

**DISTRICT OF HIGHLANDS**  
**COMMITTEE OF THE WHOLE MEETING**  
**(POLICIES AND PRIORITIES)**

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Minutes of the Committee of the Whole Meeting held on January 11, 2005 at Caleb Pike House, 1589 Millstream Road at 7:00 p.m.

PRESENT: Mayor Roessingh, Chair  
Councillor K. Brotherston  
Councillor M. Brotherston  
Councillor Cardinal  
Councillor Kadar  
Councillor McPherson

ABSENT: Councillor Mendum

IN ATTENDANCE: Scott Coulson, Administrator  
Terry Trace, Municipal Clerk  
Laura Beckett, Municipal Planner  
Heinz Burki, Building Inspector

**1. Approval of the Agenda**

MOVED BY: COUNCILLOR MCPHERSON  
SECONDED: COUNCILLOR M. BROTHERSTON

**THAT** the Agenda be approved as presented.

CARRIED.

Council agreed to allow the members of the public to speak at this Committee of the Whole meeting as long as their representation is pertinent to the issue on the agenda and subject to time permitted.

**2. Report – Municipal Planner (File No. 5280-01)**

Re: Comparison of Highlands' Regulations with the Riparian Areas Regulation

Discussion ensued among the Councillors with respect to the Riparian Areas Regulations.

It was noted that District bylaws are in place to deal with Riparian Areas that suit water and drainage for Highlands and that it is viewed that the District's regulations are better than the Riparian Areas Regulations, however the District should pay attention to liability issues.

It was questioned whether or not the Riparian Areas Regulations would over ride municipal authority. It was noted that no, they would not and that Council could adopt the Riparian Areas Process, however is not required to adopt the Riparian Areas Regulations guidelines.

MOVED BY: COUNCILLOR M. BROTHERSTON  
SECONDED: COUNCILLOR CARDINAL

**THAT** Council receive the Riparian Areas Regulation in its current form for information purposes.

CARRIED.

**3. Report – Municipal Planner**

Re: Bear Mountain Summary Report and Master Development Agreement

The Mayor noted the following topics for discussion:

- a) City of Langford's Roads Recommendation and traffic in the Highlands and City of Langford's DCC recommendation;
  - b) Amenities;
  - c) Linkage between golf course, commercial and residential;
  - d) Aquifer and other water sources;
  - e) Environment Best Management Practices;
  - f) Viewscapes;
  - g) VIHA
  - h) Commercial
  - i) Public Hearing
- a) City of Langford's Road Recommendations and traffic in Highlands:

Council discussed a previous request made by City of Langford for the District of Highlands to contribute \$25,000 towards the funding for a transportation plan and discussed City of Langford's Council decision that Langford has no objection to Highland's OCP referral RZ-01-04, subject to the applicant of Bear Mountain providing the City of Langford with a contribution equivalent to that which the City would collect through Development Cost Charges for roads if the Bear Mountain development were in Langford.

It was noted that the issue of Langford's request for \$25,000 was not dealt with as of yet, as Council has requested more information from Langford on this issue to assist the District in making a decision.

Mr. Bjola noted that the applicant is required to pay \$7,500 per door towards Langford's DCC's over and above the amenity offered to the District of Highlands. He noted that the applicant is required to build a treatment system and is required to pay a sewer DCC. He noted that the DCC cost for roads applies only to collector roads. He further noted that he does not have an agreement with Langford yet and Highlands does not need to be involved with this matter.

Councillor Cardinal noted that he had spoken to Councillor Blackwell and noted that the cleanest way for the District of Highlands to deal with this issue is to back away and let Bear Mountain deal with it. However, Councillor Cardinal noted that he does agree that

the District should contribute some funding towards the development of roads and that District of Highlands and City of Langford should meet to discuss this matter.

Councillor Kadar noted that he supports the District entering into a cost sharing agreement with Langford for the development of roads, subject to knowing the anticipated costs up front.

Council decided to receive City of Langford's letter, with respect to OCP referral RZ-01-04 for Bear Mountain, however noted that the issue of DCC costs for roads was strictly between Bear Mountain and Langford and therefore the District of Highlands was not required to act on this letter.

Discussion then ensued with respect to the fireflow issues raised in City of Langford's letter and it was noted that this issue has already been covered and that the District has their own Wildland Interface Guidelines.

It was suggested that the District write a letter to the City of Langford indicating that the District agrees with 1(b) of City of Langford's letter and find 1(a) interesting.

Councillor McPherson indicated that she did not agree with the findings in the traffic report and expressed concern with respect to the volume of truck traffic on the roads. She further indicated that the report was incomplete and did not take the truck traffic into account.

Mr. Bjola advised Council that the road will be built to Highway standards. He noted that the hump will be removed at the Hannington intersection site and noted that, if anything, the intersection and road design guidelines were over designed. He advised that tourists and guests will be taking the Bear Mountain Parkway route and advised the traffic report is an analysis of four previous traffic reports and therefore is very complete.

Mr. Burki advised that the Hannington intersection work will be carried out within the next month and will take place long before any construction work on Bear Mountain.

Councillor K. Brotherston raised concern with respect to the length of the turning lane at the Hannington Road intersection and indicated that he felt it should accommodate an additional dump truck with attached pup to make the intersection safer.

Councillor Cardinal noted that the intersection was designed to accommodate traffic once Bear Mountain was developed and didn't take into consideration ongoing dump truck traffic, however indicated that once the crest in the road was removed a safer turning lane would be provided.

Councillor M. Brotherston noted that the removal of the hump would improve sight lines and would provide a safer intersection. She noted that Council should rely on the professional traffic experts who provided the report.

Mr. Burki advised that the current intersection design pushes everything west and cannot encroach on private property in order to provide a longer turning lane. He noted that the intersection will be the same as the intersection at Bear Mountain Parkway.

Councillor Kadar noted that the District should leave the design of the intersection to the experts.

Councillor Cardinal agreed that the District should rely on the traffic experts and not second guess the report.

Council decided that the matter should rest with Administration to investigate the option to make the turning lane longer.

b) Amenities:

A brief discussion took place with respect to amenities from the Bear Mountain Development.

Mr. Bjola advised that Bear Mountain would pay \$250,000 up front to the municipality each year, which is the minimum requirement.

c) Linkage:

Discussions took place with respect to linking commercial, residential and the golf course.

It was noted that residential should be linked to the golf course, however commercial is market driven and it isn't practical to enforce commercial to be built prior to residential. It was noted that amenities work off of residential as well as commercial and that if a hotel was built first it would sit empty during the construction of the golf course.

Councillor McPherson expressed concern with respect to not linking commercial to the golf course. She felt that it would benefit the District's tax base.

Mr. Bjola advised that it is necessary to install services prior to building anything. He noted that there is no problem linking the golf course to the residential component, but not the commercial component. He noted that residential component pays for its own services, however the hotel does not and linking the hotel to the golf course would be a financial disaster for the Bear Mountain Development. He noted that the earliest start date for building the cabins would be the summer of 2007, as the area needs to be serviced first.

Councillor Cardinal noted that linking the residential to the golf course is a stepping stone and the rest will follow.

Councillor Kadar noted that the District needs a first class golf course to bring the people in the community, then the commercial component will follow.

Councillor Cardinal suggested the possibility of ensuring 50 building permits for the first 9 holes constructed and 100 at 18 holes, or no further permits will be issued.

Bob McMinn, 499 Millstream Lake Road, indicated that he felt that tourist accommodations should be linked to the golf course as an important part of the tax base.

Colleen Robertson, 1835 Millstream Road, expressed concern that the whole golf course should be built at once for amenity purposes.

Vicki Husband, 301 Ross-Durrance Road, supported Mr. McMinn's comment in support of linkage of the tourist accommodation and the golf course.

Councillor M. Brotherston noted that it made sense to link residential and the golf and would like to see a linkage with the resort hotel, however does not want to see Bear Mountain set up to fail.

Council consensus was to link the golf course and residential.

d) Aquifer:

Council considered the following recommendation presented by the Municipal Planner:

“THAT Council requires LGB9, through the Master Development Agreement, to build, fill with non-aquifer sources during June through October annually, and make operational all necessary reservoirs prior to the need for irrigation;  
AND THAT Council requires LGB9, through the Master Development Agreement, to irrigate the golf course with said water from reservoirs and not well water during June through October annually.”

Mr. Bjola advised that the reservoir would be built prior to irrigating the golf course.

Councillor Cardinal noted that he supports the recommendation and that it is a good compromise. He noted that the resources are there and could be used during certain times in the year and would be functional for Bear Mountain.

Councillor McPherson expressed concerns with respect to Schedule 'A' of the 219 Covenant with respect to the use of other water and wanted clarification of what other water referred to.

It was noted that other water referred to storm water run-off and CRD water supply. It was also noted that it is not reasonable for Bear Mountain to be restricted from the use of aquifer water and a suggestion was made that wording in Schedule 'A' should indicate what the other water sources are for clarification.

Councillor McPherson expressed concern with reference to “owners” in section 2(c) of the covenant. She questioned what owners are affected.

Mr. Bjola advised that the intent is that Bear Mountain doesn't want the District to be liable so Bear Mountain requires permission to enter onto the property owners property adjacent to the Bear Mountain Development in order to monitor their wells to ensure that their wells are not affected by contaminants. The owners affected are the adjacent

landowners to Bear Mountain. He further noted that no water would be drawn from Matson Lake or Millstream Creek.

Councillor McPherson also expressed concern with respect to #10 of the covenant. She noted that it was too vague and that she would like to see more certainty of what the considerations entail.

The Planner provided the clarification that if Highland's regulations meet the requirements in the Watershed Action Plan, then the District would follow Highland's regulations.

Patti Whitehouse, 828 Finalyson Arm Road, expressed concern with respect to the homes on the other side of Finalyson Arm Road. She questioned if a property abutting Bear Mountain experiences contamination in their wells, would the homeowners on the other side of the road also experience contamination, as they would most likely draw their water from the same aquifer. She noted that these homes should also be monitored.

The Mayor clarified that LGB9 is responsible to stop using contaminants, should contaminants enter someone's well, and that LGB9 is not responsible to clean up the well and is not responsible if a well goes dry.

Councillor M. Brotherston questioned if the water quality in the adjacent property owner's wells would be tested prior to Bear Mountain irrigating in order that it will be easy to determine if there is contamination.

It was noted that yes this would be carried out.

e) Best Practices – Letter - Marlene Caskey

Council considered a letter from Marlene Caskey with respect to using the Environmental Best Management Practices for Urban and Rural Development in BC to assess Bear Mountain. The Planner advised that she would check to see if Susan Lundell used the Best Practices in her environmental report with respect to Bear Mountain.

f) Viewscapes – Letter - Don McLaren

Council considered an email from Don McLaren, with respect to his concerns regarding viewscapes with respect to Bear Mountain.

Councillor McPherson noted that Council is still awaiting the viewscape report for Bear Mountain.

Mr. Bjola advised that a viewscape is very subjective and questioned Council on what they hoped to expect or achieve from such a picture.

Councillor McPherson expressed concern with respect to how the land would change aesthetically.

Mr. Bjola noted that it is a fact that the land will change and that everyone has an opinion on the change. He further noted that he didn't know what it would prove to provide a viewscape.

Councillor McPherson noted that it would provide a visual impact and that she would like the changes to be demonstrated as much as reasonably possible, prior to the development of Bear Mountain.

g) VIHA

It was noted that VIHA had already been dealt with.

h) Commercial

It was noted that the commercial proponent of Bear Mountain was the gateway to the Highlands and near to the entrance of the Municipal Hall. Council would like to have assurance that what goes in the commercial area is what they want with respect to form and character.

Mr. Burki advised Council that they have control through the master development permit process for the commercial proponent of Bear Mountain.

Mr. Bjola advised that Bear Mountain is willing to create regulations in the development agreement to dress up a building to make it aesthetically pleasing.

Mr. Burki once again advised that the Commercial area is a DP Area and Council will have control over form and character.

Mr. Bjola advised that the building will only take up 10% of the overall land mass in the commercial area and could virtually be hidden from view.

Councillor Cardinal noted that he would like to see the master development agreement include that trails will be built near Matson Lake and the Municipal Hall at the same time the golf course is being constructed.

Vicki Husband, 301 Ross-Durrance Road, noted that the viewscape and form and character of the development need more attention and that screening along the road should be provided for commercial proponent.

Councillor Kadar noted that he supports the trail network being complete at the same time as the golf course and that the developer should come up with a good trail standard.

Councillor McPherson noted that she supports the trail, particularly along Hatcher's Swamp up to Matson Lake.

Councillor Cardinal questioned Mr. Bjola when the dam would be replaced.

Mr. Bjola advised that the dam replacement will be complete in the summer of 2007. He noted that they would build an entirely new dam south of the original dam and that the Province will dictate the high water mark.

Mr. Frank Neate, 1540 Dispard Avenue and owner of property adjacent to Bear Mountain, noted that he felt the residents of the District of Highlands were poorly served by Council, with respect to making information available for decision making with respect to Bear Mountain. He expressed concern with respect to how Council uses the word "aquifer" and questioned whether Council understood the proper definition of "aquifer".

Councillor Kadar explained to Mr. Neate that Council held a public forum with respect to water and aquifers and advised that Council have a full understanding of what an aquifer is.

Colleen Robertson, 1835 Millstream Road and Eleanor Rayner, 600 Stewart Mountain Road, both noted that Council has provided extensive information to the public to assist the public in understanding the Bear Mountain Development issue and noted that Mr. Neate had never attended any of the public meetings or open houses with respect to this development. They further noted that they took offence to his comments towards Council serving the public poorly.

Councillor Cardinal indicated that another draft of the Master Development Agreement will come back to Council for review.

i) Public Hearing:

Council decided that they would put a three (3) minute time period in place for speakers at the Public Hearing for Bear Mountain to provide everyone an opportunity to speak.

#### **4. Adjournment**

The Meeting adjourned at 10:00 p.m.

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Mayor

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Municipal Clerk