



Report to: Members of Council
From: Laura Beckett
Date: December 17, 2004
Subject: Bear Mountain Proposal – Summary Report
Location: Section 12, Highland District, Except Parts in Plans 10853, 11134 and 45402; Section 16, Highland District, Except Part in Plan VIP 72555; Section 5, Range 4 West, Highland District, Except Parts in Plans VIP 60675, VIP 67875, and VIP 75584; The South 60 acres of Section 6, Range 4 West, Highland District, Except Part in Plan VIP 67875; Lot 24, Section 17, Highland District, Plan 4128
File: Except Part in Plan 45401; Block B, Section 75, Highland District RZ-01-04

RECOMMENDATIONS

THAT Council rescinds second reading of Bylaw 237.

THAT Council gives second reading to Bylaw 237 as amended.

THAT Council requires LGB9 to build all necessary reservoirs and have them filled from non-aquifer sources before any construction on the golf course begins.

THAT Council agrees to share in a proportionate share of the costs for a West Shore Traffic Study **AND** that the City of Langford should come to an agreement with Bear Mountain with respect to sharing in future Langford road improvement costs created from phase 2 (Highlands) of the Bear Mountain development.

THAT Council decides whether or not they wish to see linkages to assure the development of commercial uses in the proposal before residential use, and direct staff to request appropriate wording from the District's lawyer.

THAT section 15.1.04 (4)(a) be amended to read: "The total floor area of a lodge use shall not exceed 3,000m²."

BACKGROUND – SUMMARY OF PROPOSAL

LGB9 proposes to rezone the subject property from Greenbelt 2 (GB2), Rural Residential 9 (RR9), Rural Residential 10 (RR10), Rural Residential 11 (RR11), Rural Residential 12 (RR12), Park 1 (P1), and Golf Course 1 (GC1) to a new zone, Bear Mountain Comprehensive Development Zone 1 (BMCDZ1). The proposal also requires an OCP

amendment. Please see Attachment 1 for a map of the current zoning and a map of the proposed areas within the proposed comprehensive development zone.

OCP Amendment

The proposal requires amending the OCP by:

- Changing the "Background and Context of the Official Community Plan" to reflect the intensive residential nature of the development in conjunction with a golf course and its need for a non-aquifer water source, and acknowledging the Bear Mountain development with respect to the Regional Growth Strategy.
- Protecting identified private open space in the proposed development through covenants
- Notwithstanding policies in section 1.2.5 Environmental Protection Areas – c. Water and Riparian Areas, and subject to all necessary permits from all levels of government, allowing for construction of a golf course and road and infrastructure providing there is no net loss of water and riparian areas within the proposed development
- Providing for downcast lighting, lowest lumens possible and the least number of fixtures necessary throughout the District
- Encouraging Leadership in Energy and Environmental Design (LEED) building standards throughout the District
- Creating a new OCP land use designation called Bear Mountain Comprehensive Development
- Adding a new schedule, Bear Mountain Road Standards, to the *Subdivision Or Development of Land Bylaw*, which will require all services to be underground, employ maximum opportunity to return storm water to the forest floor, and utilize flat curbs wherever possible
- Supporting public sewers or an alternative method of sewage disposal within the site
- Requiring use of treated septage as a source of irrigation for the proposed golf course
- Providing for an alternative water supply system (CRD water or private utility) reliant on non-aquifer sources to the site and to the industrial lands
- Restricting water pipe reservoir sizes to only those necessary for minimum fire flow requirements
- Allowing for natural gas from a private utility supplier to the site and the industrial lands

Zoning Amendment Details of the amendment, other than the new zone itself, include:

- Adding definitions for: building envelop, caretaker's dwelling unit, floor space ratio, golf clubhouse, golf course maintenance facility, hotel, licensed establishment, light manufacturing, lodge, medical clinic, panhandle lot, resort, site coverage, tourist accommodation, and townhouse, and changing the definition for golf course.
- Adding parking space, bike storage, and persons' with disabilities parking space requirements for the uses proposed on the site.
- Adding a provision for surface drainage and landscaping over parking areas with more than 20 spaces.

The new zone, Comprehensive Development 1 – Bear Mountain (BMCD1) Zone, is summarized in Table 1.

TABLE 1

Area	Permitted Uses	Density
All Areas	Defined for each area	<ul style="list-style-type: none"> • Minimum lot size 400m² • Minimum panhandle lot size 1,115m² • No more than one residential building on a lot (where permitted by use), unless if all residential buildings are in the same strata plan • 35% maximum site coverage of all buildings on a lot
Residential	Single family residential, townhouse residential on lots having an area of at least 900m ² , accessory buildings and uses	<ul style="list-style-type: none"> • No more than 30 townhouses • Max density for townhouses is one dwelling per 285m² of lot area • 100m² max total floor area of all accessory buildings • No secondary suites • Max of 150 dwelling units, subject to non-aquifer water source • Max floor space ratio 1:1
Resort	Hotel, resort, medical clinics, retail stores, offices, accessory buildings and uses including Laundromats, licensed establishments, storage and supply facilities associated with the above principal uses	<ul style="list-style-type: none"> • 3,000m² max floor area of lodge • 80m² max floor area for cabin • 465m² max floor area of all accessory buildings within resort area, and no single accessory building to exceed 300m² • 250 max tourist accommodation units • At least 100 tourist accommodation units must be in the hotel
Golf Course	Golf clubhouse, office, driving range, golf course, golf course maintenance facility, caretaker's dwelling unit	<ul style="list-style-type: none"> • 5,000m² max floor area for retail stores, golf clubhouse and accessory uses • 20,000m² max area for golf maintenance facility and accessory maintenance uses • 100m² max floor area for caretaker's dwelling unit, and only one within golf course area
Commercial	Offices, retail stores including premises licensed pursuant to the Liquor Control and Licensing Act, storage, restaurants including licensed establishments and excluding drive-in and drive-through, caretaker's dwelling unit, public utility use, light manufacturing, medical clinic	<ul style="list-style-type: none"> • 0.216ha minimum lot size • 1,100m² max combined floor area of all buildings • Max floor space ratio is 0.5:1, unless all required parking is underground, in which case max floor space ratio would become 1:1
Park	Outdoor recreation limited to nature appreciation, hiking, cycling, and horseback riding	Not applicable

Maximum Building Height Section 15.1.07, Height and Size of Principal Use Buildings, subsection (4), allows for an increase in maximum building height to 15m or four habitable storeys where approved in writing from the District Fire Chief. Staff wishes to point that this increase in building height may necessitate a ladder truck for the District's Volunteer Fire Department.

DENSITY AND AMENITY COMPARISON

Under existing zoning, if no amenities are provided, planning staff calculates that the site may be subdivided into 13 lots. Subdivision would only occur in the GB2 zone. The remaining zones either do not permit subdivision, as in the Park 1 (P1) zone, or do not meet the minimum lot size for subdivision, as in the Golf Course (GC1) zone, and the Rural Residential 9, 10, 11, and 12 (RR9, RR10, RR11, RR12) zones. Please see Table 2.

Should a developer choose to provide the amenities as required in the respective zones, planning staff calculates a maximum of 64 residential lots. The majority of these lots, 51, and conservation and parkland, would be clustered into approximately 20% of the overall site. The remaining 13 lots would be subdivided over land zoned GB2.

TABLE 2

Zone	Minimum Lot Size	Area of Parcel or Zone	Number of Lots*	Minimum Lot Size, Amenities	Number of Lots, Amenities
RR9	6.48ha, 16.01 acres	4.73ha, 11.7acres	0	0.6ha, 1.5acres	9
RR10	12ha, 30 acres	3.8ha, 9.4acres	0	0.05ha, 0.12 acre	27
RR11	12ha, 30 acres	2ha, 5acres	0	0.2ha, 0.5 acre	8
RR12	12ha, 30 acres	3.7ha, 9.1acres	0	0.4ha, 1acre	7
GB2	12ha, 30 acres	165ha, 408acres	13	N/A	13 (no amenities)
Total Lots			13		64

In the Development Agreement associated with the rezoning for the RR10, RR11, and RR12 zones, there is an amenity estimate from June 2001. Please see Attachment 2. This Development Agreement, even though it was signed by Western Forest Products, runs with the land. This means that, should the Bear Mountain rezoning be denied, the current owner is still obliged to pay those amenities.

The last page, Schedule "A", shows the amenity estimate for the 43 lots (42 residential lots and 1 future commercial area) to be \$213,488. Staff points out that this is an old estimate, and that the actual numbers used to calculate the amenity would use current figures at the time of subdivision. For sake of comparison, averaging this number over the 43 lots is \$4,964.84 per lot. While this is not a true picture because the amenity included profits from a future commercial development, there are only 42 residential lots, and the estimate is not current, staff hopes this assists Council in making comparisons.

Should the proposed rezoning be approved, the District would receive a cash gift of \$2,500,000 over 10 years if the project receives water and sewer/liquid waste disposal to service its proposed 150 residential lots and other developments. If the project does not receive the approval to amend the Regional Growth Strategy, it can build 62 lots. Under the proposed rezoning, the District would not receive any amenities. The \$16,666.66 per dwelling unit only kicks in if the site becomes serviced and more than 62 residential building permits are issued. Payment for each building permit is retroactive, meaning that building permit number 63 would cost (in amenities/gifts) the developer (likely a private would-be home owner) \$1,033,332.90.

Staff proposes changes to proposed Bylaw 237 in order to acquire amenities/gifts without the requirement of amending the Regional Growth Strategy's urban containment boundary. Under staff's suggestions, the \$16,666.66 would kick in at residential building permit number 14, costing the person applying for building permit number 14 \$233,333.24 in amenities. This amount reflects the retroactive \$16,666.66 for the previous 13 building permits. The District's lawyer has reviewed the changes, and sees no legal problems with them.

Section 15.1.04 would be amended as follows:

~~15.1.04~~ **15.1.04 Density of Development in the BMCD1 Zone**

- (1) (a) There may not be more than 13 residential dwelling units in the BMCD1 Zone.

(b) Notwithstanding Subsection 15.1.04(1)(a), the number of residential dwelling units in the BMCD1 Zone may be increased from 13 to 62, if the owner provides payment to the District of \$16,666.66 per dwelling unit in the BMCD1 Zone in respect of which the District issues a building permit. These monies are to be placed in reserve funds established for the provision of community amenities and expended for that purpose

- (2) Notwithstanding Subsection 15.1.04(1), the number of residential dwelling units in the BMCD1 Zone may be increased from 62 to 150, if the Capital Region District has amended its regional growth strategy and specifically Map 4 to include the BMCD1 Zone within the urban containment boundary and accepted from the District a regional context statement that designates the BMCD1 Zone for development and for servicing by regional water and sewer, or, if the Owner provides non-aquifer water and sewer service to the dwelling units without the use of Capital Regional District water or sewer service, and the owner provides:
 - (a) A covenant in favour of the District charging the land in the BMCD1 Zone, ensuring that the lands are serviced with piped water supplied by a non-aquifer source, and governing the form and character of buildings and structures constructed in the BMCD1 Zone and landscaping installed in the Zone, all in terms satisfactory to the District; and
 - (b) Payment to the District of \$2,500,000 to be placed in reserve funds established for the provision of community amenities and expended for that purpose, such payment to be made as follows:

- i. \$16,666.66 per dwelling unit in the BMCD1 Zone in respect of which the District issues a building permit; and
- ii. In the event that the total payments to the District at the rate of \$16,666.66 per dwelling unit in excess of 62 dwelling units during any calendar year do not equal at least \$250,000 by the end of the calendar year, the difference between the amount that has been paid during that calendar year and \$250,000, such difference to be paid on or before December 31 in that calendar year.

STATUTORY REQUIREMENTS

Sections 879, 881, and 882 of the Local Government Act state requirements for OCP amendments on the part of the local government. All of these requirements have been met to the best of staff's knowledge.

Referrals

Table 3 (Attachment 3) shows all agencies to which referrals were made and their responses. Of the 26 referrals that were sent out, 14 written responses in some form were received. Staff wishes to add that every attempt was made to receive the responses. Below are agencies which the District was explicitly required to request input from, and their responses. All written responses are included in Attachment 4.

Highland Fire Department

Staff includes the Fire Chief's comments in full:

"Following are the recommendations in no particular order:

- a. **Water supplies** – Piped in pressurize water in accordance with NFPA Standards and Insurance Advisory Organization (IAO) would be optimal for such a proposal;
- b. **Emergency road access** – Access to all areas within the development zone by all fire and rescue apparatus is paramount, especially to the west/northwest, along native land and surroundings off Mount Finlayson, in order to allow for quick access to forested areas during dry season;
- c. **Sprinklers** – All structures, either residential or commercial, should be equipped with standard sprinkler systems, with outside connections. These would permit quick fire suppression, in most cases, using minimal manpower and equipment, as could be the case depending on time of day and/or year;
- d. **Medical access to golf course by emergency personnel** – Thoughts must be given to occasions when fire services will be responding to medical emergencies on the golf course. Access to the golf course should be wide enough to accommodate one small fire apparatus i.e. 4 x 4 Pick up truck;
- e. **Road turnarounds** – Proper road turnarounds should be provided to ensure that fire apparatus can safely and easily exit all roads during emergencies;
- f. **Entry from Millstream Road** – Changes to Millstream Rd at Hannington Rd should be considered, i.e. Turning lane, as it is anticipated that this could become a high risk area for Motor Vehicle Incidents;

- g. **Access during construction phase** – The Fire Department shall be given full access to the area during the construction phase. This will provide firefighters with a good mental picture of where roads are leading to, in addition to making everyone knowledgeable of all water sources and back road trails prior to houses being constructed;
- h. **Urban Interface survey** – A comprehensive Urban Interface survey of the area by a qualified institution must be performed prior to any work being commenced to ensure optimal protection of all forested areas within the district; and
- i. **Commercial inspections** – Inspections of all commercial buildings to ensure the required maintenance of all fire suppression equipment is up to date i.e. extinguishers, and that fire codes are being followed shall be performed by the Local Assistant to the Fire Commissioner (L AFC) yearly.

All other recommendations, if any, will be brought up to yours and the administrator's attention as soon as they become evident, and considered important for the safety of all involved."

Staff supports all of the Chief's recommendations.

CRD Planning and Environmental Services advise the need for amendments to the Regional Growth Strategy's urban containment boundary to provide sewer and water services. The Solid Waste Division advises ample capacity to provide solid waste services.

City of Langford The official referral endorsed by Langford Council will not be available until the week of December 20, 2004. The Planning and Zoning Standing Committee have reviewed the Langford staff report dated December 13, 2004 included in Appendix 4. Their recommendations will go to Langford Council December 20, 2004.

In discussion with Langford planning staff, it is anticipated that the City of Langford will have no objection with the proposal subject to the following:

1. "That the District of Highlands agree to require the applicant provide the City of Langford with a contribution equivalent to that which the City would collect through Development Cost Charges for roads if this development were in Langford;
2. That the District of Highlands make the following mitigative measures with respect to fire safety:
 - i. That fire flows are equivalent to BC Building code and NFPA standards and be part of an approved fire main and fire hydrant system.
 - ii. In consideration of travel distances and response times to this development (from either Langford or the Highlands) and to mitigate the potential for a wildland interface fire, that all buildings included in this development must be served by a fire sprinkler system to NFPA13 standards, including all single-family homes as per the requirement for the portion of the Bear Mountain development in Langford.
 - iii. That all commercial, industrial and institutional buildings are inspected annually by a Local Assistant to the Fire Commissioner, as required by the *BC Fire Code*, and as per Fire Commissioner's recommended inspection frequency;

- iv. That the District of Highlands establishes design guidelines, similar to those in the Langford OCP, with regards to interface fire hazard."

Highlands staff notes that the proposal currently requires all single family dwellings to be sprinkled, and that interface fire hazard design guidelines will be required through subdivision.

District of Central Saanich District Council passed a motion on December 6, 2004 indicating concerns generally with any proposed expansion of the urban containment boundary.

District of Saanich Saanich planning staff advises that they have no direct interest in this proposal because it does not directly affect them.

Town of View Royal View Royal had no comment.

Tsartlip Band They do not recommend approval of the proposal because there was no consultation with them, other than an offer by the proponent to purchase their land. Staff has required Bear Mountain to provide access to the Tsartlip lands.

School District 62 Currently, all elementary schools are not at capacity, but the middle school and secondary school relevant to the Bear Mountain proposal are at or beyond capacity. This will be addressed by the opening of a new middle school and a new secondary school, possibly in 2006 and 2008 respectively. There may be temporary crowding in Lakewood Elementary, which would be dealt with by using portables. Pending ministry funding and adequate students, the school district is hopeful to designate an elementary school site north of the highway in the next few years.

Waste Management Plans

Section 882 (3)(a)(ii) of the Local Government Act requires local governments to consider any amendments to their OCP in conjunction with any waste management plan that is applicable. CRD Environmental Services advises the District that there is, "no unallocated capacity in the CRD's trunk sewer system for development in Highlands." The proponent proposes to treat all liquid waste from the development on-site, and purchase sewer capacity from the City of Langford as an alternative. Langford has advised that there is no available sewer capacity, but that they have discussed the proposal with the proponent, and that the liquid waste can be stored and pumped into the sewer at off-peak hours. This would be accomplished by an intermunicipal servicing agreement done at the time of subdivision.

With respect to solid waste, the CRD advises that there is ample allotment at the regional landfill, and that recycling services would be extended to the area, including free blue boxes and bags to each private home and apartment.

SEPTAGE WATER TREATMENT FACILITY AND WELLS

The proponent has been irrigating the Langford Bear Mountain golf course with wells in the Highlands for some time, and plans to irrigate the proposed golf course with the same well water. This use of groundwater would continue until a facility designed to treat

liquid waste from existing and proposed developments is operational. At that time, which could be up to 5 years, both golf courses would be irrigated from the treated water.

There are two concerns that arise. The first is the potential draw down of wells along Finlayson Arm Road, and the second is the unknown yet desired assurance that the treated water is safe.

Wells

According to a geological study, there is concern that the wells along Finlayson Arm Road may be affected by the excessive use of groundwater (for golf course irrigation) to the south. The result would be that the wells along Finlayson Arm Road might go dry for a period of time, until the wells were recharged. This could take a season. For the Finlayson Arm Road residents, this is understandably unacceptable.

Staff, the proponent, and the District's lawyer have considered this issue at length. The District's lawyer advises, "*The District has no legal duty to protect groundwater supplies of existing users when considering development applications, even when there is a certainty that the development will impact them.*" The proponent has advised that he desires to continue to use the groundwater for irrigation because it is financially beneficial. He is aware of the concerns of the residents. The agreed upon wording among staff, the proponent, and the District's lawyer is what is currently in the proposed bylaws and the Master Development Agreement.

This aspect of the proposal is one of significant concern, but there are no legal fallbacks to protect the landowners, other than a civil suit, which no one wishes to have to do for something as fundamental as potable water.

Paragraph 2.a. of the Master Development Agreement – Schedule A, Schedule of Restrictions provides for groundwater quantity and quality monitoring for lands adjacent to the golf course:

2. The Owner shall:
 - a. Provide to the District a design and operation protocol approved by all authorities having jurisdiction, for a golf course irrigation system utilizing reclaimed, treated septage water or other sources of water, and including a groundwater quantity and quality monitoring program for lands adjacent to the Land;
 - b. Grant to the District a further covenant under s.219 of the *Land Title Act* in respect of any portion of the Land to be used as a golf course, obliging the Owner to implement the approved protocol in the design, installation and operation of any irrigation system on the Land;
 - c. Implement and report to the District in writing the results of the approved groundwater monitoring program to the extent only that the District obtains the written consent of the owners of land affected and to the extent only that the groundwater characteristics being monitored are related to the use of products on the Land, which monitoring shall occur at least quarterly during the first three years of operation of a golf course on the Land and at least annually thereafter;
 - d. Discontinue immediately the use of any product on the Land that is found to be contaminating groundwater on adjacent lands as determined by the groundwater monitoring program or otherwise.

Staff sees three options for proceeding:

1. Council could require a stronger well monitoring program and an enforcement program.
2. Council could accept what is in the draft agreement as sufficient.
3. Council could require LGB9 to build the necessary reservoirs, and fill them with non-aquifer sources before any water is required for the golf course. This way, LGB9 would draw from these sources rather than groundwater, and alleviate much concern from all involved.

Proposed Septage Water Treatment Facility

The Ministry of Water, Land and Air Protection (MWLAP) is the agency that issues permits for using reclaimed water. The *Municipal Sewage Regulation* regulates use of reclaimed water, and is part of the *Waste Management Act*. In discussion with a MWLAP representative, staff understands that anyone using reclaimed water must register their discharge with MWLAP. It was explained to staff that this practice is not new, and is highly regulated. The fact that the effluent would go over land that could affect residential wells did not seem to create concerns for the representative. MWLAP advises that the proponent should hire a professional who is familiar with the regulations.

It seems that what LGB9 is proposing would fall under the "unrestricted public access" section, and the water therefore would have to be treated to a very high level. An alternative disposal method must be in place, such as sewers. An environmental impact study would have to be done for the project, and a monitoring plan would have to be in place. Staff suggests that the District require the developer to fund a peer review of such a study at the appropriate time. Effluent is monitored for biological oxygen demand (which determines the ability of a waste to breakdown), suspended solids, nutrients, phosphorous and nitrogen, and fecal coli form. The MWLAP does not monitor for pharmaceuticals, because this is still at the research stage. This does not mean that the District cannot require such monitoring.

A document entitled, "Code of Practice for the Use of Reclaimed Water," is intended to be the key guidance and reference document, and supports the regulatory requirements in the *Municipal Sewage Regulation*.

At this point, staff can advise that using reclaimed water is highly regulated, is in use in other parts of BC, and appears to be safe. Staff acknowledges that creating such a facility is a huge project, which will require much study and government involvement.

ASSURANCE FOR COMMERCIAL DEVELOPMENT

A major attractive element of the proposal is the financial tax benefits that could accrue to the District. There is concern that the proponent may not develop the commercial aspect of the proposal in a timely fashion, as is expected due to the benefits to accrue to the proponent. There has been discussion regarding the desire to include linking permitted uses in the zoning bylaw amendments that would require the proponent to build the commercial aspect of the proposal first.

There are various ways to link land uses. One method is through definitions in the bylaw. Another method is through section 219 (Master Development Agreement) covenants. A

discussion of this subject in a newsletter from Lidstone, Young, Anderson suggests that enforcement of covenants is “less attractive” than bylaw enforcement.

Linking land uses to encourage the establishment of one use before another appears to work if the less desired use is only permitted in conjunction with the more desired use. For example, a newsletter from Lidstone, Young, Anderson states:

The City of Surrey, in a recent CD zoning case (*Douglas Developments Ltd. And Andrew Johnston v. City of Surrey et al*), managed to avoid having to issue permits for an unwanted banquet hall in a recently rezoned comprehensive development zone, on the basis that the intent statement for the new zone indicated that the banquet hall use was intended to be permitted only in conjunction with other uses of the site, with which the owner had not thus far proceeded.

The proposed amendments to the “Background and Context of the Official Community Plan” state: “... ‘Bear Mountain Comprehensive Development Area’, where intensive residential lots are permitted when serviced by water from non-aquifer sources, and laid out in conjunction with a Golf Course...” Staff feels that this may be an appropriate statement to link the two land uses to effectively require the proponent to develop the golf course before any residential uses.

The proposed Zone Intent reads as follows:

This zone is intended to provide for a destination resort, consisting of an 18-hole golf course and driving range; tourist accommodation facilities consisting of a hotel, a resort including cabins and lodges; and residential and townhouse units and a small free-standing commercial area.

Staff recognizes that this statement does not expressly say “in conjunction with.” However, the statement does express that the zone is intended to provide for a destination resort, consisting of various uses. Staff suggests that the destination resort element is the overall primary use of the comprehensive development zone, and thus those related uses (golf course, hotel, and lodge) are primary.

The District’s lawyer advises that there are options to assure land use linkages in the proposed zoning bylaw amendments. Staff recommends that Council decides whether or not they wish to see linkages, and then to direct staff to request the lawyer for appropriate wording.

STAFF COMMENTS

Peer Review of Reports

Staff has requested the proponent to fund a peer review of the Preliminary Environment Assessment Report, the Stormwater Management Report, and the Thurber Report (groundwater). Such a review will advise Council and staff whether or not the existing reports are reasonable. The proponent has agreed, and the peer review is expected by early January, before the public hearing.

Transportation

Ministry of Highways, City of Langford, and the proponent recognize the need for traffic improvements at two key locations. The first improvement is to build a new controlled

access from the Trans Canada Highway (TCH). Langford refers to this as an extension of Bear Mountain Parkway. Ministry of Highways advises that this access should be completed prior to construction of the proposal. The second road improvement is upgrades to the TCH at Millstream Road. Langford advises that these upgrades are being considered. It has been suggested that Highlands staff meet to review what these plans are. To date, the proponent has not submitted the requested traffic report, but staff is aware that it is complete.

Staff acknowledges that an appropriate transportation network is crucial. The Western Communities continue to grow, and the TCH at Millstream Road is a critical intersection on a regional basis. Improvements to the two areas identified above need to be done before significant construction on the proposal commences.

Both these areas are in the City of Langford, and understandably, Langford staff and Council wish to plan their transportation needs appropriately. The expected recommendation from Langford Council would require Highlands to collect development cost charges (DCCs) for the City for their road improvements, albeit this is a regional concern. Highlands staff acknowledges the need for these road improvements as part of this development proposal, but still recognizes that these roads are in Langford.

According to the DCC amounts that Langford suggests in their staff report dated December 13, 2004, Highlands staff estimates that the charges for this proposal could be \$2,860,297.70. Should the referral Highlands receives reflect what is in the staff report, this money would go directly to Langford for upgrades on Langford roads.

Highlands does not have a bylaw to collect DCCs. Traditionally, Highlands collects "amenities" instead. The proponent is not offering an amenity, but a "gift" of up to \$2,500,000 if they receive non-aquifer water. Staff acknowledges that Highlands, through the end users of the proposal (home buyers, golfers), should contribute to the required road upgrades. How much is unclear, but certainly the amount suggested in the Langford staff report seems excessive for Highlands to collect, considering the existing proposal for \$2,500,000. Staff suggests that Langford could directly request the monies from LGB9, with Highlands' support, and some contribution from the \$2,500,000.

OPTIONS

Council is asked to choose as appropriate.

- 1. THAT** Council receives this report for information.

Corrections to Bylaw 237

- 2. (a) THAT** Council rescinds second reading of Bylaw 237.

AND

THAT Council gives second reading to Bylaw 237 as amended.

OR

- (b) THAT** Council makes no changes to Bylaw 237.

Well Issues

3. (a) **THAT** Council decides whether or not to include a stronger well monitoring program and enforcement program in the Development Agreement.

OR

(b) **THAT** Council requires LGB9 to build all necessary reservoirs and have them filled from non-aquifer sources before any construction on the golf course begins.

Road Development Cost Charge Issues

4. (a) **THAT** Council agrees to require LGB9 to provide the City of Langford with a contribution equivalent to that which Langford would collect through Development Cost Charges for roads if this development were in Langford.

OR

(b) **THAT** Council does not agree to require LGB9 to provide the City of Langford with a contribution equivalent to that which Langford would collect through Development Cost Charges for roads if this development were in Langford.

OR

(c) **THAT** Council agrees to share in a proportionate share of the costs for a West Shore Traffic Study **AND** that the City of Langford should come to an agreement with Bear Mountain with respect to sharing in future Langford road improvement costs created from phase 2 (Highlands) of the Bear Mountain development.

Commercial Linkage Issue

5. **THAT** Council decides whether or not they wish to see linkages to assure the development of commercial uses in the proposal before residential use, and direct staff to request appropriate wording from the District's lawyer.

Correction of Typographic Error

6. **THAT** section 15.1.04 (4)(a) be amended to read: "The total floor area of a lodge use shall not exceed 3,000m2."

Submitted by Laura Beckett

Reviewed by Scott Coulson