



**REPORT TO THE
PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 24, 2012**

SUBJECT **District of North Saanich Official Community Plan (OCP) Amendment:
Proposed OCP Amendment Bylaw No.1303 – New Small Lot Land Use
Designation – 9395 East Saanich Road Proposal**

PURPOSE

This report responds to a request from the District of North Saanich (District) for the Capital Regional District (CRD) to consider proposed Bylaw No.1303, an amendment to the District's OCP Bylaw No.1130 as it pertains to the District's Regional Context Statement.

BACKGROUND

A referral request was received from the District of North Saanich, dated September 21, 2012, containing the amending bylaws for the OCP with a request for consideration and response. Section 866 of the *Local Government Act (LGA)* provides for the regional Board's consideration of acceptance of any new or revised Regional Context Statement (RCS). The bylaws have received first and second readings by District Council. The letter and Bylaw No. 1303 are included in Appendix 1.

ALTERNATIVES

1. Notify the District of North Saanich that the Board has reviewed the referred development proposal described in Report No. PPS/RP 2012-27 and accepts the Regional Context Statement, as amended, with noted inconsistencies to be addressed through an amendment to Regional Growth Strategy (RGS) to revise its growth management planning framework.
2. Notify the District of North Saanich that the Board has reviewed the referred development proposal described in Report No. PPS/RP 2012-27 and accepts the RCS, as amended, with noted inconsistencies to be addressed through the RGS review.
3. Notify the District of North Saanich that the proposed RGS amendment is not accepted at this time, for the reason that amending Bylaw No.1303 is not consistent with the growth policies of Section 1.1 of the RGS.

PROPOSAL DESCRIPTION

The District proposes to amend their OCP to accommodate the proposed development at 9395 East Saanich Road. The proposal seeks to re-designate the 1.6 ha (3.95 ac) property to permit subdivision into 40 small, freehold lots for single detached development. The proponent also proposes laneway housing in this development, which would permit one secondary unit per lot, to a maximum of 80 units. The proposed lots range in size from 300 to 416 sq. m (.07 to .10 ac) (*see site plan – Appendix 2*). At this time, the subject site contains one single detached dwelling, which is currently vacant, and is zoned Rural Agricultural-4 (RA-4).

The location of subject site is shown in Appendix 3 which also indicates the RGS designation of Rural/Rural Residential. The subject site is currently designated 'General Residential' in the OCP. Surrounding land uses include Rotary Park and the airport lands to the north and west, large lot residential to the immediate west and south and to the east is the Town of Sidney. The subject site is serviced by both municipal water and sanitary sewer and is within the North Saanich Servicing Area. The intent is to provide housing that is attainable to moderate income households. The lands are well-located for this use, being close to major transportation facilities (transit terminal at McTavish, primary inter-community cycling network¹, Pat Bay Highway, Victoria International Airport), close to major employment areas around the airport and in Sidney and close to community services and amenities in Sidney.

The proposed development of 40 lots results in a gross density of 25 units/ha (10 units/ac); with secondary units, the gross density is 50 units/ha (20 units/ac). To accommodate this proposal, the RCS/OCP proposed amendments include:

- Introduction of a new 'Small Lot Residential' designation designed to enable low to medium density residential development of lots less than 1400 sq. m (.33 ac) on parcels existing as of July 31, 2012 that are:
 - at least 1.5 ha (3.71 ac) in size, either singularly or the combined area of contiguous parcels;
 - within the North Saanich Servicing Area; and
 - designated 'General Residential'.
- Clarification that increased water or sewer service capacity in the NSSA for residential development be in accordance with the growth targets established in Table 1 of the RGS and also be consistent with the residential policies of Section 6.0 of the OCP.
- Amending Section 6.0 of the OCP to permit secondary suites or second dwelling units in the 'General Residential' designation, in appropriate circumstances.
- Table 2 of the OCP is amended by adding the 40 potential lots from this development to the total supply of lots and units.
- Adding Section 14.10 'Development Permit Area No. 8 Medium Density Small Lot Residential', which is specific to the subject site. The Development Permit Area (DPA) provides design guidelines for small lot development and includes guidelines for laneway housing (secondary suites).

While the development proposal is to include laneway housing up to one unit per lot and the DPA provides guidance for laneway housing design, the new 'Small Lot Residential' designation does not permit secondary suites or second dwelling units. The amendment proposes to permit these only in the 'General Residential' designation, as amended. If the intent is to permit secondary suites in the 'Small Lot Residential' designation, the new designation should reflect this accordingly.

GROWTH STRATEGY IMPLICATIONS

Regional Context Statement (RCS) Requirements:

The RGS is guided by the provisions of the *LGA*. Section 866 of the *LGA* requires member municipalities to prepare a RCS following adoption of the RGS. A RCS forms part of a municipal OCP and addresses how local planning and land use policy will work towards the

¹ Identified in the CRD Pedestrian and Cycling Master Plan, 2011

goals and objectives established in the RGS to achieve consistency. The RCS is the key implementing mechanism of the RGS. According to the *LGA*, the context statement must:

1. identify the relationship between the OCP and the content of the RGS;
2. if the OCP is not consistent, indicate how the municipality intends to bring itself into consistency with the RGS over time, and
3. be consistent with the rest of the OCP.

The RCS is subject to acceptance by the Regional Board to ensure that an appropriate level of consistency exists between the local land use plan and the RGS. The District of North Saanich RCS was accepted by the Board in May 2007.

RCS Consistency Considerations:

In addressing the RGS goal to keep urban settlement compact, the District adopted a North Saanich Servicing Area (NSSA) to delineate areas where servicing would be provided, with extension exceptions beyond this limit mirroring those in the RGS. The intent of the NSSA was to recognize areas of the District where residential, commercial and industrial uses exist or are anticipated. Any change to the boundary of the NSSA requires the approval of the CRD Board through the acceptance of a revised RCS. The RCS also notes that the services will not be expanded, either by extension or increase in capacity, to encourage growth beyond the limits identified in the OCP in effect at the time of adoption of the RGS.

Further, the RCS acknowledges that growth will be modest and slow, and that residential development will be through infill and orderly development of existing residential areas and that the predominant housing form will be single detached residential. The RCS acknowledges that the rural character of the District will be maintained. No urban or village centres are identified in the RCS or any other part of the OCP.

The District chose not to adopt a Regional Urban Containment and Servicing Policy Area (RUCSPA) to delineate urban growth areas that would accommodate the urban level development presented by this proposal. The District chose instead to remain rural with growth limits established by the 1998 OCP in effect at the time the RGS was adopted. Therefore, there is no planning framework for urban level development in the District.

Instead, every application needs to be assessed against the technical criteria set out in the RGS. The key tests for the RCS are whether the development can be accommodated within the OCP limits effective at the time the RGS was adopted and whether the proposal represents growth that is slow and moderate and maintains rural character.

Table 1 in the RGS indicates the growth targets for municipalities envisioned for the year 2026. In North Saanich, the target for households is 5,100; at last Census, the number of households in North Saanich is estimated to be 4,500. The application is within the growth limits anticipated by the RGS.

Relative to rate of growth and rural character, the application is an anomaly. Given the very slow development pace in the District since its new OCP in 2007 (16 lots/units), 40 lots could still be considered within the realm of slow, moderate growth but only if it were viewed in isolation of other pending development applications. With or without secondary suites/units, the

proposed development is at odds with the established rural character of North Saanich and is urban development to be built to urban standards as set out in the design guidelines.

According to information provided by District staff, there is considerable pent-up demand in the District that could generate some substantial applications in the near future. The tables in Appendix 4 summarize the estimated application potential relative to available capacity, expressed in units and lots. The tables indicate that known active and pending applications could use up nearly all available capacity provided in the current RGS to 2026. Since it is only 2012, should these and other applications materialize in the near future, the established growth limits would be a barrier that would not serve the apparent new growth aspirations of the District. The original policy intent of slow and moderate growth would not be upheld. Further, it is understood that many of these proposals would be considerably higher density relative to what currently exists and is permitted under current planning policy. Approving such development would fly in the face of the current planning framework that promises maintaining rural character.

Reconciliation of the District's higher growth aspirations versus maintaining rural character and slow and moderate growth with 14-year old limits should occur sooner rather than enduring a series of one-off proposals under the current planning framework. Two alternatives are proposed:

- Alternative 1: accept the RCS and reconcile the inconsistency through a RGS amendment. While there is a degree of latitude that provides for some inconsistency with the RGS for a time, it is clear that consistency is to be achieved over time. Amending the RGS would fast track the RGS review process specific to growth management for the District. Such an amendment needs to be undertaken before any further applications from the District are referred to the CRD.
- Alternative 2: accept the RCS and reconcile the inconsistency through the RGS review process. The population and household targets will be reviewed with District staff to arrive at an updated and more pragmatic approach to managing growth in future, including reconsideration of applying a form of urban containment like the RUCSPA in the District.

The first alternative would effectively fast-track the RGS review process relating to growth management. The result would be implemented through a RGS amendment and revised RCS. This would be faster than the full RGS review and would provide a planning framework for the current application and those identified by District staff as active or pending.

The second alternative will be underway this Fall however; the entire RGS review process is anticipated to take some 24 months and would not be a quick fix for the District. While this would result in the current proposal being accepted, others would potentially have to wait for the RGS review to be completed.

A third alternative is identified and that is to reject the RCS amendment on the basis that it is not consistent with the growth management policies of the RGS.

CONCLUSION

Two alternatives are proposed to accommodate this and other pending developments that propose urban level growth and development in the District: to define a new growth

management policy framework through the RGS review or to fast-track it through a RGS amendment. The third alternative would mean that the District would need to reconsider the density of the proposed development and submit a revised RCS or request an amendment to the RGS.

As part of the RGS review, the population and household limits and targets will be reviewed with District staff to arrive at an updated and more pragmatic approach to managing growth in future, including reconsideration of applying the RUCSPA in the District. The downside to this option is that the RGS review, in total, will take some 24 months to conclude. The other alternative proposes undertaking the growth management exercise for North Saanich and implementing it through a RGS amendment. This option could be completed more quickly and better address the current proposal as well as others anticipated in the District. Regional staff recommends Alternative No. 1.

RECOMMENDATION

That the Planning, Transportation and Protective Services committee recommends to the Capital Regional District Board:

1. that the Board has reviewed the referred development proposal described in Report No. PPS/RP 2012-27 and accepts the Regional Context Statement, as amended, with noted inconsistencies to be addressed through an amendment to the Regional Growth Strategy to revise its growth management planning framework.

****Original Signed****

Margaret Misk-Evans, MCIP
Senior Manager
Regional and Strategic Planning

Robert Lapham, MCIP
General Manager
Planning and Protective Services
Concurrence

Kelly Daniels
Chief Administrative Officer
Concurrence

Attachments: 4

- Appendix 1: North Saanich OCP Amendment Bylaw No. 1303
- Appendix 2: Applicant's Site Plan
- Appendix 3: Location Map
- Appendix 4: Regional Growth Strategy/OCP Growth Limits



DISTRICT OF NORTH SAANICH

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RECEIVED

OCT 01 2012

September 21, 2012
DNS File: 3360-20

Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, V8W 2S6
Attn: Margaret Misk-Evans, Sr. Manager
Regional and Strategic Planning

Dear Ms. Misk-Evans:

RE: North Saanich OCP Amendment Bylaw No.1303 – 9395 East Saanich Road

We are referring the North Saanich Official Community Plan Amendment Bylaw No.1130 (2007) Bylaw No.1303 (2012) to the Capital Regional District for your formal review and comment pursuant to Section 879 (2) of the Local Government Act. Please note that the subject bylaw was given 1st and 2nd readings by North Saanich Council on September 17, 2012.

We would appreciate if you could provide your comments to us by Friday, October 12, 2012.

Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,

Jimmy Ho, MES (Planning)
Assistant Planner, Planning and Community Services, North Saanich

Enclosures:
Draft subdivision layout plan
District of North Saanich Bylaw No.1303

CC: Mark Brodrick, Director, Planning and Community Services, North Saanich
Robert Lapham, General Manager, CRD Planning and Protective Services



DISTRICT OF NORTH SAANICH

BYLAW NO. 1303

A BYLAW TO AMEND THE OFFICIAL COMMUNITY PLAN BYLAW NO. 1130

The Municipal Council of the District of North Saanich, in open meeting assembled, enacts as follows:

TEXT AMENDMENTS

1. Schedule 'A' of the District of North Saanich Official Community Plan Bylaw No. 1130 (2007) is hereby amended as follows:

- (a) Section **6.0 RESIDENTIAL** is amended in the first paragraph under '**Preamble**' by:

- a. Striking "three land use designations" and replacing it with "four land use designations"; and
 - b. Adding "*Small Lot Residential*," before "*General Residential*".

- (b) Section **6.0 RESIDENTIAL** is amended in the second paragraph under '**Preamble**' by adding "*Small Lot Residential*," before "*General Residential*"

- (c) Section **6.0 RESIDENTIAL** is amended by striking the third paragraph under '**Preamble**' and replaced with the following:

"Policies in this section of the Plan are intended to maintain and generate through redevelopment a range of lot sizes that support low and medium density residential development throughout the District, in addition to supporting hobby farm and other rural activities adjacent to agricultural areas."

- (d) The following text is inserted after the **Preamble** and before **General Residential** in Section **6.0 Residential**:

"Small Lot Residential

Small lot residential areas are lands developed with lots less than 1400 m² (15,065 ft² – 0.33 acres) that as of July 31, 2012 were (i) either an individual parcel larger than 1.5 ha (3.71 acres), or where a development application is made for multiple contiguous parcels that combined are larger than 1.5 ha (3.71 acres), (ii) located within the North Saanich Servicing Area, and (iii) designated as General Residential."

- (e) The content in **General Residential** in Section **6.0 RESIDENTIAL** is replaced with the following:

"The General Residential areas are those lands which are currently developed in the range of 1400 m² (15,065 ft² – 0.33 acres) to 2,000 m² (21,520 ft² – 0.5 acres) and that are intended for future single-family residential development, with secondary suites or second dwelling units in appropriate circumstances."

- (f) “**Table Two: Estimated Housing Supply By Land Use Designation**” in Section 6.0 RESIDENTIAL is amended by inserting the following after the “**General Residential – Undeveloped**” section of the table:

“Small Lot Residential – Undeveloped

East Saanich Road/Canora Road (1.6 ha) 40 lots”

And by increasing the tally of “Total Number of Lots” from “457” to “497” and increasing the tally of “Total Number of Lots and Units” from “580” to “620”.

- (g) Policy 6.3 is repealed and replaced with the following:

“In order to retain the character of the community, the District should use the land use designations on Schedule B as a general guide to future land uses and densities. The provision of sewer services should not be used to encourage smaller lot sizes.”

- (h) Policy 6.4 is repealed and replaced with the following:

“Secondary suites or second dwelling units may be permitted by zoning regulations as part of an overall District housing strategy.”

- (i) Policy 6.8 is amended by inserting “*Small Lot Residential,*” before “*General Residential*”.

- (j) Section 14.10 entitled “Development Permit Area No. 8 Medium Density Small Lot Residential” in Schedule A as attached to and forming part of this bylaw is inserted after Section 14.9, and the remaining subsection is renumbered accordingly.

- (k) Section 14.10 **Definitions** is amended by renumbering the section “14.11 **Definitions**” and by inserting the following definition in alphabetical order:

“**Laneway house**’ means a detached dwelling unit accessory to a principal single family residential dwelling on a lot that abuts two streets or a street and a lane that is open to traffic”.

- (l) The Table of Contents and List of Maps are amended to reflect the addition of Section 14.10

- (m) Section 16.2.1 is amended by striking the second, third and fourth paragraphs and replacing them with the following:

“For lands designated as Rural/Rural Residential on Map 3 of the RGS, modest and slow growth is anticipated and planned for in the OCP. Residential development will consist primarily of single family residential infill and the orderly development of areas already zoned for residential use, plus small lot single family residential development. There will be limited, small scale commercial development associated with the existing marinas and in the vicinity of existing commercial nodes and the potential for more comprehensive commercial development on the 4.856 hectares (12 acre) site

at the easterly part of the Sandown race track property. Home based businesses and commercial activities related to farming, such as road side stands and nurseries are supported. Any light industrial development will be directed towards the Victoria International Airport Special Policy Area, the MacDonald Park Road Industrial Area or the Sandown commercial lands.

Certain parts of North Saanich already identified for residential, commercial and industrial uses are recognized as the North Saanich Servicing Area. The North Saanich Servicing Area is shown in Figure 2. Any change to the boundary of the North Saanich Servicing Area will require the approval of the CRD Board through the acceptance of a revised regional context statement.

Consistent with the goals of the RGS, the District will not further extend water or sewer services outside of the North Saanich Servicing Area, except to address pressing public health and environmental issues, to provide fire suppression, to service the easterly 4.856 hectares (12 acre) commercial site at the Sandown race track property, or to service agriculture. The District may expand the capacity of water or sewer services within the North Saanich Servicing Area to accommodate residential development proposals in RGS designated Rural/Rural Residential areas in accordance with the established targets set out in Table 1 of the RGS, and subject to the policies of Section 6.0."

MAP AMENDMENTS

2. A new map entitled "Development Permit Area No. 8 Medium Density Small Lot Residential" is added as shown on the map attached to and forming part of this bylaw as Schedule B;
3. Schedule B – Land Use Designations is amended by adding a new designation to the legend entitled, "Small Lot Residential" and appropriately colouring the entirety of Lot 1, Section 7, Range 2 East, North Saanich District, Plan 9443 as shown on the updated map attached to and forming part of this bylaw as Schedule C.

CITATION

4. This Bylaw may be cited for all purposes as "North Saanich Official Community Plan Amendment Bylaw No.1130 (2007) Bylaw No. 1303 (2012)".

READ A FIRST TIME the 17th day of September, 2012

READ A SECOND TIME the 17th day of September, 2012

NOTICE OF PUBLIC HEARING published in the _____ and _____ editions of the *Peninsula News Review*.

PUBLIC HEARING held at the North Saanich Municipal Hall the _____ day of _____, 2012

READ A THIRD TIME the _____ day of _____, 2012

FINALLY PASSED AND ADOPTED the day of , 2012

MAYOR

CORPORATE OFFICER

Schedule A to Bylaw 1303**14.10 Development Permit Area No. 8 Medium Density Small Lot Residential****Designation**

Those areas of North Saanich on Development Permit Area No. 8 Map shaded as violet are designated as a development permit area pursuant to Section 919.1(1)(e) of the Local Government Act.

This development permit area consists of the following area:

Lot 1, Section 7, Range 2 East, North Saanich District, Plan 9443

Justification Section 919.1(1)(e) authorizes local government to designate development permits to establish objectives for the form and character of intensive residential development.

The justification for this designation is to ensure that Council has the ability to secure the necessary information, and establish conditions on developments such that the form and character of new residential development on smaller than average lots are of high quality, and best suited to both surrounding properties and the vision of North Saanich as expressed in the OCP.

Objective

To ensure that new small lot residential development provides a healthy, safe and livable environment for residents; minimizes environmental impact; provides safe vehicular and pedestrian access; is compatible with surrounding land uses; complements the social and environmental goals of the plan; and is constructed to high standards, both materially and esthetically.

Guidelines

- 14.10.1 The orientation, scale, form, height, and materials proposed for a small lot residential development should exhibit characteristics consistent with the context of the surrounding neighbourhood.
- 14.10.2 New buildings should create visual interest by providing variations in building plans, height, rooflines, massing, window trim or casings, and fascia details.
- 14.10.3 Roofs should slope down towards the nearest lot line from the highest point located at the interior of the lot. Buildings should minimize shading impacts to adjacent private open space while maximizing on-site open space.
- 14.10.4 Adjacent houses should not be identical in form and character, and should be complementary to each other.
- 14.10.5 Roof ridges should be oriented so as to minimize shadow impacts on adjacent lots.
- 14.10.6 To mitigate privacy concerns, windows should be located along facades oriented to the street, laneway, and interior of the lot. Windows oriented towards adjacent properties are discouraged. Rooftop patios on both principal dwellings and laneway houses are unsuitable in a small lot environment due to their impact on the privacy of neighbours.

- 14.10.7 Buildings should be designed to present an attractive appearance toward public streets. Houses on corner lots should address each street frontage with an attractive building face, including projections into side yard setbacks.
- 14.10.8 Small lot residential dwellings should minimize the impact on their natural environment, where practical, by siting around, or in harmony with existing natural features such as mature trees and rock outcroppings.
- 14.10.9 The siting of all buildings should consider the location of mature trees on the lot so as to minimize the impact on root systems.
- 14.10.10 Small lot residential buildings should maintain and enhance existing views or vistas from the site, allow sunlight penetration, and ensure that façades face the street.
- 14.10.11 Landscaping on each lot should provide:
- a) some screening, where practical, to protect the privacy of occupants of small lot residential development from adjacent properties and public streets;
 - b) low-height vegetation between adjacent driveways to mitigate the visual impact of paved surfaces; and
 - c) some effective screening at the time of planting.
- 14.10.12 The use of drought-resistant plant species is encouraged in all landscaping.
- 14.10.13 Trees should be planted along lot frontages after construction and should be irrigated or consistently watered for a period of at least three years after planting to ensure healthy growth. No trees should be planted on or along lanes to maintain unobstructed access and clear sight lines on the public rights of way.
- 14.10.14 Small lot residential developments must provide accessible parking for residents and visitors which may be provided on-street or in designated common areas.
- 14.10.15 Applicants must provide a scale-drawn site plan certified by a qualified professional with relevant expertise drawn at a scale of 1:2000 or, with approval of the District, at a scale of 1:5000 showing:
- a) Location and massing of proposed buildings, including the exterior design elements and exterior covering;
 - b) Required parking spaces;
 - c) Landscaping, including rain gardens and xeriscaping; and
 - d) Storm water management facilities including swales.

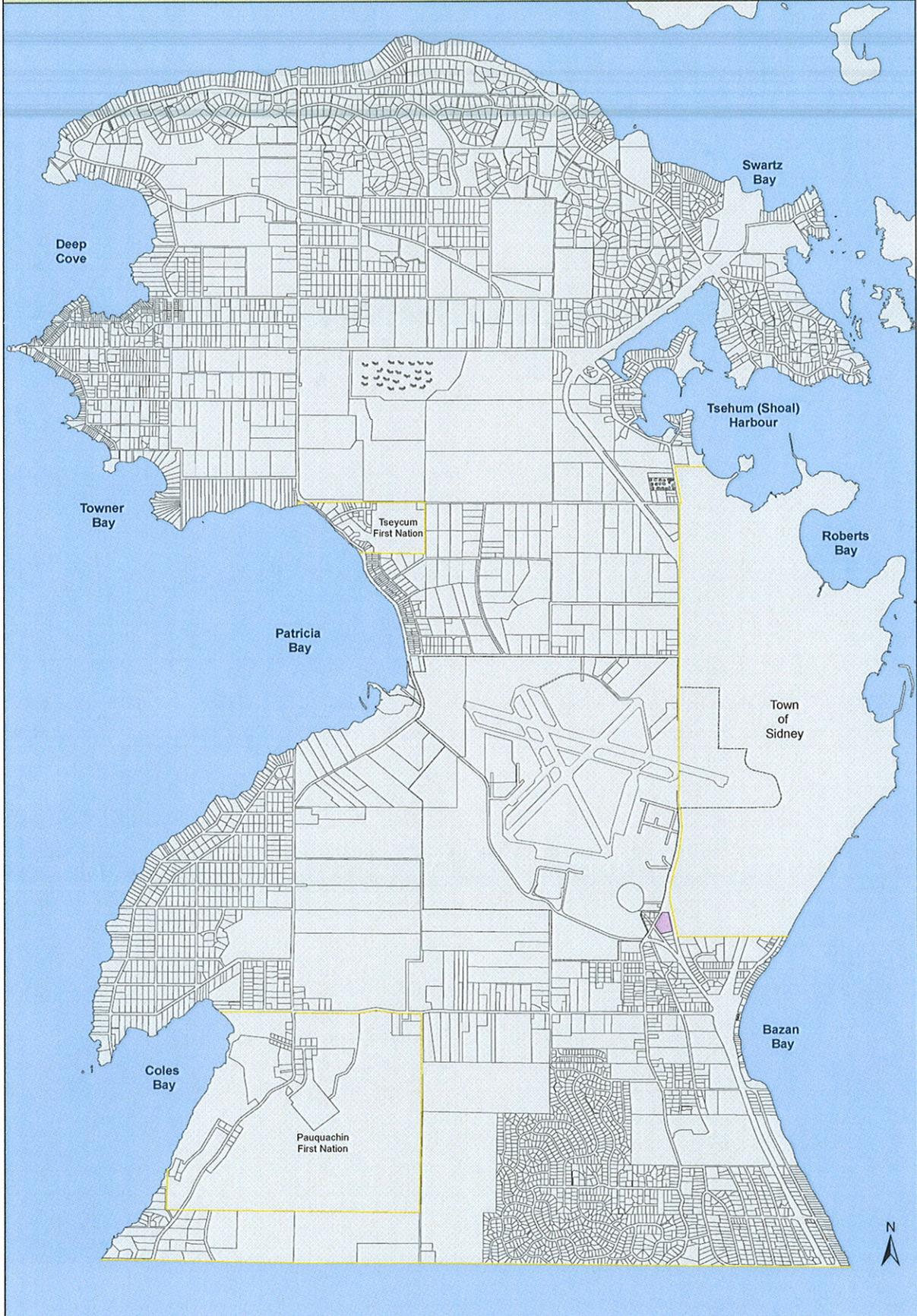
Laneway Houses

- 14.10.16 Laneway houses should have a consistent design with the principal building on the site in terms of materials, roof form, and general architectural expression.
- 14.10.17 The massing and size of laneway houses should express their accessory relationship to the principal building located on the lot.

Development Permit Area No. 8

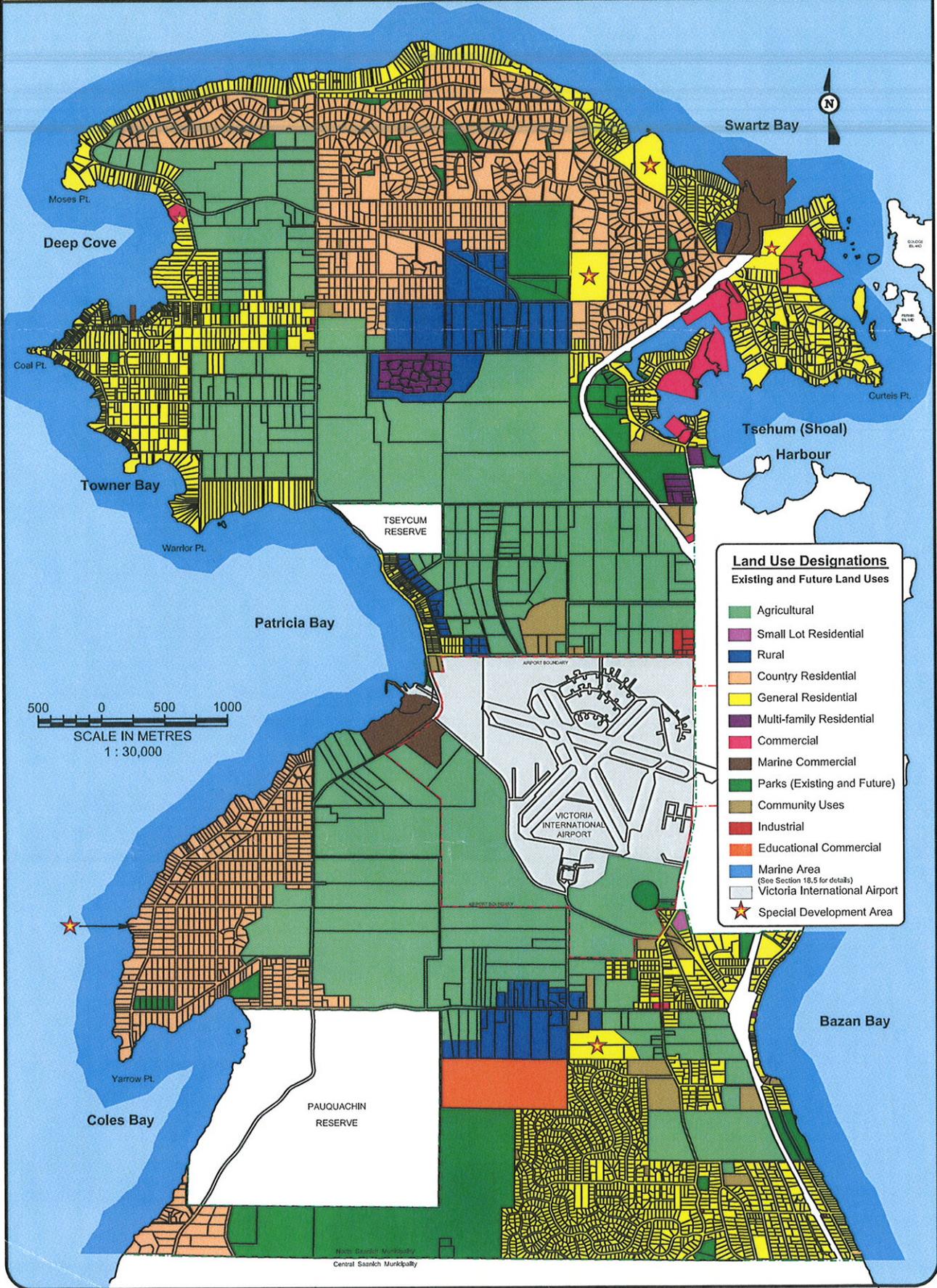
Medium Density Small Lot Residential

District of North Saanich - Official Community Plan



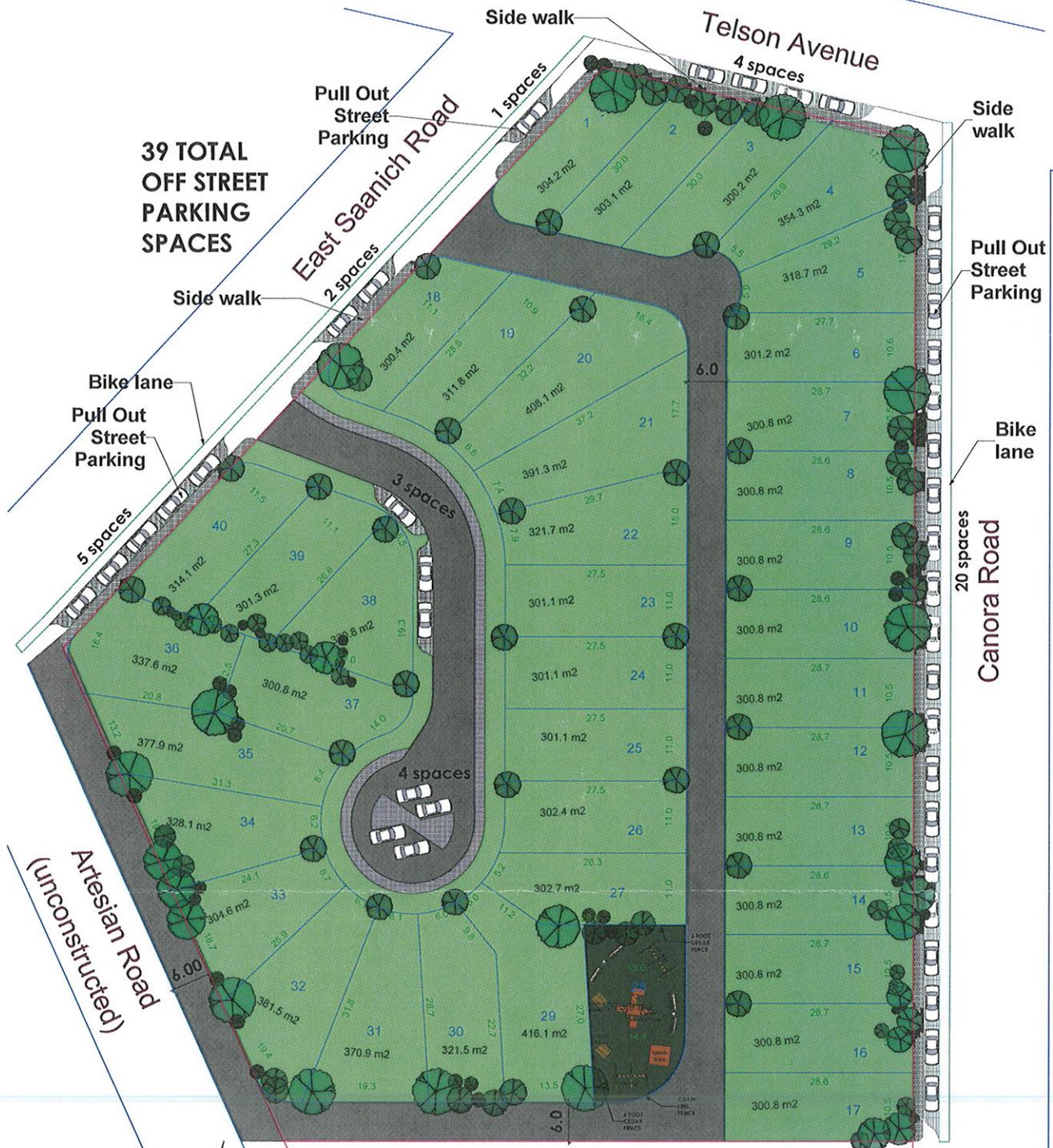
Schedule B Land Use Designations

District of North Saanich - Official Community Plan



9395 East Saanich Road Proposed Rezoning

Aug. 24, 2012

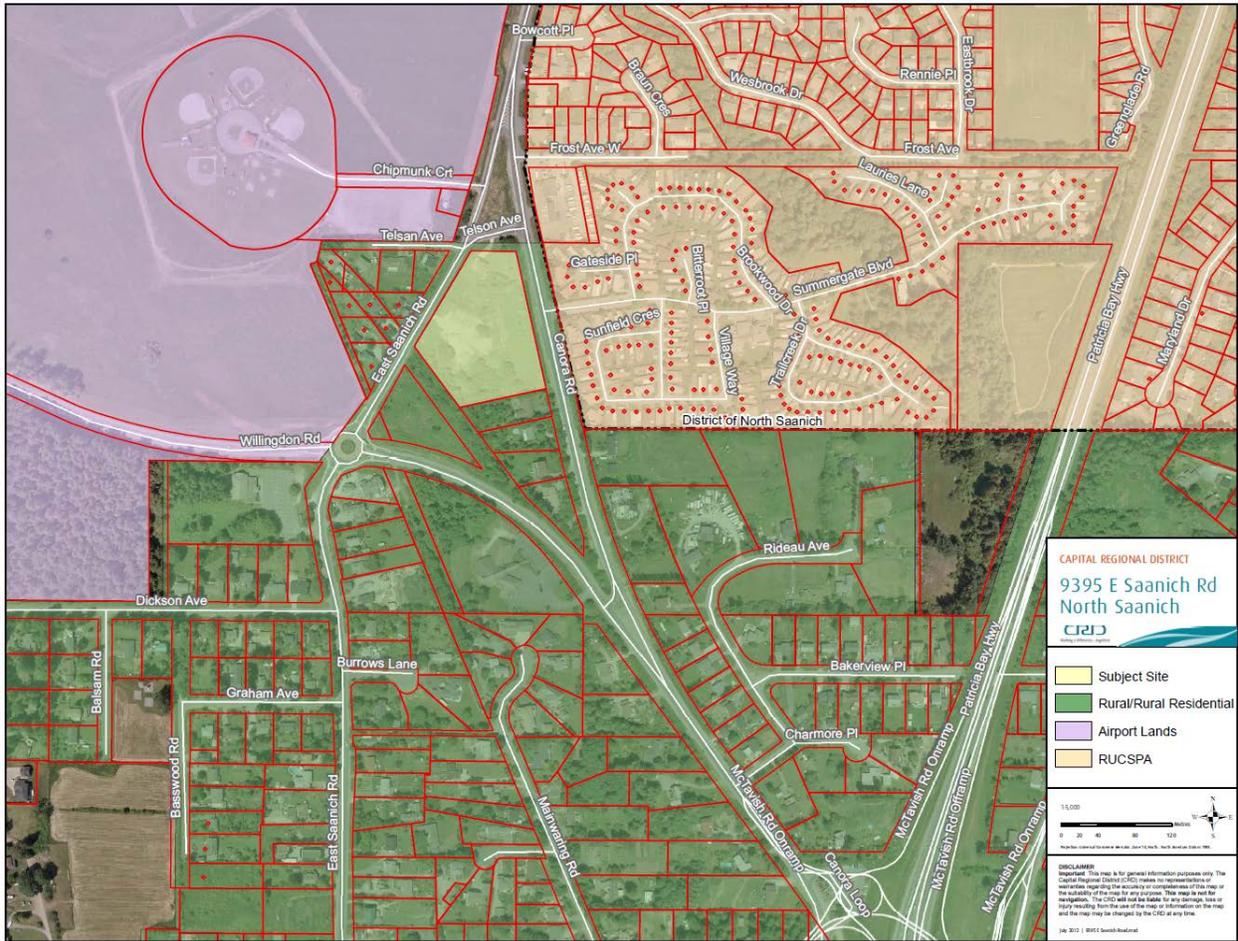


39 TOTAL
OFF STREET
PARKING
SPACES

A
Plan 29053

APPENDIX 3 – Location Map

Figure 1: Location Map



APPENDIX 4 – Regional Growth Strategy/OCP Growth Limits

ACTIVE/PENDING APPLICATIONS	Potential New Units/Lots
Total Active/Pending (Estimated)	<i>From 399 to 529</i>
PREVIOUSLY APPROVED DEVELOPMENTS	New Units/Lots
10500 McDonald Park	5
1950 John Road	11
<i>Sub-Total</i>	<i>16</i>
TOTAL ACTIVE/PENDING/APPROVED	<i>From 415 to 545</i>

PROJECTED GROWTH LIMITS				
Period	Source	Total Projected Households	New Dwellings Required to Meet Housing Demand	
1998-2008	OCP		500	1% growth over 10 years (600-700 actual supply)
2007-2011	OCP		154	High estimate (580 actual supply)
2003-2026	RGS	5100	1015	RGS 2026 Projection - 2001 Census count

ACTUAL AND ANTICIPATED GROWTH						
Year	Source	Population	Dwellings/ Households	Change		
1996	Census	10356	4070		+448	Total Dwellings Created (1996-2012)
2001	Census	10436	4085	+15		
2006	Census	10823	4280	+195		
2011	Census	11089	4503	+223		
2012	<i>DNS Building Permit Stats</i>		<i>4518*</i>	<i>+15*</i>		
2013	Active/Pending Applications		5023	+415 to 545		Total Potential Dwelling Units (2013 and beyond)
2026 (Projected)	RGS	13000	5100	+171 to 37		Remaining RGS allotment through to 2026

*Estimated