



Staff Report to Special Sustainable Development Advisory Committee

DATE: Monday, December 11, 2023

DEPARTMENT: Planning

APPLICATION NO.: OCP23-0002 and Z23-0019

SUBJECT: Bylaw No. 2149: Application to amend the Official Community Plan designation of a portion of the property at 2207 Millstream Road from “Business or Light Industrial” to “Neighbourhood”; AND Bylaw No. 2150: Application to amend the zoning designation

EXECUTIVE SUMMARY:

Reid Kaufmann of Langford Heights Development LP has applied to amend the Official Community Plan designation of a portion of the property at 2207 Millstream Road from “Business or Light Industrial” to “Neighbourhood” AND to amend the zoning designation of a portion of the property at 2207 Millstream Road from the Business Park 9 (BP9) zone to the One- and Two-Family Residential (R2) zone to allow for the adjustment of the western zoning boundary line approximately 10 meters. The applicant is proposing to amend boundary line to address a mapping error, as the original boundary map produced by the applicant was amended after their initial submission and the updated version was not provided to the City.

BACKGROUND:

PREVIOUS APPLICATIONS

- OCP20-0007 and Z20-0027 was adopted to amend the Official Community Plan designation of a portion of the properties at 2207, 2213, 2217, 2155 Millstream Road and the land formerly known as Hordon Road from “Business or Light Industrial” to “Neighbourhood” and to rezone the lands from CR1 (Commercial Recreation 1) to R2 (One- and Two Family Residential) and a new business park zone (BP9 – Millstream Road Northeast) zone.
- OCP21-0005 and Z21-0027 was adopted to amend the Official Community Plan designation of a portion of the above-noted subject properties located along Millstream Road from “Business or Light Industrial” to “Mixed-Use Employment Centre” and to rezone the same portion to allow for additional permitted uses and density amendments.

- The City issued a Development Permit (DP21-0055) in 2021, to allow for site preparation and construction works within the Habitat and Biodiversity, Steep Slope and Intensive Residential development permit areas on 2207 Millstream Road.
- The City issued a Development Permit (DP21-0039) in 2021, to allow for enhancement, site remediation and preparation works within the 43 m riparian assessment area on 2207 Millstream, 2213 Millstream and 2217 Millstream.
- The City issued a Development Permit (DP23-0065) in 2023, to amend DP21-0039 to allow for the relocation of Trudie Creek.
- The City issued a Temporary Use Permit (TUP19-0009) in 2019 to allow for a driver testing facility for large trucks and motorcycles. This permit expired in November 2022.
- The City issued a Temporary Use Permit (TUP15-0003) in 2015 to allow a daycare and church use. This permit expired on October 15th, 2017. The TUP application was followed by a rezoning application to include a daycare and church into the CR1 (Commercial Recreational) Zone. That zoning was approved in September 2017.

Table 1: Site Data

<i>Applicant</i>	Reid Kaufmann, Langford Heights Development LP	
<i>Owners</i>	Reid Kaufmann, Langford Heights Development LP	
<i>Civic Addresses</i>	2207 Millstream Road	
<i>Legal Descriptions</i>	Lot A, Sections 2 and 3 Range 3 West, Highland District Plan VIP53467 Except Plans EPP55578, EPP64255, and EPP111153. PID No. 017-612-675	
<i>Size of Properties</i>	311,930 m ² (77.56 acres)	
<i>DP Areas</i>	200 Year Floodplain, Potential Habitat and Biodiversity, Riparian and, Steep Slopes	
<i>Zoning Designation</i>	Existing: Business Park 9 (BP9)	Proposed: One- and Two-Family (R2)
<i>OCP Designation</i>	Existing: Business or Light Industrial	Proposed: Neighbourhood

SITE AND SURROUNDING AREA

The portion of the subject property off Trudie Terrace has minimal tree coverage overall due to tree removal permitted under the Development Permit No. DP21-0055.

The subject property is situated on the east side of Millstream Road and is bisected by Millstream Creek running north to south. The surrounding lands (with the exception of lands to the north and Thetis Lake Regional Park to the east) have increasingly densified as residential development over the past 20 years.

The subject property has been heavily altered by mining activity in recent years. The easterly edge of the property has been largely undisturbed and sits on a higher elevation than the majority of the site, sharing a similar elevation to the residential area of the Phelps subdivision to the east.

Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	M2 General Industrial	Industrial
<i>East</i>	Various Residential, Park	Residential, Thetis Lake Regional Park
<i>South</i>	Various Residential	Residential
<i>West</i>	Various Residential	Residential

Figure 1: Subject Property



DEVELOPMENT PERMIT AREAS

The subject property is located within the 200-Year Floodplain, Riparian and Potential Habitat and Biodiversity Development Permit Areas. The previously noted Development Permits have already addressed land alteration works with respect to these DP Areas. A Development Permit for Form and Character of Intensive Residential development and Two-Family (Duplex) Multi-Family Residential will be required.

COMMENTARY:

DEVELOPMENT PROPOSAL

In 2020, a rezoning and OCP amendment application was adopted for the entire property, known as the Western Speedway, to allow for business, industrial and residential uses. As part of this, the applicant applied to change the OCP designation and zoning boundary of the easterly portion of the subject property to allow for approximately 60 single-family residential homes with access through Trudie Terrace.

The applicant is proposing to amend the zoning and OCP designations of a portion of the property to address a mapping error, as the original boundary map produced by the applicant was amended after their initial submission and the updated version was not provided to the City. In order to utilize the amended version of the boundary, the line separating the residential and business park zones and the Neighbourhood and Business or Light Industrial OCP designations will need to be moved approximately 10 metres to the west.

To address this inconsistency, the applicant has applied to rezone a portion of 2207 Millstream Road, off Trudie Terrace as shown in Figure 2, from the Business Park 9 (BP9) zone to the One- and Two-Family Residential (R2) zone to allow for a maximum of 60 lots. No additional density is proposed from the rezoning in 2020.

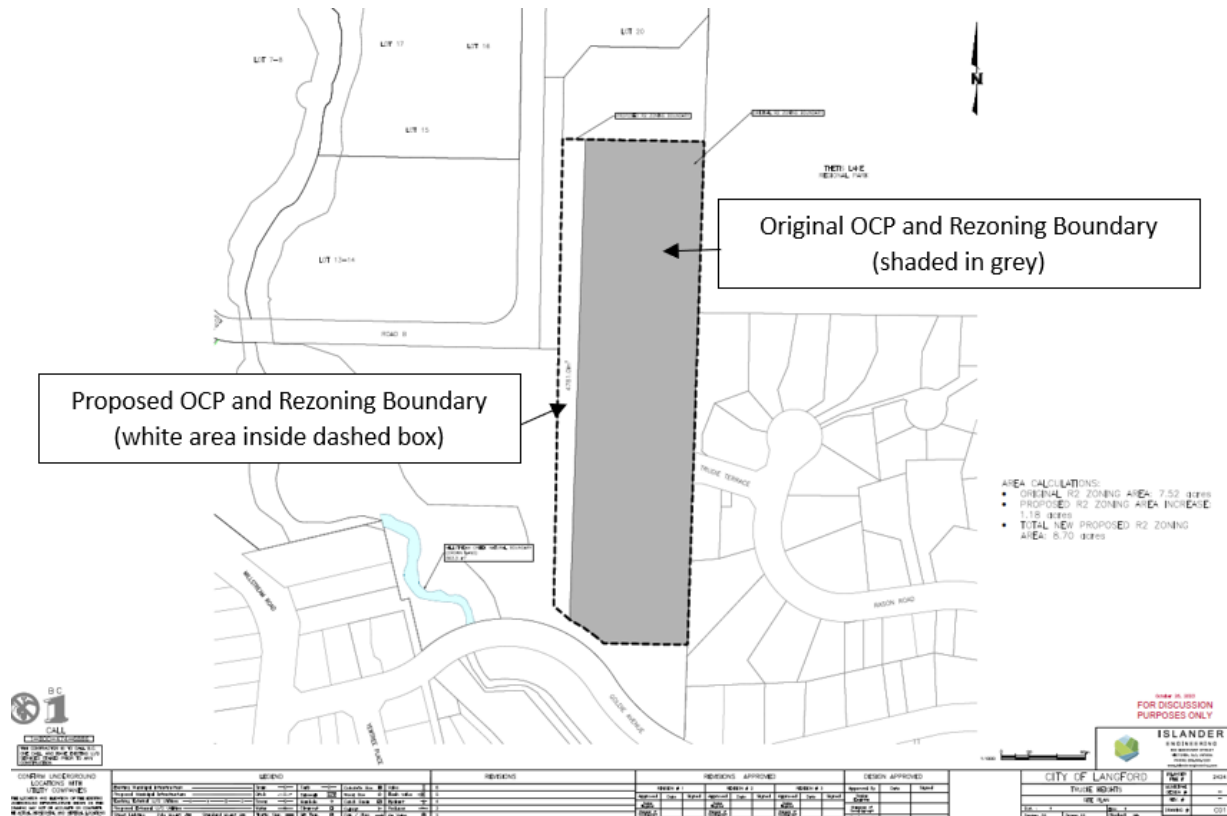
As the Official Community Plan (OCP) Bylaw No. 1200 designates this portion of the subject property as “Business or Light Industrial” with the remainder of the Trudie Terrace subdivision designated as “Neighbourhood”, an OCP amendment is also required to ensure that the OCP designations align with the amended Zoning line.

The current residential boundary area, shaded in grey within Figure 2, is 7.52 acres. The portion of land proposed to be added to the residential area, shaded white within the dashed area to the west, totals 1.18 acres. As such, the total area of land within the residential portion of the site would increase to 8.70 acres.

Of note, if Council does not approve the proposed bylaws, the applicant will be required to create lots inside the original site area which will decrease the intended amount of lots proposed from the original

rezoning. Additionally, the proposed boundary adjustment to the west will not affect the business park land due to the steep grade change.

Figure 2: Proposed Site Plan



As shown in Appendix A, the proposed lot layout identifies the cul-de-sac bulb giving frontage to the neighbouring Business Park zone. Staff is recommending that no business park traffic have access through the residential land via Trudie Terrace. Council may wish to require the applicant to register a section 219 covenant prior to bylaw adoption, over the property to restrict traffic movements through the cul-de-sac bulb to the north.

Table 3: Proposal Data

	Permitted by BP9 (Current Zone)	Permitted by R2 (Proposed Zone)
<i>Permitted Uses</i>	<ul style="list-style-type: none"> Wide range of business and light industrial uses in enclosed buildings 	<ul style="list-style-type: none"> One or Two-Family Dwelling Group Day Care Home Occupation
<i>Density</i>	100 m2	n/a
<i>Height</i>	32 m (105 ft)	9m (30 ft)

<i>Site Coverage</i>	20% min and 80% max	40% max
<i>Front Yard Setback</i>	4.5 m (14.8 ft) of any lot line that abuts a highway and/or 6 m (19.7 ft) of any lot line that does not abut a lot in a Business Park or Industrial Zone	3.0 m (9.8 ft), or 5.5m (18 ft) for the garage portion
<i>Interior Side Yard Setback</i>	4.5 m (14.8 ft) of any lot line that abuts a highway and/or 6 m (19.7 ft) of any lot line that does not abut a lot in a Business Park or Industrial Zone	1.5m (5.0 ft)
<i>Exterior Side Yard Setback</i>	4.5 m (14.8 ft) of any lot line that abuts a highway and/or 6 m (19.7 ft) of any lot line that does not abut a lot in a Business Park or Industrial Zone	3.0 m (9.8 ft), or 5.5m (18 ft) for the garage portion
<i>Rear Yard Setback</i>	4.5 m (14.8 ft) of any lot line that abuts a highway and/or 6 m (19.7 ft) of any lot line that does not abut a lot in a Business Park or Industrial Zone	5.5m (18 ft)
<i>Parking</i>	Dependent on use	2 per unit + 1 per suite

INFRASTRUCTURE

MITIGATION PLAN

As per Bylaw No. 1000, Section 2.5, a Mitigation Plan is required prior to land alteration to the satisfaction of the Director of Engineering (this is an interim measure for all developments, until the Good Neighbour Policy is adopted). A Mitigation Plan is required where there are reasonable grounds to anticipate any discharge of contaminants, pollutants, silts, airborne particulates (dust) or materials (toxic or natural) to any watercourses, municipal ditches and sewage systems, public or private lands, waters or the atmosphere.

NON-DISTURBANCE SPACE

A portion of the property is designated as a non-disturbance area through DP21-0055. As staff are aware that some encroachment into this area has occurred, a memo outlining the disturbance in the non-disturbance area was requested as part of the submission for this application. The memo describes the removal of dead or hazardous trees and the completion of earthworks to “chase and safely remove” fractured/rotten rock within the non-disturbance area without notifying the City. Council may wish to require the applicant provide a replanting plan and bond for the works required to revegetate the non-disturbance area prior to subdivision approval.

FINANCIAL IMPLICATIONS:

Rezoning the subject properties to permit higher density of development will increase the assessed value of lands and eventually will increase municipal revenue due to the number of units created. As the developer is responsible to complete all frontage improvements, the direct capital costs to the City associated with this development will be negligible. A summary of Amenity Contributions and Development Cost Charges that the developer will be expected to pay, is outlined in Tables 4 and 5 below.

COUNCIL'S AMENITY CONTRIBUTION POLICY

The amenity contributions that apply as per Council's current Affordable Housing and Amenity Contribution Policy are summarized in Table 4 below, based on the current site plan and a maximum density of 60 lots. The actual contributions may be different if the final layout includes any duplex or larger lots.

Table 4 – Amenity Contributions per Council Policy

Amenity Item	Per unit / area contribution	Total (Approx. 60 lots)
<i>General Amenity Reserve Fund</i>	\$3,960 per small lot (under 550 m ²)	\$237,600
<i>Affordable Housing Reserve Fund</i>	\$660 per small lot (under 550 m ²)	\$39,600
TOTAL POLICY CONTRIBUTIONS		\$277,200

Table 5 - Development Cost Charges

Development Cost Charge	Per Unit Contribution	Total (Approx. 60 lots)
<i>Roads</i>	\$5,876	\$352,560
<i>Park Improvement</i>	\$3,146	\$188,760
<i>Park Acquisition</i>	\$211	\$12,660
<i>ISIF</i>	\$495	\$29,700
<i>ISA</i>	\$52	\$3,068
Subtotal (DCC's to Langford)		\$586,748
<i>CRD Water</i>	\$2,922	\$175,320
<i>School Site Acquisition</i>	\$1,000	\$60,000
TOTAL DCC's (estimated)		\$822,068

LEGAL IMPLICATIONS:

Should Council choose to proceed with consideration of Bylaw No. 2149 and 2150, a Public Hearing will be scheduled in accordance with the requirements of the *Local Government Act*.

The amenity contributions specified in Table 5 above are incorporated into Bylaw No. 2150, and will be payable at the time of building permit along with the current Development Cost Charges specified in the various DCC Bylaws.

Council's other conditions of approval would be registered in a Section 219 Covenant in priority of all other charges on title prior to consideration of Bylaw Adoption.

OPTIONS:

Option 1

THAT the Sustainable Development Advisory Committee recommend that Council:

1. Proceed with consideration of Bylaw No. 2149 to amend the Official Community Plan designation of a portion of the property at 2207 Millstream Road from "Business or Light Industrial" to "Neighbourhood" AND Bylaw No. 2150 to amend the zoning designation of a portion of the property at 2207 Millstream Road from the Business Park 9 (BP9) to the One- and Two-Family Residential (R2) to allow for a maximum of 60 residential lots subject to the following terms and conditions:
 - a. That the applicant provides, **as a bonus for increased density**, the following contributions per dwelling unit, **prior to the issuance of a building permit**:
 - i. \$660 towards the Affordable Housing Reserve Fund; and
 - ii. \$3,960 towards the General Amenity Reserve Fund;
 - b. That the applicant, **prior to Bylaw Adoption**, registers a Section 219 covenant in priority of all other charges on title, that agrees to the following:
 - i. That a mitigation plan will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to the issuance of a building permit;
 - ii. That the applicant provides a replanting plan from a registered professional biologist for areas disturbed in the non-disturbance area and bond for the works, to the satisfaction of the Director of Planning and Subdivision prior to subdivision approval.
 - iii. That no vehicle access of any kind is permitted from the business park land through the residential land by way of using the cul-de-sac bulb to the north in the One- and

Two-Family Residential (R2) zone.

OR Option 2

THAT the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to amend the OCP designation and rezone a portion of 2207 Millstream Road under Bylaw No. 2149 and 2150 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. _____;
- b. _____;
- c. _____;

SUBMITTED BY: Matt Notley, Planner II, Long Range Planning

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

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

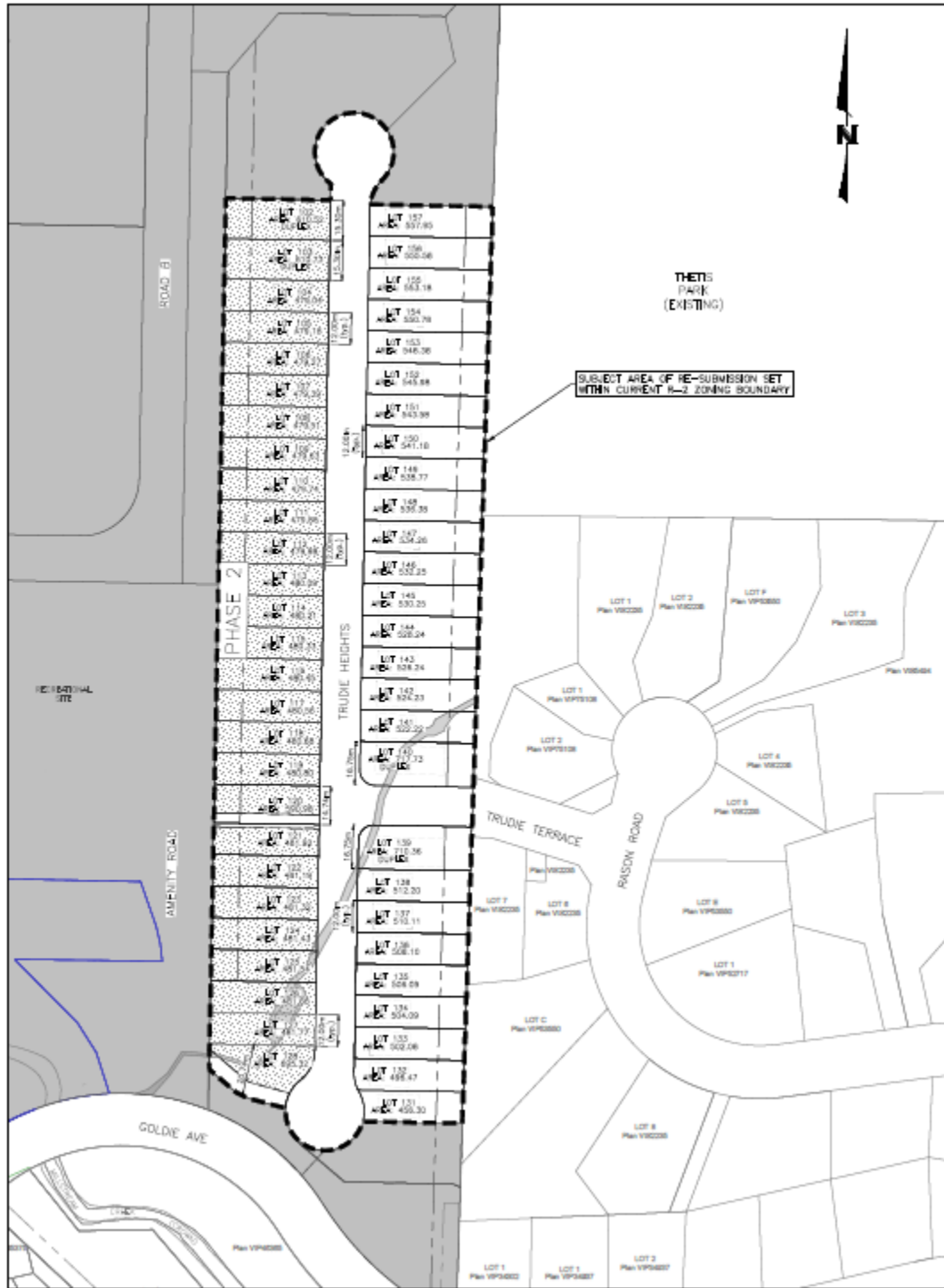
Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

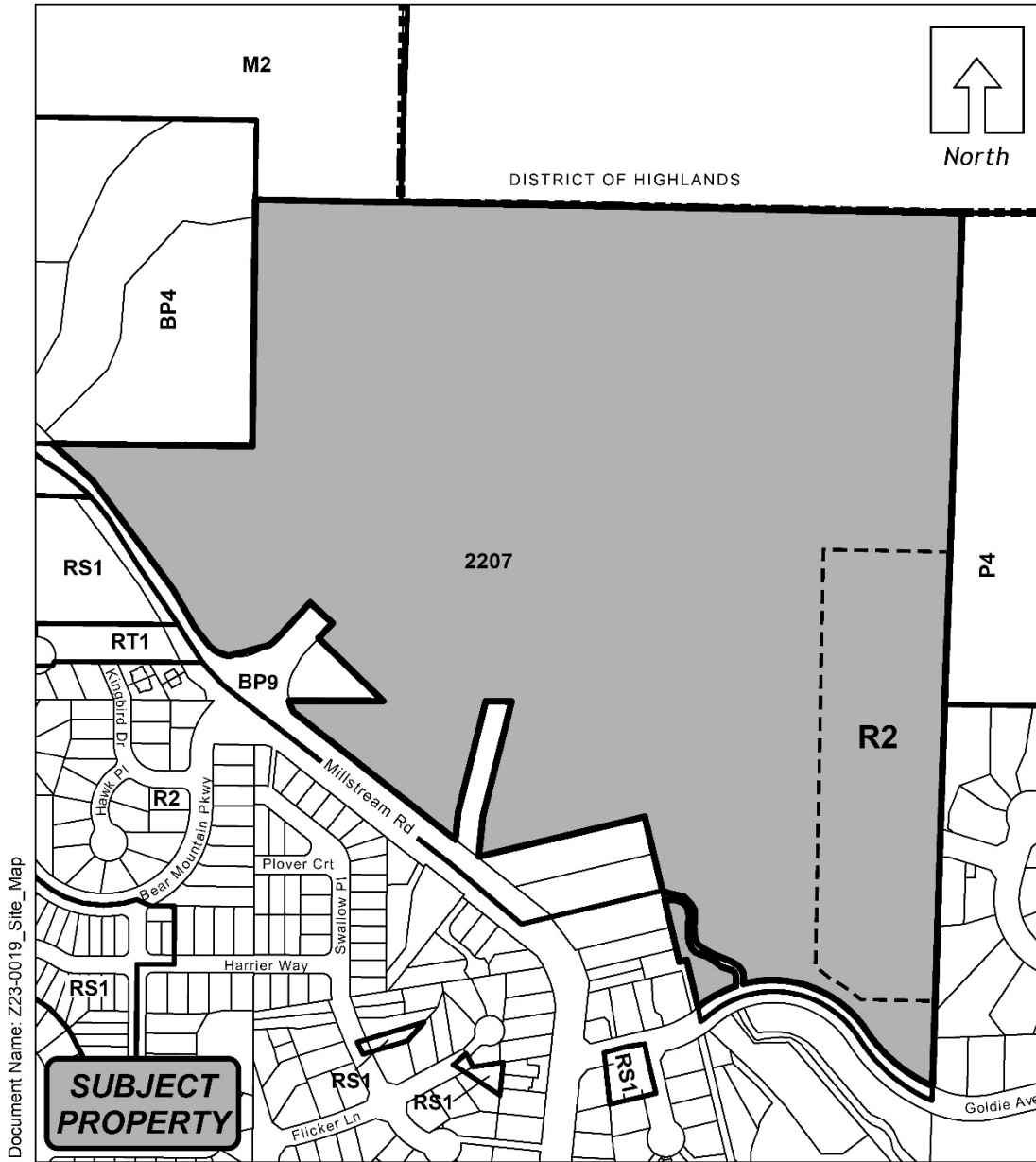
Concurrence: Darren Kiedyk, Chief Administrative Officer

Appendix A – Proposed Site Plan



Appendix B – Site Map

**REZONING BYLAW AMENDMENT
(Z23-0019)
2207 Millstream Rd**



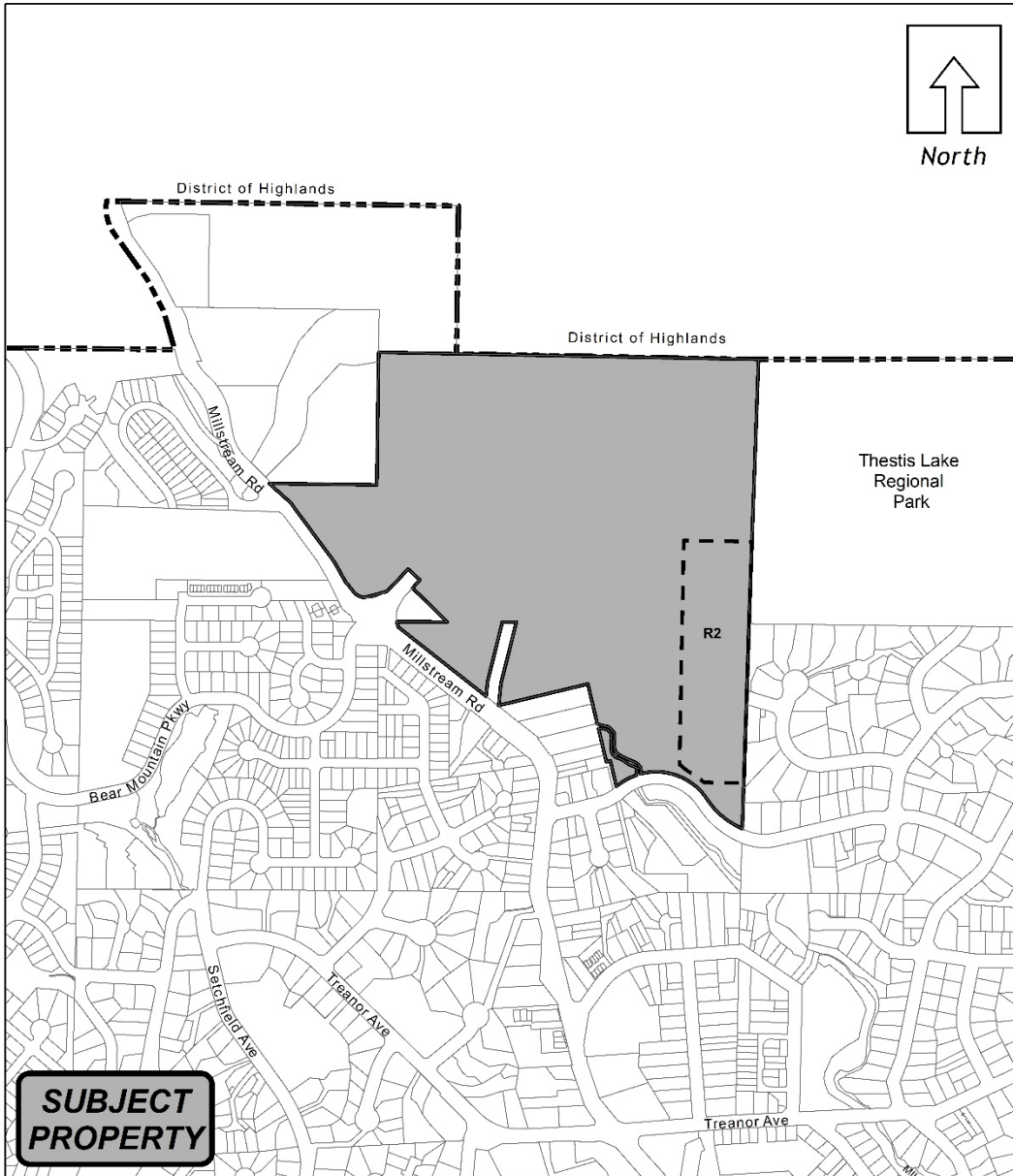
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Last Revised: 2023-11-03

Appendix C – Location Map

**REZONING BYLAW AMENDMENT
(Z23-0019)
2207 Millstream Rd**



Document Name: Z23-0019_Location_Map

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Last Revised: 2023-11-03