



District of Highlands
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Report To: C. D. Coates, Chief Administrative Officer
 From: Laura Beckett, Planner
 Date: October 5, 2011
**SUBJECT: Rezoning Application RZ-02-11
 (1150 Bear Mountain Parkway)**
 File: RZ-02-11

RECOMMENDATION

THAT Council refer application RZ-02-11 to the APC and Advisory Committees, and

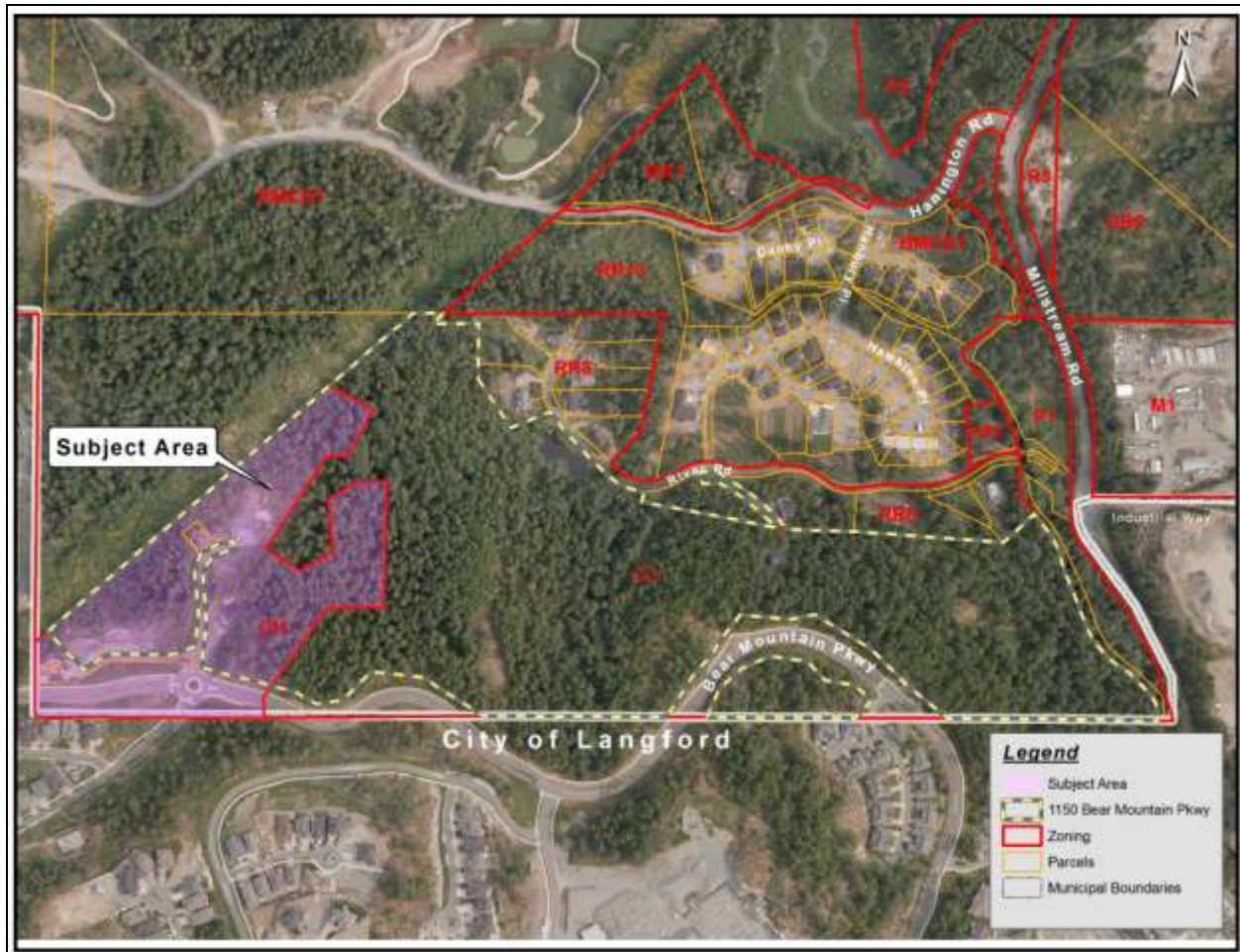
FURTHER THAT Council considers the consultation plan regarding the application as contemplated at the October 11, 2011 Committee of the Whole Meeting to be appropriate.

PROPOSAL SUMMARY *AMENDED*

Proposal:	<p><i>In area currently zoned C11 only:</i></p> <ul style="list-style-type: none"> • Total of 52 single family dwelling equivalents – 40 single family dwellings, 10 smaller, cottage-like houses, 1 duplex (proposed lot 3). • Anticipated upper-end size of houses to be 233m² (2,500 square feet) • In exchange for change of use and increase in residential density, the applicant is offering the following amenities in addition to those previously provided: <ul style="list-style-type: none"> ○ \$550,000 toward the community hall/centre ○ Donation of existing mechanical water pump system at 1150 Bear Mountain Parkway to community hall/centre. If pump system is inappropriate for that building, pump system would be sold and all proceeds donated toward community hall/centre.
Applicant:	Roger Tinney, Tinney and Associates
Location:	1150 Bear Mountain Parkway
Approximate Size:	4 hectares (10 acres)
Legals:	<ol style="list-style-type: none"> 1. Strata Lot 1 Section 4 Range 3 West and Sections 4 and 5, Range 4 West, Highland District, Strata Plan VIS6103 Together with an interest in the Common Property in proportion to the unit entitlement of the strata lot as shown on form V

	<p>2. Strata Lot 2 Section 4 Range 3 West and Sections 4 and 5, Range 4 West, Highland District, Strata Plan VIS6103 Together with an interest in the Common Property in proportion to the unit entitlement of the strata lot as shown on form V</p> <p>3. <i>Portion within C11 zone of:</i> Lot D Section 4 Range 3 West and Section 4 and 5 Range 4 West Highland District Plan VIP76077, Except part in Strata Plan VIS6103 (Phase 1)</p>
Current	
Current Zone:	Community Institutional 1 (C11)
Current OCP Designation:	Recreation Tourism
Current Density and Uses:	One single family dwelling (occupied), one building for assembly use (vacant), driveways, gardens
Proposed – *AMENDED*	
Proposed Zone:	New zone to achieve proposal
Proposed OCP Designation:	New designation to achieve proposal
Proposed Uses:	Residential (40 single family dwellings, 1 duplex [proposed lot 3], 10 cottages), home-based business, looped trail system, children’s play area and garden plots
Proposed Density:	13 units per hectare (5.2 units per acre) <i>(52 single family dwelling equivalents over 4 hectares (10 acres))</i>
Adjacent Land Use/Zoning	
...to North:	‘Residential Area’ within the Bear Mountain Comprehensive Development (GB2 Zone)
...to East:	TLC (The Land Conservancy) conservation land (C1 Zone) <i>*NB: Same parcel – 1150 Bear Mountain Parkway*</i>
...to South:	Residential, City of Langford
...to West:	Residential, City of Langford

LOCATION MAP



BACKGROUND

Council first reviewed this proposal at the May 9, 2011 Committee of the Whole meeting, and resolved the following:

THAT Council refer the application back to the applicant inviting response to the following:

1. What does the community think? What would they like to see on that property?
2. Regarding density, an updated environmental assessment of the property that dictates the constraints for, or at least shows options for, the density, is desirable. It is recognized that much of the property is not developable due to the covenant, yet there is uncertainty that the C11 zone area was meant to be treated as a 'residential use zone' in that it could be completely developed. An updated environmental assessment, along with a constraints map, is in order.
3. Would the residential use contribute to greater long term costs for the District? If so, how could this be completely mitigated?
4. Can the District realistically provide fire protection to this property under this proposal or something similar?
5. How does this development impact City of Langford roads, bearing in mind the regional nature of roadways and the obvious lack of a Highlands' access point to the property? How will the developer respond to this impact?

6. Other comments:
- public consultation – important to do
 - density – should be appropriate for terrain
 - parking – making sure there is adequate
 - amenity – thought could be given to this, and to how the community will benefit with this proposal
 - mixed uses – looking for diversification away from entirely residential
 - doesn't "look" like Highlands
 - updated, as opposed to starting fresh, environmental report

APPLICATION UPDATES AND AMENDMENTS

Please find attached documentation from the applicant resulting from the May 9, 2011 Committee of the Whole Meeting and the applicants' public consultation. This is summarized in Table 1 below, along with staff comment in the right-most column.

Site Map



Table 1

	Applicant Response	Staff Comment/Analysis
1.	<p>Public consultation</p> <ul style="list-style-type: none"> • Public presentation and opportunity for commentary held June 22, 2011 at the Pike House...Was extensively advertised on Canada Post mailboxes...5 people attended • Ongoing dialogue with interested community members 	<p>Applicant responded to Council comment by holding open house and having ongoing dialogue with community members who were so interested. Applicant has kept staff apprised.</p>
2.	<p>Updated environmental assessment</p> <p>“Riparian Management Zones,” report provided by Aqua-Tex Scientific Consulting Ltd. Please see attached. Overall, the report supports the proposal and states its preference for the proposal over the existing zoning (CI1). Of special note:</p> <ul style="list-style-type: none"> • Report strongly supports exchange or swap of small covenanted area near Bear Mountain Parkway with land at north-eastern section of proposal. . • Page 4, #13: Proposed tree removal would alter the site’s appearance, but would have minimal or no effect on the lower slope functional condition...the existing storm water management works are outside of proposed tree removal area, as is most of the site, and will continue to provide excellent infiltration. • Page 6, 6th bullet: Discusses how OCP policies regarding residential clustering in rural area support proposal. This report provides some general information regarding “conservation subdivision design,” of which such clustering and this proposal is an example. • Page 7, 6th and 7th bullets: <ul style="list-style-type: none"> ○ “The large, protected Covenanted portion of the property constitutes a significant carbon sink, which will continue to sequester carbon.” ○ “The riparian-wetlands, associated with the adjacent property but especially with the Hydro ROW is a significant carbon sequestration sink, which typically have a greater capacity for storing carbon than the forested landscape the long-term protection of the riparian-wetland is especially important and the proposed Conservation style subdivision design will foster the necessary protection.” • Page 7, Conclusion and Recommendation: “My conclusion is that comparing directly the environmental impact of the proposed subdivision with the previously approved recreational/tourism concept is somewhat difficult. The approval scheme is so lacking in design detail that the actual finished product, and subsequent environmental impact, will never fully be known. However, in reviewing the approved tourism scheme, particularly with regard to the scale of the proposed buildings, as they related to the site contours, it becomes very evident that the impact would have been substantial, particularly on the east portion of the 4-hectare development site (<i>NB Subject proposal area</i>). The proposed subdivision plan, with its small building foot print, enables a design scheme we think is better equipped to work with the natural contours and, thus, minimize large scale impact. This conservation subdivision design scheme conserves natural landscapes by concentrating density on a very small proportion of the property (17%). This results in the development being less land-consumptive, ensuring that the majority of the land is permanently protected (under Covenant), contributing to an interconnected network of functional green spaces and connecting corridors – sustained, living semi-rural landscapes.” 	<ul style="list-style-type: none"> • Opposite, staff, reproduces pertinent points from the report showing how all questions/concerns were addressed and satisfied. The field study was extensive, extremely informative, and thus the report was able to address all concerns previously pointed out by Council and staff, as well as other valuable information. • Of special note, is the clarification the report brings regarding the subject area’s applicability to the Province’s Riparian Areas Regulation and the federal Fisheries Act. The stream area in the proposed development does not have fisheries value because the land has been engineered to act as a storm water treatment area for road construction runoff. Thus, it is entirely appropriate that this land be considered for development, and the land downstream be conserved.
3.	<p>Greater long term costs to the District for residential-only use?</p> <ul style="list-style-type: none"> • No short or long term cost to the District: <ul style="list-style-type: none"> ○ Strata roads (thus owner built and maintained) ○ Water will be via CRD water ○ Existing septic system to be decommissioned and proposal to be connected to utility provider through Langford sewer system 	<p>Staff is satisfied with the response.</p>

<p>4. Fire protection</p> <ul style="list-style-type: none"> Development would use piped water and fire retardant and non-flammable building materials, including sprinklers in all homes 	<p>As part of the standard referral protocol, staff recommends review by the Fire Department. This would only occur should Council wish to further the proposal.</p>
<p>5. Langford road connection</p> <ul style="list-style-type: none"> There has been regular communication between the applicant and Langford for sanitary sewer connections and road access. No concerns. 	<p>Staff is satisfied with the response. Similar to above, Langford would receive a referral.</p>
<p>6. Other: density, parking, amenity, mixed uses, design</p> <p><i>Lot layout, density, parking:</i></p> <ul style="list-style-type: none"> Please see 'Site Map' (above) for ease of reference and attached maps for more detail. The amended layout shows 40 single family dwelling lots (proposed lots 1, 2, and 4 to 41), one duplex (proposed lot 3), and 10 cottage-sized single family units. Secondary suites have been removed from the proposal. This results in a total of 52 dwelling units. The applicant proposes approximate maximum house sizes of 233m² (2,500 square feet), with the cottage units being considerably smaller. The layout also shows centralized carports for two areas of the development – one serving the cottages, and the other serving lots 29 to 34. <p><i>Design:</i></p> <ul style="list-style-type: none"> The applicant's have discussed design with interested community members. The proponents have stated their will to secure the proposal's lot layout and design parameters (once acceptable) through legally binding mechanisms to assure that, as the property(ies) change hands, the original concept is realized. This would happen through either a very detailed zoning bylaw and/or covenant(s) on title. <p><i>Mixed Uses:</i></p> <ul style="list-style-type: none"> While the applicant has added different housing sizes – the cottages – there are still only residential uses. <p><i>Amenities:</i></p> <ul style="list-style-type: none"> \$550,000 in one lump sum toward the community hall/centre Existing water pump system donated to the District for the community hall/centre. Should it not be appropriate, it would sold and those proceeds would be donated to same. Amenities that have already been provided include: <ul style="list-style-type: none"> Protection of 22 hectares (54 acres) of subject parcel (deemed worthy of conservation) by three-party restrictive covenant for the purposes of preserving the land in its natural state and prohibiting subdivision At least \$21,000 	<ul style="list-style-type: none"> <i>RE: Layout, design, density and parking:</i> As the Riparian Management Zones report advises, the layout and density are consistent with conservation subdivision design principles that are supported by Highlands' clustering guidelines in the OCP. The report explains how the subject area has in recent history been used as a storm water treatment area. Once this overflow is treated and has fisheries value, it then flows into the north-western part of the TLC covenanted land. The report advises that while it is difficult to compare the post-development effects of the current zoning to the proposal, the smaller building footprint of the proposal is considerably more amenable to the natural undulations of the land. Staff concurs. <i>RE: Mixed uses:</i> The subject property is surrounded by residential uses of somewhat similar or higher density. Approximately 700m or 800m up the road is a large, contained, established commercial centre. All this surrounding land is in the City of Langford. The subject property is one of Highlands' few opportunities to take advantage of the potential for commercial tax revenue. While this is highly desirable from a financial perspective for the District, there are arguments for and against this from a planning perspective. <ul style="list-style-type: none"> As the proponent points out, while the site at first glance appears to offer such an opportunity, walking the entrance to the site and the site itself shows some difficulty with achieving viable commercial frontages. Of considerable importance, too, is that the site is distanced from the much larger, established commercial centre with which this site would have difficulty competing because of its size and because it is segregated from the main centre. While there may be some opportunity for small scale neighbourhood commercial uses, staff is of the opinion that it would be especially difficult under current market conditions. Certainly staff feels there is a good opportunity for home-based businesses, and that the main considerations for this in regards to land use would be adequate parking and ease of establishing utility communications connections/networks. <i>RE: Amenity Considerations:</i> In other recent rezoning applications, staff has used the following amenity consideration framework, and will apply it to this application. <i>Does the offered amenity...</i> <ol style="list-style-type: none"> <i>...offset any negative impacts?</i> There are a couple considerations here: <ol style="list-style-type: none"> Replacing the existing well pump system with piped water is quite desirable. Donating the well pump system to the community hall/centre project is very appropriate and the District will realize considerable cost-savings as a result, as well as the fact that it serves as a form of "reuse" of the new and little-used system. While the TLC covenanted land had occurred before this application, it is appropriate to recall that it is an amenity. The continued conservation of the land will continue to act as carbon sequestration. <i>...further any other municipal policies?</i> Without specific costing of community works along with growth targets, it is not possible to technically rationalize the amenity

	<p>contribution; therefore it remains subjective. This amenity is supported in the OCP, as is the clustering subdivision design. Staff is also of the opinion that the cottages and smaller house sizes represent a "more affordable" housing choice over the larger lots typical of Highlands. Certainly this location within the Highlands' Servicing Boundary makes this possible.</p> <p>3. <i>...assist integrating the proposal into the community?</i> Staff is aware that the developer has worked extensively with some community members to bring their amended proposal to Council. While the legacy of the amenities would live on through the community hall/centre, the cottage aspect of the proposal would appeal to more senior members of Highlands as one way of "aging in place".</p> <p>Staff is of the opinion that the amenities offered help to compensate for the change in use and increase in residential density.</p>
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RGS CONSIDERATIONS

The subject area is in the Regional Urban Containment and Servicing Policy Area (RUCSPA) and the Unprotected Green Space Policy Area.

The RUCSPA coincides with Highlands Servicing Policy Area, meaning that servicing of this land is consistent with the RGS. The applicant has already researched servicing opportunities. Water services would be entirely provided by CRD Water. All items relating to this can be accomplished at the staff level. In due course, staff will offer Council an amendment to the Subdivision Servicing Bylaw that will mirror CRD Water infrastructure standards. The current absence of this will not result in a lower standard. Sewer service would be provided through West Shore Environmental Services (a division of Corix), which has an agreement with the City of Langford. For the development to access these services, the District would have to enter into an intermunicipal agreement with the City of Langford. The applicant has already approached the City of Langford in regards to this, and will have discussion with Highlands Council at the October 11, 2011 Committee of the Whole Meeting. Should Council wish to further the application, such an agreement would be forthcoming for Council's review.

Lands within the Unprotected Green Space Policy Area are expected to be offered some level of protection from development through mechanisms delivered at the local level. As noted in the Aqua-Tex report, 83% of the parcel is and will continue to be protected by conservation covenant. While the proposal represents an increase in residential density, it is difficult to gauge whether there is in indeed an increase in development due to the significant change in use to entirely residential. The subject land has been studied and the proposal – in contrast to the existing zoning – protects from development the ecologically valuable areas – the proposed covenant swap, and the natural contours via smaller building footprint.

Staff is of the opinion that the proposal is consistent with the Regional Growth Strategy.

NEXT STEPS AND CONSULTATION PLAN

Staff sees merit in furthering this application. Should Council wish to further the application, the next step is to refer the application to the APC and select committees. As a matter of course, staff would carry out internal and external referrals as consultation.

Since the application was received, it has been expected that an OCP amendment would be required to accomplish the proposal. Because staff is now prepared to recommend furthering the application, and also that staff has a better idea of what the OCP amendment would look like, consideration of consultation opportunities are recommended should Council wish to advance the application. The OCP amendment would be similar to recently-approved Bylaw No. 330 (York property), in that it would establish an amenity area (the subject parcel) to which an increase in residential density could be contemplated in exchange for amenities.

For Council consideration, staff suggests the following standard list of referrals for consultation:

- CRD Board
- Councils of City of Langford, Town of View Royal, District of Saanich, and the CRD Juan de Fuca Electoral Areas (specifically the communities of Willis Point and Malahat)
- School Districts 61, 62, and 63
- 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
- BC Ambulance
- BC Assessment Authority
- BC Hydro and Power
- BC Transit
- Canada Post
- Fortis BC
- Highlands Building, Fire and Subdivision Departments
- RCMP – West Shore
- Shaw Cable
- Telus

In addition to this list, for this application, staff suggests the following:

- CRD Water
- Highlands Community Centre Task Force, and
- TLC The Land Conservancy.
- West Shore Environmental Services (Corix).

Staff requests that Council put its mind to whether a single opportunity for consultation is appropriate or if more opportunities are required. Staff is of the opinion that the consultation as recommended is appropriate for this proposal.

HIGHLANDS DRAFT SUSTAINABILITY APPRAISAL FORM

The applicant has reviewed the above, however neither staff nor the applicant have filled the appraisal form out. Because the draft form has been applied to recent applications, staff offers that there may be value in continuing this practice. Staff have discussed this with the applicant, who is amenable to working through it with staff. Staff suggests that this be done at the same time as the referrals, and that the appraisal form return to Council with the referrals.

OPTIONS

1. *(Recommended.)* Council may wish to further the application. This option could take the form of the following motion:

THAT Council refer application RZ-02-11 to the APC and Advisory Committees, and

FURTHER THAT Council considers the consultation plan regarding the application as contemplated at the October 11, 2011 Committee of the Whole Meeting to be appropriate.

2. Council may wish to reject the application.
3. Council may to request more information.

Original Signed

Respectfully submitted by Laura Beckett, MCIP

CAO Concurrence

Original Signed

C. D. Coates, CAO