



REPORT

District of Highlands
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 Victoria, BC V9B 6H1
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To: C. D. Coates, Chief Administrative Officer File: OCP-03-10 / RZ-02-10
 From: Laura Beckett, Planner
 Date: April 11, 2012
SUBJECT: Rezoning Application OCP-03-10 / RZ-02-10
(Lot C, Sections 30 and 74, Rowntree and Gowland Roads)

RECOMMENDATION

THAT Council considers the consultation for application OCP-03-10/RZ-02-10 as described in the related staff report for the Council Meeting of March 5, 2012 to be appropriate,

THAT Council support in principle requesting CRD Parks' potential future ownership of the park land and responsibility of trail development and maintenance,

AND FURTHER THAT Council direct staff to draft bylaws to accomplish the proposal.

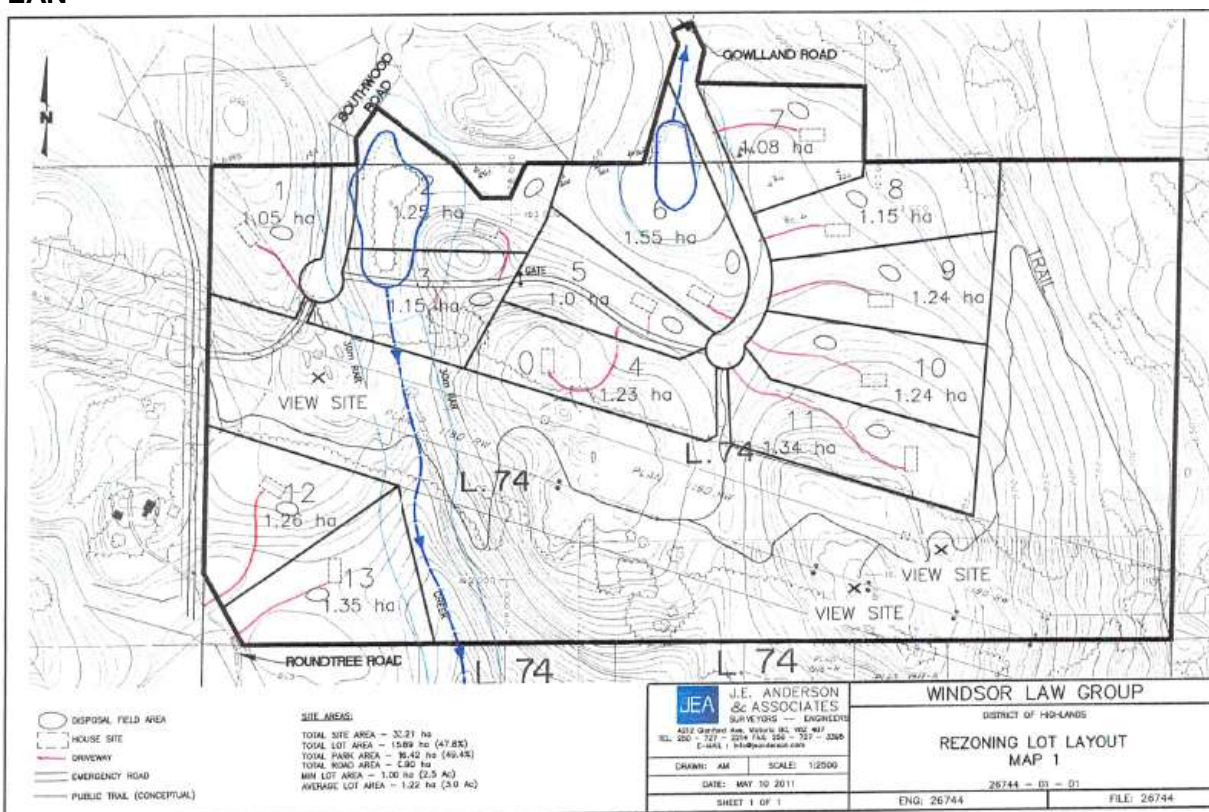
PROPOSAL SUMMARY

Applicant/Owner:	Highlands 3 Holdings Ltd. – Mr. Keyvan Shojania, representative
Agent:	Mr. Randy Dick, Prossimo Development Consulting Ltd.
Location:	End of Rowntree, Gowland Roads, Southwood Drive
Size:	32.2 hectares (79.6 acres)
Legal:	Lot C, Sections 30 and 74, VIP 76070
Current	
Zones*: * see the Zoning Bylaw for a complete description	<p>Greenbelt 2 (GB2) Zone [majority of lands] <u>Permitted uses:</u> residential, agriculture, home-based business, accessory uses, buildings and structures <u>Residential Density:</u> one dwelling unit per lot <u>Subdivision minimum lot size:</u> 12 hectares (30 acres)</p> <p>Rural Residential 4 (RR4) Zone [small part of lands] <u>Permitted uses:</u> residential, home-based business, agriculture, accessory uses, buildings and structures <u>Residential Density:</u> one dwelling unit per lot <u>Subdivision minimum lot size:</u> 12 hectares (30 acres); provision to permit 59 lots with no lot less than 1.25 hectares (3 acres) where amenities are provided as per bylaw section 12.1.</p>
OCP Designation:	Rural – protection of large-lot rural character (see OCP Chapter 2)
Title Restrictions:	Includes: several permits re: formerly contiguous lands, four statutory rights-of-way and two covenants re: trail, road and electric transmission lines are registered against the title.

Proposed	
Zone:	<p>New amenity zone to accomplish proposal</p> <p><u>Proposed Permitted uses:</u> residential, agriculture, home-based business, accessory uses, buildings and structures, parkland including trail</p> <p><u>Proposed Residential Density:</u> One dwelling per unit</p> <p><u>Subdivision minimum lot size (no amenity):</u> 12 hectares (30 acres)</p> <p><u>Subdivision minimum lot size (with amenity):</u> 1 hectare (2.47 acres)</p>
NEW INFO	<p>Proposed provision of amenities to include</p> <ul style="list-style-type: none"> • 16.42 hectares (40.6 acres) of park land, • \$75,000 cash donation to building of community hall/centre • Community garden area with fencing, well, and maintenance shed
OCP Designation:	Staff proposes new "Amenity X – East West Trail Connector" under "2.12 Amenity Areas"

Adjacent Land Use/Zoning	
North:	<ul style="list-style-type: none"> ➢ Rural Residential 4 (Highlands Estates) ➢ Rural Residential 14 (Lorimer Place)
North west:	<ul style="list-style-type: none"> ➢ Park 1 (Gowlland Tod Provincial Park)
East (including north & south):	<ul style="list-style-type: none"> ➢ Greenbelt 2
South:	<ul style="list-style-type: none"> ➢ Rural Residential 3
West:	<ul style="list-style-type: none"> ➢ Greenbelt 2
South west:	<ul style="list-style-type: none"> ➢ Greenbelt 1 (Langford)

SITE PLAN



PREVIOUS COUNCIL DIRECTION

At their meeting of March 5, 2012, Council resolved:

That Council refer Rezoning Application RZ-02-10 & OCP-03-10 to a future Council meeting after the applicant has met with the Planner to discuss issues raised this evening including: density is too high (possible reduction to 11 lots), community benefit (net benefit - amenity contribution is too low for trail building and considering parkland is under power lines).

There was discussion at that Council meeting regarding completion of roads in the area. This item including the other issues raised that evening were discussed with the applicant and staff. Please see the attached letter from the applicant advising of:

- a) Their intention to, should the project proceed to subdivision phase, construct Rowntree Road from Finlayson Arm Road to Viart Road, and
- b) Their wish to add a community garden including fencing, a well, storage shed and parking area to their amenity package.

After seeking legal counsel, staff can advise that the upgrading of Rowntree Road could be considered a requisite extended service under section 939 of the Local Government Act. This would be in the community's best interest, and is one of the powers available to local governments. To execute this correctly, legal counsel advises that a resolution requiring the construction of Rowntree Road under section 939 of the Local Government Act be passed. Staff is not prepared to recommend that Council do this at this time, and, should Council wish to further the application by directing staff to draft bylaws, staff will duly advise Council of the most appropriate resolution in tandem with the draft bylaws.

OCP Consultation Opportunities and Next Steps

In staff's previous report, recommendations regarding OCP consultation and next steps for the application were discussed. Staff attaches these sections of the previous report for Council's review and consideration.

OPTIONS

- 1. *(Recommended.)* Council may be supportive of the application. Should this be the case, Council may wish to consider a set of motions that reflect Council's consideration of appropriate OCP consultation opportunities, that support in principle Council's request for CRD Parks' involvement in the park and trail aspects of the application, and that direct staff to draft bylaws to amend the OCP and Zoning Bylaw. The set of motions could resemble:

THAT Council considers the consultation for application OCP-03-10/RZ-02-10 as described in the related staff report and discussed at the Council Meeting of March 5, 2012 to be appropriate,

THAT Council support in principle requesting CRD Parks' potential future ownership of the park land and responsibility of trail development and maintenance,

AND FURTHER THAT Council direct staff to draft bylaws to accomplish the proposal.

- 2. Council may wish to request that the applicant return with specific revisions or information.
- 3. Council may wish to deny the application.



Respectfully submitted by Laura Beckett, MCIP

CAO Concurrence



Christopher D. Coates, CAO

April 6, 2012

District of Highlands
Attention: Ms Laura Beckett
1980 Millstream Road
Victoria, BC, V9B 6H1

Dear Ms. Beckett,

Reference: Rezoning Applications OCP-03-10 and RZ-02-10 "Highlands Green"

This letter will confirm that as a condition to the approval of Highlands Green, Highlands 3 Holdings Ltd. intends to construct Rowntree Road from Finlayson Arm Road to Viart Road. While we understand that the District considers this a condition of subdivision approval, we note the considerable cost of the road construction (\$250,000+) and the benefit that this provides to the District. In addition to completing the road network, this road construction provides important safety considerations including a potential alternate access route for First Responders and an alternative exit route for existing and new residents in case of road blockage.

We also wish to add a community garden to our amenity package. Community gardens bring communities and families together through growing, harvesting, cooking and eating fresh food. They also provide an affordable source of fresh food and many other sustainable benefits.

The enclosed plan shows the proposed location of the gardens. The proposal includes fencing, a well, a storage shed and a parking area. While the provision of these items comes at a cost, we believe that the sustainability considerations associated with the proposed gardens will be a significant benefit to the community and the District.

Thank you.

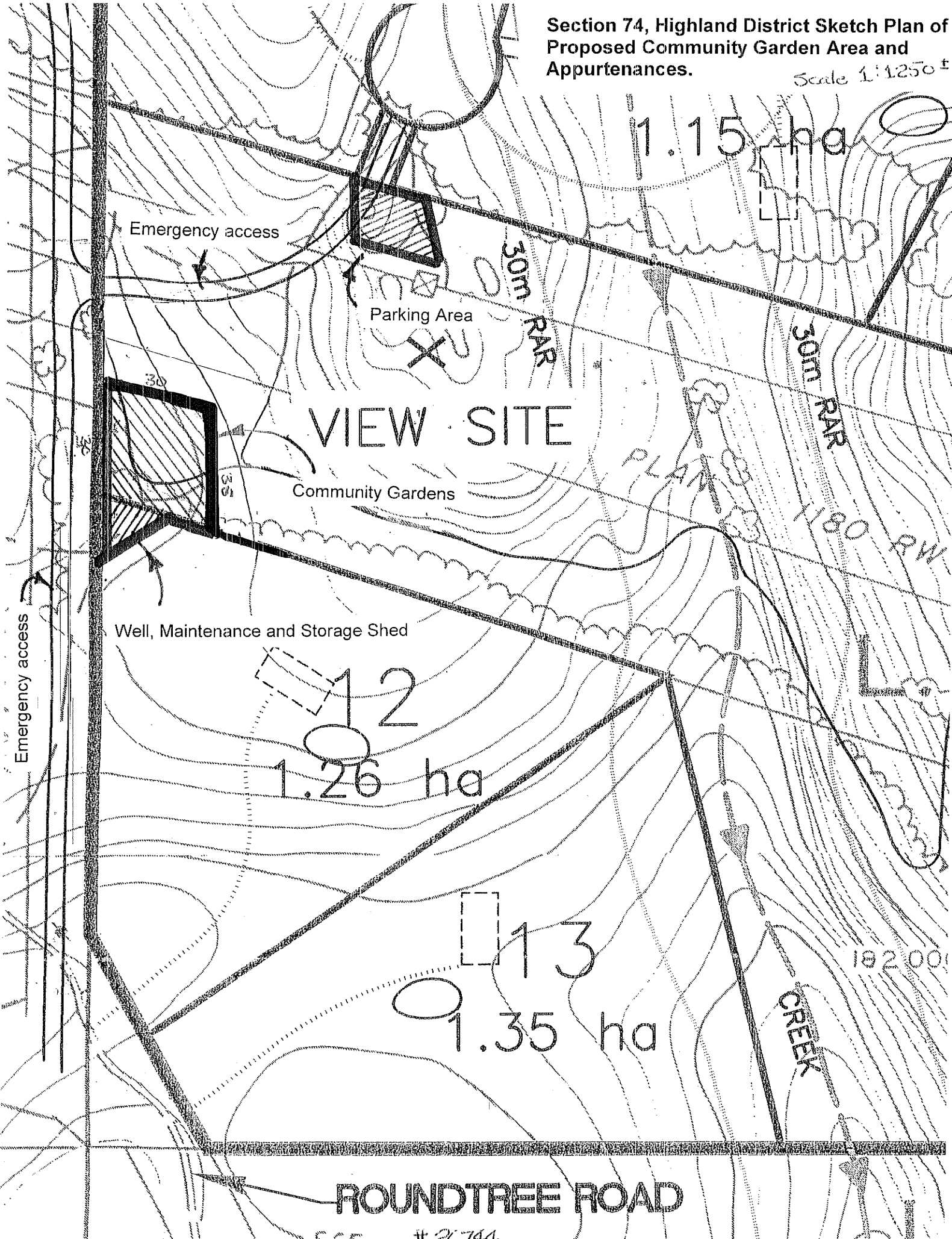
PROSSIMO DEVELOPMENT CONSULTING LTD.



Randy Dick, B.Comm, RI
Principal
/rad

Section 74, Highland District Sketch Plan of Proposed Community Garden Area and Appurtenances.

Scale 1:1250 ±



VIEW SITE

Community Gardens

Well, Maintenance and Storage Shed

Parking Area

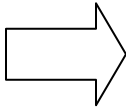
1.15 ha

1.26 ha

1.35 ha

ROUND TREE ROAD

#26744



RECOMMENDATIONS FOR LOCAL GOVERNMENT ACT OCP CONSULTATION REQUIREMENTS

A change in OCP land use designation for the subject property is required for the proposal. Staff suggests that this OCP amendment would be similar to that created for the property at the corner of Finlayson Arm Road and Millstream Road that resulted in the new OCP land use designation of 'Amenity 1-Community Centre/Hall.' As Council is aware, this is where the community hall is now proposed to go. The OCP land use designation for the subject land would be created in consistency with the OCP including the Regional Context Statement.

Regarding OCP amendments, section 879 of the *Local Government Act (LGA)* requires local governments to provide one or more consultation opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Council must consider:

- 1) whether that consultation should be early and ongoing and
- 2) specifically consider consultation with the CRD Board including the CRD Electoral Area of Willis Point, City of Langford, District of Saanich, Town of View Royal, first nations, School Districts 61, 62 and 63, and the Provincial and federal governments and their agencies.

The initial set of referrals, other than in-house departments, went to:

- BC Assessment Authority,
- BC Hydro,
- CRD Parks,
- City of Langford,
- BC Ministry of Environment (Stewardship Division), and
- School District 62.

This is logical – Willis Point, Saanich, and Town of View Royal, as well as School Districts 61 and 63 share boundaries with the north and east areas of Highlands, which is unrelated to the location of the proposal.

Consideration of Additional Consultation Opportunities Referral responses from 2010 indicated that the City of Langford had no comment on the proposal, and School District 62 and BC Hydro had no concerns with the proposal. BC Assessment Authority did not respond. BC Ministry of Environment Stewardship Division's comment related directly to the earlier proposal:

- While Lot C, Sections 30 and 74, is near Gowlland Todd Provincial Park it does not directly border on the park. Consequently, the proposed rezoning and subdivision will likely have no direct impact on Gowlland Tod Provincial Park. However, rezoning and subdivision will likely contribute to habitat fragmentation and potential loss of biodiversity in Lot C and surrounding area over time. Ecologically, it is good that the SEI polygon will be protected by a park should the development proceed. It would be even better if the proposed park boundary could be extended a bit to the west to provide more of a protective buffer around the SEI polygon.

The difference now is an increased park area that intentionally connects with Gowlland Tod Park. For this reason, BC Parks input was sought and received. The "SEI polygon" – sensitive ecosystem inventory area – referred to above as now been included as a part of a residential lot. While it would no longer be protected under park status, this area would continue to be

protected as a development permit area. It is arguable whether it is better protected this way or as regional parkland with a public trail going through it. Staff notes that this new lot/park configuration locates within parkland the stream in the west that is connected to the existing fire pond. At this point, because of CRD Parks' potential involvement that will have a much closer and detailed investigation on the land, staff does not recommend further consultation with the Stewardship Division.

No consultation has been done with first nations. Staff typically sends OCP amendment referrals to:

- Songhees First Nation
- Malahat First Nation
- Te'mexw Treaty Association
 - Members: Malahat First Nation, Scia'new First Nation (Beecher Bay Indian Band), Snaw-naw-AS First Nation (Nanoose First Nation), Songhees First Nation, T'sou-ke First Nation
- Pauquachin First Nation
- Tsartlip Indian Band
- Tsawout First Nation
- Tseycum Indian Band

Consultation Recommendation: Should Council wish to further the application, staff recommends a referral to the above noted first nations. Staff also recommends continuing consultation with CRD Parks. Certainly, should their ownership and responsibility of the parkland and trail become material to the proposal, the CRD Board would become involved through CRD Parks directly. At this point staff understands that Highlands' communication would be through CRD Parks.

If Council is satisfied with the consultation as described for this proposal, staff recommends that Council consider the following motion:

THAT Council considers the consultation for application OCP-03-10/RZ-02-10 as described in the related staff report and discussed at the Council Meeting of March 5, 2012 to be appropriate.

NEXT STEPS

Staff remains supportive of the application, recommending that Council consider directing staff to draft bylaws, and that Council consider a resolution supporting in principle requesting CRD Parks' potential future ownership of the park land and responsibility of trail development and maintenance. The park and trail are the proposed amenity to the increase in density, and thus are material to bylaw drafting. Certainly, Council retains its prerogative to deny the application at any time. Donation of the land to CRD Parks becomes the condition upon which the increase in density can be realized.

The OCP amendment would be very similar to that written to accomplish rezoning application RZ-01-11 by Mr. Fred York, resulting in a draft "Amenity 2 – East West Trail Connector," and the zoning amendment would create a new amenity zone (likely called "Amenity 2 Zone") with siting, building heights and accessory buildings' sizes identical to that of the Rural Residential 4 Zone. House size would be limited to 375 m², as indicated in the attached correspondence from the agent.

The applicants have also committed to a restrictive covenant with the following requirements:

- BuiltGreen Silver construction.
- Limit home size to 375m² (*Staff notes this would be established in the draft zone.*)
- Building Scheme to require use of natural materials in construction and requiring that landscaping consist primarily of native plants, with no invasive plants and minimizing the amount of conventional lawns. Native plants are lower maintenance, require less water and are better suited to meet the needs of local wildlife, birds and beneficial insects.
- Minimize negative impacts of lit buildings and grounds at night by adopting lower intensity lighting, down lighting, reduced perimeter lighting, using blinds/curtains and installing motion-sensitive lighting.
- Require wells to pump to a cistern on each lot to mitigate draws on the aquifer.
- Provide a Home Owner Environmental Care manual to educate lot purchasers. The manual will outline many sustainability items (recycling tips, light pollution awareness, etc) and environmental initiatives that should be undertaken to mitigate impacts and live responsibly in the environment.
- Create a Construction Environmental Management Plan to define construction procedures to mitigate environmental impacts during construction. This includes implementation of erosion and sediment control measures (silt fencing, cover stockpiles, etc.), wildlife and vegetation management measures (flagging of sensitive habitat as no disturbance zones, etc.) This will form part of building permit requirements for all of the lots. (*Staff notes that in development permit areas such requirements would also be stated in the requisite professional report that forms the conditions to the permit.*)
- Provide an Invasive Species Management Plan during road construction. (*Staff notes this occurred for the application that is resulting in a development on Finlayson Arm Road.*)

Some of these items are outside of the District's authority (statutory building scheme), and thus the District would not be party to the covenanting of those items. However, if the covenants that cover all these items form part of the information that has been received (or authorized for execution as the case may be) by Council prior to the public hearing, they would form an integral part of the overall proposal and thus have similar tenacity to the land as the bylaws. Staff expects that the applicants would begin drafting their covenant(s) should Council direct staff to draft bylaws.