

# Judge's ruling upholds Langley rezoning plans

## Metro Vancouver has no authority to dictate land use in municipalities, court rules

BY KELLY SINOSKI, VANCOUVER SUN MARCH 13, 2014



Metro Vancouver chairman Greg Moore said the ruling could have huge implications for the regional district, which aims to collectively control and manage growth across its 22 municipalities.

**Photograph by:** Stuart Davis, Vancouver Sun

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A B.C. Supreme Court judge has dealt a blow to Metro Vancouver's regional growth strategy after ruling the regional district has no authority to dictate land use in individual municipalities.

The ruling followed an attempt by Metro Vancouver to stop Langley Township's plans to rezone 13 hectares of agricultural land near Trinity Western University into a 67-lot, single-family subdivision by developer Peter Wall, even though it had received conditional approval by the Agricultural Land Commission.

Metro had argued Langley Township's plans were not consistent with its regional context statement, which was approved in 1998 and was intended to preserve agricultural land and maintain the area's rural character by limiting lot sizes and restricting growth to urban town centres. The regional context statement is part of the township's Official Community Plan, a long-term guideline as to how it plans to develop.

But Justice Neena Sharma ruled Metro Vancouver "does not have superiority over land use management within the boundaries of a municipality." She also dismissed a second petition levelled by Metro against landowner Al Hendricks, who wants to develop four hectares in North Murrayville.

"(Metro) argues that no matter how small, any development that impacts the character of the green zone legitimately concerns all municipalities and is subject to regional approval," Sharma said in her written judgment. "While I cannot rule

out the possibility that a large scale development could be seen to radically alter the character of the green zone, notwithstanding its location wholly within one municipality, those are not the facts before me.

"The suggestion that the creation of the University District and the two proximate residential developments threatens either the Green Zone or the rural character of Langley cannot be sustained."

Metro Vancouver chairman Greg Moore said the ruling could have huge implications for the regional district, which aims to collectively control and manage growth across its 22 municipalities.

"We're concerned about how the judge interpreted the role of regional districts in implementing regional growth strategies," Moore said. "She said we don't have the appropriate authority to implement these and in our view we clearly do.

"We do have value in regional planning and we've seen success since 1995. There's now a precedent set on this ruling. We need to clarify that going forward."

But Langley Township Mayor Jack Froese said he was pleased with the ruling, which will allow TWU the opportunity to pursue its plans to become a hub of higher learning.

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