

TO: Lorraine Hilton
Chief Administrative Officer

DATE: March 29, 2022
FILE: RZ-01-21

FROM: Laura Beckett
Municipal Planner

To Council
~~April 4, 2022~~

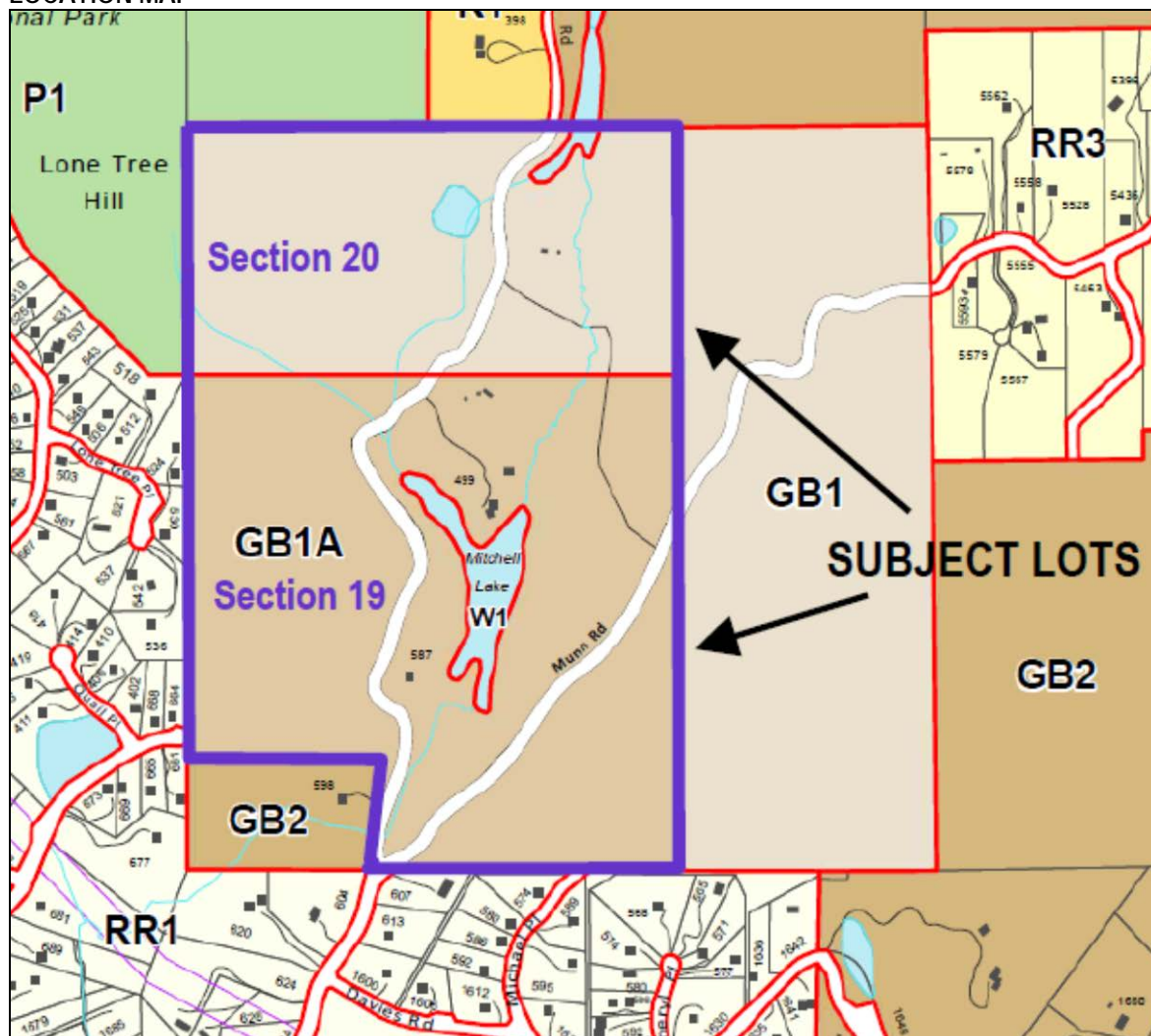
RE: INTRODUCTORY REPORT: APPLICATION RZ-01-21
499 Millstream Lake Road

April 19, 2022

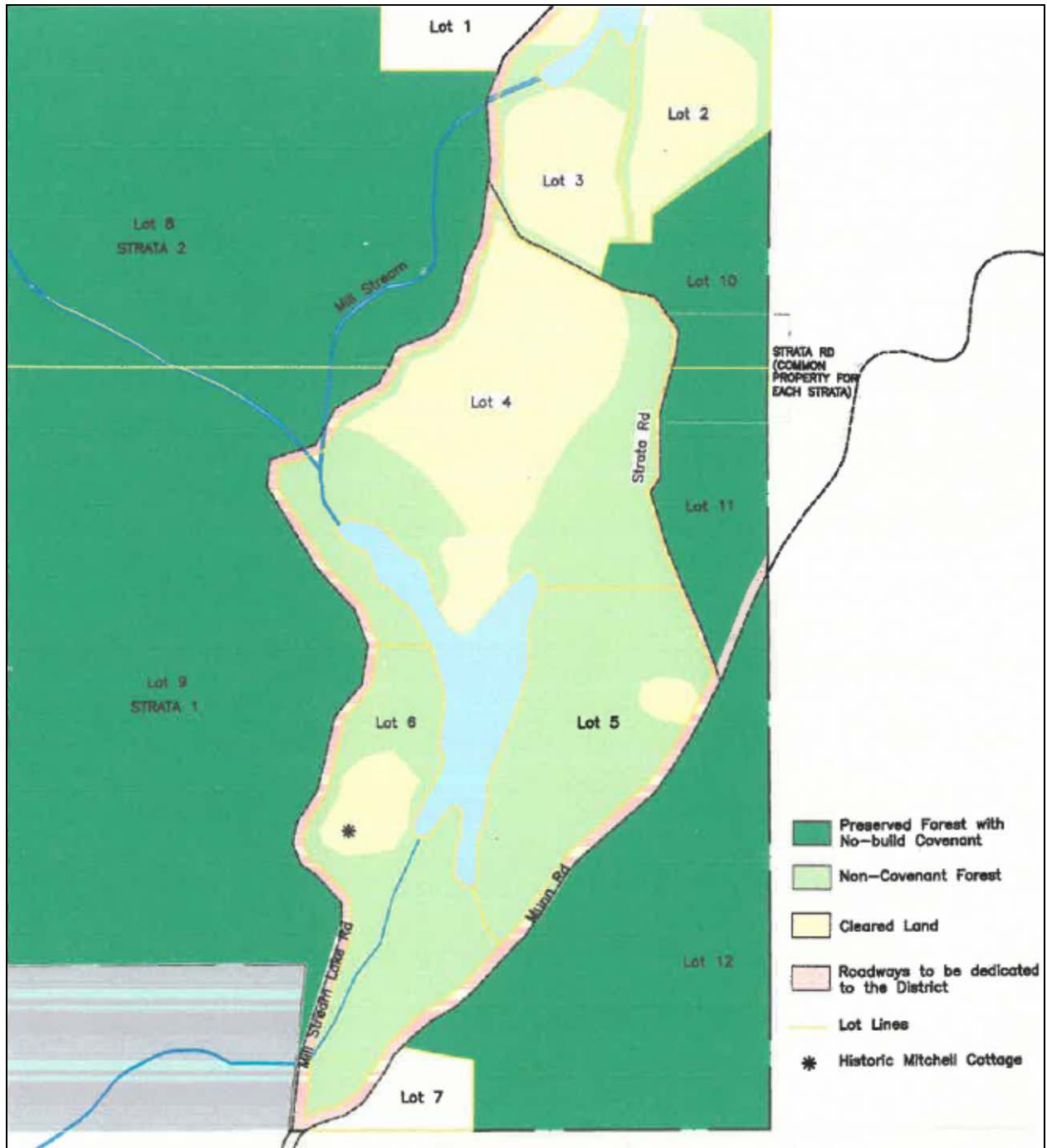
PURPOSE

The purpose of this report is to introduce official community plan amendment and rezoning application RZ-01-21 for two adjoining properties on Millstream Lake Road.

LOCATION MAP



PROPOSAL MAP



SUMMARY

Owners /Applicants:	Diana and Libby McMinn	
Locations:	499 Millstream Lake Road	Unaddressed Millstream Lake Road
Approximate Size of Parcels:	58 hectares (144 acres)	32 hectares (78 acres)
Legals:	SECTION 19, HIGHLAND DISTRICT, EXCEPT PART IN PLAN 12033	SECTION 20, HIGHLAND DISTRICT
Current		
Current Zones:	Greenbelt 1A (GB1A)	Greenbelt 1 (GB1)
Current OCP Designation:	Managed Forest	
Development Permit Areas:	<ul style="list-style-type: none"> • Steep Slopes • Water and Riparian • Sensitive Vegetation (older forest, terrestrial herbaceous, older second growth forest category) • Promotion of Energy and Water Conservation and the Reduction of Greenhouse Gases 	
Permitted Uses in Both Zones:	<ul style="list-style-type: none"> • Forest management activities related to timber production and harvesting • Residential • Agriculture • Home-based business • Accessory uses, buildings and structures 	
Permitted Density:	<ul style="list-style-type: none"> • No more than 4 dwelling units per lot; • Minimum lot size is 48 hectares (120 acres) • Subdivision potential is 1 lot, meaning 4 dwelling units 	<ul style="list-style-type: none"> • No more than 1 dwelling unit per lot; • Minimum lot size is 12 hectares (30 acres) • Subdivision potential is 2 lots, meaning 2 dwelling units
Actual Dwelling Units	• 4 dwelling units (one without permit)	• 2 dwelling units (one without permit)
Proposed		
Proposed Zone:	New comprehensive development zone	
Proposed OCP Designation:	New OCP designation	
Proposed Uses:	<ul style="list-style-type: none"> • On 5 proposed parcels – Forest management activities related to timber production and harvesting; and ecology related ‘field’ educational activities. <ul style="list-style-type: none"> ○ Change from existing: REMOVE residential and ADD ecology related ‘field’ educational activities. ○ Involves 60% of the land. ○ Forest management activities limited to “eco-forestry” and forest protection through covenant with Habitat Acquisition Trust • On 5 proposed parcels – Residential; home-based business; agriculture; accessory uses, buildings and structures; and forest management activities related to timber production and harvesting. <ul style="list-style-type: none"> ○ NO CHANGE from existing uses. ○ Involves 35% of the land. • On 2 proposed parcels – Residential, home-based business, agriculture, accessory uses, buildings and structures. <ul style="list-style-type: none"> ○ Change from existing: REMOVE timber production and harvesting. ○ Involves 5% of the land. 	
Proposed Density:	Increase from allowed 6 dwelling units to 10 dwelling units: <ul style="list-style-type: none"> • 4 parcels allowing for 1 dwelling unit each • 3 parcels allowing for 2 dwellings units each • 5 parcels not allowing any dwelling units 	

<i>Adjacent Zoning / Land Use</i>	
...to North:	• Park 1, Rural 1, Greenbelt 2 – Hazlitt Creek Park, residential, conservation land
...to East:	• Greenbelt 1 – Continuation of Managed Forest
...to South:	• Rural Residential 1, Greenbelt 2 – residential
...to West:	• Rural Residential 1 – residential
<i>Title Restrictions/Permits/Other</i>	
	<ul style="list-style-type: none"> • BC Assessment classification of 'managed forest' supersedes local government zoning and permitting powers • Driveway easement for 598 Millstream Lake Road • Section 19 lot contains heritage resource (Mitchell Cottage) identified for consultation with owners for possible inclusion to Highlands Community Heritage Register • Statutory rights of way for utilities along Millstream Lake and Munn Roads

PROPOSAL

This application has 2 main components:

1. **Increase the total number of allowed dwelling units on the land from 6 to 10.** Permitted residential density over both parcels is currently 1 dwelling unit per 37 acres. The application seeks to increase it to 1 dwelling unit per 22 acres as follows:
 - One principal dwelling unit and one accessory dwelling unit on 3 of the proposed parcels (6 dwelling units in total) shown as lots 4, 5 and 6 on the Proposal Map.
 - One dwelling unit on 4 of the proposed parcels (4 dwelling units in total), shown as lots 1, 2, 3 and 7 on the Proposal Map. The smallest 2 parcels (lots 1 and 7) would have typical one-dwelling-unit residential uses and no managed forest use.
 - Two of the proposed "accessory residential" units were previously constructed without building permits. If the rezoning is approved, during the subdivision process the land owners would have to bring the structures into compliance with all the District's bylaws (and the BC Building Code) prior to final subdivision approval.
2. **Put long term controls in place to ensure that approximately 60% of the land currently managed as forest in accordance with ecological principles will remain so beyond their tenure.** This area is noted in dark green, "Preserved Forest with No-build Covenant," on the Proposal Map. The applicants also seek to remove the residential use from this portion of the land and "transfer" it to the remaining 40% as described above.

If the application is successful, existing portions of Munn and Millstream Lake Roads would become dedicated road during the subdivision process. Typically, this requires dedication of a 20m right of way. Unlike most of the roads in Highlands where the District owns the road and shoulder, the roads going through the properties have not been dedicated to the municipality. The District maintains the surface of these roadways, and by virtue of this owns only the travelled portions of the roads. Having dedicated roadway translates to more land under the District's control, including responsibility for the trees and natural areas along those roadways. This is expected to have financial implications for the District.

OPTIONS

The following options are available for Council's consideration:

1. That the application be referred to the Heritage Select Committee and the Sustainable Land Use Select Committee for each to recommend to Council whether it supports or does not support the application based on each select committee's mandate.
2. That staff be directed to draft an amendment to the Zoning Bylaw to accomplish the proposal.
3. That additional information be requested.
4. That the application be denied.

POLICY CONSIDERATIONS

PROVINCIAL

The land has a forestry management commitment through the Private Managed Forest Land Program ("Program"), which is governed by the provincial *Private Managed Forest Land Act* ("Act"). The management commitment enables the applicants to use the BC Assessment classification of 'managed forest' for a lower tax rate on the forest portion of their land.

The *Act* supersedes local government bylaws and permitting powers. The District cannot adopt a bylaw or issue a permit that would otherwise restrict, directly or indirectly, a forest management activity.

Equally so, property owners do not need municipal approval to apply for the managed forest assessment classification. The relationship is between the Private Managed Forest Land Council and the property owners. The District's ability to control forest protection on any property classed as managed forest is limited by an owner's choice to continue to use the managed forest classification. This applies to current land owners and any future land owners. As a result, the applicants seek harmonization with their long term goals and the Program.

RGS

- The proposal is consistent with the RGS.
- Because the subject properties are not near any municipal borders, staff does not foresee any implications to neighbouring municipalities.

OCP

Both subject parcels are in the "managed forest" land use designation. The text is copied below for ease of reference. The managed forest OCP designation seeks to maintain small scale forestry. Because more than half of the subject land is proposed to no longer be used for managed forest, the aspect of the application is not consistent with the Managed Forest land use designation, and the applicants consequently seek a different OCP designation.

The proposal is consistent with other sections of the OCP including:

- Policies 7 and 25 from section 2.2 Land Use General
- Policies 3 and 8 from section 3.1
- Policy 1 from section 3.3
- Sections 3.7, 3.10 and 6.2
- Policy 1 from section 9.2.

Should Council wish to advance the proposal, a new OCP designation would be required.

Other OCP Considerations:

- Section 2.2 (14) states: "In the spirit of enhancing family/social capital and being responsible land use stewards, the District will maintain a register of successful zoning amendments where family situations were taken into account. The purpose of this registry is to provide successive Councils with direction for decision/making." Such applications must, first and foremost, have justification for consideration based on land use merits that are consistent with the OCP.
- Policy 2.2 (24) is the other OCP reference to accessory dwelling units and secondary suites. It states, "When Council considers secondary housing, sustainability will be the prime factor for consideration."
- Policy 8.1 (2) states: "The District should encourage a range of housing forms in order to increase affordable housing. In a rural context, this could include cluster housing, secondary suites." The proposal seeks to formalize existing accessory dwelling units on 2 of the proposed parcels. Staff acknowledges that Council's Secondary Suites and Accessory Dwelling Units Project is underway. (Staff would equate OCP support for "cluster housing" in a rural context with "accessory dwelling units".) The application seeks some additional density in advance of potential implementation of that project. If the proposal is approved with the

additional dwelling units, Council would want to consider how the subject land fits into the project. If the application advances, staff would provide input and options.

- Section 8.5 Heritage: The subject land contains the Mitchell Cottage/House, which is a candidate for the Highlands Community Heritage Register. The applicants are willing to add it to the Highlands Community Heritage Register as part of the rezoning process. Placing items on a Community Heritage Register does not provide any legal protections for it, such as requiring maintenance. The building is currently in use and the applicants foresee this for the future. Provincial legislation allows local governments to designate heritage resources without owner permission.

OCP Excerpt of Current OCP Land Use Designation

2.9 Managed Forest

Forestry was a significant contributor to the economy of the Highlands for several decades. At present, there are two large areas that are being used for forestry and are designated “Managed Forest.” “Managed Forest” is the land use designation term used in this plan and is also a property assessment class designated by BC Assessment Authority.

The Provincial Government has an interest in the forestry practices on private lands. Managed Forest owners engage in forest management activities that are consistent with provincial legislation.

Managed Forest Land Use - Objectives

- To maintain small scale forestry as an economic activity in the Highlands.
- To encourage sustainable forest management practices, including the use of non-timber forest resources (e.g. mushrooms, salal).

Managed Forest Land Use - Policies

1. Lands that are in private ownership and are used for managed forestry are identified on Map 2.1. While the intended primary uses of these lands are managed timber production and harvesting, the following uses are also acceptable:
 - a. Forage production and grazing by livestock.
 - b. Wilderness – oriented recreation.
 - c. Conservation of ecosystems, and fish and wildlife habitat.
 - d. Sustainable non-timber forest resource harvesting.
 - e. Agriculture.
2. The District will seek to ensure long term protection of lands designated Managed Forest.

ZONING

The application offers a draft, “Kindwood Comprehensive Zone,” attached within the application excerpt. It is similar in principle with the current zoning of the properties, with the main difference being an increase in overall density. It is important to note that the proposal for eco-forestry and forest preservation is not possible through municipal regulations while the properties’ are classed as managed forest.

While the land remains classed as managed forest, the overall implications for the District is an increase in density and acquisition of land for road right of way through the subdivision process.

HIGHLANDS SUSTAINABILITY APPRAISAL FORM

OCP Policy 2.2 (1) indicates that Council will employ the Five Capitals model when making land use decisions. This form uses that system. The Highlands Sustainability Appraisal Form Policy states that the form, “...is meant to be a high level informative tool, not intended to be the primary method of analysis.” Certainly, the form would be filled out differently by every person who reviews the application. The intent of having one filled-out form is to create a basis for discussion, and maintain focus on an application as opposed to the form itself.

Please find the fully completed form attached, with the summary immediately below. Staff filled out the form with the co-applicants, comparing existing zoning to the proposal; the overall score was 43. At this point in time, it is clear that the District cannot control the forestry and conservation aspects of the proposal due to its managed forest classification.

Capital Stocks Divisions	Change in Capital	Notable Comments	
		Positive Ratings	Negative Ratings
<u>Natural Capital</u> "All the stocks provided by nature"	26.2	<ul style="list-style-type: none"> • Maintaining forestry uses • Controlling forestry practices to regenerative or ecologically focused forestry as compared to standard practices. Also benefits riparian areas and neighbouring properties. • Subdivision design clusters residential uses. 	<ul style="list-style-type: none"> • GHG emissions resulting from residential development • Forest removal for proposed houses
<u>Human Capital</u> "Refers to skills of people"	14	<ul style="list-style-type: none"> • Preservation of local knowledge – regenerative forestry practices and Mitchell Cottage 	<ul style="list-style-type: none"> • New road right of way contributes to additional staff workload
<u>Social Capital</u> "Refers to relationships between people, organizations and institutions"	5	<ul style="list-style-type: none"> • Consideration of "additional (secondary) dwelling units" • Proposal has element of succession planning for co-applicants and family. While this is not directly supported through land use, the values of enhancing family/social capital in tandem with responsible land stewardship are espoused in the OCP. • Consideration of Mitchell Cottage for Community Heritage Register 	<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"	-3	<ul style="list-style-type: none"> • Acquisition of road right of way makes possible roadside trail 	<ul style="list-style-type: none"> • 3 homes without permits • Energy and maintenance costs for new houses
<u>Financial Capital</u> "Monetary assets and liabilities"	1	<ul style="list-style-type: none"> • New houses bring increased total value on property taxes • Change in assessment class from managed forest is expected to increase tax revenue to the District. This would be a negative consequence for the property owners. 	<ul style="list-style-type: none"> • Increased operating expenses for additional land in road right of way

CONCLUSION AND NEXT STEPS

The proposal can be completely accomplished through municipal land use regulations. However, to realize the forest protection aspect, the relevant areas of the property would need to be removed from the managed forest assessment class in advance of any bylaw adoption and/or covenant authorization.

According to Land Use Procedures Bylaw No. 96, Council has three options for proceeding:

- Refer the application to the Select Committees,
- Proceed with an amendment bylaw, or
- Reject the application.

Because the proposal is aligned with some OCP policies, staff recommends referring the application to the Heritage Select Committee and the Sustainable Land Use Select Committee. Each committee would make a recommendation to Council as to whether it supports or does not support the application based on each select committee's mandate. Staff would time a report for OCP consultation considerations with the return of the Select Committees' recommendations.

Alternatively, Council may wish to direct staff to draft amendments to the OCP and Zoning Bylaw that would accomplish the proposal, or request other specific additional information in regards to the application.

If Council is not supportive of the application, it would be appropriate to deny it.

RECOMMENDATION

That the application be referred to the Heritage Select Committee and the Sustainable Land Use Select Committee for each to recommend to Council whether it supports or does not support the application based on each select committee's mandate.

Respectfully submitted

CAO Concurrence



Laura Beckett, MCIP, RPP



Lorraine Hilton, CAO

Attachments:

- *Application excerpts*
- *Sustainability Appraisal Form*

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

RECEIVED

FEB 25 2022

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

District of Highlands

Section 19: GB1A or Green Belt 1ASection 20: GB1 or Greenbelt 1

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.

Section 19

a) Forest management activities related to timber production and harvesting

b) Residential
c) Agricultured) Home-based Business
e) Accessory uses, buildings and structures

Section 20:

a) Forest management activities related to timber production and harvesting

b) Residential
c) Agricultured) Home-based Business
e) Accessory uses, buildings and structures

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.

The site is being subdivided and rezoned to permit a range of different uses on different lots, generally including: (see cover report)

a) Residential

b) Home-based business

c) Agriculture

d) Accessory uses, building and structures

e) Forest management activities related to timber production and harvesting

~~Non-motorized outdoor recreation~~~~Non-motorized outdoor recreation~~
Forest management/ecology-related "field" educational activities

5. Specify the proposed OCP map designations

*Kind wood Comprehensive Development
New designation to accomplish proposal*

~~A portion of the property requires an OCP amendment from Managed Forest to Rural Residential.
The majority of the site will remain within Managed Forest land use (see cover report).~~

6. Specify the proposed Zones Comprehensive Zone (CD Zone)

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

The amendments to the OCP will include inclusion of residential uses in some lots of the site and
Changes to the zoning bylaw will include allocation and rearrangement of the uses across the new proposed lots, including:

o Protected forest parcels solely for resource use and conservation and prohibiting any dwelling units.

o Family lots permitting: Managed Forest, Residential, Home Based Business, Accessory Use, Buildings, and Structures.

o Fee Simple lots: Typical Residential Use.

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.

- Ongoing maintenance of a dwelling with historic significance (the Mitchell cottage).
- Dedication to the District of expanded right of ways along Millstream Lake and Munn roads.
- Over 60% of the total land area to be maintained as protected forest, with no ^{covenanted and} ~~development~~ ^{dwellings} permitted.

SEE MAP

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.

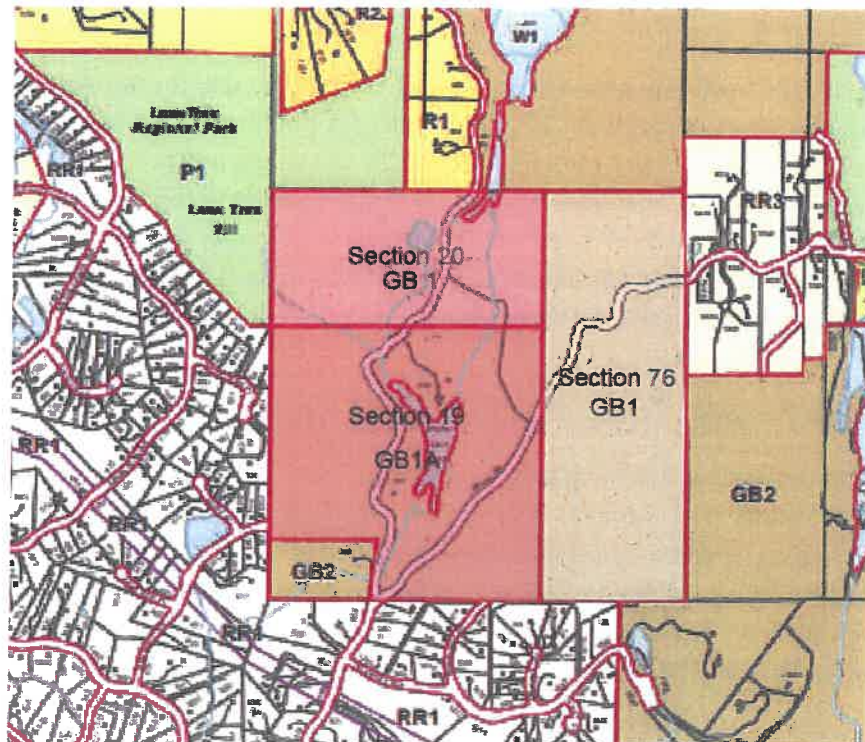
499 Millstream Lake Rd, Highlands, BC

1. Introduction

- This document is an application for rezoning and development permit for 499 Millstream Lake Rd, located in the District of Highlands, BC. This document includes the application information, a proposed new subdivision concept, a proposed new CD zone, along with policy analysis in support of the application.

2. Description of Property

- **Civic Address**
 - 499 Millstream Lake Rd, Highlands, BC
- **Legal description**
 - Section 19 Land District 24 Managed Forest 022
PID: 008-695-075
 - Section 20 Land District 24 Managed Forest 0221
PID: 008-695-091



3. Owner information

- Name McMinn Family
- Email

4. Agent information

- Name Mark Holland - Holland Planning Innovations Inc.
- Address
- City and province Victoria, BC
- Postal code
- Telephone
- Email

5. Application fee

- Rezoning Application Fee: \$4000

6. Description of the site

- The land associated with this proposal, Kindwood, has belonged to the McMinn family since 1954. This proposal focuses on Sections 19 and 20 only (as outlined in the map above). The family previously donated 60% of the adjoining Section 76 to a conservation organization. Section 76 is not part of this project. Sections 19 and 20 comprise 227 acres of land as set out on the accompanying map.
- The land is classic Highlands' terrain – rolling land between two ridges, with several creeks and a lake, largely forested with several homesites.

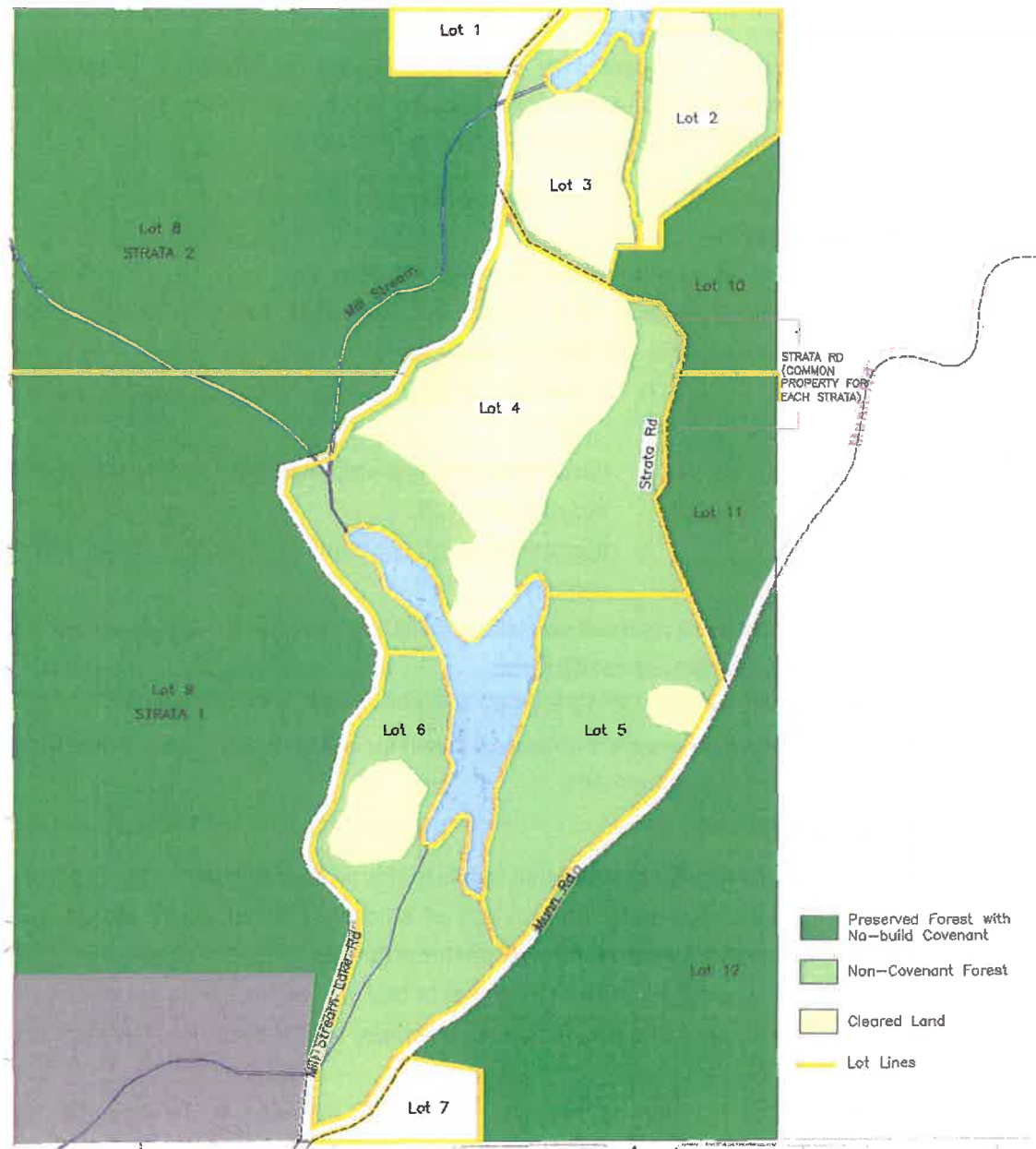
7. Description of the Proposal

- ^{ACP,} Amendment requested: Rezoning and Subdivision
 - The owners now want to change the existing zoning and subdivision pattern of the remaining land to support an orderly transition of Section 19 and 20 to a new subdivision pattern, while maintaining Kindwood's contribution to the Highlands' rural character.
 - The applicant is seeking approval of a ^{*}new comprehensive development (CD) zone, as well as a new subdivision plan. ^{* new ACP designation,}
- Purpose of the Requested Amendment

- The family's intention is to conserve in perpetuity over 60% of Sections 19 and 20 as protected forest, with a no build covenant.
 - The family also wishes to have the land rezoned to permit 7 lots on 227 acres.
 - To achieve the conservation goal, the plan is to concentrate most homes in the existing cleared areas of the site.
- **Lot sizes**
 - The current residential area will be subdivided into smaller lots ranging from 3 to 20-acre sizes, in a combination of fee simple and strata ownership. The project proposes 7 lots with homesites retaining the net density of 30 acres per residential lot when averaged over the entire site.
 - The clustering of areas with dwelling units into a smaller area permits a greater preservation of rural values and ecological function, because larger areas are secured under protective covenant prohibiting dwelling units.
- **Public Interest Benefits**
 - The project brings many public benefits including:
 - The protection of an intact eco-system in the 60% of the property being conserved in perpetuity which offers:
 - Protection of lakes, streams, forest, wildlife zones and other habitats,
 - Carbon capture and sequestration from a 100-year-old mature bio-diverse forest.
 - Maintenance of the current roadside views throughout the property
 - Expanded rights-of-way along Millstream Lake and Munn roads will be dedicated to the District of Highlands.
 - Maintenance of the historic Mitchell cottage on the property.
 - Most driveways and/or new dwellings will be located on previously cleared land or old logging roads.
 - **Family Benefits**
 - The key benefits for the McMinn family in this project include:
 - Assurance that conservation of Kindwood forest lands will be maintained in perpetuity without development pressure.
 - The creation of five strata lots in two stratas for family members. Three of the proposed lots currently have buildings, two of these lots have not yet been built on.
 - The creation of two fee simple lots intended to finance the rezoning and subdivision costs.

8. Description of the proposed project

- The project site is proposed to be divided into parcels 1 to 12 (see image below).
 - Lots 1 and 7 are fee simple
 - Lots 2 – 6 are family lots, divided into two stratas.
 - Lots 8 – 12 are no-build forested lots, to be conserved in perpetuity.
- A new zoning is proposed for the project, in order to secure the proposed plan and its benefits – please see the appendices for a draft of the proposed zoning.



9. Land Use Designation / Permitted Use

The Highlands OCP policies for the Managed Forest and Greenbelt designations in this area are fully supported with this application:

Policy on permitted uses

Managed Forest:

- Forest management activities related to timber production and harvesting
- Forage production and grazing by livestock.
- Wilderness – oriented recreation.
- Conservation of ecosystems, and fish and wildlife habitat.
- Sustainable non-timber forest resource harvesting.
- Agriculture.

GB1 Greenbelt 1

- Forest management activities related to timber production and harvesting
- Residential
- Agriculture
- Home-based Business
- Accessory uses, buildings, structures

GB1A Greenbelt 1A

- Forest management activities related to timber production and harvesting
- Residential
- Agriculture
- Home-based Business
- Accessory uses, buildings and structures

This Project

- The proposed project intends to conserve 60% of the Kindwood as protected forest with no dwelling units permitted, and create a rural residential community, through acre averaging and sub-division.
- The proposed project intends to pursue a Kindwood Comprehensive Zone, including three elements:
 - Protected forest parcels solely for resource use and conservation and prohibiting any dwelling units.
 - Family lots permitting
 - Managed forest
 - Residential
 - Home-based business
 - Agriculture
 - Accessory uses, building and structures
 - Fee Simple lots
 - Typical residential uses

As indicated above the proposal includes major protected forest areas, strata lots for the family's homesites, and two additional fee simple parcels, in areas that do not impact the surrounding environmentally sensitive areas. These two fee simple lots are expected to be 3 acres in size, larger than many of the surrounding areas which permit lots as small as 1 acre.

As such, the proposed land designations and zoning are fully in support of the existing policies and intended character and uses for the area.

10. DPA Guidelines

The OCP and other policies recommend a strong land and forest conservation direction including:

- Protecting sensitive vegetation and mature vegetation and minimizing the presence of invasive species.
- Minimizing impact to the land or removal of granular material.
- Protecting natural drainage systems and water quality.

The proposed project will minimise impact on the natural environment, including:

- Securing large areas of mature forest as protected forest with prohibitions on construction of any dwelling units.
- Prohibiting the quarrying of the land and other uses that would negatively impact the environmental integrity of the area.
- Securing the protection of forests along the roads and all riparian areas.
- Locating most dwelling units in cleared areas.

11. Housing Policies

The Highlands' housing policies and recent Housing Needs Report note the need to encourage the right kind of housing in the community.

This project aims to balance the provision of a few additional dwelling units in this rural area with conservation goals, including:

- Limiting the total parcels that can have dwelling units to 7 – to meet the average 30 acres/ homesite envisioned for these areas.
- Normalizing existing dwelling units ⁽⁶⁾ and limiting further dwellings ^{principle (4)} to those approved within the new zoning.
- Locating most dwelling units in cleared areas to maintain eco-system integrity.

12. Landscape Design and Public Realm

Highlands' policies regarding landscape design and the public realm in this area are primarily focused on encouraging maintaining the natural landscape conditions and experience and minimizing disturbance.

This project fully supports these policies by:

- Protecting the forest land, rocky outcrops, and riparian areas on the property.
- Maintaining viewsapes largely unchanged from the public roads.
- Limiting most home sites to previously cleared areas.

13. Amenities

The project will contribute amenities to the community, including:

- Ongoing maintenance of a dwelling with historic significance (the Mitchell cottage).
- Dedication to the District of expanded right of ways along Millstream Lake and Munn roads
- A covenant on 60% of the land. (See 17. Covenants and Dedications)

14. Mobility

This project will:

- Dedicate ownership to the District of the full rights-of-way along both main roads, since only the travelled portions of the roads through Section 19 and 20 are currently publicly owned.
- Maintain the minimal impact of existing roads on the landscape.
- Provide an additional road amongst the proposed strata parcels as a “strata road”, thereby not requiring public resources for maintenance.
- Endeavour to use existing roads and access routes to the new parcels to minimize impact on the natural ecosystems.

15. Climate Change

The District has progressive policies to prepare for and address the implications of climate change.

This project proposes to:

- Retain significant forested areas to support their ongoing role in carbon capture and sequestration.
- Focus the majority of new development in existing cleared areas, which will reduce the risk of wildfire impacts on homes and reduce the need for further clearing.
- Protect the watershed and its forested riparian areas to support and enhance riparian resilience.

16. Servicing

The Highlands have policies regarding water, sanitary, stormwater management and other utility systems that support:

- Minimizing environmental impact.
- Maintaining predevelopment conditions after development occurs.
- Discouraging development impacting riparian systems.

This project will:

- Maintain development impacts within the limits of the 30 acres minimum lot size overall consistent with the rural qualities of the area.
- Limit development impacts on water draw and septic disposal within a few areas, most all of which are already disturbed.
- Protect riparian areas throughout.

17. Covenants and dedications

- ~~A no-build covenant will be placed on the parts of the land designated as managed forest where conservation is the primary purpose.~~ Some areas of managed forest designations include the settlement areas and these will not have a no-build covenant.
- A limit to allowable dwelling unit size is also considered for all areas permitting development.
- The land associated with both major roads through the lands (Munn / Millstream Lake) will be given to the District – at a width appropriate to the rural road status.

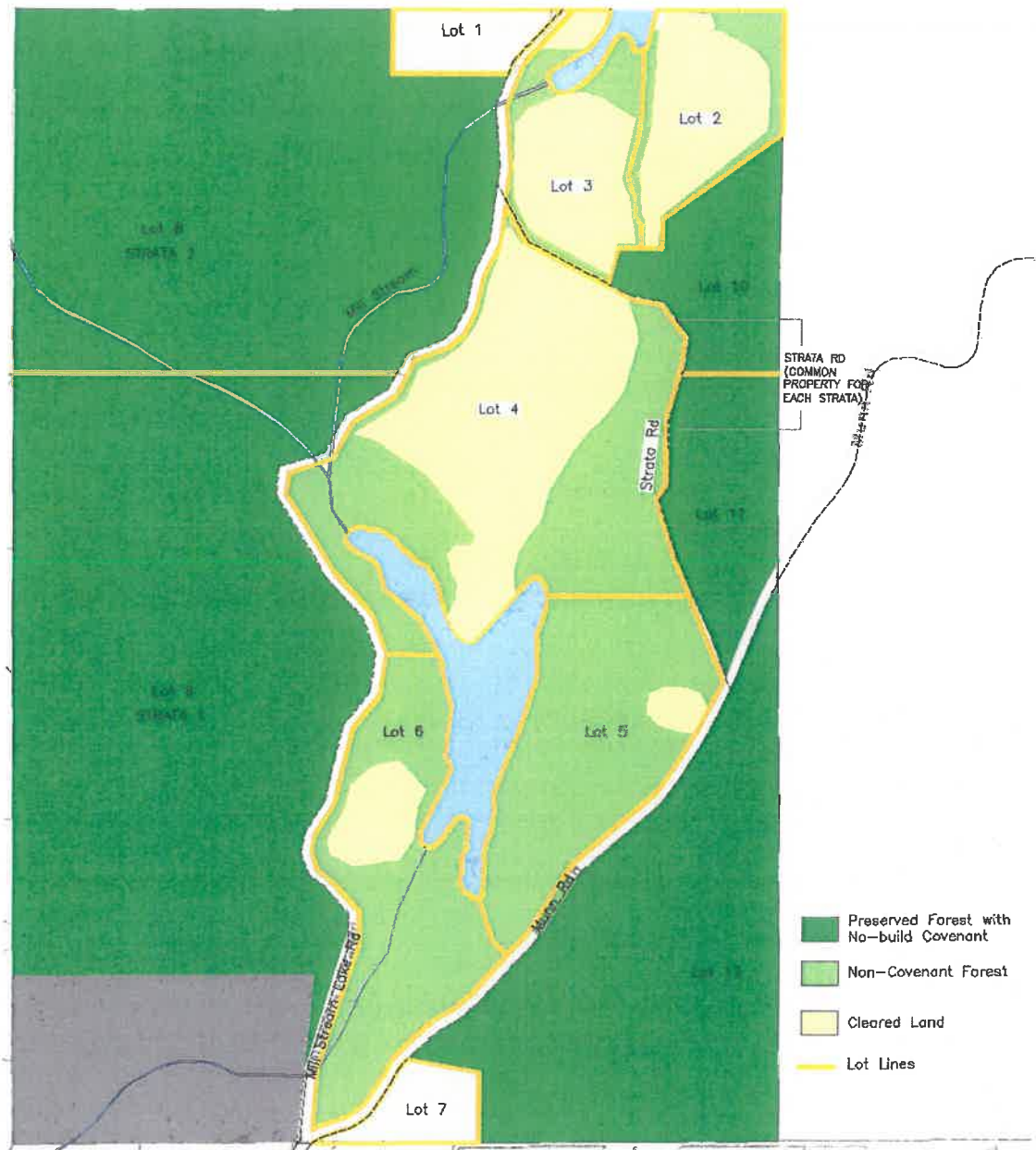
18. Conclusion

- This document has outlined an overview of the issues, policies and strategies that apply to this application for the rezoning and subdivision of the McMinn family lands.
- Over 60% of the total land area to be maintained as protected forest, with no development permitted.
- Through the approach of lot averaging, the rural standard of 30 acres / homesite is maintained, in a manner that minimizes disturbance on the larger landscape by clustering the dwelling units into a smaller area. Most dwelling units are on previously cleared areas.
- This approach brings some public benefits and permits the McMinn family to secure its legacy of protected lands in the Highlands, while providing the current and next generation of the family with access to the lands.

* A section 219 (BC Land Title Act) covenant will be placed on the title (parcels 8-12) ensuring management of the forest will be according to ecological principles. This will prohibit any building, allow tree harvesting, while also protecting the forest ecosystem; its composition, structure, functions and diversity.

Appendix 1

Proposed site / subdivision plan



Appendix 2

KINDWOOD COMPREHENSIVE ZONE: DRAFT

The intent of this zone is to regulate the land uses permitted on the lands known as Kindwood, including managed forest, agricultural and rural residential uses.

Permitted Uses

- (1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in the Kindwood Comprehensive Development Zone:

1.
 - a) Residential
 - b) Home-based business
 - c) Agriculture
 - d) Accessory uses, building and structures
2.
 - a) Residential
 - b) Home-based business
 - c) Agriculture
 - d) Accessory uses, building and structures
 - e) Forest management activities related to timber production and harvesting
3.
 - a) Residential
 - b) Home-based business
 - c) Agriculture
 - d) Accessory uses, building and structures
 - e) Forest management activities related to timber production and harvesting
4.
 - a) Residential
 - b) Home-based business
 - c) Agriculture
 - d) Accessory uses, building and structures
 - e) Forest management activities related to timber production and harvesting
5.
 - a) Residential
 - b) Home-based business
 - c) Agriculture
 - d) Accessory uses, building and structures
 - e) Forest management activities related to timber production and harvesting
6.
 - a) Residential

- b) Home-based business
 - c) Agriculture
 - d) Accessory uses, building and structures
 - e) Forest management activities related to timber production and harvesting
7. a) Residential
b) Home-based business
c) Agriculture
d) Accessory uses, building and structures
8. a) Forest management activities related to timber production and harvesting
b) ~~Non-motorized outdoor recreation~~ *forest management/ecology related "field" educational activities*
9. a) Forest management activities related to timber production and harvesting
b) ~~Non-motorized outdoor recreation~~ *forest management/ecology related "field" educational activities*
10. a) Forest management activities related to timber production and harvesting
b) ~~Non-motorized outdoor recreation~~ *forest management/ecology related "field" educational activities*
11. a) Forest management activities related to timber production and harvesting
b) ~~Non-motorized outdoor recreation~~ *forest management/ecology related "field" educational activities*
12. a) Forest management activities related to timber production and harvesting
b) ~~Non-motorized outdoor recreation~~ *forest management/ecology related "field" educational activities*

Residential Density

- (1) Dwelling units per lot shall be limited to:

Parcel	Principal Dwelling	Accessory Dwellings
1.	1	
2.	1	
3.	1 (existing)	1 (existing)
4.	1 (existing)	1 (existing)
5.	1	
6.	1 (existing)	1 (heritage existing)
7.	1	
8.	None	None
9.	None	None
10.	None	None

11.	None	None
12.	None	None

Siting and Dimensions of Buildings, Structures and Uses

- (1) The height of a dwelling unit shall not exceed 10.5 metres.
- (2) The height of an accessory building or structure shall not exceed 6 metres
- (3) No principal dwelling unit shall exceed 375sqm in size and no accessory dwelling unit shall exceed 100sqm in size.
- (4) No building or structure shall be sited within 7.5 metres of a front lot line.
- (5) No building or structure shall be sited within 3 metres of a side lot line
- (6) No building or structure shall be sited within 7.5 metres of a side lot line that abuts a highway.
- (7) No building or structure shall be sited within 10 metres of a rear lot line.
- (8) For accessory buildings:

<i>Parcel</i>	The total floor area of all accessory buildings on a lot shall not exceed:	No single accessory building shall exceed:
1.	<ul style="list-style-type: none"> 325 square metres 	<ul style="list-style-type: none"> 200 square metres <p><i>(Note –for reference - the above table is based on existing zones of similar intent - Rural Zone (R1) / Greenbelt Zone (GB1) (525/300 – 1000/300) and Rural residential (RR3)(325/200))</i></p>
2.	<ul style="list-style-type: none"> 525 square metres 	<ul style="list-style-type: none"> 300 square metres
3.	<ul style="list-style-type: none"> 525 square metres 	<ul style="list-style-type: none"> 300 square metres
4.	<ul style="list-style-type: none"> 750 square metres 	<ul style="list-style-type: none"> 300 square metres
5.	<ul style="list-style-type: none"> 525 square metres 	<ul style="list-style-type: none"> 300 square metres
6.	<ul style="list-style-type: none"> 525 square metres 	<ul style="list-style-type: none"> 300 square metres
7.	<ul style="list-style-type: none"> 325 square metres 	<ul style="list-style-type: none"> 200 square metres
8.	No building allowed	<ul style="list-style-type: none"> No building allowed
9.	No building allowed	<ul style="list-style-type: none"> No building allowed
10.	No building allowed	<ul style="list-style-type: none"> No building allowed
11.	No building allowed	<ul style="list-style-type: none"> No building allowed
12.	No building allowed	<ul style="list-style-type: none"> No building allowed

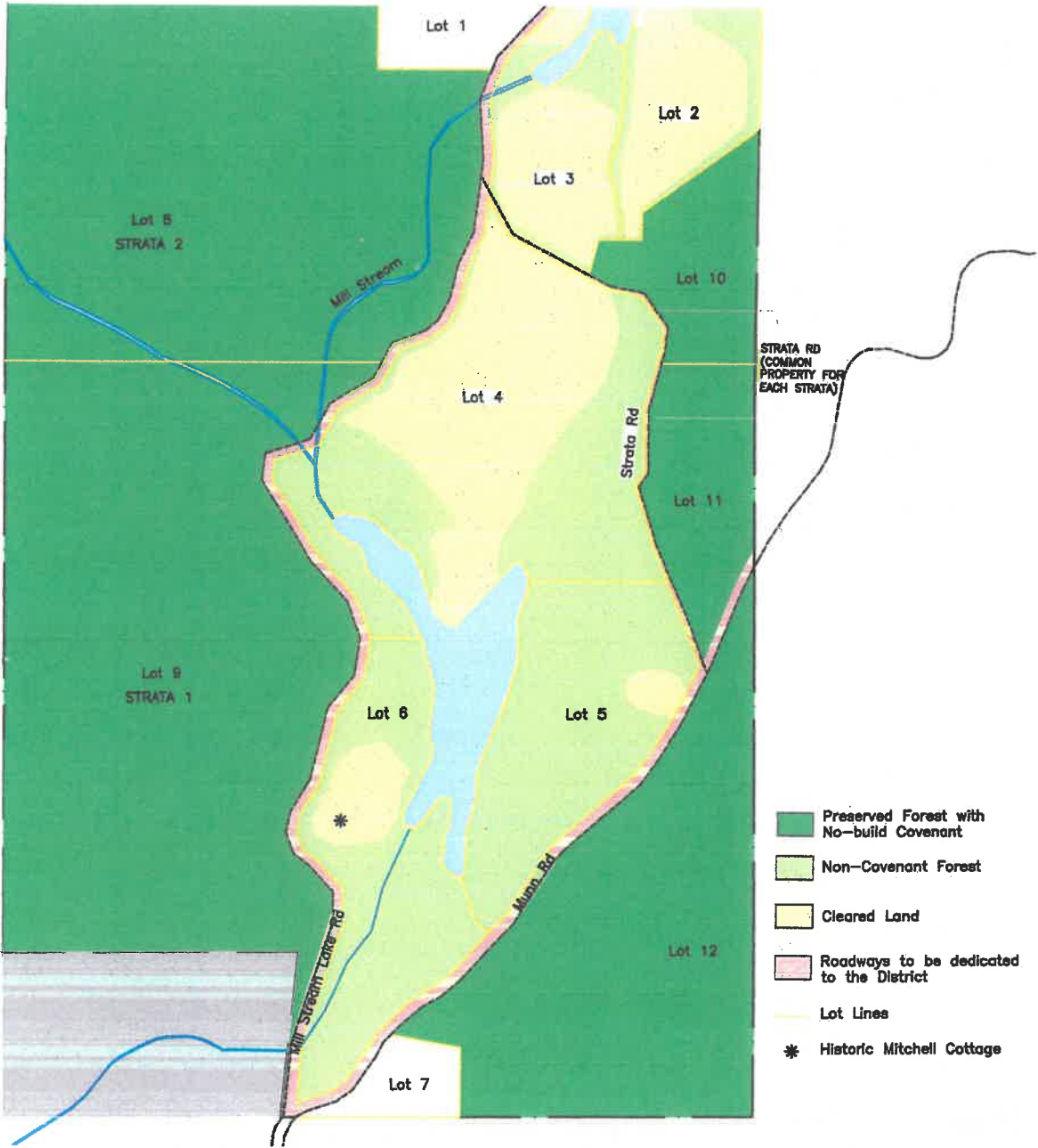
Subdivision Density and Lot Area Requirements

No subdivision plan may be approved unless lots created by the subdivision have a minimum area for each parcel of:

***Note – these are minimum lot sizes, not actual lot sizes, which will be determined through a final survey during the subdivision process.**

Parcel	Minimum parcel area:
1.	• 1 hectare (2.47 acres) <i>(note: min size for well + septic)</i>
2.	• 2 hectares (4.94 acres)
3.	• 2 hectares (4.94 acres)
4.	• 6 hectares (14.83 acres)
5.	• 4 hectares (9.88 acres)
6.	• 4 hectares (9.88 acres)
7.	• 1 hectare (2.47 acres) <i>(note: min size for well + septic)</i>
8.	• 8 hectares (19.77 acres)
9.	• 11 hectares (27.18 acres)
10.	• 2 hectares (4.94 acres)
11.	• 2 hectares (4.94 acres)
12.	• 4 hectares (9.88 acres)

AMENITY MAP



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-01-21
DATE: December 1, 2021; Updated December 16, Feb. 16, 2022

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 additonal CO ₂ equivalents (tonnes) created by additional personal vehicles (For average per household see Highlands Energy and Emissions inventory)	1.2	-1	-1.2	May be mitigated by location or community transit innovation	Adding 4 new houses presumably with at least 4 new vehicles.
	(-) 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)		-1	-1	May be mitigated by building design and innovation (see Manufactured Capital Section)	Adding 4 new houses.
	(-) 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		
	(-) greenhouse gas emissions from embodied energy of construction materials	5.3.2 (4)	Estimate of additional CO ₂ equivalents (tonnes) for structural materials used in roads and structures		0	0		Majority of infrastructure in place. Only new access is to lot 7.
	(-) 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		3	3		Minimal loss of vegetation due to "eco-forestry" component of proposal. New dwellings and driveways preferentially on existing cleared areas.
	(+) air quality	3.7 (1, 2 & 3)	Identifiable long term effects of development on overall air quality (commercial/industrial proposals)		3	3		Preserving land in Managed Forest OCP with covenant preserves long term air quality.
Water (ground)	(+) quality	3.3, 3.5, 3.9, 7.2	Identifiable effects of development on water quality	1.2	3	3.6	May be mitigated by design measures	Preserving forest means supports water quality in area (beyond subject parcels).
	(+) 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	4 new dwellings proposed
Water (surface)	(+) quality	3.3, 3.9, 7.5	Identifiable effects of development on water quality	1.2	3	3.6	May be mitigated by design measures	Preserving forest through covenant or other means supports water quality in area (beyond subject parcels).
	(+/-) quantity	7.2	Maintenance of surface water/groundwater relationships	1.2	2	2.4	May be mitigated by design measures	Preserving forest supports this.
Forests	(+) protection	2.8	Area in hectares proposed for park or other conservation dedication		0	0		
			Area in hectares proposed for fuel reduction/fire management strategy		1	1		At time of subdivision, wildfire interface covenant will be required.
	(+) covenants	2.2(23), 3.1(1)	Area in hectares proposed for conservation covenant		3	3		53.6 hectares of forest proposed to be covenanted for regenerative/eco-forestry practices and conservation.
	(-) 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		-1	-1	May be mitigated by design measures, i.e, clustering, small footprint, building on previously cleared areas, use of existing roads, common driveways etc.	2.5 hectares proposed to be cut out of 90 hectares. Minimized with residential clustering and using previously cleared areas.
	(-) pests or invasive species	2.2 (29), 3.1(4 & 7), 3.6	Measures in place for mitigating invasive species after disturbance		0	0		
	(-) wildfire risk	3.1(13), 7.6 (Fire Protection, 2)	detailed fire interface assessment in place		1	1		Current owners have conducted one and generally carried out requirements.
Riparian Areas	(+) protection	DPA #2	Protection informed by Riparian Area Protection informed by RAR and RPBio reports		2	2		Proposing to meet setbacks.
	(+) covenants	2.2(23), 3.1(1)	Use of covenants for greater protection of riparian areas.		2	2		Proposed eco-forestry covenant would inherently protect streams.
Sensitive ecosystems & wildlife habitat	(+) protection	DPA #2	Protection informed by Riparian Area Protection informed by Sensitive area assessments and RPBio reports		2	2		Covenant will include protection of sensitve areas.
	(-) damage	2.2(7, 11)	Area potentially impacted by proposal		2	2		Majority of development on already disturbed areas. New development outside of sensitive areas.
	(+) connectivity	3.4	Provision for maintenance of habitat corridors in proposal		2	2		Existing corridors maintained through proposal where conservation use is practiced. Area is also contiguous to parkland and other protected areas that would benefit from proposed covenant on subject lands.
Natural hazards	(+) risk avoidance	2.2(11)	Appropriate consideration of natural features, future impacts		2	2		Proposal seeks to develop with natural features.
Natural disasters	(+) resiliency		Where practical, consideration of risk avoidance and mitigation strategies to build resiliency in the event of natural disasters		0	0		Propsal supports eco-system "services" through eco-forestry to ptotentially mitigate natural disasters such as flooding. However, additional long term load to forest may contribute to fuel for potential wildfire hazard. Details of eco-forestry practices could mitigate this.

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
Arable land & soils	(+) soil protection	3.9 & 3.11	Soil disturbance, blasting		0	0	Maybe mitigated by minimizing disturbance and blasting	Maintaining arble land; developing 4 new houses
	(-) 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		2 new lots parcels
Wildlife	(-) potential effects of lights, noise, and glass/windows				-1	-1		4 new houses
	(-) potential effects to loss of breeding, nesting, or foraging land				0	0		Much forest land preserved and development primarily on cleared land
Total Change in Natural Capital						26.2		
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
Human Capital								
Residents	(+) health and safety	2.2(15), 8.2			3	3		Long term forest protection contributes to neighbourhood air quality.
	(+) education				0	0		
	(+) emergency preparedness	7.6, 8.2(2)			1	1		Maintenace of dam allows for dry hydrant.
	(+) diversity	2.2(13), 8.7(3)	Mixed housing options for different income strata		1	1		Proposal requires consideration of secondary housing.
	(+) energy efficiency of lifestyle	2.2(3 & 4)			0	0		
Volunteers	(+) recognition				0	0		
	(+) ability to contribute	8.7(6)			1	1		New housing stock
Local business and jobs	(+) diversity	Chpt 9			1	1		New housing stock will allow for home based business.
	(+) number	Chpt 9	Construction jobs		1	1		Construction of new homes
Staff	(-) workload		Requirements for long term staff input		0	0		Unknown
	(+) training				0	0		
Council	(-) workload				0	0		Unknown
	(+) training				0	0		
Knowledge	(+) local information & knowledge	3.1(2 & 6)			2	2		Preservation of Mitchell Cottage - heritage values; preservation of regenerative forestry practices.
Natural ambience	(-) noise level		Potential effects of noise (commerical or industrial developments)		2	2		With eco-forestry, noise compared to standary forestry would be reduced.
	(-) light level	3.8	Potential effects of outside lighting from development on night sky		0	0	May be mitigated by downcast lighting	New development minimal compared with size of parcel. Will require downcasting lighting if possible.
	(+) visual	2.2(17)	Use of blended architecture and siting; retention of screening, vegetation along travel corridors		2	2	May be mitigated by design measures	Vegetation along travel corridors would be protected via proposed covenant as compared with standard forestry practices.
Total Change in Human Capital						14		
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
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			0	0		
	(+) volunteers & district	8.7	Adequate volunteers for Fire Department, Community Groups		1	1	Provision for lower income housing	Proposal requires consideration of secondary dwellings
	(+) staff & council				0	0		
	(+) Highlands & elsewhere	2.2(2)			0	0		
Families	(+) cohesion	2.2(12 & 27)			2	2		Succession planning to allow family members to stay in Highlands.
Neighbourhood groups	(+) active groups	8.7			0	0		
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		2	2		Consideration of Mitchell Cottage on Community Heritage Register.
	(+) cultural events	8.6			0	0		
Total Change in Social Capital						5		

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)	
	(-) buildings/structures without permits				-3	-3	-1 per building or structure	
	(-) maintenance costs				-1	-1		4 new houses
	(-) energy requirements for operations	2.2(3 & 4)			-1	-1		4 new houses
	(+) community hall				0	0		
	(+) affordable housing	2.2(13, 24, 27) 8.1			1	1		Proposal requires consideration of secondary housing.
Municipal assets	office and fire halls:				0	0		
	buildings				0	0		
	(+) green equipment & supplies				0	0		
	(-) usage of supplies				0	0		No new public roads
	(+) efficient vehicles				0	0		
	(+) parks	4.3(1)			0	0		
	(+) protective services	7.6			0	0		
Roads and driveways	(+) quality				0	0		No new public roads
	(-) quantity	6.2			0	0		No new public roads. Additional road right of way through subdivision. Land available for trails (+), and also requires additional District funds for maintenance (-).
Public transit	(+) quality				0	0		
	(+) quantity	6.5			0	0		
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	0	0		Maintaining current farm/garden uses.
	(+) quantity	2.2(26), 8.3, 9.2			0	0		Maintaining current farm/garden uses.
Commercial and industrial (incl. utility corridors)	(-) negative impacts	2.6, 7.7, 7.8			0	0		
Total Change in Manufactured Capital						-3		
Capital Stocks	Desired Relavent Flows	OCP Policy	Description: How proposal, application or decision affects capital stock or flow	Weight	Rating	Total Rating	Guidance	Comments
Financial Capital								
Financial	(+) municipal revenue				0	0		
Operating and capital reserves	(+) total value property taxes				3	3		New housing stock (+1). Change in assessment class from managed forest to another class is expected to increase tax revenue to the District (+2). This would be a negative consequence for the property owners.
	(+) amenities	2.2(20)			0	0		
	(+) property class diversity	2.6			0	0		
	(-) expenses				-2	-2		Increase in operating expenses due to acquisition of areas adjacent to existing public road. Some areas are heavily treed and sloping creating greater potential liability.
Land assets	(+) municipal lots				0	0		
Debt	(-) borrowing				0	0		
	(+) repayment				0	0		
	(-) transferred to future generations				0	0		
Total Change in Financial Capital						1		
TOTAL CHANGE IN ALL CAPITALS						43.2		