

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

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

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

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

AGENDA

MOTION 229/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The Agenda BE AMENDED as follows:

1. By ADDING the following items:
 - 7 e) Correspondence from Gerry Howell Jones
Re: Light Rail Economic Opportunity Study

AND THAT THE AGENDA AS AMENDED BE APPROVED.

CARRIED

1. PETITIONS AND DELEGATIONS

- a) CREST Presentation

This item was deferred until the arrival of Mr. Paul Murray, Chair, CREST Project.

- b) DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-01-01
DEVELOPMENT PERMIT APPLICATION DP-01-01
OWNER/APPLICANT: Valery Izbicki
LOCATION: 1054 River Road (private strata road)

MOTION 230/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: There BE ISSUED Development Variance Permit DVP-01-01 relating to Strata Lot 6, Plan VIS5080, Section 4, Range 4 West, Highland District that would vary Zoning Bylaw 100 in Section 3.3(1)(d) by reducing the required setback of a building from a watercourse from 30.0 metres to those distances (but no less than 20.0 metres), and substantially in those locations for a proposed residence as shown on Site Plan A.

CARRIED

MOTION 231/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: There BE ISSUED Development Permit DP-01-01 relating to Strata Lot 6, Plan VIS5080, Section 4, Range 4 West, Highland District, for the purpose of construction of a residence as substantially shown on Site Plan A, ON CONDITION that 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.

CARRIED

2. ADOPTION OF THE MINUTES

- a) Minutes of the Regular Council Meeting held April 17, 2001

MOTION 232/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The minutes of the Regular Council Meeting held April 17, 2001 BE ADOPTED as circulated.

CARRIED

3. BUSINESS ARISING FROM THE MINUTES

- a) DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-05-01
DEVELOPMENT PERMIT APPLICATION DP-07-01
OWNER/APPLICANT: Todd and Kathryn Borthwick
LOCATION: 677 Stewart Mountain Road

Mr. Todd Borthwick was in attendance in support of his applications and answered queries of Council in this regard.

MOTION 233/01 MOVED BY COUNCILLOR VOGEL

SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: There BE ISSUED Development Variance Permit DVP-05-01 for Lot 26, Plan VIP66845, Section 34, Highland District that would vary Zoning Bylaw 100:

- A. In Section 3.3(1)(c) by reducing the required setback of a building from a watercourse from 30.0 metres to those distances (but no less than 11.0 metres), and substantially in those locations for a proposed house as shown on Site Plan A;
- B. In Section 6.5.3(7) by requiring that the total floor area of a dwelling unit shall not exceed 400 square metres, only over the general area shown as “house” on Plan A and in substantial accordance with Floor Plans A and B; AND
- C. In Section 6.5.3(8) by requiring that the total combined floor area of all accessory buildings shall not exceed 200 square metres.

DEFEATED

(Mayor Roessingh and Councillors McLellan and Vogel recorded as in favour)

Mr. Borthwick answered further queries from members of Council. There was discussion regarding the requested variances, and varying views and opinions were noted.

MOTION 234/01 MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: There BE ISSUED Development Variance Permit DVP-05-01 for Lot 26, Plan VIP66845, Section 34, Highland District that would vary Zoning Bylaw 100:

- In Section 3.3(1)(c) by reducing the required setback of a building from a watercourse from 30.0 metres to those distances (but no less than 11.0 metres), and substantially in those locations for a proposed house as shown on Site Plan A.

CARRIED

(Councillor Faris recorded as opposed)

MOTION 235/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: Development Variance Permit DVP-05-01 for Lot 26, Plan VIP66845,
Section 34, Highland District BE AMENDED to vary Zoning Bylaw 100:

- In Section 6.5.3(7) by requiring that the total floor area of a dwelling unit shall not exceed 400 square metres, only over the general area shown as “house” on Plan A and in substantial accordance with Floor Plans A and B.

CARRIED

(Councillor McPherson recorded as opposed)

MOTION 236/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: Development Variance Permit DVP-05-01 for Lot 26, Plan VIP66845,
Section 34, Highland District BE AMENDED to vary Zoning Bylaw 100:

- In Section 6.5.3(8) by requiring that the total combined floor area of all accessory buildings shall not exceed 200 square metres.

CARRIED

(Councillor McPherson recorded as opposed)

MOTION 237/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: There BE ISSUED Development Permit DP-07-01 for Lot 26, Plan
VIP66845, Section 34, Highland District for the construction of a house as
substantially shown on Site Plan A.

CARRIED

- b) Memorandum from the Administrator
Re: Letter from Kerry and Lynne Joy re Millstream Lake Road

MOTION 238/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The report from the Administrator dated May 3, 2001, regarding the
letter from Kerry and Lynne Joy dated April 10, 2001, with respect to
Millstream Lake Road, BE RECEIVED FOR INFORMATION.

There was discussion regarding the initiation of the proposed Millstream Lake Road intersection relocation. Further discussion ensued regarding the possibility of heritage designation for a portion of Millstream Lake Road, as suggested in the Joy's letter. The Administrator answered queries from members of Council in this regard, noting that a heritage designation, if possible, would not provide Council with any additional powers than it currently enjoys.

CARRIED

4. REPORTS

a) Committee Reports

i) Administration and Finance

Councillor McPherson noted that the May meeting of the Administration and Finance Advisory Committee had been cancelled.

Councillor McPherson advised that no residents attended the recent Open House held with respect to the Five Year Financial Plan.

In response to a query from Councillor McPherson, Councillor Vogel provided an update regarding the Intermunicipal Committee on Disability Issues recent meeting which dealt with the Fall Prevention Convention held by the University of Victoria.

ii) Environment

Councillor Faris noted that the Environment Advisory Committee is scheduled to meet May 14, 2001 at 7:30 p.m. at Pike House.

iii) Parks and Recreation

There was no report due to the absence of Councillor Cardinal.

iv) Protective Services

- Protective Services Advisory Committee
Re: Minutes of the Meeting held April 23, 2001

MOTION 239/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: The minutes of the Protective Services Advisory
Committee meeting held April 23, 2001 BE RECEIVED FOR
INFORMATION.

CARRIED

Councillor McLellan advised that the Protective Services Advisory Committee is scheduled to meet May 28, 2001 at 7:30 p.m. at the West Fire Hall.

v) Transportation and Public Works

Councillor Mendum noted that the Roads Advisory Committee did not hold an April meeting.

Councillor Mendum provided a report on the recent walkthroughs held with respect to upcoming roadwork.

It was noted that the Roads Advisory Committee is scheduled to meet May 17, 2001 at 7:30 p.m. at Pike House.

vi) Trails

Councillor Faris advised that the Trails Advisory Committee did not have a quorum at its last meeting.

Councillor Faris noted that the Trails Advisory Committee will be conducting a survey regarding trail use at the end of May, to help collect input from the public with respect to the Trails Master Plan the Committee is currently working on.

It was noted that the Trails Advisory Committee is scheduled to meet on May 29, 2001 at 7:30 p.m. at Pike House.

vii) Planning and Zoning

- Advisory Planning Commission
Re: Minutes of the Meeting held May 2, 2001

MOTION 240/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND
RESOLVED THAT: The minutes of the Advisory Planning
Commission meeting held May 2, 2001 BE RECEIVED FOR
INFORMATION.

CARRIED

Councillor Vogel noted that the Advisory Planning Commission is scheduled to meet on Wednesday, May 9, 2001 at 7:00 p.m. at the Municipal Office.

b) Mayor's Report

Mayor Roessingh noted that the District of Highlands has won its appeal regarding the First National Properties legal action. He noted the legal bills are, for the most part, already paid, and noted that fundraising efforts are being undertaken by various residents in the Highlands to try to recover some of the legal costs incurred.

With respect to the Capital Regional District, Mayor Roessingh noted that the CRD anti-smoking bylaw would remain in place.

Mayor Roessingh advised that the Highland District Community Association will be holding its annual clean-up on Saturday, May 12, 2001 beginning at 9:00 a.m. at Pike House with a potluck breakfast.

5. CORRESPONDENCE

Nil.

6. BYLAWS

- a) Subdivision or Development of Land Bylaw No. 154, 2001

MOTION 241/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The report prepared by Smirfitt Engineering Ltd. – Review and Recommendation of Fees Charged for Subdivision Application, Processing and Approval – BE RECEIVED FOR INFORMATION.

CARRIED

There was discussion regarding Bylaw No. 154, and the Administrator answered queries from members of Council in this regard.

MOTION 242/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: “Subdivision or Development of Land Bylaw No. 154, 2001” BE GRANTED FIRST READING.

CARRIED

MOTION 243/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: “Subdivision or Development of Land Bylaw No. 154, 2001” BE GRANTED SECOND READING.

CARRIED

MOTION 244/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: “Subdivision or Development of Land Bylaw No. 154, 2001” BE GRANTED THIRD READING.

CARRIED

- b) “Highlands Zoning Amendment Bylaw No. 159, 2001”

MOTION 245/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: “Highlands Zoning Amendment Bylaw No. 159, 2001” BE GRANTED FIRST READING.

The Administrator explained the purpose of Bylaw No. 159 in response to a query from a member of Council.

CARRIED

MOTION 246/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: “Highlands Zoning Amendment Bylaw No. 159, 2001” BE GRANTED
SECOND READING.

CARRIED

There was discussion regarding possible dates for a public hearing.

MOTION 247/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: A Public Hearing for “Highlands Zoning Amendment Bylaw No. 159,
2001” BE SCHEDULED for Tuesday, May 22, 2001 at the Caleb Pike House,
1589 Millstream Road, commencing at 7:00 p.m.

CARRIED

- c) “Five Year Financial Plan Bylaw No. 160, 2001”
“Tax Rates Bylaw No. 161, 2001”

MOTION 248/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: “Five Year Financial Plan Bylaw No. 160, 2001” BE GRANTED
FIRST READING.

CARRIED

MOTION 249/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: “Five Year Financial Plan Bylaw No. 160, 2001” BE GRANTED
SECOND READING.

CARRIED

MOTION 250/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: “Five Year Financial Plan Bylaw No. 160, 2001” BE GRANTED
THIRD READING.

CARRIED

MOTION 251/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: “Tax Rates Bylaw No. 161, 2001” BE GRANTED FIRST READING.

CARRIED

MOTION 252/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: “Tax Rates Bylaw No. 161, 2001” BE GRANTED SECOND
READING.

CARRIED

MOTION 253/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: “Tax Rates Bylaw No. 161, 2001” BE GRANTED THIRD READING.

CARRIED

MOTION 254/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: A Special Council Meeting BE SCHEDULED for Monday, May 14,
2001 at the Municipal Office, 1980 Millstream Road, commencing at 6:00
p.m. to consider the adoption of “Five Year Financial Plan Bylaw No. 160,
2001” and “Tax Rates Bylaw No. 161, 2001”

CARRIED

- d) “CREST Members’ Agreement Bylaw No. 162, 2001”

MOTION 255/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: “CREST Members’ Agreement Bylaw No. 162, 2001” BE TABLED.

CARRIED

7. NEW BUSINESS

- a) Memorandum from the Planning Technician
Re: Release of Covenant on 4178 Munns Road

The Administrator provided background information with respect to the
proposed release of covenant on 4178 Munns Road.

MOTION 256/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: The Mayor and Clerk BE AUTHORIZED to sign the release of
Covenant EE101081 currently registered against Lot 3, Plan 31697, Section
40, except that part in Plan VIP52987.

CARRIED

b) Emergency Planning Committee Appointment

MOTION 257/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: Councillor McLellan BE APPOINTED to the Emergency Planning
Committee as Chairperson of the Committee, in accordance with “District of
Highlands Emergency Measures Bylaw No. 56, 1995”.

CARRIED

c) DEVELOPMENT VARIANCE PERMIT APPLICATION DVP-06-01
DEVELOPMENT PERMIT APPLICATION DP-06-01
OWNER/APPLICANT: Ted Nawrocki
LOCATION: 712 Lorimer Road

MOTION 258/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: Notification BE DISTRIBUTED for Development Variance Permit
DVP-06-01 pertaining to Lot A, Plan 45204, Section 31, Highland District
that would vary Zoning Bylaw 100:

- A. in Section 3.2(3) by requiring that a telecommunication tower and antennae shall not exceed a height of 36 metres; AND
- B. in Section 3.3(1)(d) by reducing the required setback of a structure from a watercourse from 30.0 metres to those distances (but no less than 15.0 metres), and substantially in that location for a telecommunication tower as shown on Site Plan A.

CARRIED

MOTION 259/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: Development Permit DP-06-01 pertaining to Lot A, Plan 45204,
Section 31, Highland District for the purpose of a telecommunication tower
BE DEFERRED until consideration of the issuance of DVP-06-01.

CARRIED

d) Revenue and Expense Summary Report as of April 30, 2001

MOTION 260/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The Revenue and Expense Summary Report, as of April 30, 2001,
BE RECEIVED FOR INFORMATION.

CARRIED

- e) Correspondence from Gerry Howell Jones
Re: Light Rail Economic Opportunity Study

Councillor McPherson noted that she had received the above noted correspondence from Gerry Howell Jones, Chair of the Capital Area Regional Rail Initiative Group, regarding a request for Council's support in principle for a Light Rail Economic Opportunity Study.

MOTION 261/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: Council give its support in principle for the Capital Area Regional Rail Initiative Group to undertake a Light Rail Economic Opportunity Study.

CARRIED

8. OTHER BUSINESS

- a) Outstanding Referrals

MOTION 262/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The Monthly Reminder – Outstanding Referrals report dated May 7,
2001, BE RECEIVED FOR INFORMATION.

CARRIED

- b) Letter from the Capital Regional District
Re: CRD Bylaw No. 2884, *Arts and Culture Support Service Establishment Bylaw No. 1, 2001*

MOTION 263/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: Pursuant to Section 801.4 of the *Local Government Act*, CONSENT BE GIVEN to CRD Bylaw No. 2884, *Arts and Culture Support Service Establishment Bylaw No. 1, 2001*, as requested in a letter from the Capital Regional District dated April 27, 2001.

There was discussion with respect to the establishment of a regional service to support Arts and Culture in the Capital Region, and various members of Council expressed their support.

CARRIED

- c) Letter from Kerry and Lynne Joy
Letter from Jim and Johanna van Barneveld
Re: Proposed Change of Millstream Lake Road Intersection

MOTION 264/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: The letter from Kerry and Lynne Joy, dated May 2, 2001, and the letter from Jim and Johanna van Barneveld, dated May 2, 2001, regarding the proposed change of Millstream Lake Road intersection BE REFERRED TO STAFF for the preparation of a report to Council.

CARRIED

6. c) “CREST Members’ Bylaw No. 162, 2001”

MOTION 265/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: “CREST Members’ Agreement Bylaw No. 162, 2001” BE DEFERRED.

CARRIED

9. ADJOURNMENT

MOTION 266/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The Regular meeting of Council be adjourned at 9:18 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
- Law enforcement as the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw

CARRIED

Paul Murray, Chair, CREST Project arrived at 9:22 p.m.

MOTION 267/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: The Regular Council meeting of May 7, 2001, BE RECONVENED at 9:22 p.m.

CARRIED

Mr. Murray gave an overview of the information previously copied to Council, and the information included in the May 7, 2001 Regular Agenda.

Information was provided on upcoming Industry Canada regulation changes, the CREST organization structure, and the process followed in selecting a vendor.

Mr. Murray answered queries of members of Council with respect to the CREST Project.

MOTION 268/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: “CREST Members’ Agreement Bylaw No. 162, 2001” BE GRANTED FIRST
READING.

CARRIED

MOTION 269/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: SECOND READING of “CREST Members’ Agreement Bylaw No. 162, 2001” BE
DEFERRED.

CARRIED

MOTION 270/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The Regular meeting of Council be adjourned at 10:05 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
- Law enforcement as the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw

CARRIED