

TO: Lorraine Hilton
Chief Administrative Officer

Date: February 13, 2018
File: RZ-01-17

FROM: Laura Beckett
Planner

To Council
February 19, 2018

RE: INTRODUCTORY REPORT: APPLICATION RZ-01-17

PURPOSE

The purpose of this report is to introduce rezoning application RZ-01-17 for property at 1927 Millstream Road for a licensed daycare.

STRATEGIC PRIORITIES

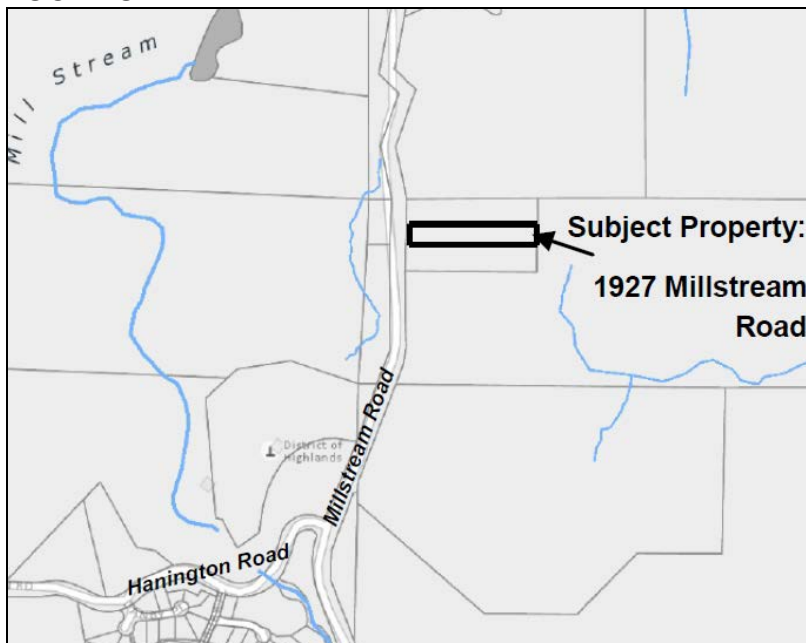
Rezoning applications are an operational item.

BACKGROUND

The subject property is located in the southern Highlands, just north of the industrial area. The applicant owns both the subject property and the southerly adjacent property, which is a licensed daycare (1931 Millstream Road). The applicant wishes to grow the business by rezoning the subject property to include daycare as a principle use, and use the existing house as the daycare. There are no plans to build additional buildings on the property. Daycare use is currently being conducting on the subject property under the Home-based Business Regulations. The intent has been to apply to rezone the property.

In 2008, the adjacent property at 1931 Millstream was rezoned to add “daycare” as a principle use. This business continues in operation, and the subject property would be an extension/expansion of that business.

LOCATION MAP



PROPOSAL	Add “daycare” as principle use
Owner/Applicant:	Lexie Biegun
Location:	1927 Millstream Road
Parcel Size:	0.57 hectares (1.41 acres)
Current	
Current Zone:	Rural 3 (R3)
Current OCP Designation:	<ul style="list-style-type: none"> • Rural • Within Highlands Servicing Area
Development Permit Areas:	<i>Over entire site, if building permit or other DP application(s):</i> <ul style="list-style-type: none"> • Promotion of Energy and Water Conservation and the Reduction of Greenhouse Gases <i>At the east end of the site:</i> <ul style="list-style-type: none"> • Water and Riparian Areas
Permitted Uses:	<ul style="list-style-type: none"> • Residential • Agriculture • Home-based Business • Accessory uses, buildings and structures
Permitted Density:	<ul style="list-style-type: none"> • Residential – One Dwelling unit per lot

Proposed	
Proposed Zone:	New site specific zone
Proposed OCP Designation:	No change proposed
Proposed Uses:	Daycare
Proposed Density:	<ul style="list-style-type: none"> • No change for residential • Applicant wishes to use majority of existing house for daycare use.

Adjacent Land Use/Zoning	
...to North and West:	<ul style="list-style-type: none"> • Rural 3 – Single family homes
...to East:	<ul style="list-style-type: none"> • Greenbelt 2 – Tervita property
...to South:	<ul style="list-style-type: none"> • Rural 3 D – Lexie’s Little Bears Child Care

Title Restrictions/Permits/Other	
	Of relevance to this application: <ul style="list-style-type: none"> • Regulation of daycare is through Island Health and Province. • Adjacent property to south is licensed daycare with same owner and operator as subject property

OPTIONS

1. Council may wish to refer the application to the Sustainable Land Use Select Committee.
2. Council may wish to direct staff to draft a zoning bylaw amendment to accomplish the proposal.
3. Council may wish to request more information.
4. Council may wish to deny the application.

DISCUSSION

Financial

There are no direct financial implications to the District. The BC Assessment classification of the property would not change if daycare becomes a principle use of the property, nor does the land owner intend to add additional structures. As a result, it is not expected that taxes derived from the property would change.

Policy Analysis

Regional Growth Strategy

The proposal is consistent with the CRD's Regional Growth Strategy.

OCP

Relevant Policies:

- General Land Use policy 2.27 states:
Child day care centres and/or adult day programs are acceptable uses in residential areas. A seniors' program could also be provided as part of a small-scale cluster housing project or at a community hall. Any proposal must consider transportation issues (transit, volunteer driver services, etc.)
- The Rural Land Use Designation objectives and policies speak to maintaining the "large lot" rural character, protecting natural areas, and allowing rural property owners reasonable economic opportunities for the use of their land.
- The subject property is within the Highlands Servicing Area, meaning that it can receive regional water and sewer services.

The proposal is consistent with and supported by the OCP.

Zoning

Municipalities do not regulate the functioning of daycares. That is a separate regulatory process under provincial and regional jurisdiction. Municipalities control land use parameters such as use and density, parking, siting and sizes of buildings, lot coverage, etc.

Considerations for this particular change in land use include:

- Noise impacts on surrounding land use: daytime noise levels will increase, but not in relation to adjacent industrial uses and existing daycare use. The properties possibly most impacted will be two residential properties – one to the north and the other across the street.
- Traffic generation and flow: Based on the scale of the proposal, staff does not anticipate an untenable increase in traffic. Due to the subject property's location and proximity to the southern border, the vast majority of Highlands would not be affected. Staff foresees two scenarios: The first is the case where families are coming from outside of the Highlands to the daycare, and other is where a Highlands' resident is dropping off/picking up their child/ren either on their way out of the District or upon their return. The former scenario results in a net increase in traffic in the southern-most part of the Highlands, while the latter scenario would not see any increase in traffic because this driving pattern already exists.

Lessons learned from the District's experience with licensed daycares beyond the home-based business scale are as follows:

- District regulation should remain on land use details instead of any aspect that is controlled by licensing.

- It is most appropriate to limit the daycare use by maximum floor area rather than by number of children.
- In addition to the proposed principle use of daycare, maintain (single family) residential and agriculture as principle uses.

Access and On-site Traffic Management

The land owner proposes to use the existing daycare's (1931 Millstream Road) driveway as the main access to both properties, reserving the subject property's driveway for staff and emergency exit. Parking is proposed to be shared between both sites, with staff parking on the subject property, and clients/parents parking on the existing daycare site. The Zoning Bylaw requires six spaces plus one per staff person for a daycare (on a single parcel); each property individually meets this requirement.

Land Alterations

The proposal does not include any additional structures or additions to the existing home; it does include some site grading in the front to allow for additional parking. No permits are required for this grading.

Chain link fencing was installed around a portion of the property to comply with Island Health requirements for daycares. A portion of this fence is within 30m of a wetland (which is on an easterly adjacent property), and a portion of that is within the streamside protection and enhancement area (SPEA). The applicant was not aware of the need to apply for a development permit with variance for locating the fence within 30m of the wetland. The applicant has subsequently had the project reviewed by a biologist using the Riparian Areas Regulation methodology. The finding was that no damage had been done to the native vegetation as a result of installing the fence, and that damage may result if the fencing is removed. The biologist recommends leaving it in place. The land owner will be submitting a variance application. Such an application is a separate process from this rezoning process. As part of both processes, Council will have an opportunity to view the entire property including the fence.

Integrated Community Sustainability Plan

Please see attached the completed Highlands’ Sustainability Appraisal Form for the proposal. Below is a summary.

Capital Stocks Divisions	Change in Capital	Notable Comments	
		Positive Ratings	Negative Ratings
<u>Natural Capital</u> “All the stocks provided by nature”	3.4	<ul style="list-style-type: none"> Minimal earth disturbance required for proposal Using dead trees for furniture Using forest in its natural state as part of business 	<ul style="list-style-type: none"> More intensive use will increase GHGs due to more vehicles Chain link fence installed within SPEA in error
<u>Human Capital</u> “Refers to skills of people”	15	<ul style="list-style-type: none"> Education is inherent in daycare use Licensing system requires higher level of safety Promotes local and natural knowledge Diversity of land use from residential 	<ul style="list-style-type: none"> Additional noise from children playing outside. Attenuated by surrounding trees and industrial uses Will require (minimal) additional staff time for annual fire inspection
<u>Social Capital</u> “Refers to relationships between people, organizations and institutions”	9	<ul style="list-style-type: none"> Much needed service within community Increases family and community cohesion 	<ul style="list-style-type: none"> None noted
<u>Manufactured Capital</u> “All stocks constructed by humans, both public and private, such as buildings and infrastructure”	1.4	<ul style="list-style-type: none"> Using existing building; no additional buildings proposed Programming includes vegetable garden 	<ul style="list-style-type: none"> Rear fence constructed without proper permit Increase in use translates to increase in energy use
<u>Financial Capital</u> “Monetary assets and liabilities, with respect to District”	0	<ul style="list-style-type: none"> None noted 	<ul style="list-style-type: none"> None noted

Intergovernmental

Staff does not anticipate any material impact to neighbouring municipalities, CRD, First Nations, or the provincial or federal governments. Staff acknowledges a potential increase in traffic due to the subject property’s proximity to the boundary of the City of Langford, however the scale of the potential increase does not, in staff’s opinion, warrant a referral to the City. If Council wishes, Council may direct staff to send a referral to the City of Langford.

Consultation

Community: Rezoning applications follow consultation procedure as outlined in the District’s Bylaw 96, which includes an option for Council to refer the application to the select committees. An applicant is also required to install a sign at all road frontages notifying the passing public of the application. As part of the rezoning process, should

the application advance, any bylaw seeking to amend the Zoning Bylaw will require a public hearing.

External Agencies: As noted, staff does not recommend any external referral process.

CONCLUSION

The application is consistent with and supported by the OCP. As shown by the Sustainability Appraisal Form, the proposal matches many District values as expressed through OCP policies, especially those concerning human capital. Staff does not anticipate any potential negative land use impacts due to the proposal. At this point in time, staff supports the proposal.

Staff recommends referring the application to the Sustainable Land Use Select Committee (SLUSC). (The Social Sustainability Select Committee (SSSC) is on hold right now.) Alternatively, Council may wish to direct staff to draft a Zoning Bylaw amendment. In either case, Council may wish to have staff schedule a site visit for Council members. Should Council refer the application to SLUSC, a site visit will automatically be arranged for both SLUSC and Council members.

RECOMMENDATION(S)

That Council refer the application to the Sustainable Land Use Select Committee.

Respectfully submitted,

Concurrence



Laura Beckett, MCIP, RPP
Municipal Planner

Lorraine Hilton
CAO

Attachments:

- Application excerpt
- Sustainability Appraisal Form

RECEIVED
AUG 30 2017
District of Highlands

District Of Highlands
Letter of Intent for rezoning Application
1927 Millstream Road Victoria BC V9B6E2

This letter is to clarify the intent of our rezoning application.
We currently own 1931 Millstream Road and run it as a Licensed Group Child Care Facility.
In July, we purchased the neighboring property, which is the one we are planning to rezone also as a Licensed Child Care facility. (1927 Millstream Road)

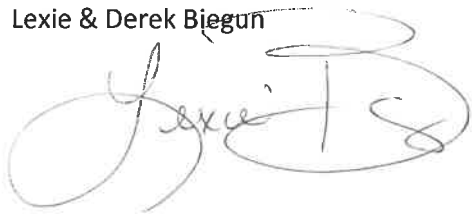
We intend to have 25 children ages 3 to 5 years in the building and 8 children 12 months to 36 months as well.

We will not be taking down any trees to expand, or changing much of the landscape.
The building will need some minor renovations indoors to allow for the children's needs to be met and to adhere to the standards set by VIHA.

We understand the rezoning process takes time, however it is in the best interest of the District of Highlands to accept this application and move it as quickly forward as possible. At this time we have more than 200 families waiting for care, many of them Highlands residences.

If you need any more information, please contact me directly at 250-661-9278.
lexiebiegun@gmail.com

Regards,
Lexie & Derek Biegun



Aug. 27, 2017.

- 1. Specify the current map designations on the property as shown on OCP Land Use Map 4.

- 2. Specify the current zoning on the property as shown on the Zoning Map.

Residential

- 3. Describe the current uses of the land and buildings on the property. Attach a detailed site plan that shows all the natural and developed features of the property, and the distances between these features and the lot lines. Features include sloped land, drainage patterns, cleared areas, etc.

- 4. Describe the proposed uses of the land and buildings, and submit 3 (three) sets of plans showing the location of any proposed buildings or structures, roads and access routes showing accurate dimensions of their size and distances between the proposed development and existing features, including lot lines. If required, show a site plan of adjacent properties and roads. If required, submit an elevation plan showing the side views of the proposed buildings.

We will rezone the property as residential / commercial to allow the home to be used as a licensed group child care facility.
 proposed # - 25 children ages 3 to 5 years.
 and 8 children under 3 years.

- 5. Specify the proposed OCP map designations _____

- 6. Specify the proposed Zones _____

- 7. Describe any proposed amendments to the text of the OCP or the Zoning Bylaw.

Applicant _____

File No: RZ - _____

8. Does this rezoning application offer amenities as described in Appendix A of the OCP?

YES

NO

9. If yes, describe the amenities, their value and when and how they would be provided. Where possible, show the proposed amenities on a site plan with accurate dimensions.

MAIL OR DELIVER THE COMPLETED APPLICATION FORM, FEE, PLANS A RECENT CERTIFICATE OF TITLE TO THE MUNICIPAL OFFICE. THE FEE IS PAYABLE TO "DISTRICT OF HIGHLANDS".

PLANS MUST BE AT A SUITABLE SCALE FOR THE PROPERTY. AT LEAST ONE COPY OF ANY PLAN MUST BE NO LARGER THAN 11" X 17" AND MUST BE CAPABLE OF BEING PHOTOCOPIED IN BLACK AND WHITE.

Rating Guide	
-3	Very negative
-2	Negative
-1	Somewhat negative
0	Neutral
1	Somewhat positive
2	Positive
3	Very positive

Highlands Sustainability Appraisal Form

Application/Project: RZ-01-17; 1927 Millstream Road; Rezone to Daycare
DATE: October 17, 2017

Capital Stocks	Desired Relavent Flows	OCP Policy or Section	Description: How proposal, application or decision affects capital stock or flow	Weight	Rating	Total Rating	Guidance	Comments
Natural Capital								
Atmosphere	(-) greenhouse gas emissions transportation	5.3.1 (table)	Estimate of additional CO ₂ equivalents (tonnes) created by additional personal vehicles (For average per household see Highlands Energy and Emissions inventory)	1.2	-2	-2.4	May be mitigated by location or community transit innovation	Increase in vehicles use with change in use to somewhat "commercial" from single family residential (-3); Potential decrease in transportation emissions from residents because daycare located closer to homes - on direct main route in and out of Highlands (+1).
	(-) greenhouse gas emissions for operations of buildings	5.3.1 (table)	Estimate of additional CO ₂ equivalents (tonnes) created by additional housing stock (For average per household see Highlands Energy and Emissions inventory)		0	0	May be mitigated by building design and innovation (see Manufactured Capital Section)	No new buildings constructed; no exterior changes planned to existing buildings; Interior changes to existing structure
	(-) greenhouse gas emissions (third party i.e. roads contractor)	5.3.1 (table)	Pro-rated share CO ₂ equivalents (tonnes) based additional maintenance inputs (may be applicable to large scale development)		0	0		No change over current situation
	(-) greenhouse gas emissions from embodied energy of construction materials	5.3.2 (4)	Estimate of additional CO ₂ equivalentents (tonnes) for structural materials used in roads and structures		-1	-1		Gravel and dirt brought in for driveway area; interior changes to structure
	(-) greenhouse gas emissions from loss of sequestered CO ₂ due to loss of vegetation and soils		Estimate of additional CO ₂ equivalents (tonnes). Calculate using 400 tonnes CO ₂ per hectare for second growth forest		0	0		No vegetation being removed
	(+) air quality	3.7 (1, 2 & 3)	Identifiable long term effects of development on overall air quality (commercial/industrial proposals)		0	0		Daycare use proposed
Water (ground)	(+) quality	3.3, 3.5, 3.9, 7.2	Identifiable effects of development on water quality	1.2	0	0	May be mitigated by design measures	Nothing identifiable
	(+) quantity	3.5, 7.2	Estimate of additional ground water consumption (see Highlands Goundwater Protection Study reports)	1.2	-1	-1.2	May be mitigated by design measures, i.e. water harvesting, exeriscaping, drip irrigation	Higher intensity use proposed (-2); Significant garden on property - proposed to water with rainwater catchment system (+1)
Water (surface)	(+) quality	3.3, 3.9, 7.5	Identifiable effects of development on water quality	1.2	0	0	May be mitigated by design measures	
	(+/-) quantity	7.2	Maintenance of surface water/groundwater relationships	1.2	0	0	May be mitigated by design measures	No surface water on property
Forests	(+) protection	2.8	Area in hectares proposed for park or other conservation dedication		1	1		Forest area to be used as playground therefore beneficial to business practice to keep forest
			Area in hectares proposed for fuel reduction/fire management strategy		2	2		Dead trees have been removed (+1) and turned into furniture, landscaping, nurse logs for use on property as part of proposed business (+1)
	(+) covenants	2.2(23), 3.1(1)	Area in hectares proposed for conservation covenant		0	0		
	(-) deforestation	2.2(7), 3.1(1), 3.3(Sensitive Vegetation Policies 1, 3) 3.10	Area in hectares deforested for development/proposal/project/change in land use		2	2	May be mitigated by design measures, i.e. clustering, small footprint, building on previously cleared areas, use of existing roads, common driveways etc.	No removal of healthy trees proposed
	(-) pests or invasive species	2.2 (29), 3.1(4 & 7), 3.6	Measures in place for mitigating invasive species after disturbance		1	1		No disturbance proposed; daphne and broom removed
	(-) wildfire risk	3.1(13), 7.6 (Fire Protection, 2)	detailed fire interface assessment in place		0	0		
Riparian Areas	(+) protection	DPA #2	Protection informed by Riparian Area Protection informed by RAR and RPBio reports		-1	-1		Chain link fence installed within 30m DPA and SPEA in error and in absence of RAR reporting.
	(+) covenants	2.2(23), 3.1(1)	Use of covenants for greater protection of riparian areas.		0	0		
Sensitive ecosystems & wildlife habitat	(+) protection	DPA #2	Protection informed by Riparian Area Protection informed by Sensitive area assessments and RPBio reports		-1	-1		Despite chain link installation, no vegetation removed. RPBio report completed after installation - discovered that fence is partly within SPEA. If report done prior to installation, could have installed fence completely outside SPEA. More harm will be done if fence is relocated - RPBio recommendation is to leave fence where it is.
	(-) damage	2.2(7, 11)	Area potentially impacted by proposal		0	0		No other Sensitive Ecosystem Inventory ecosystems on property
	(+) connectivity	3.4	Provision for maintenance of habitat corridors in proposal		0	0		Minimal fencing as required for licensing to protect daycare children
Natural hazards	(+) risk avoidance	2.2(11)	Appropriate consideration of natural features, future impacts		2	2		Using forest and other natural features of property directly in business use (horticulture, play areas)
Natural disasters	(+) resiliency		Where practical, consideration of risk avoidance and mitigation strategies to build resiliency in the event of natural disasters		1	1		At connected property there is an earthquake kit on property - prepared for 72 hours for 52 children

Capital Stocks	Desired Relavent Flows	OCP Policy or Section	Description: How proposal, application or decision affects capital stock or flow	Weight	Rating	Total Rating	Guidance	Comments
Natural Capital...continued								
Arable land & soils	(+) soil protection	3.9 & 3.11	Soil disturbance, blasting		2	2	Maybe mitigated by minimizing disturbance and blasting	No disturbance proposed; will gravel previously disturbed area to be used for parking
	(-) imported soil and fill		Encouraged to use soils and rock from site; Not always known at rezoning stage if will use onsite materials		-1	-1		Importing gravel for proposed driveway area
Wildlife	(-) potential effects of lights, noise, and glass/windows				0	0		No change in buildings; more intense use during day time only; significant natural light on property that translates into mimimal interior lighting
	(-) potential effects to loss of breeding, nesting, or foraging land				0	0		No disturbance proposed
Total Change in Natural Capital						3.4		

Human Capital								
Residents	(+) health and safety	2.2(15), 8.2			2	2		Must meet VIHA requirements
	(+) education				3	3		Inherent in proposed use (daycare), "using the environment as the third teacher"; various visiting educators (ex. mushrooms, native plant identification)
	(+) emergency preparedness	7.6, 8.2(2)			2	2		Must meet VIHA requirements
	(+) diversity	2.2(13), 8.7(3)	Mixed housing options for different income strata		0	0		
	(+) energy efficiency of lifestyle	2.2(3 & 4)			1	1		One aspect of program is teaching kids about better energy use
Volunteers	(+) recognition				0	0		
	(+) ability to contribute	8.7(6)			1	1		Parent volunteers
Local business and jobs	(+) diversity	Chpt 9			2	2		Diversity of land use within District
	(+) number	Chpt 9	Construction jobs		1	1		Interior work for both properties has resulted in local jobs
Staff	(-) workload		Requirements for long term staff input		0	0		Rezoning application and annual fire inspection
	(+) training				0	0		
Council	(-) workload				0	0		
	(+) training				0	0		
Knowledge	(+) local information & knowledge	3.1(2 & 6)			3	3		Acknowledges first nations people in curriculum; for example using "Great Bear Rock" story; Nature-based programming, using property's natural features
Natural ambience	(-) noise level		Potential effects of noise (commerical or industrial developments)		0	0		Noise from children playing; Attenuated by trees and surrounding industrial land use
	(-) light level	3.8	Potential effects of outside lighting from development on night sky		0	0	May be mitigated by downcast lighting	No change from current use
	(+) visual	2.2(17)	Use of blended architecture and siting; retention of screening, vegetation along travel corridors		0	0	May be mitigated by design measures	Parking area is near road (-1) and will be screened by proposed additional trees (+1)
Total Change in Human Capital						15		

Social Capital								
Equality: Quality and quantity of relationships / Activities that create feelings of inequality may lead to degraded social capital (degraded trust in organizations or institutions)	(+) residents & district	8.7			2	2		Providing a much needed service within community and close to residents' homes
	(+) volunteers & district	8.7	Adequate volunteers for Fire Department, Community Groups		0	0	Provision for lower income housing	
	(+) staff & council				0	0		
	(+) Highlands & elsewhere	2.2(2)			0	0		
Families	(+) cohesion	2.2(12 & 27)			3	3		Provides daycare opportunity within community where people live, with same set of values as represented in community (nature-based learning through play); Owner advises that people come to her daycare because parents who grew up in a forested community want their children to have the same experience, whether at home or at daycare
Neighbourhood groups	(+) active groups	8.7			2	2		Highlanders in current daycare providing increase in sense of community for young families
Community groups (e.g. HDCA)	(+) membership and action	8.7			0	0		
Heritage, Arts and Culture	(+) historic sites and structures	2.2(11), 8.5	Park contribution		0	0		
	(+) cultural events	8.6			2	2		Programming includes family potlucks, native drummers
Total Change in Social Capital						9		

Capital Stocks	Desired Relavent Flows	OCP Policy	Description: How proposal, application or decision affects capital stock or flow	Weight	Rating	Total Rating	Guidance	Comments
Manufactured Capital								
Buildings and structures	(+) sustainable material		Building efficiency may be accomplished through third party verified programs, or appropriate technologies and will be scored accordingly. Failure to address efficiency and in building practise results in low value manufactured capital.		1	1	BC Building Code = 1, Built Green or Energuide 80 = 2, Leeds - silver, gold, platinum = 3, 4, or 5; Living building Challenge 6+ (net zero)	Using existing building; no additional structures proposed
	(-) buildings/structures without permits				-1	-1	-1 per building or structure	Recently constructed fence (DVP required) needed to fulfill VIHA requirements; Done in genuine error; Seeking DVP
	(-) maintenance costs				-1	-1		Standard amount
	(-) energy requirements for operations	2.2(3 & 4)			-1	-1		Building not used in evening or weekends
	(+) community hall				0	0		
	(+) affordable housing	2.2(13, 24, 27) 8.1			0	0		
Municipal assets	office and fire halls:				0	0		
	buildings				0	0		
	(+) green equipment & supplies				0	0		Consideration of electric vehicle charging station
	(-) usage of supplies				0	0		
	(+) efficient vehicles				0	0		
	(+) parks	4.3(1)			0	0		
	(+) protective services	7.6			0	0		
Roads and driveways	(+) quality				0	0		No new roads, using existing driveway
	(-) quantity	6.2			0	0		No new roads, using existing driveway
Public transit	(+) quality				0	0		
	(+) quantity	6.5			1	1		Located in southern Highlands, relatively close to transit opportunities
Trails	(+) quality	4.2, 4.4, 4.6, 6.3			0	0		
	(+) quantity	4.2, 4.4, 4.6, 6.3			0	0		
Gardens, farms and markets	(+) quality			1.2	2	2.4		Programming includes growing vegetable garden (start next year); fruit trees - both use of garden (+1) and education (+1)
	(+) quantity	2.2(26), 8.3, 9.2			0	0		
Commercial and industrial (incl. utility corridors)	(-) negative impacts	2.6, 7.7, 7.8			0	0		
Total Change in Manufactured Capital						1.4		

Financial Capital								
Financial	(+) municipal revenue				0	0		
Operating and capital reserves	(+) total value property taxes				0	0		
	(+) amenities	2.2(20)			0	0		
	(+) property class diversity	2.6			0	0		
	(-) expenses				0	0		
Land assets	(+) municipal lots				0	0		
Debt	(-) borrowing				0	0		
	(+) repayment				0	0		
	(-) transferred to future generations				0	0		
Total Change in Financial Capital						0		

TOTAL CHANGE IN ALL CAPITALS						28.8		
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