

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

Minutes of the Regular Council meeting held Monday, April 2, 2001 at the East Highlands Firehall, 3613 Woodridge Place at 7:30 p.m.

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

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

1. PETITIONS AND DELEGATIONS

a) DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-03-01
DEVELOPMENT PERMIT APPLICATION DP-04-01
OWNER/APPLICANT: Jack and Glenda Bell
LOCATION: 820 Finlayson Arm Road

Mr. and Mrs. Bell were in attendance in support of their application.

MOTION 171/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: There BE ISSUED Development Variance Permit DVP-03-01 relating to Lot 2, Plan 40852, Sections 74 and 75, Highland District that would vary Zoning Bylaw No. 100 in Section 3.3(1)(c) by reducing the required setback of a building from a pond from 30.0 metres to those distances (but no less than 14.0 metres), and by reducing the required setback of a sewage field from a pond from 30.0 metres to those distances (but no less than 25.0 metres) and substantially in those locations for a proposed workshop as shown on Site Plan A.

CARRIED

MOTION 172/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: There BE ISSUED Development Permit DP-04-01 relating to Lot 2, Plan 40852, Sections 74 and 75, Highland District for the reconstruction of a workshop subject to the condition that no cutting of trees, removal of vegetation or site disturbances shall be permitted within the Environmental Protection Area for water and riparian shown as "to be retained" as substantially shown on Site Plan A.

CARRIED

b) DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-04-01
DEVELOPMENT PERMIT APPLICATION DP-05-01
OWNER: Art and Lela Liebenau
APPLICANT: Rogers AT&T Wireless
LOCATION: 1776 Rowntree Road

Sharleen Suszezewicz of Rogers AT&T Wireless was in attendance and provided an overview of the applications.

MOTION 173/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: There BE ISSUED Development Variance Permit DVP-04-01 pertaining to the Northerly Portion of Section 73, Highland District, shown coloured red on plan deposited under DD5348I, except Parcel A (DD91049I) and Parcel B (DD115105I) thereof and except those parts in Plans 41600 and 44301 that would vary Zoning Bylaw No. 100 in Section 3.2(3) by requiring that a transmission tower with telecommunication antennae shall not exceed a height of 33 metres as shown on Drawings A and B and located as shown on Site Plan A of the Permit.

CARRIED

MOTION 174/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: There BE ISSUED Development Permit DP-05-01 pertaining to the Northerly Portion of Section 73, Highland District, shown coloured red on plan deposited under DD5348I, except Parcel A (DD91049I) and Parcel B (DD115105I) thereof and except those parts in Plans 41600 and 44301 for the purpose of construction of a gravel driveway in the location as substantially shown on Site Plan A, with the following CONDITIONS:

- i. the crossing of the watercourse must not divert or impede the natural flow of water;
- ii. no cutting or clearing of trees, removal of vegetation or site disturbances shall be permitted within the Environmental Protection Area for water and riparian shown as "to be retained" as substantially shown on Site Plan A; AND
- iii. the width of the driveway on the steep slope shall not exceed 4 metres in width.

CARRIED

2. ADOPTION OF THE MINUTES

- a) Minutes of the Regular Council Meeting held March, 19, 2001

MOTION 175/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: The minutes of the Regular Council Meeting held March 19, 2001 BE ADOPTED as circulated.

CARRIED

3. BUSINESS ARISING FROM THE MINUTES

4. REPORTS

a) Committee Reports

i) Administration and Finance

Councillor McPherson noted that the Administration and Finance Advisory Committee recently met with the Administrator with respect to the Five Year Financial Plan.

It was noted that the next Administration and Finance Advisory Committee meeting is scheduled for April 10, 2001 at 7:30 p.m. at Pike House.

ii) Environment

Councillor Faris noted that the Environment Advisory Committee is scheduled to meet April 23, 2001 at 7:30 p.m. at Pike House.

Councillor Faris also noted that the Environment Advisory Committee met last week regarding Bylaw No. 149, and is currently formulating a recommendation to the Advisory Planning Commission with respect to the bylaw.

iii) Parks and Recreation

- Parks and Recreation Advisory Committee
Re: Minutes of the Meeting held March 12, 2001

MOTION 176/01 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MCPHERSON AND
RESOLVED THAT: The minutes of the Parks and Recreation
Advisory Committee meeting held March 12, 2001 BE
RECEIVED FOR INFORMATION.

CARRIED

Councillor Cardinal noted that the next meeting of the Parks and Recreation Advisory Committee is scheduled for April 9, 2001 at 7:30 p.m. at the West Fire Hall, but that the date may be changed or the meeting cancelled due to a Public Hearing being held on the same night.

iv) Protective Services

Councillor McLellan advised that the Protective Services Advisory Committee is scheduled to meet April 23, 2001 at 7:30 p.m. at the East Fire Hall.

v) Transportation and Public Works

Councillor Mendum noted that the Roads Advisory Committee is scheduled to meet April 19, 2001 at 7:30 p.m. at Pike House.

Councillor Mendum advised that a walk-through regarding Millstream Lake Road was held on April 1, 2001, and had approximately 30 people attend. She noted that the next walk-through is scheduled for April 22, 2001.

Councillor Mendum said that she recently attended the Fire Department's "Casino Night" to raise money for the fight against Muscular Dystrophy, and that it was a fun and successful event that raised over \$850.00.

vi) Trails

Councillor Faris advised that the Trails Advisory Committee will be meeting on April 3, 2001 with the Administrator and the Parks Master Plan Consultant regarding a Trails Master Plan.

vii) Planning and Zoning

Councillor Vogel reported that the "lost well" in Twinflower Park has been located, with the help of Dr. Ross Chapman of the School of Earth and Ocean Sciences at the University of Victoria.

MOTION 177/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR CARDINAL AND RESOLVED
THAT: A letter of thanks be sent to Dr. Ross Chapman of the School of Earth and Ocean Sciences, University of Victoria, for his assistance with locating the well in Twinflower Park.

There was discussion regarding the work done by Dr. Chapman and Mr. Petrini, who provided excavating services at a reduced rate.

AMENDING MOTION 178/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: The thank you letter to Dr. Chapman be copied to the President of the University of Victoria, AND FURTHER THAT, a thank you letter also be sent to Ken Petrini in recognition of his assistance with digging up the "lost well" in Twinflower Park.

CARRIED

The MAIN MOTION was put.

CARRIED

b) Mayor's Report

Mayor Roessingh noted a story recently published in the Goldstream Gazette regarding Highlands cyclist Ian Condron, and congratulated Ian on his cycling accomplishments.

The Mayor advised that the referendum on Bylaw No. 157 is taking place on Saturday, April 7, 2001 from 8:00 a.m. to 8:00 p.m. at the West Fire Hall,

and encouraged all residents to go out and vote.

5. CORRESPONDENCE

a) Letter from the Minister of Municipal Affairs
Re: 2001/2002 Small Community Protection Grant

MOTION 179/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: The letter from the Minister of Municipal Affairs, dated March 28,
2001, regarding the 2001/2002 Small Community Protection Grant BE
RECEIVED FOR INFORMATION.
CARRIED

b) Letter from the Minister of Social Development and Economic Security
Re: 2001 Homes BC Program

MOTION 180/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The letter from the Minister of Social Development and Economic
Security, dated March 23, 2001, regarding the 2001 Homes BC Program BE
RECEIVED FOR INFORMATION.

CARRIED

6. BYLAWS

a) "District of Highlands Building Regulation Amendment Bylaw No. 158,
2001"

MOTION 181/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: "District of Highlands Building Regulation Amendment Bylaw No.
158, 2001" BE GRANTED FIRST READING.

CARRIED

MOTION 182/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: "District of Highlands Building Regulation Amendment Bylaw No.
158, 2001" BE GRANTED SECOND READING.

CARRIED

MOTION 183/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: "District of Highlands Building Regulation Amendment Bylaw No. 158, 2001" BE GRANTED THIRD READING.

CARRIED

b) "Highlands Official Community Plan Amendment Bylaw No. 149, 2001"

There was discussion regarding the wording in Bylaw No. 149 and varying views and opinions were noted.

MOTION 184/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: "Highlands Official Community Plan Amendment Bylaw No. 149, 2001" BE AMENDED as follows:

- i. in Section 1.A.i. by deleting item(f) and renumbering as required;
- ii. in Section 1.A.ii. by replacing the reference to "3.1(g)" with "3.1(f)"
- iii. in Section 1.A.ii. by adding the words "research and education" following the words "to encourage uses such as";
- ii. in Section 1.A.iv. by adding the words "within the Highlands Business Park" after the words "commercial/light industrial properties".

CARRIED

MOTION 185/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: "Highlands Official Community Plan Amendment Bylaw No. 149, 2001", as amended, BE GRANTED SECOND READING.

CARRIED

7. NEW BUSINESS

a) Letter from Ted Olynyk, Acting Manager, Community Relations, Vancouver Island Region, BC Hydro
Re: Presentation to Council

MOTION 186/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: BC Hydro BE REQUESTED to make a 30 minute presentation to

Council on "Meeting Vancouver Island Electricity Needs" and "BC Hydro Home Energy Learning Project", as offered in a letter dated March 26, 2001.

CARRIED

(Councillors Cardinal and McPherson recorded as opposed)

MOTION 187/01 MOVED BY COUNCILLOR VOGEL

SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: MOTION 186/01 BE AMENDED to request that BC Hydro make a 15 minute presentation and reserve 15 minutes for a question and answer period.

CARRIED

(Councillors Cardinal and McPherson recorded as opposed)

b) Letter from Emily Mendum

Re: Request for Appointment to Parks Master Plan Steering Committee

Councillor Mendum left the meeting at 7:22 p.m., stating a conflict of interest as Emily Mendum is a relative.

MOTION 188/01 MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: Emily Mendum BE APPOINTED to the Parks Master Plan Steering Committee.

CARRIED

Councillor Mendum returned to the meeting at 7:24 p.m.

c) Memorandum from the Administrator

Re: Appointment of Bylaw Enforcement Officer

MOTION 189/01 MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: Heinz Burki BE APPOINTED as a Bylaw Enforcement Officer for the District of Highlands.

CARRIED

d) Memorandum from the Administrator

Re: 2001 Local Government Management Association Conference

MOTION 190/01 MOVED BY COUNCILLOR MCLELLAN

SECONDED BY COUNCILLOR CARDINAL AND RESOLVED

THAT: The Administrator and the Deputy Clerk BE AUTHORIZED to attend the Local Government Management Association of British Columbia's 2001 Annual Conference scheduled for May 29 to June 1, 2001 in Whistler,

BC, AND THAT the associated fees of \$670.00 BE AUTHORIZED FOR PAYMENT.

CARRIED

e) Memorandum from the Planning Technician
Re: Official Community Plan Review

MOTION 191/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: The Official Community Plan Review Work Plan and Budget dated March 29, 2001 BE APPROVED IN PRINCIPLE.
CARRIED

MOTION 192/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: An application for a Planning Grant of \$15,000.00 for an Official Community Plan Review BE SUBMITTED to the Ministry of Municipal Affairs.

CARRIED

8. OTHER BUSINESS

a) Memorandum from the Administrator
Re: WFP South Rezoning - Development Impact Assessment and Development Agreement

MOTION 193/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The Second Reading of "Highlands Zoning Amendment Bylaw No. 138, 2000" BE RESCINDED.

CARRIED

MOTION 194/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR CARDINAL AND RESOLVED
THAT: "Highlands Zoning Amendment Bylaw No. 138, 2000" BE AMENDED by adding the following wording to Sections 6.10.4(2), 6.11.4(2) and 6.12.4(2) following the words "Development Agreement" - "providing that amenity funds, equivalent to 50% of the profits from the development, are paid to the District to be contributed to reserve funds for: trail or park development or acquisition, or for road improvements, or fire protection infrastructure."

Discussion ensued regarding the proposed wording changes to Bylaw No. 138, and the Administrator answered queries of Council in this regard.

CARRIED

MOTION 195/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: "Highlands Zoning Amendment Bylaw No. 138, 2000", as amended, BE GRANTED SECOND READING.

CARRIED

MOTION 196/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: Section 10 of the draft Development Agreement be changed from
"Nothing in this Agreement obligates the Council of Highlands to adopt any
bylaws" TO "Nothing in this Agreement fetters the legislative discretion of
the Council of Highlands with respect to the adoption of bylaws".

CARRIED

The Administrator noted that the Development Agreement has not been
authorized by Council and that authorization would be considered following
a public hearing and third reading of Bylaw No. 138.

Discussion ensued regarding the Terms of Reference for the Environmental
Impact Assessment to be undertaken with respect to Bylaw No. 138, and the
Administrator answered queries of Council in this regard.

MOTION 197/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: The Terms of Reference for a Development Impact Assessment as
outlined in the March 5, 2001 document from Michael Bocking Landscape
Architect Ltd. and the Bio-Inventory Assessment from Enkon
Environmental dated March 29, 2001 BE APPROVED.

CARRIED

9. ADJOURNMENT

MOTION 198/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: The Regular meeting of Council be adjourned at 8:55 p.m. AND THAT,
pursuant to Section 242.2 of the Local Government Act a meeting in camera be
convened to discuss:

? Labour relations or employee negotiations

CARRIED