

application (Millstream and Finlayson Arm Road). For ease of reference, staff provides the resolution from that Council Meeting:

**That Council receive the Community Centre Task Force recommendation on the preferred site;**

**AND**

**That Council re-affirm that the Community Centre Task Force proceed with bringing forward recommendations concerning the procurement and budget for the possible construction of a Community Hall based on the recommendation of the Open House.**

As a result of the CCFT's recommendation regarding the preferred site, the site's land owner now approaches Council with a proposal to rezone the properties in order to donate a portion of the lands to the District.

## **PROPOSAL**

Please see attached application. The land owner applies to rezone the subject properties to allow for nine additional single-family residential lots (totalling 11 residential lots), and two other land areas approximately 8.3 hectares (20.5 acres) in size. These areas, noted as Amenity 1 and Amenity 2 on attached maps, are proposed to be donated to the District in exchange for the increase in density on the rest of the properties. The land owner also proposes to donate or dedicate trail rights-of-way through the north and west boundaries of the land, and to donate to the Highlands Heritage Park Society a heritage barn and heritage house of which the land owner is in possession. The heritage barn is near the existing mobile home on proposed Parcel C, and the heritage house is located at 1784 Millstream Road and is currently used as an office for the applicant's business.

Please note that the two maps showing 'Updated Concept Plan' are an evolution from the map included with 'Letter of Intent' from the applicant. The Updated Concept Plans, one of which is an orthophoto of the area, show a preliminary lot layout including proposed lot sizes and proposed trail locations.

Staff notes the absence of professional reports detailing environmental features, transportation issues, etc. This application is prompted from a community process whereby the subject properties were singled out as being the preferred location for a community hall. The land owner is willing to donate said land in exchange for an increase in residential density. This is clearly an amenity rezoning application, but one that the land owner is only pursuing based on formal community discussions. Thus, staff requests Council to put its mind to whether Council supports in any way the proposal before the applicant commissions professional reports.

## **EXISTING POLICY – OFFICIAL COMMUNITY PLAN**

**Section 2.2 Land Use – General:** Policies 11 and 19, repeated here for ease of reference, apply:

11. Public amenities (as listed in Appendix A) may be offered through rezoning to justify an increase in density. Such amenities must be beneficial to the wider community,

as well as the proposed development, and may be offered in recognition of the increased value of land resulting from rezoning.

19. The District of Highlands acknowledges the important role that large lot property owners play in the municipality. Council will work with owners of large properties to help identify key values and objectives, and to seek prospects for mutual benefit. As each situation is unique, the primary tool for owners of large properties to engage with the municipality is through the rezoning process, which gives an opportunity for dialog to reach net benefit to community and owner.

**Section 2.3 Rural Land Use:** For convenience, staff provides this section in full:

#### **Rural Land Use –Objectives**

- To provide for a range of land uses that support the retention of the large lot character of those areas that are largely undisturbed and protecting them from encroachment by more intensive forms of development.
- To allow rural property owners reasonable economic opportunities for the use of their land, bearing in mind that uses are fiscally, socially and environmentally responsible (triple bottom line);
- To ensure ongoing opportunities for agriculture and forestry in rural areas.
- To ensure that sufficient land use controls are in place to ensure that new subdivisions and developments are designed in a manner that is in keeping with the rural character of the community; and
- To ensure that sufficient land use controls are in place to protect unique and sensitive environmental features for future generations.

#### **Rural Land Use –Policies**

1. Land uses in rural areas that are related to farming, forestry, rural residential uses, tourism, outdoor recreation, and other open space activities are preferred.
2. The primary land uses on the lands designated "Rural" on Map 2.1 may be single family dwellings, agriculture and home-based businesses that do not significantly change or impact neighbourhood character. Nature-related tourism activities are considered to be appropriate land uses. Nature-related tourism includes nature-related tourist accommodation.
3. Tourist accommodation may be in the form of bed and breakfast, cabins, or small lodge. Food will only be served to registered guests. The number of tourist accommodation units will be relative to the size of property, on the basis of one tourist accommodation unit per 5 acres to a maximum of 6 accommodation units, providing there is no negative impact to neighbouring wells. Tourist accommodation in the Rural Land Use designation will be guided by the home-based business section of the Zoning Bylaw.
4. Any new uses in these areas must have access through suitable country roads, and have limited impact on environmentally sensitive areas, agricultural operations, forestry activities, historic landscapes and scenic values.
5. At the time of subdivision, the District will ensure that the road and lot layout is designed to protect environmental values, accommodate the potential for establishing municipal trails, and foster the sustainability of natural resources. Where appropriate, road and lot layout should also consider road standards for bus service (such as turn-arounds or loops), and either direct or trail access to transit service.

**Section 7.3 Public Facilities and Services:** Policy 1, repeated below, gives Council direction to pursue ways and means to build a community hall:

The District and Highlands residents will explore ways and means to build a modest, multi-purpose community hall. In particular, a meeting place for youth is required. A community hall could also provide modest recreational facilities such as a playfield, basketball court, etc., and appropriate commercial uses that would support “building community”.

**Section 7.5 Arts and Culture:** This section’s first policy states: “At the time a community hall is being designed, consideration should be given to providing space for musical and dramatic productions.”

## ANALYSIS

Any rezoning application primarily requests Council to consider a change in use and/or density for a given property. Thus, it is most appropriate at the introduction of a new application for Council to put its mind to whether it wishes to see a fundamental change in use and/or density of the subject property. The above OCP policies offer guidance to Council.

### **RE: Section 2.3 Rural Land Use**

The subject properties are in the centre of what OCP Map 2.1 shows as the District’s southern rural OCP designated area. Staff is of the opinion that this application does not promote what the OCP recommends for development of rural-designated properties. Proposed lot sizes are generally typical of the more dense rural residential OCP designated areas. Policy 2, which states in part, “...home-based businesses that do not significantly change or impact neighbourhood character...” does not support the proposal as a community hall/centre will impact the area. Staff must advise that the OCP rural land use designation does not support this proposal.

### **RE: Section 7.3 Public Facilities and Services, Policy 1 AND Section 2.2 Land Use – General: Policies 11 and 19**

These policies give clear direction for Council to consider a proposal that comes forward regarding a community hall/centre. Both Land Use – General policies guide Council to consider an amenity proposal from a large lot owner where there is potential mutual benefit to both community and land owner. They further direct that the rezoning process is the appropriate mechanism for this dialogue and examination to occur.

### **Amenity Consideration**

Council has used various methods for evaluating and considering amenity rezoning applications. Using very general legal advice, staff offers the three following points against which to consider the offered amenity of land, presumably for a community hall/centre. *Does the offered amenity...*

1. *...offset any negative impacts?* Certainly the District saves land acquisition costs, which would be significant and have to be a significant limiting factor in building a community hall. Increasing residential density in the neighbourhood of the proposed community hall is beneficial as it makes for a greater presence in this area. Also, both the residential and community hall aspects of the overall proposal can contribute together for development costs such as road upgrades, etc. Staff also suggests that this location as

a proposed community hall/centre is desirable because part of the land has already been impacted.

2. *...further any other municipal policies?* Yes, the OCP guides Council to seek ways in which to build a modest, multi-purpose community hall. As well, this application is a good example of Land Use – General policies 11 and 19 recommending that Council work with owners of large properties to identify key values and to seek prospects for mutual benefit. The Province's grant of \$400,000 must be used by March 2013.
3. *...assist integrating the proposal into the community?* Based on the CCTF's previous work and their October 2010 open house results, this proposal has already had a degree of formalized public input and vetting. Certainly for an amenity of land for a community hall/centre, public support of a location is a strong show of integrating the proposal (at a very broad level) into the community. With respect to the residential aspect, staff is supportive of the proposed trail delineations because they form connections with existing and planned trails or rights-of-way that also connect to the proposed community hall site. Staff will provide a map showing this at the February 21 Council Meeting.

Staff sees significant merit in furthering this proposal. To that end, should Council be supportive of the proposal, staff recommends that Council consider changing the OCP designation of the subject properties to a designation that supports land for a community hall/centre in exchange for a reasonable increase in residential density. One example is that proposed by the applicant. There are two reasons for suggesting the change of OCP designation. The first is that while the current rural OCP land use designation does not support the proposal, other OCP policies do including the Council's own task force initiative, namely the CCTF. Staff can provide options for this in a successive report should Council so direct.

**Larger Potential Picture** This application represents but one potential step along the way to realizing land for a community hall/centre. At this point in time, there are two properties zoned GB2 and R3 totalling 28.24 hectares (69.8 acres) having a density of two dwelling units. The application requests zoning to allow for an increase in density to a total of 11 dwelling units over 19.94 hectares (49.3 acres) in exchange for 8.33 hectares (20.5 acres) of land donated to the District, trails, and two heritage buildings. If the zoning is granted, the land owner could then apply for subdivision of the land. Only once the subdivision is complete, would the District own said land, and only then could apply to itself to rezone that land to allow for the community hall/centre. If the zoning is approved, then the community hall would be at the building permit stage. To summarize, there is this rezoning process (including potential OCP amendment), a subdivision process, and then another rezoning process to accomplish before the District is at a stage to build the community hall/centre.

## OPTIONS FOR PROCEEDING

With the larger potential picture in mind, Council has this application – the first step – before them. In accordance with Land Procedure Bylaw 96, Council has three options for proceeding:

1. **Refer the application to the APC and Advisory Committees;**
2. **Proceed with an amendment bylaw; or**
3. **Reject the application.**

Staff sees merit in sending the application to the APC and Advisory Committees for review on the increase in density in exchange for the amenities. This is a high level review of the application. At the same time, the applicant can have the reports commissioned. At this point, staff suggests an environmental overview of the property and a transportation study based on

the proposed density and location of the project, including any issues related to the existing bridge. At the same time, staff could send out external and internal referrals. A successive staff report would return to Council with the recommendations from the APC and Advisory Committees, a discussion of the professional reports and the results of external and internal referrals. As well, should Council so direct, this successive staff report could include options regarding a potential OCP amendment as previously discussed. At that point, Council would have the option of directing staff to prepare amendment bylaws.

Conversely, Council may wish to direct staff to prepare a zoning amendment bylaw now. Should Council prefer option 2, staff recommends that Council direct staff to provide options for an concurrent OCP amendment as previously discussed.

## RECOMMENDATION

THAT Council direct staff to send rezoning application RZ-01-11 to the APC and Advisory Committees, and to external and internal agencies,

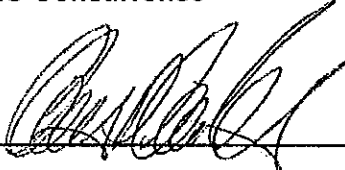
AND FURTHER THAT Council direct staff to provide Council with a successive report that:

- Presents the APC's and Advisory Committees' recommendations
- Presents and discusses any professional reports regarding the application
- Presents results of external and internal referrals
- Offers options for an OCP amendment concerning the proposal, including the community hall/centre aspect.

*Original signed by*

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*Respectfully submitted by Laura Beckett, MCIP*

**CAO Concurrence**

  
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C. D. Coates, CAO