

TO: Lorraine Hilton
Chief Administrative Officer

DATE: July 9, 2024
FILE: RZ-01-21

FROM: Laura Beckett
Municipal Planner

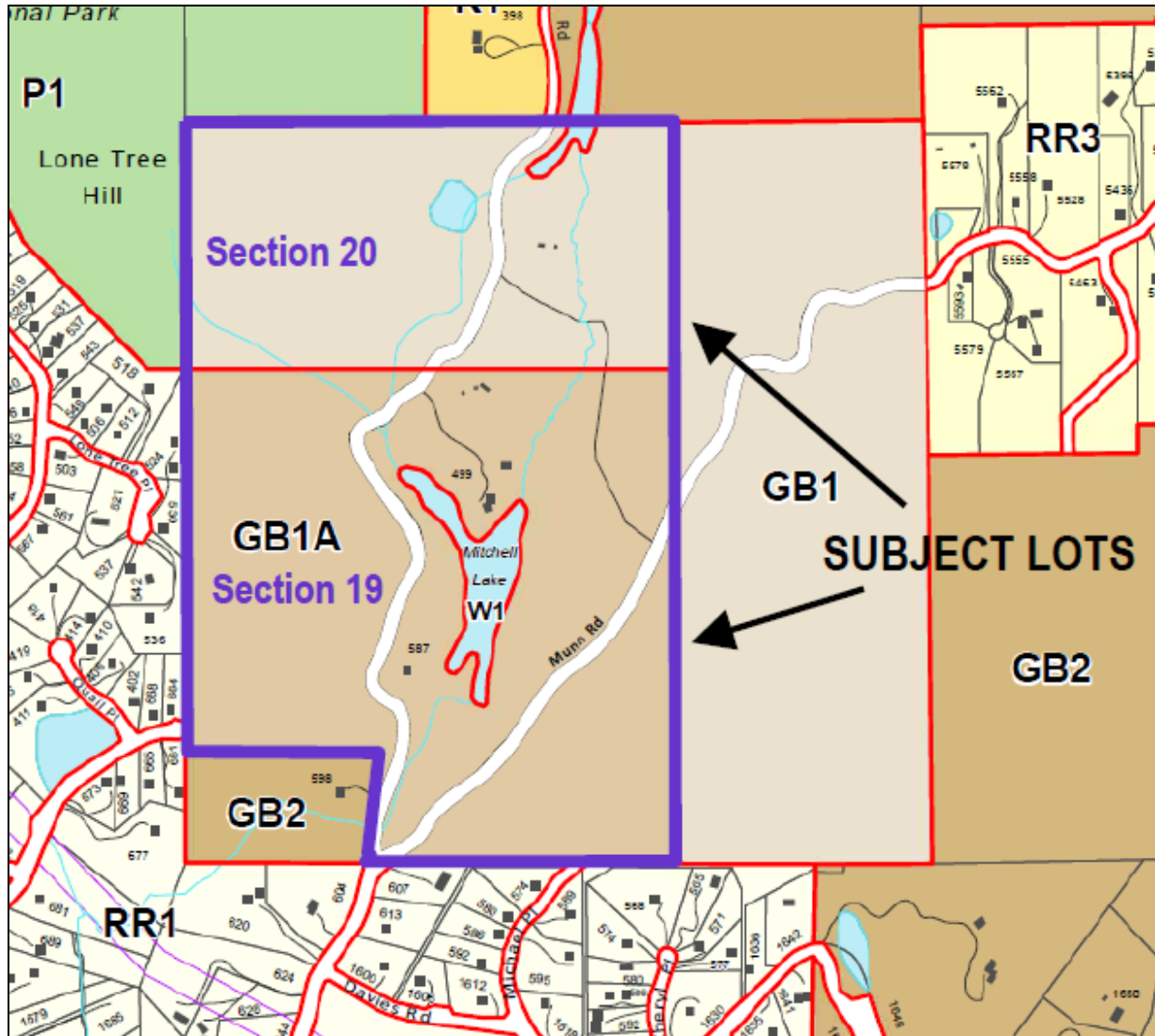
To Council
July 15, 2024

RE: AMENDED APPLICATION RZ-01-21
499 Millstream Lake Road and Unaddressed Millstream Lake Road

PURPOSE

The purpose of this report is to provide Council with amended rezoning application RZ-01-21.

LOCATION MAP



AMENDED SUMMARY

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:	1 parcel: <ul style="list-style-type: none">• 4 principal dwelling units total• 4 accessory dwelling units total	Up to 2 parcels: <ul style="list-style-type: none">• 2 principal dwelling units total• 2 accessory dwelling units total
	NB: Accessory dwelling units permitted effective June 1, 2024	
Actual Dwelling Units	<ul style="list-style-type: none">• 4 dwelling units (one without permit)	<ul style="list-style-type: none">• 2 dwelling units (one without permit)
Proposed		
Proposed Zone:	Change to GB1A Zone	
Proposed OCP Designation:	Rural	
Proposed Uses:	No change from Current	
Proposed Density:	Up to 7 parcels: <ul style="list-style-type: none">• 7 principal dwelling units total• 7 accessory dwelling units total	
Amenity	<ul style="list-style-type: none">• 0.7 hectare of land for parkland adjacent to Hazlitt Creek Park and Lone Tree Regional Park• Emergency only access along existing internal driveway between Millstream Lake Road and Munn Road• Mitchell House to be added to the Community Heritage Register.	
Adjacent Zoning / Land Use		
...to North:	<ul style="list-style-type: none">• Park 1, Rural 1, Greenbelt 2 – Hazlitt Creek Park, residential, conservation land	
...to East:	<ul style="list-style-type: none">• Greenbelt 1 – Continuation of Managed Forest	
...to South:	<ul style="list-style-type: none">• Rural Residential 1, Greenbelt 2 – residential	
...to West:	<ul style="list-style-type: none">• Rural Residential 1, Park 1 – residential, Lone Tree Regional Park	
Title Restrictions/Permits/Other		
<ul style="list-style-type: none">• BC Assessment classification of ‘managed forest’ supersedes local government zoning and permitting powers to the extent that there is conflict with provincial regulation.• Driveway easement for 598 Millstream Lake Road• Section 19 lot contains heritage resource (Mitchell House/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		

BACKGROUND

Discussion about this application last occurred at the July 17, 2023 Council Meeting. The staff report concluded that the application could not be accomplished because the District cannot restrict forest management activities/uses including residential use. A possible outcome was unanticipated additional residential density. Council resolved:

That Application RZ-01-21 (499 Millstream Lake Road) be referred back to the applicants for consideration of Council's discussion regarding the application at the July 17, 2023 Regular Council meeting.

The applicant provides the attached correspondence and sketch plan describing the changes to their application:

- All uses would remain the same as currently permitted.
- Residential density would increase from a permitted maximum of 6 principal dwelling units and 6 associated accessory dwelling units to 7 principal dwelling units and 7 accessory dwelling units. While this is an increase of one principal and one accessory dwelling unit, the subdivision potential of the lands would increase from 3 potential parcels to 7 potential parcels.
- As a result of the increase in density, they are offering the following amenities:
 - 0.7 hectare of land in the northwest for park dedication
 - Emergency only access between Millstream Lake Road and Munn Road
 - Mitchell House/Cottage to be added to the Community Heritage Register.

Staff also includes an annotated version of the sketch plan seeking to show the amended proposed parcels.

Previous staff reports can be found at these links:

1. Report to April 19, 2022 Council: <https://www.highlands.ca/AgendaCenter/ViewFile/Item/7074?fileID=6716>
2. Report to June 20, 2022 Council: <https://www.highlands.ca/AgendaCenter/ViewFile/Item/7257?fileID=6798>
3. Report to September 6, 2022 Council:
<https://www.highlands.ca/AgendaCenter/ViewFile/Item/7349?fileID=6837>
4. Report to July 17, 2023 Council: <https://www.highlands.ca/AgendaCenter/ViewFile/Item/8089?fileID=7117>

OPTIONS

The following options are available for Council's consideration:

1. That staff be directed to draft amendments to the OCP and Zoning Bylaw to accomplish the amended proposal.
2. That the application be denied.

DISCUSSION

Financial

The lands are classed as managed forest and therefore have a lower tax rate than properties classed as residential.

Provincial Policy Considerations

Private Managed Forest Land

The amended application resolves any potential municipal jurisdiction conflicts with the Private Managed Forest land classification because there is no proposed change of land uses from what current zoning permits.

Small-Scale Multi-Unit Housing Legislation

The OCP requires consideration of amenities for rezoning applications that request an increase in residential density. In this case, the result is expected to be an amenity zone or what is also called a density benefit scheme in accordance with *Local Government Act* section 482. While there are new considerations for amenities and density bonusing in relation to the Small-Scale Multi-Unit Housing legislation, the new provisions do not apply in this situation.

Municipal Policy Considerations

OCP – Land Use Designation

The Rural OCP land use designation is an appropriate change for the subject parcels to allow for the proposed increase in residential density. This change would allow land to remain within the BC Assessment classification of Managed Forest. Required OCP consultation was considered last year.

OCP – Amenities

The applicant and staff have discussed amenities because the application seeks an increase in residential density. The applicant offers the items in the first column of Table 1 and the rest of Table 1 compares the proffered amenities with Council's Amenity Considerations Policy No. V-3505. Staff notes:

- The offered amenities generally meet the policy.
- The offered parkland dedication is less than all the desired trail connections shown for the subject properties in both the Parks and Recreation Master Plan and the Trails Master Plan. This is because the applicants, as stated in their attached letter, feel that their conservation goals for the land are best ensured by keeping the land in private hands. Please see master plan maps attached with the subject lands outlined in heavy black line.

Table 1 – Amenities Considerations

Considerations from Council Policy No. V-3505 "Amenity Rezoning Considerations" (How) Does the offered amenity:			
Offered Amenity	...offset any negative impacts that may result from the proposal?	...further any other municipal policies?	...assist integrating the proposal into the community?
0.7 hectare of land in northwest for municipal park dedication	<ul style="list-style-type: none"> • Private trail would become public and would require public funds for maintenance. However, this area is noted as desirable for a public trail. 	<ul style="list-style-type: none"> • Responds to one proposed trail in 2002 Trails Master Plan that would link Hazlitt Creek Park with Lone Tree Regional Park • Other trails and connections noted in Parks and Recreation Master Plan and Trails Master Plan are not offered. Please see attached maps. 	<ul style="list-style-type: none"> • Would connect to Hazlitt Creek Park and allow for trail connection between Lone Tree Hill and Hazlitt Creek Park • Private trail already publicly used would formally become public.
Emergency only access along existing internal driveway between Millstream Lake Road and Munn Road	<ul style="list-style-type: none"> • Allows for additional emergency connection between Millstream Lake Road and Munn Road. • Route is already constructed. Standard is undetermined. 		
Mitchell House/Cottage to be added to the Community Heritage Register.		<ul style="list-style-type: none"> • Responds to heritage vision 	

Zoning

Residential density is now the only proposed change, with subdivision potential increasing from 3 parcels to 7 parcels, and actual residential density changing from 6 principal dwelling units and 6 accessory dwelling units to 7 principal dwelling units and 7 accessory dwelling units.

Staff notes that the subject zones (GB1 and GB1A) were amended along with most other zones to allow accessory dwelling units subject to the building permitting process. This essentially accomplished one portion of the original application.

CONCLUSION

If Council is supportive of the application, it would be appropriate to direct staff to draft amendments to the OCP and Zoning Bylaw that would accomplish the amended proposal.

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

RECOMMENDATION

That staff be directed to draft amendments to the Official Community Plan and Zoning Bylaw to accomplish the amended proposal.

Respectfully submitted

CAO Concurrence



Laura Beckett, MCIP, RPP



Lorraine Hilton, CAO

Attachments:

- Correspondence from applicants dated July 8, 2024 including original sketch plan dated May 9, 2024 showing amended application
- Sketch plan annotated by staff to show amended proposed parcels
- Maps from Parks and Recreation Master Plan and Trails Master Plan with subject land outlined in heavy black line

Laura Beckett

From: Libby
Sent: July 8, 2024 2:22 PM
To: Laura Beckett
Subject: rezoning information

Hi Laura

Below please find information outlining the changes we have made in our amended application. Please let me know if this provides what you need. Should it be addressed to Council?

Thanks,

Libby

Re amended rezoning application RZ-01-21

As a result of challenges arising from our original application, we are now putting forward a revised rezoning application with a reduction in number of lots from twelve to seven. As with our initial application, our primary value remains the long-term preservation of the majority of the property while allowing for individual family lots and two small lots to cover the costs of subdivision. Our amendment is intended to ensure that no development can occur on the non-residential portions of the property. Our previous application included the placement of a 'No build' covenant on Lots 8 - 12. We were made aware that this is not possible while the lots remain in Managed Forest classification. In order to achieve our goal of conservation of the non-residential areas, we have attached the land in Lots 8 - 12 to the three residential lots, Lots 4, 5 and 6 as shown in the attached map. Each of these lots will be permitted one dwelling, which is in accordance with Managed Forest legislation. The existing dwellings on Lots 4 and 6 and the proposed family dwelling on Lot 5 will therefore prevent any dwellings being built on what were originally Lots 8 - 12. Our intention continues to be the placement of a conservation covenant on the areas originally shown as Lots 8 - 12.

The second change in our application involves the expansion of Lots 1 and 7 to 2.01 hectares. This expansion removes the requirement to provide up to 5% park land. Our reason for this decision is based on our conservation goals in that we do not feel satisfied with the demonstrated ability of the Regional Government to adequately monitor and protect lands donated for park, and to ensure that there is no incursion into the surrounding private conservation area.

As our application involves an increase in density from six to seven lots, we have discussed various possible amenities. Despite the concerns mentioned above, we are prepared (as one possible amenity) to transfer for park a 0.7 hectare area in the northwest corner of Section 20 which provides an important connection between trails in Lone Tree Park and Hazlitt Creek Park. In addition, we are proposing two possible additional amenities:

- emergency (only) access to a farm road connecting Millstream Lake Road to Munn Road, and
- placement of the Mitchell House on the Heritage Register

Let us know if you have any questions or need additional information.

Libby McMinn, Diana McMinn

Legend

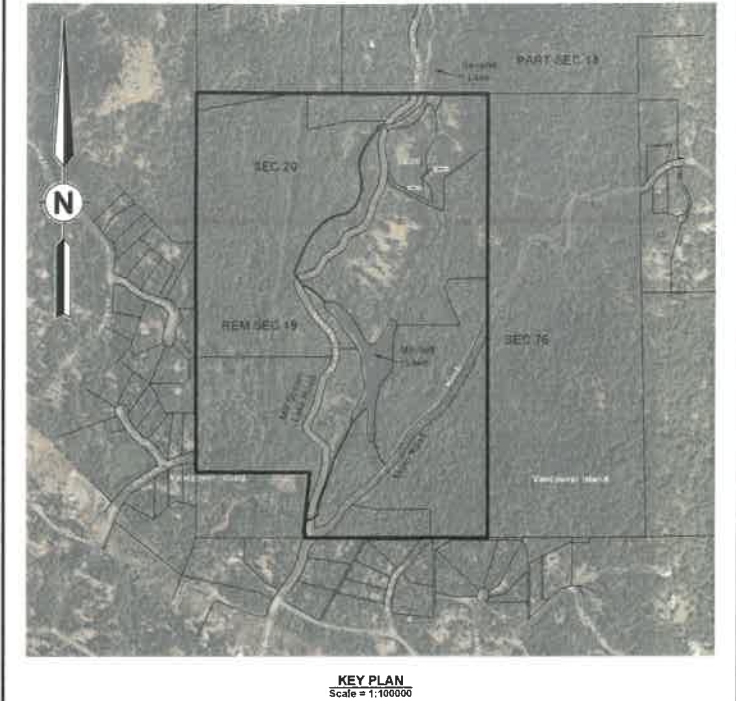
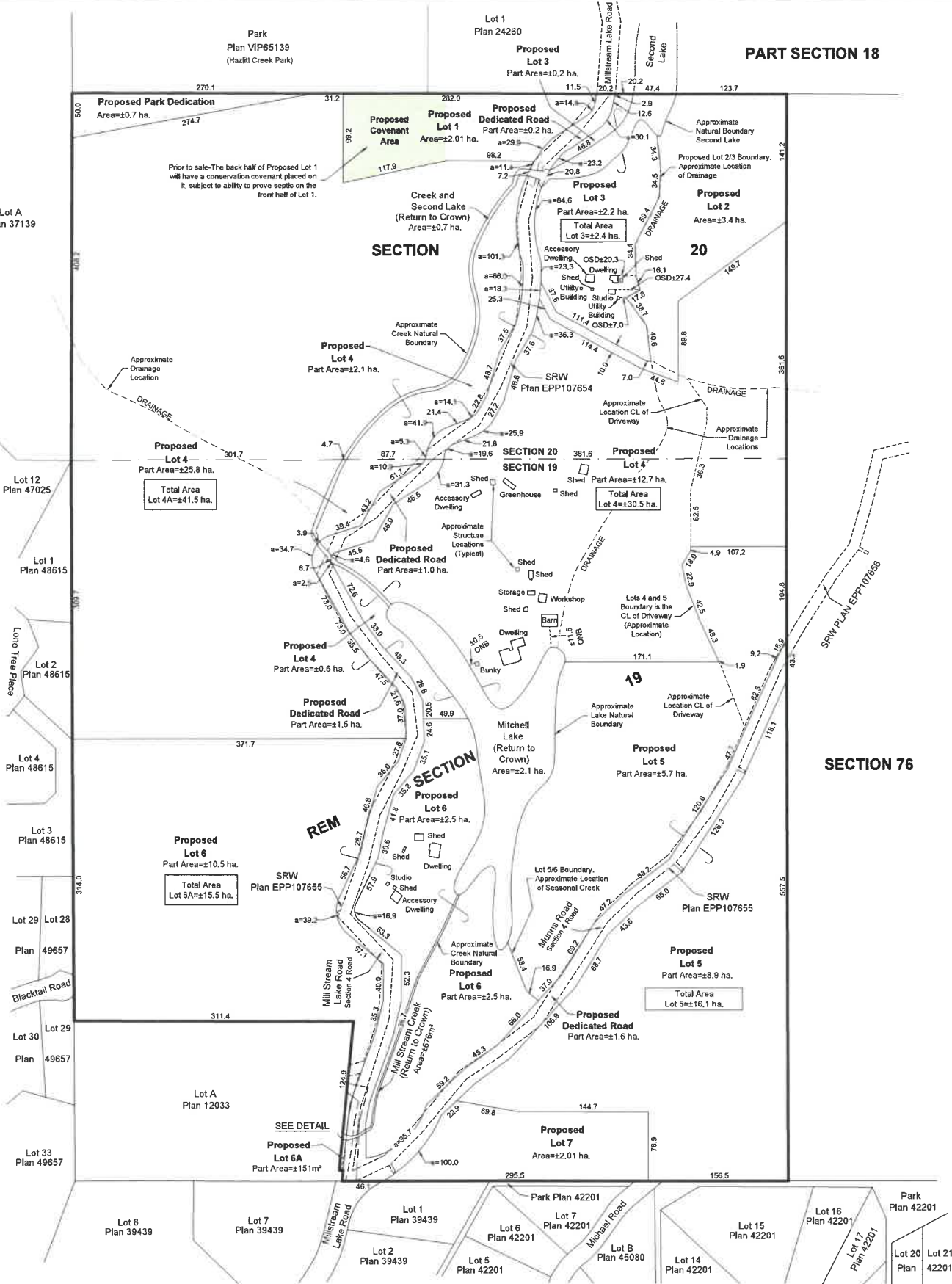
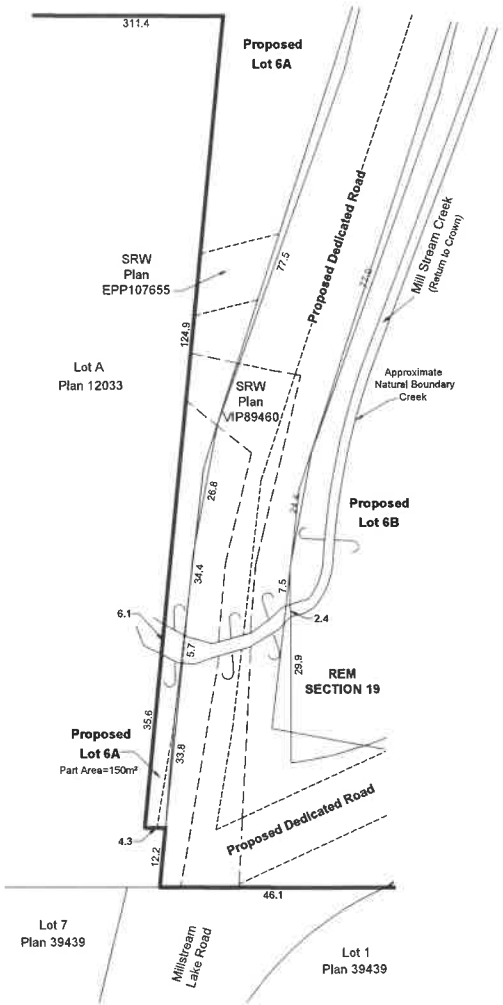
OSD-Offset to Drainage (Approximate)

ONB-Offset to Natural Boundary (Approximate)



Lot A
Plan 37139

DETAIL
Scale 1:750



-Lot, road dimensions, and areas are approximate only and may change upon legal survey

-Building locations and size have been derived from online mapping and information received from others. Approximate only and may change upon legal survey

-Return to Crown areas, Drainage locations, and Driveways have been derived from information received from by others. Approximate only and may change upon legal survey

-There may be additional features that may affect the proposed lot areas that have not been shown on this Sketch Plan. Dependant on site investigations and legal survey

-Offsets to Natural Boundaries and Drainages measured by others

REV	DATE	DESCRIPTION	DRAWN	APPROVED
6	2024-05-08	Removed Covenant from Proposed Lot 7	CDP	MH
5	2024-04-29	Issued for Client Review-Removed Internal Lot Lines with Park Dedication	CDP	MH
4	2024-04-29	Issued for Client Review-Removed Internal Lot Lines	CDP	MH
3	2024-04-24	Issued for Client Review-Equalized Areas with Park Dedication	CDP	MH
2	2024-04-24	Issued for Client Review-Equalized 4A, 5A, 6A Areas	CDP	MH
1	2024-04-02	Added 20m Road Dedication, Enlarged Lots 1 & 7	MGD	MH
0	2024-03-11	Issued for Client Review	CDP	MH
REV	DATE	DESCRIPTION	DRAWN	APPROVED

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NOTES

- Parcel ID: 008-695-075 AND 008-695-091
- Distances are in metres and decimals thereof.
- Parcel dimensions are derived from existing Land Title Office records, being Plans 12033, EPP107654, and EPP107655.
- Property Title Subject to: Permit ET23504, Easements 87168 and FB460787 and Statutory Right of Ways CA8835059 and CA8835060, Permits ES95027 and EV44077 and Statutory Right of Ways CA8881231 and CA8881232.
- This document shall not be used to define property lines or property corners.



SCALE 1:3000
UNLESS OTHERWISE NOTED

Original Drawing Size: (864mm x 559mm)

PLAN ID.: 22412350600-V-SKCH-001-R5

SHEET 1 OF 1 SHEETS

McElhanney

Suite 500, 3960 Quadra Street,
Victoria BC V8X 4A3
Tel.
250-370-9221

RICHARDSON, SCOTT

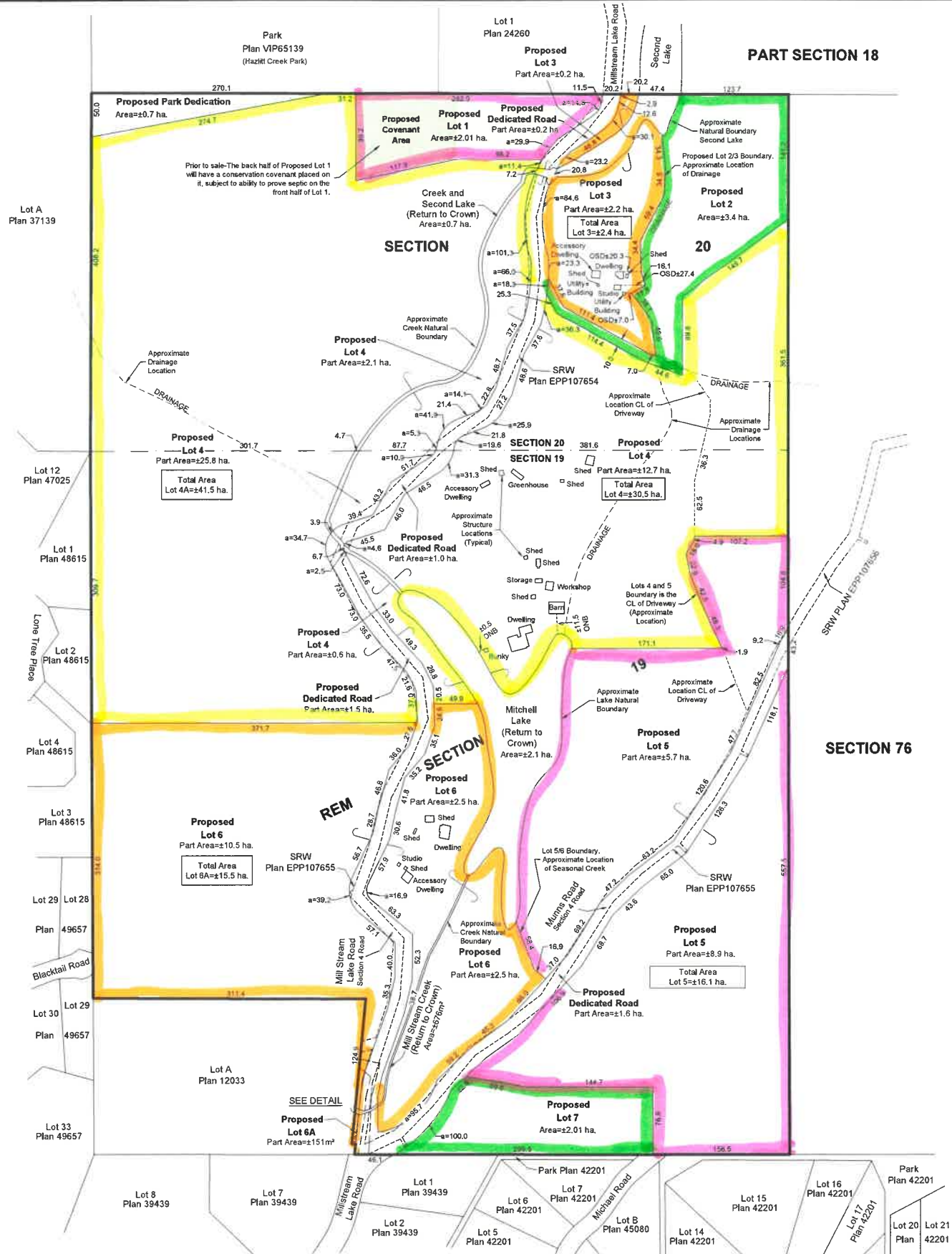
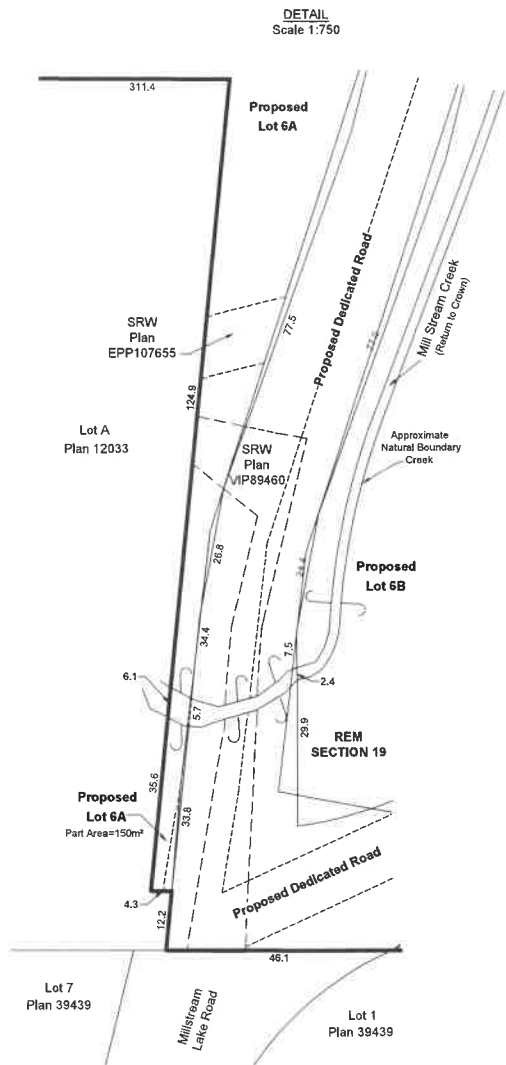
**PROPOSED SUBDIVISION PLAN OF
SECTION 19 EXCEPT PART IN PLAN 12033 AND
SECTION 20, HIGHLAND DISTRICT**

499 Millstream Lake Road, Highlands, Highlands, BC

FILE: X:\2241\Survey\Projects\2241-23506-00 Subdivision of Sections 19 & 20, Highland District\7.2 Drawing\001-235060-V-SKCH-001-466

DESTROY ALL PRINTS BEARING PREVIOUS REVISION

Legend
OSD-Offset to Drainage (Approximate)
ONB-Offset to Natural Boundary (Approximate)



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60 30 0 m 30 60 120 180 240

SCALE 1:3000
UNLESS OTHERWISE NOTED

Original Drawing Size: (864mm x 559mm)

PLAN ID.: 22412350600-V-SKCH-001-R5

SHEET 1 OF 1 SHEETS



McElhanney

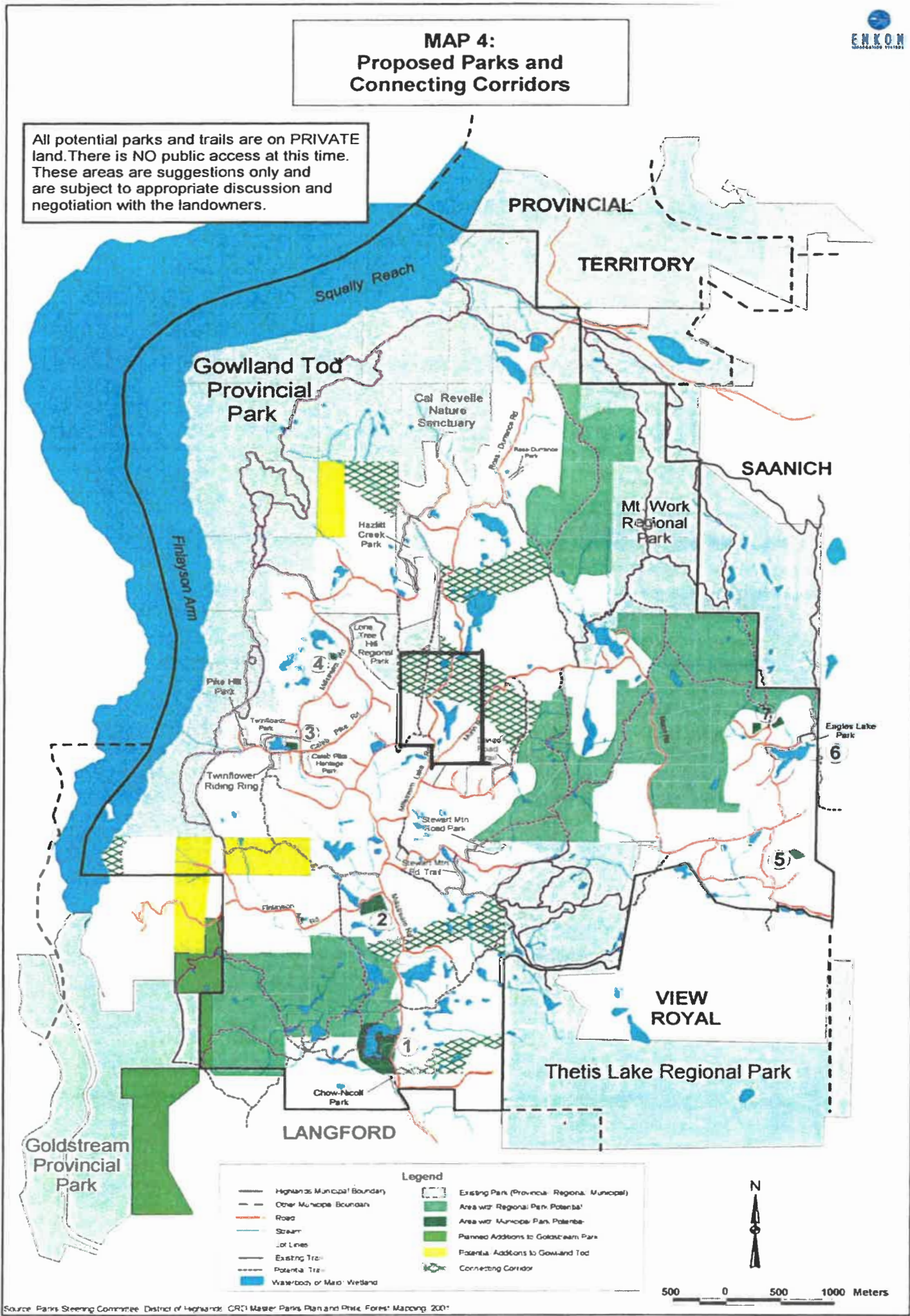
Suite 500, 3960 Quadra Street,
Victoria BC V8X 4A3
Tel.
250-370-9221

RICHARDSON, SCOTT

**PROPOSED SUBDIVISION PLAN OF
SECTION 19 EXCEPT PART IN PLAN 12033 AND
SECTION 20, HIGHLAND DISTRICT**

499 Millstream Lake Road, Highlands, Highlands, BC

Map 4: Proposed Parks and Connecting Corridors



DISTRICT OF
HIGHLANDS

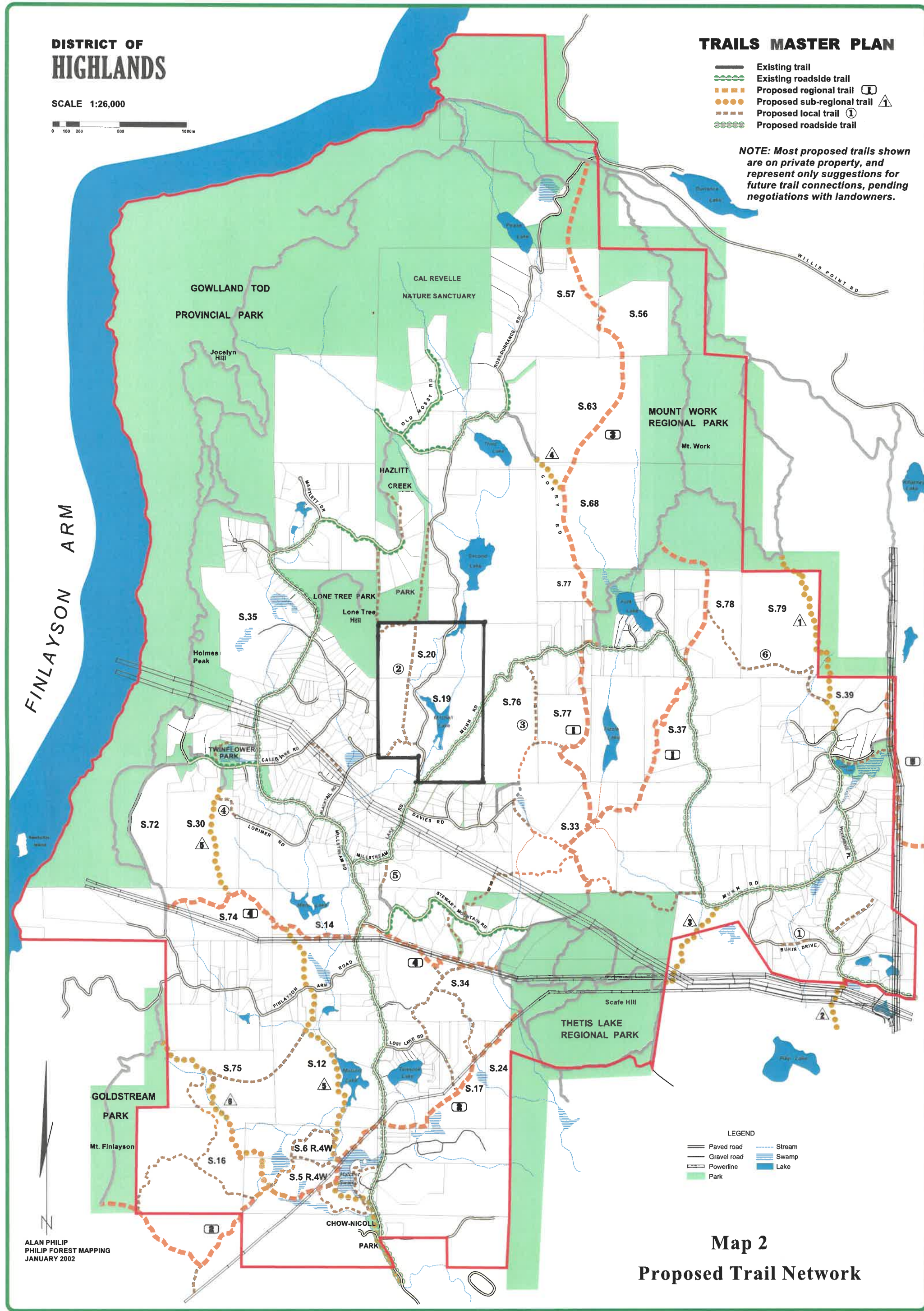
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TRAILS MASTER PLAN

- Existing trail
- Existing roadside trail
- Proposed regional trail
- Proposed sub-regional trail
- Proposed local trail
- Proposed roadside trail

NOTE: Most proposed trails shown are on private property, and represent only suggestions for future trail connections, pending negotiations with landowners.



Map 2

Proposed Trail Network

ALAN PHILIP
PHILIP FOREST MAPPING
JANUARY 2002