

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

Minutes of the Regular Council meeting held Monday, October 4, 1999 at the East Fire Hall, 3613 Woodridge Place at 7:35 p.m.

PRESENT: Mayor R. G. (Bob) McMinn, Chair
Councillor Robertson
Councillor Vogel
Councillor Yolland

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

The following statement was read by Mayor McMinn:

Statement to the Council of the District of Highlands, October 4th, 1999

"I feel that my ability to help the Highlands has been seriously undermined by the judgement recently released by the courts. Therefore I am resigning from the office of Mayor, effective tonight.

With respect to the judgement, I want to make it clear that my testimony under oath was that I did not attempt to influence Bruce Woodbury in his decision regarding First National's subdivision application. I stand by that statement.

In the years that I have known Bruce, I have never known him to act unprofessionally, and I am sure that all of you have had the same experience. I cannot imagine Bruce ever abusing the power of his office.

I also want you to know that my wife and I have made a firm decision that, to the best of our ability, we will undertake to ensure that Highland taxpayers are in no way penalized as a result of this judgement.

Depending on Council's decision with regard to an appeal, and the outcome of an appeal if it is pursued, we will do our best to raise the money from our personal resources in order to meet this commitment. Our belief is that these resources are sufficient for this purpose.

Let me say also, how much I have enjoyed being part of the Highland community for nearly 50 years. I intend to continue being a part of our community. I am referring not only to the friendships I have made, the people I have met and worked with. But I am also referring to the trees and rocks, the ferns, the birds and all the other components that are integral to the Highland community.

As to the practicalities of tonight's situation, it is clear that without me there would be no quorum. I will have to leave it to the Councillors to decide whether they wish me to make my resignation effective immediately or effective at the end of tonight's Council meeting. Most of you know that I am opposed to the WFP rezoning proposal as

presented. Although my negative vote could effectively postpone first reading, I will abstain from voting which in effect means a yes vote, because I feel it would be improper, if you requested me to make my resignation effective at the end of the meeting, for me to impede Council's business.

Thank you."

In response to the question of when it would like the resignation to be effective, there was consensus of Council that it be following the In Camera meeting tonight.

AGENDA

MOTION 549/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: The AGENDA BE AMENDED WITH THE ADDITION OF THE
FOLLOWING ITEM:

Item 1. Letter from the Highlands District Ratepayers Association Re:
First National Law Suit

AND THAT THE AGENDA AS AMENDED BE APPROVED.

CARRIED

1. PETITIONS AND DELEGATIONS

Letter from the Highlands District Ratepayers Association
Re: First National Properties Lawsuit

Bev York presented a letter to Council from the Highlands District Ratepayers Association regarding the First National lawsuit judgement received by Council. Ms. York requested that the questions contained in the letter be asked of the Municipal Solicitors at Council's next meeting with them. Mayor McMinn read out the letter that was presented.

It was noted that Council had many of the same questions as the Highlands District Ratepayers Association. There was consensus that as Council would be investigating the possibility of appeal, further discussion regarding the judgement should not be engaged in at this time.

Members of the public thanked Mayor McMinn for his years in office.

a) Residents of Ross Durrance/Millstream Lake Roads Re: Design and Construction of Road Improvements, Ross Durrance/Millstream Lake Road.

Mr. Elliot Gose presented a petition with 54 signatures from area residents, requesting consultation prior to any design or construction work on Ross Durrance/Millstream Lake Roads.

Members of Council were presented with a basket from the residents, containing bounty representing the roads on which they live.

The Administrator confirmed that no design drawings had been done to date in the Ross Durrance/Millstream Lake Roads area.

b) Rezoning Application RZ-04-99
APPLICANT: Paul Henry
LOCATION: Deanna Place of Munns Road

Dr. Dave Bell was in attendance representing the applicant. He provided Council with an overview of the application and the reasons for the request.

MOTION 550/99 MOVED BY COUNCILLOR YOLLAND
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: Rezoning application RZ-04-99 made by Paul Henry and pertaining to part of Section 77, Highland District BE REFERRED to relevant Advisory Committees with comments and recommendations to be submitted to the Advisory Planning Commission for presentation to Council at a Regular meeting.

CARRIED

c) Development Variance Permit Application DVP-12-99
Development Permit Application DP-10-99
APPLICANT: Susan Nightingale
LOCATION: 1308 Millstream Road

Ms. Susan Nightingale was in attendance and provided Council with information regarding the applications.

MOTION 551/99 MOVED BY COUNCILLOR YOLLAND
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: NOTIFICATION FOR DEVELOPMENT VARIANCE PERMIT
DVP-12-99 BE ISSUED for Lot 5, Plan 24908, Section 27, Highland District that varies Zoning Bylaw 100 in Section 3.3(1) (d) by reducing the required setback of structures from Earsman Creek from 30.0 metres to those distances and substantially in those locations for a riding ring and fencing as shown on Plan A.

CARRIED

MOTION 552/99 MOVED BY COUNCILLOR VOGEL
THAT: Development Variance Permit DVP-12-99 and Development Permit DP-10-99 BE REFERRED to the Environment Advisory Committee for comment to Council for the regular meeting of October 18, 1999.

Motion failed due to the lack of a seconder.

MOTION 553/99 MOVED BY COUNCILLOR YOLLAND
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: The issuance of Development Permit DP-10-99 for Lot 5, Plan 24908, Section 27, Highland District BE DEFERRED until consideration of the issuance of DVP-12-99.

CARRIED

2. ADOPTION OF THE MINUTES

a) Minutes of the Regular Council Meeting Held September 20, 1999

MOTION 554/99 MOVED BY COUNCILLOR ROBERTSON

SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: The minutes of the Regular Council meeting held September 20, 1999, BE ADOPTED as circulated.

CARRIED

3. BUSINESS ARISING FROM THE MINUTES

a) Letter from T. W. Tobin Re: Mr. T. A. Christensen's Intention to Install an Amateur Radio Antenna Tower

MOTION 555/99 MOVED BY COUNCILLOR ROBERTSON

SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: The letter from T. W. Tobin, dated September 27, 1999, Re: Mr. T. A. Christensen's intent to install an amateur radio antenna tower at 3020 Westridge Place BE RECEIVED FOR INFORMATION.

CARRIED

Letter from Mr. T. A. Christensen Re: Colour of Proposed Amateur Radio Antenna Tower

There was discussion regarding which colour the tower should be painted to minimize the visual impact above the tree line.

MOTION 556/99 MOVED BY COUNCILLOR YOLLAND

SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: The proposed amateur radio antenna tower at 3020 Westridge Place BE PAINTED LIGHT GREY IN COLOUR.

CARRIED

b) Development Permit Application DP-08-99

APPLICANT: Stefan Svec Development Consultants

OWNERS: Eagles Lake Estates Inc.

LOCATION: Lot 2, Sections 22 & 39, Plan 28502, Highland District, and Eagles Lake Road Right of Way

Mr. Gardner and Mr. Svec were in attendance in support of the application.

MOTION 557/99 MOVED BY COUNCILLOR ROBERTSON

SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: Development Permit DP-08-99 BE ISSUED to the owner of Lot 2, Plan 28502, Sections 22 & 39, Highland District and on the Eagles Lake Road right of way for development on those properties with the following conditions:

a. no cutting and clearing of trees or removal of vegetation and site disturbances shall be permitted within the Environmental Protection areas for water and riparian areas except for the

construction of a road and trail and for hydro line clearance along the road as substantially shown on Plan A and B; AND

b. underground hydro and telephone lines must be installed for the 120 metre section between Woodridge Place and the top of the hill.

MOTION 558/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED

THAT: The motion BE AMENDED to state "underground hydro and telephone lines must be installed if at all possible".

CARRIED

The main motion was put.

CARRIED

b) Development Variance Permit Application DVP-11-99

APPLICANT: Kingco Developments Ltd.

OWNERS: Langford Poultry Farm Ltd.

LOCATION: 2010 Millstream Road

MOTION 559/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED

THAT: Development Variance Permit DVP-11-99 BE ISSUED for Section 4, Range 4 West and Part of Section 4, Range 3 West, Highland District, that varies Zoning Bylaw 100 in Section 3.3(1)(d) by reducing the required building setback from Millstream Creek from 30.0 metres to those distances and substantially in the locations for buildings and structures shown as "residences, carport, bridge, fence and gate" on Plan A and B.

The Administrator noted that no concerns or objections had been received following Notice of the proposed issuance of DVP-11-99.

CARRIED

4. REPORTS

a) Committee Reports

i) Administration and Finance

Letter from Angela Aarts-Faris Re: Request for Appointment to the Administration and Finance Advisory Committee

MOTION 560/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT: Angela Aarts-Faris BE APPOINTED to the Administration & Finance Advisory Committee for a term expiring December 31, 2001.

CARRIED

Councillor Robertson advised that the next Administration and Finance Advisory Committee meeting would be held on October 12, 1999 at the Caleb Pike House at 7:30 p.m.

ii) Environment

Nil

iii) Parks and Recreation

Parks and Recreation Advisory Committee

Re: Minutes of the Meeting held September 27, 1999

MOTION 561/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The minutes of the Highland Parks and Recreation
Advisory Committee Meeting of September 27, 1999, BE
RECEIVED FOR INFORMATION.

CARRIED

Parks and Recreation Advisory Committee

Re: Recommendation Regarding Kingco Developments Ltd.
Proposed Development

MOTION 562/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT: The Parks and Recreation Advisory Committee's
recommendation regarding Kingco Developments Ltd.'s
proposed development BE REFERRED TO STAFF FOR
CONSIDERATION.

CARRIED

iv) Protective Services

It was noted that the Protective Services Advisory Committee
met the previous week, but minutes of that meeting had not
been received to date.

v) Transportation and Public Works

Transportation and Public Works Advisory Committee Re:
Minutes of the Meeting Held September 23, 1999

MOTION 563/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The minutes of the Transportation and Public Works
Advisory Committee meeting held September 23, 1999, BE
RECEIVED FOR INFORMATION.

CARRIED

vi) Planning and Zoning

Nil

b) Mayor's Report

Nil

5. CORRESPONDENCE

Letter from B.C. Fisheries Survival Coalition Re: Request for Referendum to be held in Conjunction with the 1999 General Local Elections Regarding the Proposed Nisga'a Final Agreement.

MOTION 564/99 MOVED BY COUNCILLOR YOLLAND
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The letter from the B.C. Fisheries Survival Coalition, dated September 15, 1999, requesting that the District of Highlands hold a referendum in conjunction with the 1999 General Local Elections regarding the proposed Nisga'a Final Agreement BE RECEIVED FOR INFORMATION.

CARRIED

6. BYLAWS

a) Bylaw No. 114 - Highlands Zoning Bylaw Amendment Bylaw No. 114, 1999
APPLICANT: Dale Cotton

MOTION 565/99 MOVED BY COUNCILLOR YOLLAND
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: Highlands Zoning Bylaw Amendment Bylaw No. 114, 1999 BE GRANTED THIRD READING.

CARRIED

MOTION 566/99 MOVED BY COUNCILLOR YOLLAND
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: Highlands Zoning Bylaw Amendment Bylaw No. 114, 1999 BE ADOPTED.

CARRIED

b) Bylaw No. 124 - Highlands Official Community Plan Amendment Bylaw No. 124, 1999
APPLICANT: Western Forest Products Ltd.

Bylaw No. 125 - Highlands Zoning Bylaw Amendment No. 125, 1999
APPLICANT: Western Forest Products Ltd.

MOTION 567/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT: Highlands Official Community Plan Amendment Bylaw No. 124, 1999 BE GRANTED FIRST READING.

There was discussion regarding the proposed bylaws and varying views and opinions were expressed.

CARRIED
(Councillor Vogel recorded as opposed)

MOTION 568/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT: Highlands Zoning Amendment Bylaw No. 125, 1999 BE
GRANTED FIRST READING.

CARRIED
(Councillor Vogel recorded as opposed)

MOTION 569/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: Highlands Official Community Plan Amendment Bylaw No.
124, 1999 and Highlands Zoning Amendment Bylaw No. 125, 1999 BE
REFERRED TO ADVISORY COMMITTEES with recommendations
forwarded to the Advisory Planning Commission for final
recommendations to be presented to Council at a Regular meeting.

CARRIED

MOTION 570/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT: The applicant, J. E. Anderson & Assoc. BE REQUESTED to
provide an independent appraisal of the subject property pre and post
zoning based on Highlands Official Community Plan Amendment
Bylaw No. 124, 1999 and Highlands Zoning Amendment Bylaw No.
125, 1999, for amenity calculation purposes and to revise the necessary
technical reports prior to a Public Hearing for the Bylaws.

CARRIED

MOTION 571/99 MOVED BY COUNCILLOR YOLLAND
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: Development Process Schedule (Policy V-3501) BE WAIVED
for RZ-02-99.

CARRIED

c) Bylaw No. 126 - District of Highlands Opinion Referendum Bylaw No.
126, 1999
Re: Continued Participation in the Juan de Fuca Parks and
Recreation Function

MOTION 572/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: District of Highlands Opinion Referendum Bylaw No. 126,
1999 BE GRANTED FIRST READING.

CARRIED

MOTION 573/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: District of Highlands Opinion Referendum Bylaw No. 126,
1999 BE GRANTED SECOND READING.

CARRIED

MOTION 574/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: District of Highlands Opinion Referendum Bylaw No. 126,
1999 BE GRANTED THIRD READING.

CARRIED

The Mayor noted that numbers regarding usage of the Juan de Fuca
Recreation facilities would be forthcoming prior to the opinion
referendum.

d) Bylaw No. 127 - District of Highlands Opinion Referendum Bylaw No.
127, 1999

Re: CRD Parks Informal Poll Regarding the Establishment of a
Regional Parkland Acquisition Fund

Discussion arose with respect to the proposed opinion referendum on
the establishment of a regional parkland acquisition fund and the
actions of other area municipalities in this regard.

Further discussion ensued regarding possible wording and property
value tax rates for the opinion referendum question.

MOTION 575/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: District of Highlands Opinion Referendum Bylaw No. 127,
1999 BE GRANTED FIRST READING.

CARRIED

MOTION 576/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: District of Highlands Opinion Referendum Bylaw No. 127,
1999 BE GRANTED SECOND READING.

CARRIED

MOTION 577/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR ROBERTSON AND RESOLVED
THAT: District of Highlands Opinion Referendum Bylaw No. 127,
1999 BE GRANTED THIRD READING.

CARRIED

7. NEW BUSINESS

a) Memorandum from CRD Bylaw Enforcement
Re: Appointment of Bylaw Enforcement Officers and Animal Control
Officers

MOTION 578/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT:

1. The following BE APPOINTED as Bylaw Enforcement Officers:
Darcy Harder
Stephan Drouin; AND

2. That the following BE APPOINTED as Animal Control Officers:
Douglas Wilde
Daniel Bewsher.

CARRIED

8. OTHER BUSINESS

a) Sample Light Pollution Abatement Bylaws

MOTION 579/99 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT: The Light Pollution Abatement Bylaws, as submitted by Mr.
Sid Sidhu, BE DEFERRED TO THE MID-JANUARY 2000 REGULAR
COUNCIL MEETING.

CARRIED

b) Memo from the Deputy Clerk Re: Amendment to the District of
Highlands Policy Manual, Section II-122.

MOTION 580/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR YOLLAND AND RESOLVED
THAT: The District of Highlands Policy Manual Section II-122,
Standard Advisory Committee Terms of Reference BE AMENDED by
deleting item 1. in Section 3.0 and replacing it with the following:

1. The Committee shall consist of up to 11 and no fewer than 5
voting members who shall be appointed by resolution of Council.

CARRIED

9. ADJOURNMENT

MOTION 581/99 MOVED BY COUNCILLOR ROBERTSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The Regular Council meeting held Monday, October 4, 1999, BE
ADJOURNED at 9:34 p.m.

CARRIED

R. G. (Bob) McMinn, Mayor
District of Highlands - Regular Council Meeting
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Bruce Woodbury, Administrator

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