

**DISTRICT OF HIGHLANDS
COMMITTEE OF THE WHOLE MEETING**

Minutes of the Committee of the Whole Meeting held September 25, 2006 at Caleb Pike House, 1589 Millstream Road at 7:05 p.m.

PRESENT: Mayor Cardinal, Chair
Councillor K. Brotherston
Councillor Fall
Councillor Kadar (arrived at 7:10)
Councillor Mahovlich
Councillor Mendum (arrived at 7:15)
Councillor Williams

IN ATTENDANCE: Christopher D. Coates, CAO
Laura Beckett, Planner
Sandi Chesley, Administrative Assistant

Prior to the start of the Committee of the Whole meeting, Mayor Cardinal stated that because there has been a public hearing on the Ford rezoning application, Council would not be able to hear from the applicant or the public.

1. **APPROVAL OF THE AGENDA**

**MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON**

THAT Council approves the agenda as circulated.

CARRIED.

2. **OTHER BUSINESS**

- a) District of Highlands Official Community Plan Amendment Bylaw No. 290, 2006
Highlands Zoning Amendment Bylaw No. 291, 2006
(3290 Munn Road)

Councillor Fall read out a letter highlighting the following:

- Council must consider the best interests of the entire community;
- How this application affects sustainability- triple bottom line;
- Ecologically there will be some loss of open space;
- Economically it will be neutral to negative, no amenity is offered but the District will receive taxes and no new roads are needed;
- Goes against the existing OCP but socially this rezoning application may help to maintain or increase the social capital of the Highlands
- The key outstanding question is: Will this rezoning result in a net benefit to the community?

- Many residents support this application while some voice reasonable opposition
 - o Those in favour state the social values and the Ford's demonstrated commitment to the Highlands.
 - o Most of the opposition is focused on current applications. (Chris – not sure on this one)
- This is not a family subdivision (946) but it is a rezoning for a family. Council can expect more applications to come forward with similar requests and such, sets a precedent which is defined as an act, decision or case that may be used as a guide or justification at a later time. There are two kinds of precedents – legal binding precedent which affects future Council decision and a persuasive precedent based on equitable treatment.
- Allowing this rezoning does pose some risks; two ways to minimize risks -
 - o Council needs to clearly articulate what is unique about this application in objective terms. This property was purchased between 1990 and 1994 which was the year that Bylaw 40 was adopted. The properties purchased prior to this period had an opportunity to apply while those purchased since never had this possibility.
 - o Implement some controls. Either by upfront restrictions or back end monitoring.
 - Restrictive covenants but was not a workable solution
 - Set up a monitoring system to track affected properties and changes of ownership over time
- Councillor Fall presented Council with a diagram showing a concept of adaptive management and role of planning and monitoring.

The following are other topics brought up for discussion:

- A European family model which allows families to add on to the original home;
- Potential legal action against the District if a rezoning application gets turned down;
- Family subdivision process as well as secondary suites needs to be examined more in the OCP process;
- Clarification points that were made at the Community Infrastructure Select Committee meeting dated April 26, 2006;
- Investigate what is involved with respect to Sooke's "4 in 10" strata subdivisions (4 lots in 10 acres);
- There are 4 constraints to development in the Highlands: 1- potable water supply; 2 – enough land for septic field; 3 - the OCP is in flux; 4 – that the comprehensive ground water program is just starting;
- Guidelines to clarify what is acceptable or not acceptable for rezonings?
- A possibility of a "flood" of applications – options for a moratorium
- Can we estimate the number of people who purchased properties between 1990 – 1995
- This is not a family subdivision but a rezoning application and should be dealt with on a stand alone basis, on its own merits;
- Not an amenity rezoning
 - o Not all rezonings are amenity applications – eg Parkland dedication, volunteer time should be considered

The Chief Administrative Officer advised that verbiage can be added to the OCP to further clarify such rezoning applications.

MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR BROTHERSTON

THAT Council recommend to direct staff to develop a monitoring system for rezoning applications considered for family members.

CARRIED.

MOVED BY: COUNCILLOR MAHOVLICH
SECONDED COUNCILLOR BROTHERSTON

THAT Council recommend to consider on the October 16, 2006 Council Agenda, subject to full attendance of council, Third Reading and Adoption of District of Highlands Official Community Plan Amendment Bylaw No. 290, 2006 and Highlands Zoning Amendment Bylaw No. 291, 2006 (3290 Munn Road).

CARRIED.

- b) Council discussion on adding to the Council Agenda and/or Web site, minutes from the Intermunicipal Committee meetings.

MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Council recommend establishing a page on the District website for Intermunicipal Committees that would contain the Committee minutes and their web link if available.

CARRIED.

3. **ADJOURNMENT**

MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR BROTHERSTON

THAT the Committee of the Whole meeting adjourn at 8:20 pm to convene into a Special Council meeting which will involve an In Camera session to discuss a potential legal matter pursuant to section 90(1)(g) of the *Community Charter*.

MAYOR

CHIEF ADMINISTRATIVE OFFICER