



# Staff Report to Council

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**DATE: Monday, March 18, 2024**

**DEPARTMENT: Planning**

**APPLICATION NO.: Z22-0031**

**SUBJECT: Bylaw No. 2170 – Application to Amend the Text of the R2 Zone to allow 12 Townhomes at 798 Gwendolynn Drive.**

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## EXECUTIVE SUMMARY:

In June of 2023, Lee Nilsson of OV Partners applied on behalf of OV Holdings 2022 Inc to rezone 798 Gwendolynn Drive from RR2 (Rural Residential 2) to R2 (One- and Two-Family Residential) to allow for 6 single family homes and 12 townhouses. As part of their application, the applicant proposed to protect 30% of the property through a non-disturbance covenant. This application was ultimately adopted by Council on October 23<sup>rd</sup>, 2023, through Bylaw No. 2137.

Since then, staff have discovered an error in Bylaw No. 2137. While the bylaw successfully changed the zone from RR2 to R2, as per Council's intent, it did not include the provision to allow for a maximum of 12 townhomes. Given this, a new bylaw, Bylaw No. 2170, must be brought forward to achieve the original intent. Council may wish to proceed with the first three readings of the bylaw.

## COMMENTS:

On June 19, 2023, Council passed the following resolution with respect to this application:

*THAT Council:*

1. *Direct staff to prepare a bylaw to amend the zoning designation of 798 Gwendolynn Drive from the RR2 (Rural Residential 2) Zone to the R2 (One- and Two-Family Residential) Zone subject to the following:*
  - a. *That the applicant provides, **as a bonus for increased density**, the following contributions per residential unit, prior to issuance of a building permit:*
    - i. *\$610 towards the Affordable Housing Reserve Fund per townhouse unit;*
    - ii. *\$660 towards the Affordable Housing Reserve Fund per single family lot under 550 m<sup>2</sup>;*

- iii. *\$3,660 towards the General Amenity Reserve Fund per townhouse unit; and*
- iv. *\$3,960 towards the General Amenity Reserve Fund per single family lot under 550 m<sup>2</sup>*
- b. *That prior to Bylaw Adoption, the applicant 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 the issuance of subdivision approval or the issuance of a building permit, whichever is first:*
    - 1. *Full frontage improvements, inclusive of a sidewalk or minimum 3 m multi-use paved trail, boulevard, and streetlights along Gwendolynn and a multi-use gravel road edge trail behind a split rail fence along Klahanie;*
    - 2. *A storm water management plan;*
    - 3. *An erosion and sediment control plan;*
    - 4. *A dust mitigation plan;*
    - 5. *A construction parking and delivery management plan;*
  - ii. *That the developer will connect and be responsible for any upgrades required to the services and utilities required for the development;*
  - iii. *Acknowledge that the site is in proximity to agricultural uses the South Vancouver Island gun range, and that these uses may create general noise, odour, and other nuisances, and agree that the owner and all future owners assume all risk and annoyance of such nuisances;*
  - iv. *That a total of 30% of the lot will be fenced and retained as a natural greenspace common property area protected by a non-disturbance covenant registered prior to subdivision approval or building permit issuance, whichever is first, to the satisfaction of the Director of Planning;*
  - v. *That tree protection measures are implemented and excavation monitored to the satisfaction of the project arborist, as per their report dated April 25<sup>th</sup>, 2023;*
  - vi. *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 3<sup>rd</sup> 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;*

*vii. That a separate covenant be registered prior to the issuance of a building permit agreeing that the garages and carports are to be used for the parking of vehicles and not the storage of items preventing the parking of vehicles therein.*

*And*

- 2. Direct staff to amend Section 6.22.04 of the R2 zone to limit the number of townhouses permitted at 798 Gwendolynn Drive to 12 units.*

The amenity contributions required for both the single-family lots and townhouses were included in Bylaw No. 2137, and as such do not need to be included in this new Bylaw.

Staff also confirm that the Section 219 Covenant securing Council's conditions of rezoning as noted in item 1(b) of the above resolution has been registered on title, and that no additional conditions are recommended at this time.

The purpose of proposed Bylaw No. 2170 is to implement item 2 of Council's resolution.

#### **LEGAL IMPLICATIONS:**

In November of 2023, the Province of British Columbia enacted the *Housing Statutes (Residential Development) Amendment Act, 2023* which introduced a suite of amendments to the *Local Government Act* including amendments pertaining to Public Hearings.

The *Housing Statutes (Residential Development) Amendment Act, 2023*, which was given Royal Assent in November 2023, amends Section 464 of the *Local Government Act* by adding the following:

*464(3) A local government must not hold a public hearing on a proposed zoning bylaw if:*

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw,*
- (b) the bylaw is consistent with the official community plan,*
- (c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and*
- (d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.*

If Council is prohibited from holding a public hearing under Sec. 464(3), then the City still must provide notice to the public in accordance with Sec. 467:

**467(1)** *If a local government decides not to hold, or is prohibited from holding, a public hearing referred to in section 464 (2) [public hearing not required for certain zoning bylaws] on a proposed zoning bylaw, it must give notice in accordance with this section.*

- (2) *The notice must state the following:*
- (a) in general terms, the purpose of the zoning bylaw;*
  - (b) the land or lands that are the subject of the bylaw;*
  - (c) the date of the first reading of the bylaw;*
  - (d) the place where and the times and dates when copies of the bylaw may be inspected.*
- (3) *Section 466 (3) to (4) and (6) to (8) applies to a notice under this section, except that*
- (a) a reference in that section to a public hearing is to be read as a reference to the first reading of the bylaw, and*
  - (b) the reference in subsection (4) (b) (i) of that section to the date of the first reading of the bylaw is to be read as a reference to the date of the mailing or delivery of the notice.*

Council may wish to note, as Bylaw No. 2170 is prohibited from being the subject of a public hearing under Sec. 464(3), the City has sent out notices in accordance with Sec. 467 of the *Local Government Act*.

Council may also wish to note that the original application under Bylaw No. 2137 did receive a Public Hearing as it occurred before November of 2023 when the changes to the *Local Government Act* occurred.

**OPTIONS:**

**Option 1**

That Council give 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> reading of Bylaw No. 2170.

**OR Option 2**

That Council take no action at this time regarding Bylaw No. 2170.

**SUBMITTED BY: Julia Buckingham, Planner II**

**Concurrence:** Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

**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:** Michael Dillabaugh, CPA, CA, Director of Finance

**Concurrence:** Marie Watmough, Deputy Director of Corporate Services

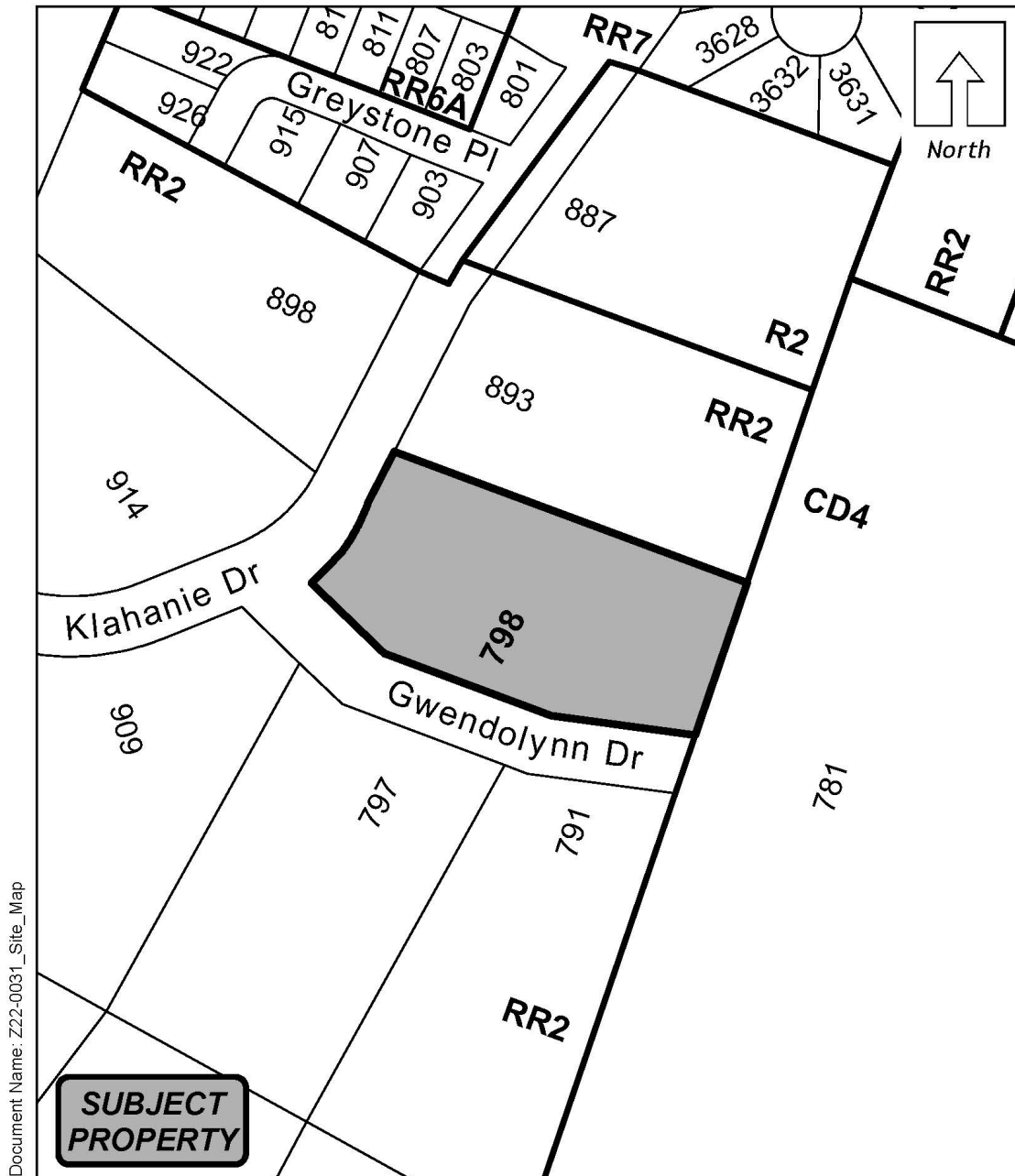
**Concurrence:** Braden Hutchins, Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer

Attachment(s): Bylaw No. 2170

Appendix A – Site Map

**REZONING BYLAW AMENDMENT  
( Z22-0031 )  
798 Gwendolynn Dr**



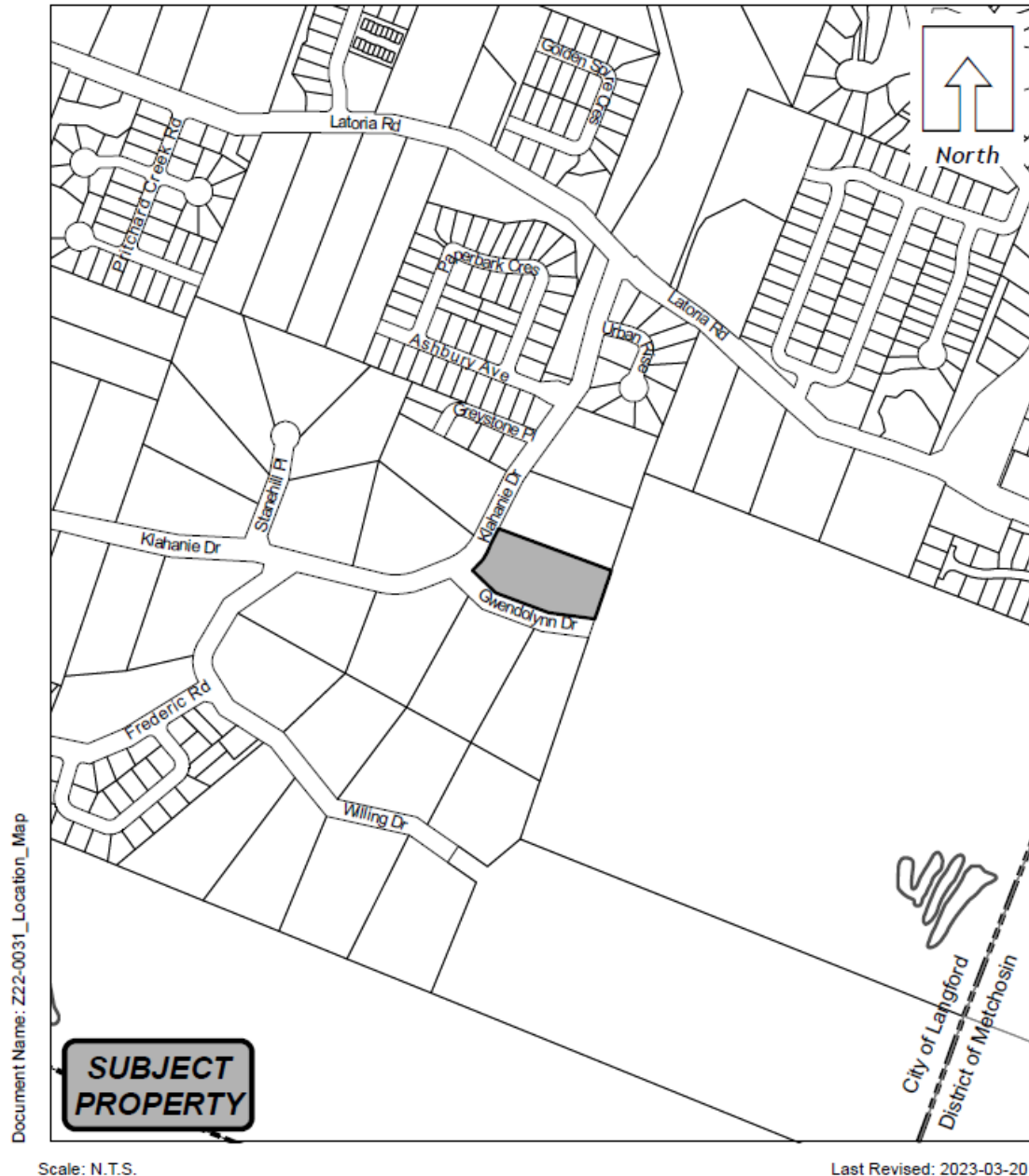
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Scale: N.T.S.

Last Revised: 2023-03-20

Appendix B – Location Map

**REZONING BYLAW AMENDMENT**  
**( Z22-0031 )**  
**798 Gwendolynn Dr**



**CITY OF LANGFORD  
BYLAW NO. 2170**

**A BYLAW TO AMEND BYLAW NO. 300,  
“LANGFORD ZONING BYLAW, 1999”**

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The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:

1. By amending Section 6.22.01(10) to read as follows:

*(10) **Townhouses** on those properties legally described as PID No. 001-539-990, (798 Gwendolynn Drive), PID No. 009-875-867 (3690 Happy Valley Road), PID No. 002-035-235 (3694 Happy Valley Road), PID No. 001-138-138 (4342 West Shore Parkway), and on lands shown shaded on the map attached as Schedule WL to this Bylaw;*

2. By adding to as Section 6.22.04(5) the following:

*(5) Under no circumstances may there be more than 12 townhouse units on the property legally described as PID No. 001-539-990, (798 Gwendolynn Drive).*

B. This Bylaw may be cited for all purposes as “Langford Zoning Bylaw, Amendment No. 720, (798 Gwendolynn Drive), Bylaw No. 2170, 2024”.

READ A FIRST TIME this day of, 2024.

PUBLIC HEARING held this day of, 2024.

READ A SECOND TIME this day of, 2024.

READ A THIRD TIME this day of, 2024.

ADOPTED this day of, 2024.

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PRESIDING COUNCIL MEMBER

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CORPORATE OFFICER



Schedule A

