

DISTRICT OF HIGHLANDS
PUBLIC HEARING

HIGHLANDS ZONING AMENDMENT BYLAW NO. 182, 2002

Minutes of the Public Hearing regarding *Highlands Zoning Amendment Bylaw No. 182, 2002* held Tuesday, July 2, 2002 at the East Highlands Fire Hall, 3613 Woodridge Place at 7:30 p.m.

PRESENT: Mayor Karel Roessingh, Chair
Councillor Faris
Councillor McLellan
Councillor McPherson
Councillor Mendum
Councillor Vogel

IN ATTENDANCE: Bruce Woodbury, Administrator
Loranne Hilton, Deputy Clerk

PUBLIC HEARING

HIGHLANDS ZONING AMENDMENT BYLAW NO. 182, 2002

7:30 P.M.

1. Public Hearing Opens:

The Chair declared the Public Hearing pertaining to Bylaw No. 182 open at 7:30 p.m.

2. Opening Statement by the Chair:

The Chair advised that as required by the *Local Government Act*, the Public Hearing had been convened as an opportunity for all persons who believe that their interest in property is affected by the proposed Bylaw to be heard by Council or to present written submissions respecting matters contained in the Bylaw.

The Chair also noted that the meeting was not for open debate of the issues or for Council to state positions on the merits of the proposed Bylaw, noting that Council will have its opportunity to discuss and debate the Bylaw at its Regular Council meeting.

The Chair advised that anyone wishing to speak to Council is asked to state his or her name and address for the record.

The Chair also advised that anyone could submit letters or briefs to staff at any time including after they had been read, and that all written material would be included in the record of the Public Hearing and would be available for public viewing.

The Chair further advised that after all persons who so wished had expressed their

views, that he would ask three times "Is there anyone else who wishes to be Heard", and if no further views were forthcoming, the Public Hearing would be declared closed.

3. Public Hearing Notice:

The Chair read out the following:

HIGHLANDS ZONING AMENDMENT BYLAW NO. 182, 2002

The purpose of this Bylaw is to amend the Highlands Zoning Bylaw, No. 100, 1998 by creating a new Zone (Greenbelt 1A), which permits forest management activities related to timber production and harvesting, residential, agriculture and home-based business uses (similar to Greenbelt 1 properties), but differs from that zone by permitting a maximum of four dwellings on one lot while prohibiting subdivision of a lot with an area less than 48 hectares (120 acres). The new zone also limits the total floor area for all accessory buildings on a lot to 1000 square metres. The lands to which Bylaw 182 would apply are described as Section 19, Highland District (except part in Plan 12033) and such lands are shown on the sketch below. The lands are within the Forest Land Reserve. The application for this Bylaw is made by Diana McMinn.

PUBLIC COMMENT

Submissions were received from the following people prior to the Public Hearing with respect to the proposed Bylaw:

Alan Philip, 671 Millstream Lake Road

Eileen Palmer, The Land Conservancy

The District of Highlands Trails Advisory Committee

Janet Williams, 2281 Bukin Place

Les and Vicki Plant, 652 Caleb Pike Road

The Administrator read out written submissions from the following people that had not previously been distributed to Council:

Paul Henry, 5018 Munn Road

Eric Bonham, 5216 Stag Road

Warren Lee and Cathy Reader, 218 Ross-Durrance Road

Bronwen Duncan, 178 Ross-Durrance Road

The following people made statements to Council or provided written submissions to the Public Hearing:

Alan Philip 671 Millstream Lake Road outlined his written submission indicating that he felt this was a good opportunity for the District of Highlands to acquire road right of ways to Munn Road and Millstream Lake Road through the McMinn property.

Will Carrilho, 119 Ross-Durrance Road noted his concerns regarding the lack of lake access to Mitchell Lake, that there is not a “no subdivision” guarantee, and that there is no guarantee that the lands will be donated to The Land Conservancy.

Sally Gose, 320 Ross-Durrance Road read out a submission from herself and Rose Stanton of 320 Ross-Durrance Road in support of the bylaw.

Rod Glover, 368 Millstream Lake Road spoke in support of the bylaw, and noted that public access to Mitchell Lake could be damaging and that a road right of way down to the lake was not desirable.

James Kinghorn, 1253 Palmer Road stated that he felt the idea is good, but the 30 acre lot size is artificial. He also stated that all other large property owners should have the same right and that the proposed rezoning was an artificial bending of the rules to accommodate the situation.

Diana McMinn, 587 Millstream Lake Road advised that subdivision would not be applied for even if the rezoning were denied.

Elliot Gose, 303 Ross-Durrance Road noted that the proposed rezoning had been discussed by the Advisory Planning Commission. He stated that since incorporation, only one 30 acre lot has been created. He noted that what was being offered was valid, and the process to give land to The Land Conservancy was underway and can be depended on. Mr. Gose read out correspondence on behalf of **Vicky Husband and Patrick Pothier of 301 Ross Durrance Road** in support of the bylaw.

Bob McMinn, 499 Millstream Lake Road noted that he is a person of his word and that in his will his 90% interest in the property goes to The Land Conservancy.

Marcie McLean, 1321 Millstream Road noted that she is not in favour or opposed to the bylaw, then went on to outline her concerns as contained in her written submission.

Will Carrilho, 119 Ross-Durrance Road stated that this was an important rezoning and that there are other large properties with non-conforming housing on them. He urged Council to consider all aspects of the application, and noted that nothing would be gained by the Municipality. He said that he did not favour spot zoning, he expressed the view that this was the community's only possibility to gain lake access to Mitchell Lake, and he noted his concern that a future Council might allow subdivision of the property.

Bob McMinn, 499 Millstream Lake Road, in response to queries from Mr. Kinghorn, noted that 90% interest in his property over Sections 19, 20 and 76 would be transferred to The Land Conservancy, with 10% being retained by the family. He also stated that, due to tax implications, the land would be donated piece by piece over time.

James Kinghorn, 1253 Palmer Road, noted his concerns regarding whether The Land Conservancy will respect the commitment to the managed forest status of the property.

Colleen Robertson, 1835 Millstream Road, noted that she is not for or against the bylaw but that she had concerns regarding the speed of the application process and the deviation from the policy to refer rezoning applications to all Advisory Committees, the lack of amenities, the potential change from FLR status, and that other residents do not have the same benefit.

Gary Willner, 1791 Rowntree Road, noted his agreement with Ms. Robertson's concerns regarding the speed of the application process.

Bob McMinn, 499 Millstream Lake Road, noted that one use for FLR lands is ecological reserve including conservation of ecosystems, and that in his application to the FLR he noted his intentions were more for preservation than logging. He stated that there would not be a lot of logging on the land but that some logging has occurred.

Patti Whitehouse, 828 Finlayson Arm Road, noted her support of the bylaw stating that it was an appropriate use of the flexible aspects of the Official Community Plan.

All submissions are attached hereto and form part of the minutes.

The Chair called a first, second and third time for further submissions and hearing none, declared the Public Hearing respecting Highlands Zoning Amendment Bylaw No. 182,

**District of Highlands - Public Hearing – July 2, 2002
Highlands Zoning Amendment Bylaw No. 182, 2002**

Pg. 5

2002CLOSED at 8:10 p.m.

Karel Roessingh, Mayor

Bruce Woodbury, Administrator