legal issue in regard to the relationship between the Township of Langley's Trinity Western University official plan amendment and Metro Vancouver regional planning is whether the Council of the Township, acting reasonably, considers that its Official Community Plan (OCP) amendments are not inconsistent with its own regional context statement developed in 1998 under the Metro Liveable Region Strategic Plan.
- Metro Vancouver staff agree that the Township's existing regional context statement created under the Livable Region Strategic Plan remains in effect' [Metro letter of March 16, 2012].
- Metro Vancouver staff have stated that it appears the Trinity Western University OCP amendment is inconsistent with the Township's regional context statement.
- The Township of Langley Council has concluded, after considering the submissions of Metro Vancouver and holding a formal public hearing on the matter, through its balancing of interests in the adoption of the Trinity Western University OCP amending bylaw that the OCP amending bylaw is not inconsistent with the existing regional context statement. This is also supported by applicable decisions of the Courts.
- The appropriate venue for decisions on consistency with regional context statements to be made is not with Metro Vancouver staff, but rather with the Mayor and Council members of each Metro member municipality at the local democratically elected level balancing multiple interests to make reasonable land use decisions. There is no absolute and direct collision between the decision of Langley Township Council in this OCP amending bylaw and its own existing regional context statement, and there is no basis

to substitute an opinion of Metro Vancouver staff for that of the elected Council on this bylaw.

Township of Langley Commitment to Protecting Rural and Agricultural Areas

- The Township of Langley Council, in its Official Community Plan, public policies, zoning bylaw and servicing regime has affirmed its longstanding belief that it is important to preserve agricultural land, encourage farming on agricultural land, and accommodate farm use of agricultural land and uses compatible with agriculture.
- The protection and conservation of agricultural, rural and environmentally sensitive lands of the municipality, as well as the promotion of farming, is evidenced by the longstanding work of the Council, staff and community on the existing official plan and zoning bylaws, the “right to farm” policies, and protective development permit requirements.
- The Agricultural Land Commission has called the Township of Langley’s Rural Plan “the most positive local government policy document with respect to agriculture”.
- In 1998, responding to the Township of Langley’s request for comments on the draft regional context statement, the Agricultural Land Commission noted: “that the Township is generally very supportive of the ALR”; and confirmed its satisfaction that the regional context statement was consistent with provisions of the ALC Act.
- The Agricultural Land Commission has found that agricultural potential of the Trinity Western University site is limited by two incised creeks and a river, by steep ravines, and by the existing subdivision pattern, and that the useable area is separated from farm lands. The ALC concluded that the majority of the land is not suitable for agricultural use.
- The Township’s Council agrees with the Agricultural Land Commission that the Trinity Western University expansion as proposed is an appropriate designation for the site which is generally bounded by the Trans Canada Highway, Glover Road, Highway 10 and 216th Street, the area of which campus is generally not farmable.
- The University District is subject to extraordinary environmental protection measures in relation to the campus lands, tree retention, and water courses.

Metro Vancouver Regional Growth Strategy

- Metro Vancouver has recognized the Trinity Western site as being within a “special study area” of the new Regional Growth Strategy.
- Metro Vancouver has adopted a new regional growth strategy, and Metro Vancouver staff acknowledge that the existing regional context statement created under the Livable Region Plan remains in effect until a new statement is submitted.
- Legislation requires submission by the municipality of a new Regional Context Statement that specifically identifies the relationship between the municipal official plan and the regional matters; in this regard, the Township of Langley is preparing a new

Regional Context Statement and will deliver it to the Metro Vancouver Board of Directors within the two year window.

- Accordingly, the provisions of the new Metro Vancouver Regional Growth Strategy do not apply to the Township of Langley at this time.
- The Township's Council is bound to consider reasonably whether each official plan amendment is "consistent" with the existing Regional Context Statement that was accepted under the previous Liveable Region Strategic Plan of Metro Vancouver.
- The legislation does not require the municipality to make an amendment to an existing Regional Context Statement, but merely says that if there is an amendment it must be submitted to the Regional Board for acceptance.
- The purpose of the Langley Township Regional Context Statement is 'to promote human settlement that is economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.' The statement sets out a multiplicity of objectives and policies, such that their application by Council necessarily involves an exercise in judgment, and the balancing and accommodating of the various objectives and policies to the particular context before Council.
- The key issue in regard to the relationship between the Township of Langley's official plan amendments and Metro Vancouver regional planning is whether the Council of the Township, acting reasonably, considers that the Official Community Plan amendments are not inconsistent with the Regional Context Statement under the Liveable Region Strategic Plan.
- Metro Vancouver staff think the Trinity Western University OCP amendment appears inconsistent with the Township's existing regional context statement.
- The Township of Langley Council has concluded, however, after considering the submissions of Metro Vancouver and holding a formal public hearing on the matter that the Trinity Western University Official Community Plan amendment is not inconsistent with the existing regional context statement.
- The British Columbia Court of Appeal, after considering a long line of court cases, has held recently that there is only an inconsistency if there is a direct and absolute collision between a bylaw amendment (such as the Trinity Western University Official Community Plan Amendment) and the other instrument (in this case the existing regional context statement).
- In order to find an absolute and direct collision, it is necessary to identify specific, detailed rules (such as a specified minimum parcel size) in the regional context statement, but in the case of the Trinity Western University plan amendment there is no such detailed, specific rule that would create an inconsistency.
- The Agricultural Land Commission after an extensive hearing process has also approved the Trinity Western University proposal, despite the fact that this proposal is contained within the Agricultural Land Reserve.

University District

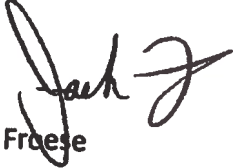
- The Township of Langley Rural Plan, adopted in 1993, “encourages further development of Trinity Western University to its full potential on its present site and adjacent properties”. It further provides for “university development in the rural area provided impacts on surrounding lands and uses, including agriculture, are minimized and good access is available”.
- About 10 years ago, it became clear to the University and College officials and the Township of Langley that University campus expansion would be required.
- The Township, the University and College officials, the Agricultural Land Commission, the Provincial Government and Metro Vancouver have held extensive meetings and achieved a great deal over the past 10 years in order to make the expanded campus a reality.
- The purpose of the Trinity Western University Official Community Plan amendments is to add provisions for a “University District” in and about the existing Trinity Western University campus.
- The University District will enable future expansion to meet student needs, and will fulfill more than 10 years of planning processes.
- The University District amendment to the Official Community Plan will allow for future growth and development of Trinity Western University, Redeemer Pacific College, and other institutions such as Kwantlen Polytechnic University .
- Trinity Western University was incorporated in 1957, and is Canada’s largest independent Christian liberal arts institution.
- Trinity Western University offers 42 undergraduate and 16 graduate degree programs and has earned national recognition in educational surveys for its overall quality of education.
- The University has 3 Canada Research Chairs, including Developmental Genetics and Disease.
- Trinity Western University’s Spartan teams have won CIS Gold in 2006, Bronze and two Silvers in 2005, 2006 and 2008, and Gold in 2004 and 2011.
- Redeemer Pacific College is a Catholic liberal arts college providing students with a solid foundation in Catholic liberal arts as they work toward an undergraduate degree in more than 40 undergraduate majors.

Conclusion

- The Township of Langley Council, in its Official Community Plan, public policies, zoning bylaw and servicing regime believes that it is important to preserve agricultural land, encourage farming on agricultural land, and to accommodate farm use of agricultural land and uses compatible with agriculture.

- The Township's Council agrees with the Agricultural Land Commission that the University District expansion as proposed is an appropriate designation for the site which is generally bounded by the Trans Canada Highway, Glover Road, Highway 10 and 216th street, the area of which campus is generally not farmable, but subject to extraordinary environmental protection measures in relation to the campus lands, tree retention, and water courses.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Froese". The signature is stylized and cursive.

Jack Froese

MAYOR