



REPORT

District of Highlands
1980 Millstream Road
Victoria, BC V9B 6H1
Tel: 474-1773 / Fax: 474-3677
LBeckett@highlands.ca

File: OCP-03-10 / RZ-02-10

To: C. D. Coates, Chief Administrative Officer

From: Laura Beckett, Planner

Date: November 7, 2011

SUBJECT: Rezoning Application OCP-03-10 / RZ-02-10
(Lot C, Sections 30 and 74, Rowntree and Gowlland Roads)

RECOMMENDATION

THAT Council direct staff to draft bylaws to amend the OCP and Zoning Bylaw.

PROPOSAL SUMMARY

Applicant/Owner:	Highlands 3 Holdings Ltd. – Mr. Keyvan Shojania, representative
Agent:	Mr. Randy Dick, Prossimo Development Consulting Ltd.
Location:	End of Rowntree, Gowlland Roads, Southwood Drive
Size:	32.2 hectares (79.6 acres)
Legal:	Lot C, Sections 30 and 74, VIP 76070
Current	
Zones*:	<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> <p>* see the Zoning Bylaw for a complete description</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

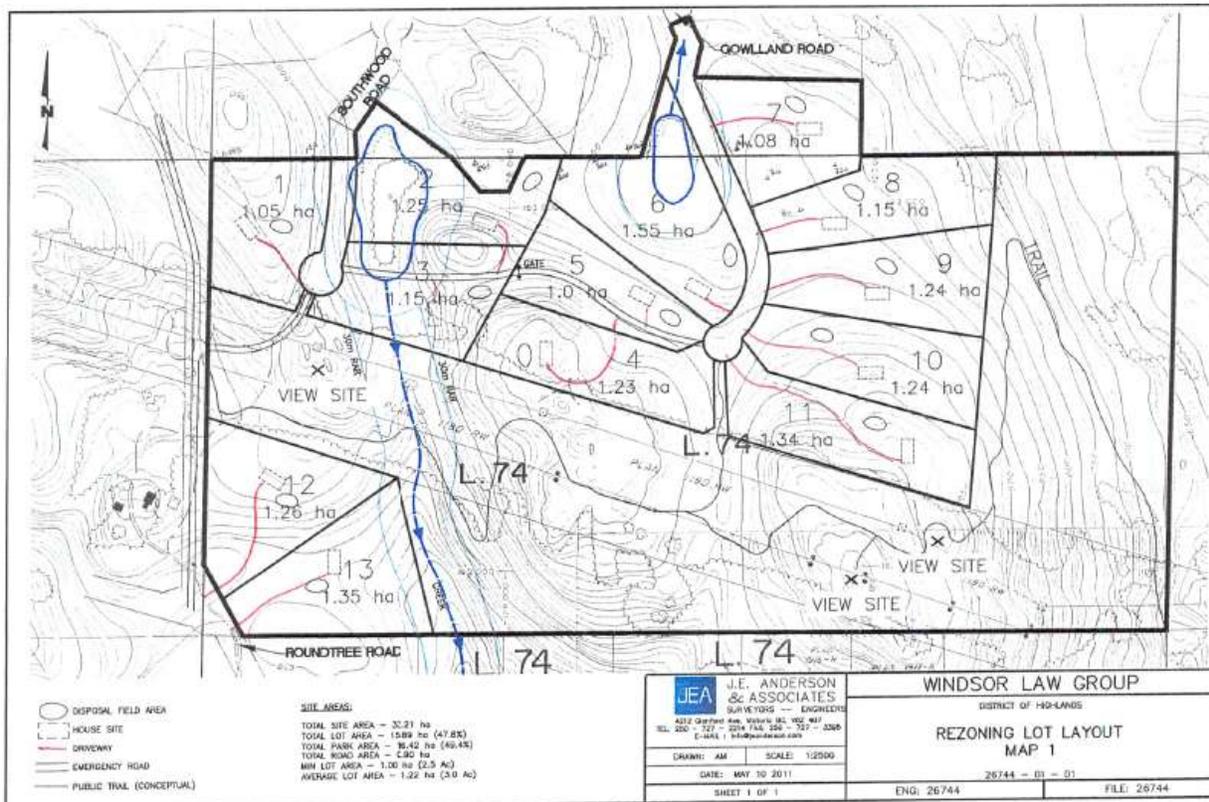
Zone:	<p>New amenity zone to accomplish proposal</p> <p><u>Proposed Permitted uses:</u> residential, duplex (<i>proposing maximum 2 duplexes off Rowntree Road</i>), agriculture (NB: This was originally omitted in error. It is a permitted use in the RR4 Zone to which this proposal would be similar, therefore is correctly included now.), secondary suites on single-family dwelling lots (<i>if acceptable to Council, otherwise the applicant is willing to withdraw this proposed use</i>) home-based business, accessory uses, buildings and structures, parkland including trail</p> <p><u>Proposed Residential Density:</u> Up to two dwellings 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> <p>Proposed provision of amenities to include 16.42 hectares (40.6 acres) of park land, and building of an east-west trail connection.</p>
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OCP Designation: Rural Residential

Adjacent Land Use/Zoning

North:	Rural Residential 4 (Highlands Estates)
North west:	Rural Residential 14 (Lorimer Place)
East (including north & south):	Park 1 (Gowlland Tod Provincial Park)
South:	Greenbelt 2
West:	Rural Residential 3
South west:	Greenbelt 2
	Greenbelt 1 (Langford)

SITE PLAN



BACKGROUND

At their July 18, 2011 meeting Council resolved:

That Council refer the application to the Advisory Planning Commission, the Fiscal and Environmental Select Committee and the Community Infrastructure and Services Select Committee.

The minutes for that item from each meeting are attached. The recommendations from those meetings were as follows:

APC

1. That affordable housing not be considered in the context of this application due to location.
2. That Council should define policy on types of affordable housing before recommending that applicants consider this in an application.
3. **Recommendation:** With removal of suites and duplexes, proposed density is acceptable.
4. APC recommends accepting dedication of land, and in lieu of building a trail that there is a per door cash amenity to be dedicated to the community.

CISSC

Committee reviewed and discussed the minutes from September 20, 2011 APC meeting and September 21, 2011 FECS meeting. The following MOTIONS are recommended to Council:

1. That affordable housing not be considered in the context of this application due to location and that Council should define policy on types of affordable housing before recommending that applicants consider this in an application.
2. CISSC recommends accepting dedication of land, and in lieu of building a trail that there is a per door cash amenity to be dedicated to the community.
3. Residents maintain their portion of their driveway that is the fire access road between the Gowlland Road and Southwood Road's Cul-du-sacs.
4. That density of the proposed lots be reduced from 13 to 11 lots.
5. Due to the lack of Highland's policies of secondary suites and the size of the lots, CISSC does not support secondary suites on these lots.

FESC (...2 recommendations...)

1. That the Fiscal and Environmental Select Committee recommend to Council that:
The committee is not in favor of Rezoning Application RZ-02-10 and Official Community Plan Amendment Application OCP-03-10 on Lot C, Section 30 and 74, Rowntree and Gowlland Roads as presented.

Rationale:

The FESC members have the following objections to the proposal as presented:

1. Number of lots was too high. The committee was concerned about increases in water usage, traffic impact, and waste disposal.
2. The configuration of lots with respect to steep slopes, sensitive areas, and septic fields placement.
3. The Amenity is inadequate.
4. Lots are appropriate for single residential homes; duplexes and secondary suites are not supported.
5. A cash contribution be offered in lieu of trail building and maintenance.

2. That the Fiscal and Environmental Select Committee recommend to Council that the following nine points must be satisfied as a minimum before the proposal moves forward:
 1. A recommended alternative lot layout is shown in the attached diagram. (*Staff note: please see attachment.*)
 2. A recommended total number of lots is 11 or less, which is an increase of up to 9 additional lots from the current zoning.
 3. Traffic impact assessment must be conducted and the report be shared with the committees.
 4. Duplexes are not to be permitted.
 5. Secondary suites are not to be permitted. FESC views these lots to be for single family residences.
 6. That trails not be constructed as part of this rezoning.
 7. That lanes be dedicated and constructed as shown on the FESC layout.
 8. That the construction materials previously dumped on the power line right-of-way be suitably graded and seeded with native grasses on sufficient soil to ensure their growth.
 9. Acceptable amenity offered by the proponent:
 - a. All land outside the lots created be transferred to the District of Highlands as shown on the attached diagram and be designated as parkland, **plus**
 - b. A \$50,000 amenity per each additional single family lot added to current zoning (2).
 10. Of the cash amenity, \$100,000 be transferred to District of Highlands on completion of rezoning with remainder sequentially with subdivision approval.

ANALYSIS

The APC and the select committees passed motions expressing a preference for no suites and no duplexes. FESC and CISSC indicated a density preference of 11 lots as opposed to the proposed 13-lot scenario. APC passed a motion expressing acceptance of a density of 13 dwelling units over the property. All three groups stated a preference to a cash amenity toward the upcoming community hall/centre instead of the proponents' offer of building a trail through the property. FESC's preference was to receive more parkland and a higher cash amenity instead of trail-building.

Please also find attached correspondence from the development agent discussing their response to the APC and select committee review. This states their willingness to amend their application in accordance with Council's preference with respect to

1. Removing the secondary suites and the duplex aspects of the application, thus a total of 13 single family dwelling lots, and
2. Providing a cash amenity towards the community centre/hall instead of building the trail through the property. The maximum cash amenity the proponent will consider is the high-end estimate of building the trail: \$75,000.

While planning staff have been in favour of the application, certainly there is clear preference given by the APC and select committee review, and developer acquiescence, that secondary suites and the duplex are not desirable. Thus, staff recommends that Council consider a total density over the subject property of 13 single family dwelling units.

Regarding the cash amenity instead of the trail-building amenity: The proposed land donation across the subject property contributes considerably towards the east-west trail connection long sought after by the District and the Region. The amount of land offered and its configuration lend to a switch-back trail over the steep incline. The offer of building the trail was received favourably by planning staff because of its "package" effect with the land donation. Comments have been offered regarding appropriate timing of building the trail with potential future connectors so that it would be

used and thus have reason for maintaining it, other than its mere existence. This is an important point and speaks to necessary effective and timely use of resources. Certainly there are mechanisms to time the building of the trail with future connections. However, the APC and advisory committees preferred a cash amenity for the community centre/hall instead of building the trail. Both items are important, with the building of the community centre/hall being an immediate and current issue. Thus, there is good reason for Council to act on this recommendation, and staff can support it.

NEXT STEP

Staff remains supportive of the application, recommending Council consider the applicants' offer of reducing the proposed density by removing the secondary suites and duplex aspects. This would result in a proposed density of 13 dwelling units (single family) over the 32.2 hectares (79.6 acres) property. Because of the 'packaging' effect of the land donation with the trail building, staff has some preference for this as the amenity, but certainly supports the unified perspective of the APC and select committees regarding resources toward the imminent committee centre/hall.

Staff recommends that Council consider directing staff to draft bylaws. What the amenity is, precisely, needs to be determined before bylaws can be drafted. Staff expects that this is a decision for Council between an amenity of \$75,000 toward construction of either

- a) a trail across the subject property at an appropriate time in the future connecting Gowlland Tod with, essentially, Thetis Lake Park, or
- b) the community centre/hall.

Staff expects this discussion to occur during the November 14, 2011 Committee of the Whole Meeting.

OPTIONS

1. Direct staff to draft bylaws to amend the OCP and Zoning Bylaw. *(Recommended.)*
2. Request that the applicant return with specific revisions or information.
3. Deny the application.

Original Signed

Respectfully submitted by Laura Beckett, MCIP

CAO Concurrence

Original Signed

Christopher D. Coates, CAO

3. **NEW BUSINESS**

- 1) Council Referral – July 18, 2011
RE: REZONING APPLICATION – RZ-02-10 & OCP-03-10
LOT C, SECTION 30 AND 74, ROWNTREE AND GOWLLAND ROADS

The APC discussed the application. The applicant reviewed various points of the proposal, including how the amendments responded to Council's and staff's direction from August 2010. The following points were discussed:

- Amenity of trail
 - What are beginning and end locations;
 - How does it connect (*via Gowlland Tod*);
 - Potential for stairs;
 - Who would maintain trail;
 - Who would build (*NB: Developer indicated this is one of their proposed amenities*);
 - What specifications;
 - Route;
 - Pedestrian, equestrian uses;
 - Is this an adequate amenity to provide the land for a trail?
 - Is this an important link?
- Generally this is considered to be a continuation of the two other Highlands Estates developments/phases
- Emergency access through two of the lots, connecting most of property
- Addressing affordable housing is addressed by proposing duplex lots and potential for suites (ex. rental units above garages) on single-family lots; massing and design of duplexes is intended to match design of rest of development
- What if each of the duplexes adds a secondary suite? What is the impact on the aquifer?
- Septic systems' functioning on duplex lots
- Location not appropriate for duplex; no bus service or other type of service typically available for "affordable housing"
- Not the place for "affordable housing"

MOVED BY: ALLAN ROGER
SECONDED: MARA DHILLON

That affordable housing not be considered in the context of this application due to location.

CARRIED

MOVED BY: RICK LESTER
SECONDED: COLLEEN ROBERTSON

That Council should define policy on types of affordable housing before recommending that applicants consider this in an application.

CARRIED

Applicant acknowledged that secondary suites and duplexes were not critical to their requirements for the project.

Further discussion points included:

- Reasonable location
- Logical extension of Highlands Estates
- Concern of additional burden on aquifer
- Want groundwater assessment specific to South Highlands (all properties, not just subject property)
- Maximum of 10 lots for this proposal is preferred
- Applicant explained that the 13-lot scenario makes the donation of land possible
- Benefit – Regional trail and parkland, plus building of trail
- Disincentive – number of homes
- Re: Amenity – prefer to see a dollar amount per door. Prefer \$10,000 per door, right now, to build community centre (\$130,000 total) instead of applicant paying for trail building
- Discussion regarding would the trail cost more or less than \$130,000. There was some thought that it might be more, but it was too hard to venture a guess. For that terrain, comment was made that it is more expensive to build a trail than a road.
- Acknowledged that, if successful, this application would result in Rowntree Road being brought up to standard (through subdivision requirements)
- Lots are small, but worth the trade-off for land donation/dedication.
- There was some general agreement that the members were OK with the 13-lot scenario, providing there were no suites or duplexes.

MOVED BY: COLLEEN ROBERTSON
SECONDED: ALLAN ROGER

Recommendation: With removal of suites and duplexes, proposed density is acceptable.

CARRIED

Discussion: Preference to have amenity money for community hall because:

- It is a regional connector, therefore it is expected that more regional people will use the trail than Highlanders
- More of a community benefit to have money for a community hall building
- Perhaps the region or the province or the federal government can build the trail since the land is being provided
- There are other things that the District of Highlands needs money for other than a community centre/hall.

MOVED BY: COLLEEN ROBERTSON
SECONDED: ALLAN ROGER

APC recommends accepting dedication of land, and in lieu of building a trail that there is a per door cash amenity to be dedicated to the community.

CARRIED

ABSTAINED: RICK LESTER
OPPOSED: ALLAN ROGER

5. NEW BUSINESS

1. Council Referral – July 18, 2011
RE: REZONING APPLICATION – RZ-02-10 & OCP-03-10
LOT C, SECTION 30 AND 74, ROWNTREE AND GOWLLAND ROADS

Committee reviewed and discussed the minutes from September 20, 2011 APC meeting and September 21, 2011 FECS meeting.

The following MOTIONS are recommended to Council:

MOVED BY: FRED YORK
SECONDED: ELLIE RAYNER

That affordable housing not be considered in the context of this application due to location and that Council should define policy on types of affordable housing before recommending that applicants consider this in an application.

CARRIED

MOVED BY: ELLIE RAYNER
SECONDED: FRED YORK

CISSC recommends accepting dedication of land, and in lieu of building a trail that there is a per door cash amenity to be dedicated to the community.

CARRIED

MOVED BY: ELLIE RAYNER
SECONDED: FRED YORK

Residents maintain their portion of their driveway that is the fire access road between the Gowlland Road and Southwood Road's Cul-du-sacs.

CARRIED

MOVED BY: ELLIE RAYNER
SECONDED: FRED YORK

That density of the proposed lots be reduced from 13 to 11 lots.

CARRIED

MOVED BY: FRED YORK
SECONDED: ELLIE RAYNER

Due to the lack of Highland's policies of secondary suites and the size of the lots, CISSC does not support secondary suites on these lots.

CARRIED

4. NEW BUSINESS

- a) Council Referral – July 18, 2011
RE: REZONING APPLICATION – RZ-02-10 & OCP-03-10 LOT C, SECTION 30 AND 74, ROWNTREE AND GOWLLAND ROADS

Mr. Randy Dick and Mr. Keyvan Shojanian were in attendance and gave a brief review of the proposed rezoning application and answered a number of questions from committee members.

MOVED BY: KENN FARIS
SECONDED: VICKY HUSBAND

That the Fiscal and Environmental Select Committee recommend to Council that:

The committee is not in favor of Rezoning Application RZ-02-10 and Official Community Plan Amendment Application OCP-03-10 on Lot C, Section 30 and 74, Rowntree and Gowlland Roads as presented.

CARRIED

Rationale:

The FESC members have the following objections to the proposal as presented:

- 1) Number of lots was too high. The committee was concerned about increases in water usage, traffic impact, and waste disposal.
- 2) The configuration of lots with respect to steep slopes, sensitive areas, and septic fields placement.
- 3) The Amenity is inadequate.
- 4) Lots are appropriate for single residential homes; duplexes and secondary suites are not supported.
- 5) A cash contribution be offered in lieu of trail building and maintenance.

FESC had further discussions on what most the community might feel would be more in line with what could possibly be more appropriate for this property.

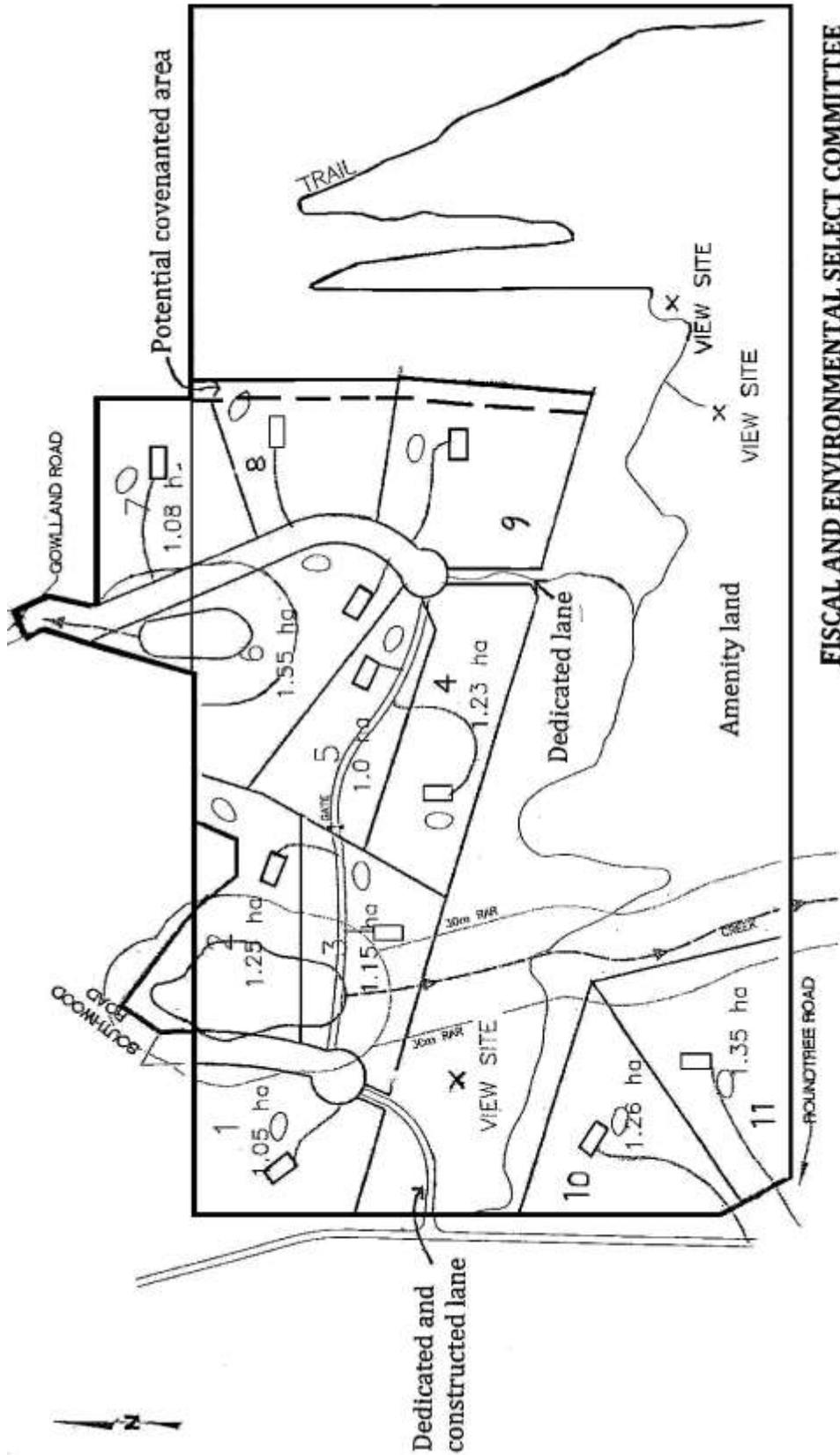
MOVED BY: BOB MCMINN
SECONDED: VICKY HUSBAND

That the Fiscal and Environmental Select Committee recommend to Council that the following nine points must be satisfied as a minimum before the proposal moves forward:

1. A recommended alternative lot layout is shown in the attached diagram.
2. A recommended total number of lots is 11 or less, which is an increase of up to 9 additional lots from the current zoning.
3. Traffic impact assessment must be conducted and the report be shared with the committees.
4. Duplexes are not to be permitted.
5. Secondary suites are not to be permitted. FESC views these lots to be for single family residences.
6. That trails not be constructed as part of this rezoning.
7. That lanes be dedicated and constructed as shown on the FESC layout.

8. That the construction materials previously dumped on the power line right-of-way be suitably graded and seeded with native grasses on sufficient soil to ensure their growth.
9. Acceptable amenity offered by the proponent:
 - a. All land outside the lots created be transferred to the District of Highlands as shown on the attached diagram and be designated as parkland, **plus**
 - b. A \$50,000 amenity per each additional single family lot added to current zoning (2).
10. Of the cash amenity, \$100,000 be transferred to District of Highlands on completion of rezoning with remainder sequentially with subdivision approval.

CARRIED



FISCAL AND ENVIRONMENTAL SELECT COMMITTEE

Recommended layout and lot number.

Lot C, Section 30 and 74, Rowntree and Gowlland Roads

SITE AREAS

TOTAL SITE AREA	= 33.21 ha
TOTAL LOT AREA	= 15.80 ha (47.8%)
TOTAL PARK AREA	= 16.42 ha (49.4%)
TOTAL ROAD AREA	= 0.30 ha
MIN LOT AREA	= 1.00 ha (2.5 ha)
AVERAGE LOT AREA	= 1.22 ha (3.0 ha)

- DEPOSIT, FIELD AREA
- HOUSE SITE
- DRIVEWAY
- EMERGENCY ROAD
- PUBLIC TRAIL (CONCEPTUAL)

FESC sept 21/11 → Submitted by
Bob McMinn for discussion

REZONING APPLICATION RZ-02-10

FISCAL AND ENVIRONMENT SELECT COMMITTEE RECOMMENDATIONS TO
HIGHLANDS COUNCIL

The proponent wishes to maximize the profit from selling lots created on the northern portion of Section 74 bought as a speculative investment. There are no mitigating considerations. →

The Highlands wishes to conserve greenspace and maintain financial viability. Highlands does not need to increase the number of lots to maintain financial viability because reserves are currently better than average for BC municipalities.

FESC considers that recommendations can be made to council that are mutually compatible with Highlands community goals and the proponent's profit motive. With the offer of sufficient amenities, the Highlands community can benefit by allowing an acceptable increase in density.

The attached map shows a modification of the proponent's proposed layout and number of lots/ doors, which might be acceptable to the Highlands community. The number of lots south of Gowlland Road is reduced from 5 to 3 to better protect the steep slope viewscape. Ground truthing might show the need for a protective covenant. Overall, numbers increase from the 2 lots allowed under the current zoning to 11 lots and 13 doors, an increase of 9 lots and 11 doors. Secondary suites are not recommended. The suitability of duplexes is considered problematic.

Amenities

Land. All land not included in the lots should be transferred to the District as part of the amenity. The cash value of this land is low because most is Hydro right-of-way or steep slope, neither of which can be built upon. This land has value to the Highland community for trail right-of-way and viewscape protection.

Cash. A cash amenity of \$490,000*, in addition to the land transferred, might be sufficient to make this rezoning acceptable to the Highlands community. \$100,000 of this amenity should be made available to Highlands upon rezoning, with the remainder provided on subdivision approval.

Lane connections from the Southwood and Gowlland Road turnarounds to the Hydro right-of-way and Gowlland/Tod Park would be provided as a condition of subdivision approval and, therefore, are not amenities.

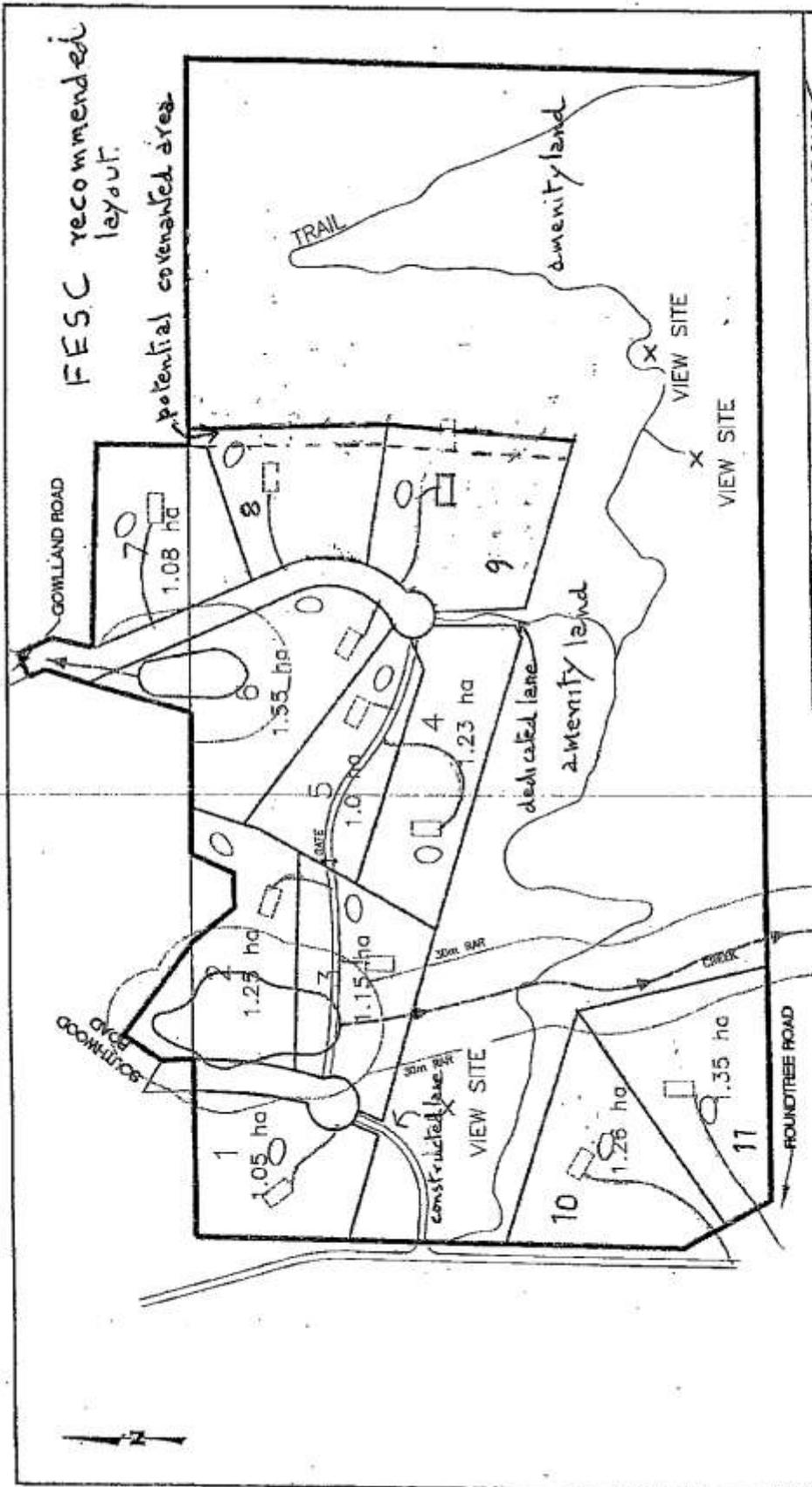
Construction of trails is not required as an amenity. Their maintenance would be a financial liability to the Highlands if kept in useable condition.

Clean-up of dumped material (rocks, concrete etc) on Hydro right-of-way area by grading and seeding of native grasses on sufficient soil cover shall be a condition of zoning approval.

* \$50,000 per 7 new doors on single house lots	= \$350,000
\$35,000 per 4 new doors on duplex lots	= <u>\$140,000</u>
Total	\$490,000

Recommendations

1. An acceptable lot layout is shown in the attached diagram. Need for a covenant protecting viewscape be determined and placed if necessary.
2. An acceptable number of lots is 11, an increase of 9 from the current zoning.
3. If duplexes are allowed on lots 10 and 11 (FESC numbering), an acceptable number of doors is 11. The suitability of duplexes is questioned.
4. Secondary suites are not recommended.
5. That trails not be constructed as part of this rezoning.
6. That lanes be dedicated and constructed as shown on the FESC layout.
7. That the construction materials that have been dumped on the power line right-of-way be suitably graded and seeded with native grasses on sufficient soil to ensure their growth.
8. Acceptable amenity offered by the proponent:
 - a. all land outside the lots created be transferred to the District of Highlands as shown on the attached diagram, **plus**
 - b. \$490,000 cash if duplexes allowed on FESC lots 10 and 11 (7 times \$50,000 per single family door additional to current zoning, plus 4 times \$35,000 for duplex doors) **or**
\$450,000 cash if duplexes not allowed (9 times \$50,000 per single family lots additional to current zoning.
\$100,000 be transferred to District of Highlands on completion of rezoning with remainder sequentially with subdivision approval.
That the amenity be applied to the community hall project.



- DISPOSAL FIELD AREA
- HOUSE SITE
- ▬ PRIVILEGE
- ▬ EMERGENCY ROAD
- ▬ PUBLIC TRAIL (CONCEPTUAL)

SITE AREAS:

TOTAL SITE AREA - 33.21 ha

TOTAL LOT AREA - 14.00 ha (42.15%)

TOTAL ROAD AREA - 14.43 ha (43.45%)

TOTAL RPSO AREA - 0.80 ha

MIN LOT AREA - 1.00 ha (3.0 ha)

AVERAGE LOT AREA - 1.32 ha (3.0 ha)

J.E. ANDERSON & ASSOCIATES SURVEYORS - ENGINEERS 1111 WILSON RD., 2ND FL., WY. #7 - 200 TEL: 256-774-1111 / 1-800-424-0001		WINDSOR LAW GROUP DISTRICT OF HIGHWAYS
DRAWN: AM DATE: MAY 12 2011	SCALE: 1:5000	REZONING LOT LAYOUT MAP 2
SHEET 1 OF 1		28744 - 01 - 01 ENG: 28744 FILE: 28744

November 3, 2011

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

Dear Ms. Beckett,

Reference: Rezoning Applications OCP-03-10 and RZ-02-10

On behalf of the owners of Section 74 and in response to discussions in the recent committee meetings, please consider the following thoughts relating to the applications.

In response to Council's request for consideration of sustainability issues, our application, among other things, has included affordability and diversity through the inclusion of rental suites above the garages and duplex units fronting Rowntree Road. The application also includes the construction of the multi-use East-West trail as part of a revised amenity plan.

Through attendance at the committee meetings we note that all three committees have recommended not including the rental suites or duplex units. They have also recommended cash payment in lieu of trail construction.

While we remain willing to include rental and duplex units within the proposal, we wish to advise you that we are open to consider the recommendations of the committees in this regard and remove these elements from our proposal if this is also council's preference. In this case, all 13 lots would become single family.

With regard to the proposed trail construction, again if council prefers, we are open to consider a cash payment in lieu of trail construction provided the magnitude corresponds with expected costs to construct a reasonable trail standard. Our estimate to date is in the range of \$60,000 to \$75,000 for this work.

We will be in attendance at the Committee of the Whole meeting of November 14, 2011 and available to answer any questions. We also wish to make a presentation to the Committee at this meeting. Let me know if you require anything further in the mean time. Thank you.

Sincerely,

PROSSIMO DEVELOPMENT CONSULTING LTD.



Randy Dick, B.Comm, RI
Principal