



Staff Report to Sustainable Development Advisory Committee

DATE: Monday, September 9, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z23-0028

SUBJECT: Application to Rezone 939 Klahanie Drive from Rural Residential 2 (RR2) to Rural Residential 5 (RR5) to allow for a Subdivision

EXECUTIVE SUMMARY:

Jesse Harris has applied to rezone 939 Klahanie Drive from the Rural Residential 2 (RR2) Zone to the Rural Residential 5 (RR5) Zone to allow for a subdivision of two 1-acre lots. Alternatively, if the rezoning is not supported, a variance is requested to increase the maximum gross floor area of a carriage house from 90m² (969ft²) to 325m² (3,500ft²).

BACKGROUND:

PREVIOUS APPLICATIONS

The City received a Development Permit application (DP22-0057) to add a carport onto the existing house. This DP was issued in September of 2022.

Table 1: Site Data

<i>Applicant</i>	Jesse Harris	
<i>Owner</i>	Jesse Harrie, Cindy Haris, Robert Range, and Loretta Harris	
<i>Civic Address</i>	939 Klahanie Drive	
<i>Legal Description</i>	Lot 7, Section 80, Metchosin District, Plan 22557	
<i>Size of Property</i>	0.9 hectares (2.2 acres)	
<i>DP Areas</i>	Fire Hazard Area (High), Habitat and Biodiversity, and Riparian Area,	
<i>Zoning</i>	Existing: Rural Residential 2 (RR2)	Proposed: Rural Residential 5 (RR5)
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: Neighbourhood

SITE AND SURROUNDING AREA

The subject property is located on the south side of Klahanie Drive and has a number of mature evergreen trees scattered throughout the property, with the largest stands near the front and rear property lines.

There is a single-family dwelling and several accessory buildings, both large and small, located on this property. The properties to the east, west, and north of this site are of a similar size and use, that being rural residential properties. The properties to the west are within the Agricultural Land Reserve. To the south is a relatively new development that created 23 lots that are typically 550m² (5,920 ft²) in size.

There are several passive park lots / open space properties within the vicinity of this site, while a bit further out there is an active ballpark just off Wild Ridge Way and the Galloping Goose Regional Trail on the west side of Happy Valley Road.

Figure 1: Current Condition of the Subject Property



Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	Rural Residential 2 (RR2)	Residential
<i>East</i>	Rural Residential 2 (RR2)	Residential
<i>South</i>	Rural Residential 6 (RR6)	Residential
<i>West</i>	Agriculture 1 (AG1)	Residential

Figure 2: Subject Property



COMMENTARY:

DEVELOPMENT PROPOSAL

The applicant is proposing to rezone the lands in order to create two 1-acre lots. However, without the ability to connect to municipal sewer, both Bylaw 300 and Bylaw 1000 note this is not permitted and therefore, would require Council to approve variances to these Bylaws to allow the subdivision.

In the preamble to the RR5 Zone in Bylaw 300, it states, *‘The intent of the RR5 Zone is to permit one-family residential uses on smaller rural lots with community sanitary sewer service, and to maintain large lot areas where community sanitary service is not provided.’* The subdivision section of the RR5 zone further states, *‘No lot having a lot area less than 40 ha (98.8 ac) may be created by subdivision unless that lot is serviced by the municipal sanitary sewer system.’*

Within the Sewage Collection and Disposal section of Bylaw 1000, it states, *‘In areas not served by the municipal sewer, but contained within the West Shore Environmental Services contract area for sewer service [defined in the agreement dated September 20th, 2004 (Westshore Utility; Bylaw No. 876)], development (**except for any form of subdivision** other than a strata subdivision of a two-family dwelling) may occur without connection to the municipal sanitary sewer system”* provided certain conditions have been met. However, since the proposal is to facilitate a future subdivision, it is not included as one of the permitted forms of development if certain conditions have been met.

The restrictions to subdivisions without sewer have been relayed to the applicant, and an alternative solution was suggested; that being a carriage house. A carriage house is permitted under the existing zone and may be constructed without municipal sewer as long as *‘confirmation of adequate septic capacity prior to the issuance of a building permit’* is provided.

However, a carriage suite must be located on the upper storey of an accessory building and cannot be larger than 90m² (968 ft²) in size. Due to these limitations, the applicant has then requested (if the rezoning is not supported) that the location and size of a carriage suite be varied to allow it to be a stand-alone building of approximately 325m² (3,500 ft²) in size.

Table 3: Proposal Data

	Permitted by RR2 (Current Zoning)	Permitted by RR5 (Proposed Zoning)
<i>Permitted Use</i>	One- or Two-Family Dwelling Equestrian Facility Suites, subject to Section 3.08*	One- or Two-Family Dwelling Group Daycare Suites, subject to Section 3.08
<i>Density</i>	1 lot per 4 ha (9.9 acres)	1 lot per 0.4 ha (1 acre) or per 40 ha (98.8 acres) without sewer*
<i>Height</i>	10.5m (34.4 ft)	10.5m (34.4 ft)
<i>Site Coverage</i>	n/a	n/a
<i>Front Yard Setback</i>	7.5m (24.6 ft)	7.5m (24.6 ft)

<i>Interior Side Yard Setback</i>	3.0m (9.8 ft)	3.0m (9.8 ft)
<i>Exterior Side Yard Setback</i>	3.0m (9.8 ft)	3.0m (9.8 ft)
<i>Rear Yard Setback</i>	10m (32.8 ft)	10m (32.8 ft)
<i>Vehicle Parking</i>	2 per dwelling	2 per dwelling

VARIANCES

Option A

If Council were supportive of the proposed rezoning to RR5, a variance would be required in order to allow for the subdivision without municipal sewer to be the same size of properties that have sewer.

Option B

If the rezoning was not supported but a larger carriage suite is, a variance would be required to allow for a stand-alone carriage suite to be 325m² (3,500 ft²) in size.

INFRASTRUCTURE

SEWERS

There are no municipal sewers at this location, and there currently are no plans to extend sewer along this portion of Klahanie Drive.

CRD WATER

There is a water main that runs the entire length of Klahanie Drive.

NEIGHBOURHOOD CONSULTATION

The applicant canvassed the neighbourhood and obtained nine signatures that supported the proposed subdivision.

PROVINCIAL LEGISLATION

Recent legislation that the Provincial Government passed requires municipalities to allow for increased density to help address housing needs across the province. However, there are circumstances in which exemptions are made for which the legislation would not apply. Two of these circumstances are for lots over 4,050m² (1.0 acre) in size and for lots not serviced by municipal sewer. Both apply in this situation, which echo's the City's bylaws to encourage and direct development to areas where municipal services already exist.

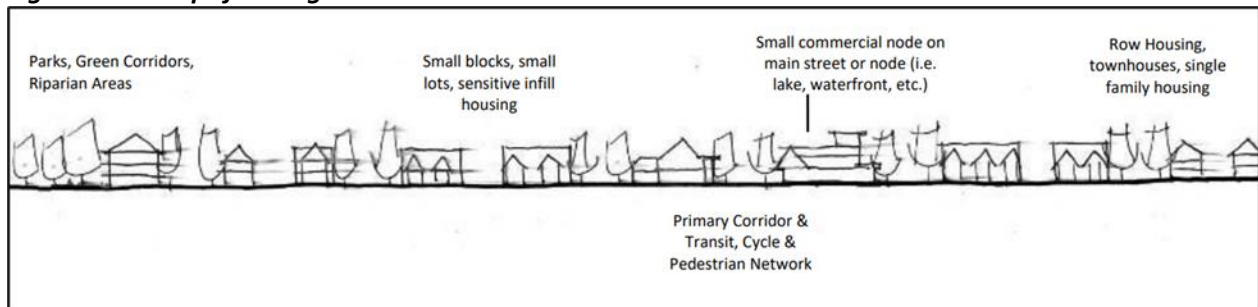
COUNCIL POLICY

OFFICIAL COMMUNITY PLAN

The Official Community Plan (OCP) Bylaw No. 1200 designated the subject properties as 'Neighbourhood', which is defined by the following text:

- Predominantly residential precinct that supports a range of low and medium density housing choices including secondary suites
- This area allows for residential and mixed-use commercial intensification of streets that connect centres and/or are serviced by transit
- Schools, community facilities and other institutional uses are permitted throughout the area
- Retail serving local residents is encouraged along transportation corridors
- Home-based businesses, live-work housing is encouraged
- Parks, open spaces and recreational facilities are integrated throughout the area
- This area allows for Neighbourhood Centres to emerge in the form of medium density mixed-use nodes at key intersections.

Figure 3: Concept for Neighbourhood



SOUTH LANGFORD NEIGHBOURHOOD PLAN

The South Langford Neighbourhood Plan designates the subject parcel as 'Large Lot Residential', which is intended to have larger residential lots but does allow clustered density in order to preserve and protect sensitive ecosystems within the region. The two areas in South Langford noted as having sensitive ecosystems are the Walfred Road and Klahanie Drive areas.

DEVELOPMENT PERMIT AREAS

The subject property is located within three Environmental Development Permit areas, those being the Fire Hazard Area (High), the Habitat and Biodiversity Area, and the Riparian Area. The report submitted from a registered biologist has indicated there is no aquatic or terrestrial habitat rationale to constrain the house construction.

FINANCIAL IMPLICATIONS:

A summary of Amenity Contributions and Development Cost Charges that the developer will be expected to pay if a subdivision were to occur, is outlined in Tables 4 and 5 below.

COUNCIL’S AMENITY CONTRIBUTION POLICY

The amenity contributions that apply as per Council’s current Affordable Housing and Amenity Contribution Policy are summarized in Table 4 below, based on creating one additional lot.

Table 4 – Amenity Contributions per Council Policy

Amenity Item	Per Lot Contribution	Total
<i>General Amenity Reserve Fund</i>	\$6000	\$6000
<i>Affordable Housing Reserve Fund</i>	\$1000	\$1000
TOTAL POLICY CONTRIBUTIONS		\$7000

Table 5 - Development Cost Charges

Development Cost Charge	Per Unit Contribution	Total
<i>Roads</i>	\$5,876.00	\$5,876.00
<i>Storm Drainage</i>	\$1,655.00	\$1,655.00
<i>Park Improvement</i>	\$3,146.00	\$3,146.00
<i>Park Acquisition</i>	\$211.00	\$211.00
<i>ISIF</i>	\$495.00	\$495.00
<i>ISA</i>	\$52.00	\$52.00
Subtotal (DCC’s to Langford)		\$11,435.00
<i>CRD Water</i>	\$2,922.00	\$2,922.00
<i>School Site Acquisition</i>	\$1,000.00	\$1,000.00
TOTAL DCC’s (estimated)		\$15,357.00

LEGAL IMPLICATIONS:

Should Council choose to proceed with consideration of a rezoning bylaw, the application will be prohibited from being the subject of a Public Hearing, as per the changes made by the Province to the Local Government Act through The Housing Statutes (Residential Development) Amendment Act, 2023.

The amenity contributions specified in Table 4 above would be incorporated into the corresponding rezoning bylaw and would be payable at the time of subdivision approval along with the current Development Cost Charges specified in the various DCC Bylaws.

Council's other conditions of approval would be registered in a Section 219 Covenant in priority of all other charges on title prior to consideration of Bylaw Adoption.

OPTIONS:

Option 1

THAT the Sustainable Development Advisory Committee recommend that Council:

Not consider the proposed rezoning of 939 Klahanie Drive from Rural Residential 2 (RR2) to Rural Residential 5 (RR5) to allow for a Subdivision or the proposed variance to the requirements of a carriage house.

OR Option 2

THAT the Sustainable Development Advisory Committee recommend that Council:

1. Direct staff to prepare and bring forward a bylaw to amend the zoning designation of the property located at 939 Klahanie Drive from Rural Residential 2 (RR2) to Rural Residential 5 (RR5) subject to the following terms and conditions:
 - a. That the applicant provides, **as a bonus for increased density**, the following contributions per dwelling lot, **prior to the issuance of subdivision approval**:
 - i. \$1,000 towards the Affordable Housing Reserve Fund; and
 - ii. \$6,000 towards the General Amenity Reserve Fund;
 - b. That the applicant, **prior to Bylaw Adoption**, registers a Section 219 covenant in priority of all other charges on title, that agrees to the following:
 - i. That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to subdivision or the issuance of a building permit, whichever comes first:

1. Full frontage improvements; and
 2. A storm water management plan.
- ii. That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to land alterations:
1. A construction parking and deliveries management plan, and a mitigation plan.
- iii. That tree protection measures, inclusive of tree protection fencing, are implemented prior to commencement of work to protect the trees identified for retention in the arborist report throughout the construction period;
- iv. That all concrete used on-site will utilize ready-mix concrete that meets or exceeds the weighted average Global Warming Potential targets based on Concrete BC Baseline (average) mix data, and that prior to the issuance of a Building Permit the applicant shall provide a Type III Environmental Product Declaration that is 3rd party verified specifying the total Global Warming Potential value and confirming that the proposed development meets the requirements of Low Carbon Concrete Policy POL-0167-PLAN;

AND

2. Direct staff to prepare and bring forward a Development Variance Permit that varies the following regulations of the Zoning Bylaw No. 300 and the Subdivision and Development Servicing Bylaw No. 1000 pursuant to Section 498 of the Local Government Act:
 - a) That Section 6.14.02(2) of Zoning Bylaw No. 300 be varied by reducing the allowable lot size for subdivision of a property that is not serviced with municipal sewer from 40 hectares (98.8 acres) to 0.44 hectares (1.1 acres) for the property located at 939 Klahanie Drive; and
 - b) That Section 6.1.2 of Subdivision and Development Servicing Bylaw No. 1000 be varied by allowing subdivision as a permitted form of development for the property located at 939 Klahanie Drive.

Or Option 3

THAT the Sustainable Development Advisory Committee recommend that Council:

1. Direct staff to prepare and bring forward to Council a Development Variance Permit that varies the following regulation of the Zoning Bylaw No. 300 pursuant to Section 498 of the Local Government Act:
 - a) That Section 3.08.05(3) of Zoning Bylaw No. 300 be varied by increasing the allowable gross floor area for a carriage suite from 90m² (969 ft²) to 325m² (3,500 ft²).

Or Option 4

THAT the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to rezone 939 Klahanie Drive until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. _____;
- b. _____;
- c. _____;

SUBMITTED BY: Robert Dykstra, MCIP, RPP, Senior Planner

Concurrence: Melisa Miles, Manager of Legislative Services

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

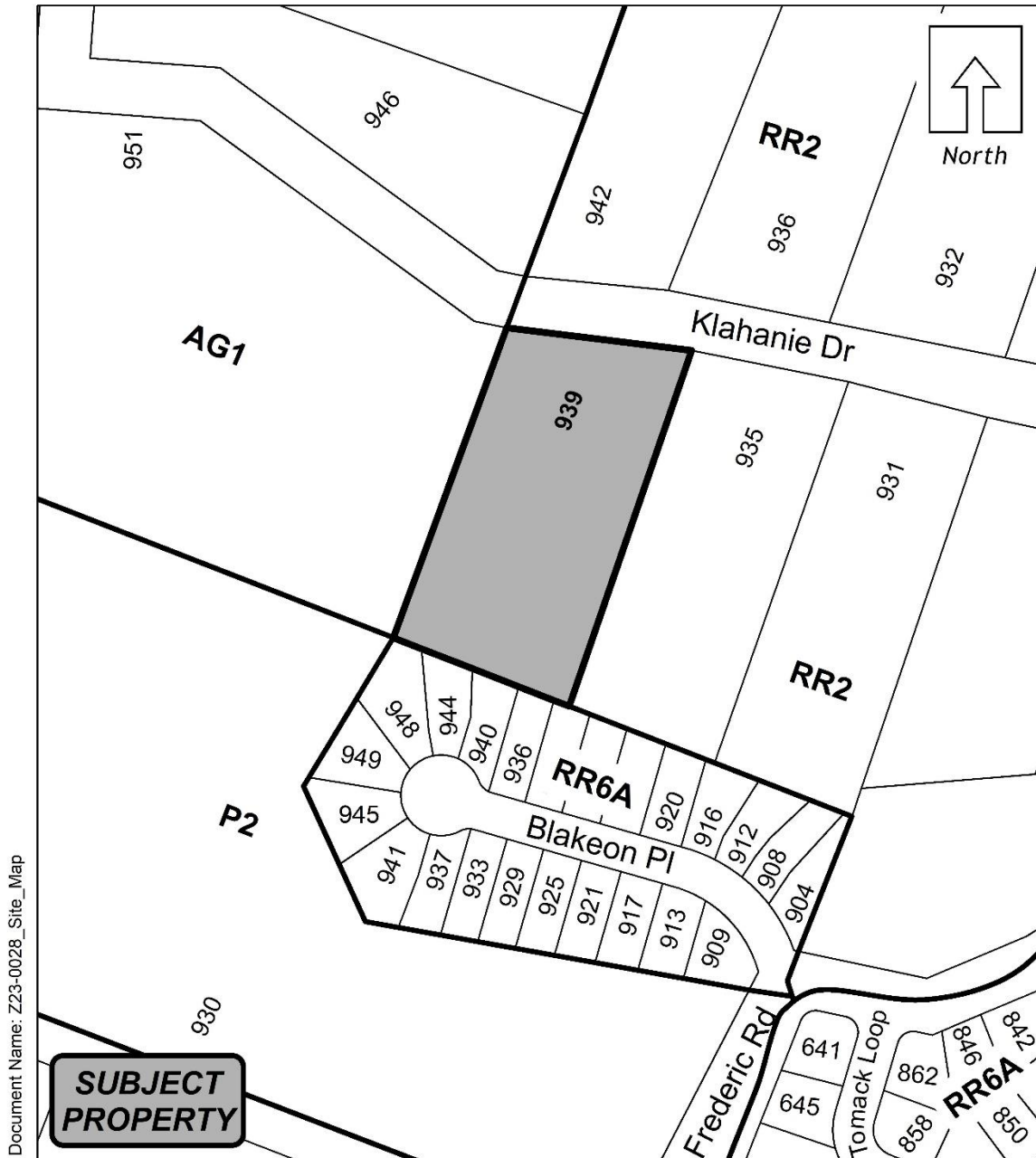
Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

Appendix A – Site Map

**REZONING BYLAW AMENDMENT
(Z23-0028)
939 Klahanie Dr**



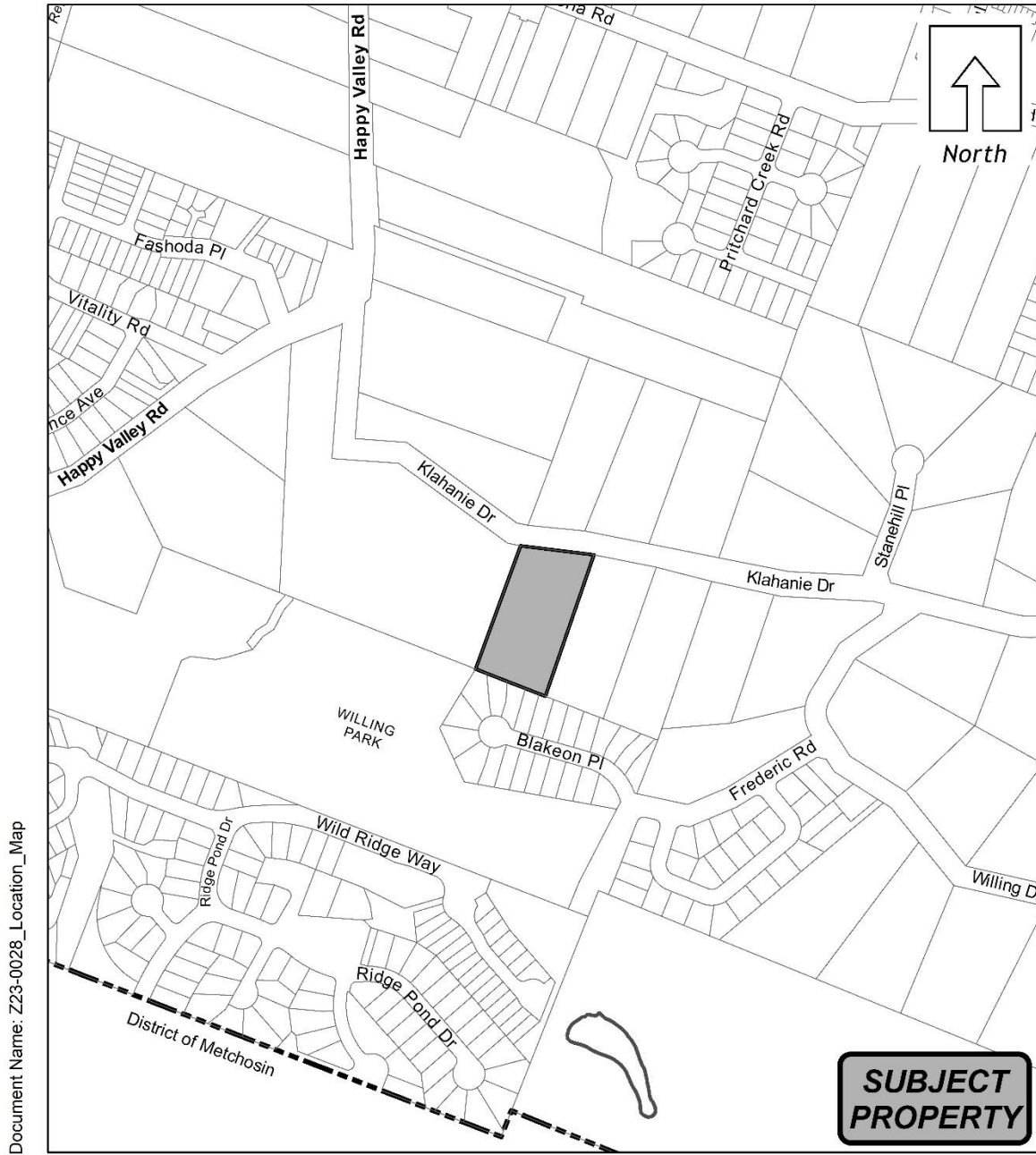
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Last Revised: 2024-04-10

Appendix B – Location Map

**REZONING BYLAW AMENDMENT
(Z23-0028)
939 Klahanie Dr**



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Last Revised: 2024-04-10