

**DISTRICT OF HIGHLANDS**  
**REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held Monday, July 16, 2001 at the Caleb Pike House, 1589 Millstream Road at 7:30 p.m.

**PRESENT:** Mayor Karel Roessingh, Chair  
Councillor Faris  
Councillor McLellan  
Councillor Mendum  
Councillor Vogel

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

**1. PETITIONS AND DELEGATIONS**

- a) Development Permit Application DP-11-01  
OWNER/APPLICANT: Western Forest Products Ltd.  
LEGAL DESCRIPTION: Section 5, Range 4 West, Highland District,  
Except part in Plans VIP60675 and VIP67875 (Highlands South)

Danny Carrier of J. E. Anderson and Associates was in attendance in support of the application and answered queries of Council with respect to the proposed road and the 12 metre clearance being requested.

Discussion ensued regarding road construction practices, road standards and the role of the Approving Officer in relation to road construction.

MOTION 369/01 MOVED BY COUNCILLOR VOGEL

SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: There BE ISSUED Development Permit 11-01 relating to Section 5, Range 4 West, Highland District, Except part in Plans VIP60675 and VIP67875, for the construction of a bridge and a road substantially as shown on Site Plans A, B and C with the following conditions:

- a) that the current old road crossing downstream from the proposed bridge site be rehabilitated;
- b) that storm water runoff from the road surface adjacent to lots 11 and 12 be diverted into a retention area south of the proposed road;
- c) that the storm water runoff from the road surface north of the wetland in the western area be directed to a bioswale on the north side of the road;
- d) that a culvert be installed under the road surface between the northern swamp (C0709) and the southern swamp (C0710);
- e) that a qualified professional provide on site environmental monitoring while significant works are underway;
- f) that the recommendations and advice contained in the report from Enkon Environmental dated July 12, 2001 be followed; and
- g) that the width of the road be minimized wherever possible.

**CARRIED**

- b) Development Variance Permit Application DVP-07-01  
Development Permit Application DP-08-01  
OWNER/APPLICANT: First National Properties Ltd./ Michael Schmitz  
LOCATION: 700 Block Caleb Pike Road

Michael Schmitz and Don Burnham, Realtor, were in attendance and Mr. Burnham gave a brief overview of the applications. Mr. Schmitz responded to queries of Council, outlining his plans for the property.

MOTION 370/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: Development Variance Permit Application DVP-07-01 and Development Permit Application DP-08-01, relating to Strata Lot 2, Strata Plan 1823, Section 32, Highland District BE DENIED.

Concerns were expressed by members of Council regarding the potential runoff from the proposed driveway and the number of trees to be removed, and it was indicated that an alternate proposal might be more acceptable in terms of minimizing environmental impact.

CARRIED  
(Councillor Vogel recorded as opposed)

## 2. ADOPTION OF THE MINUTES

- a) Minutes of the Regular Council Meeting held July 3, 2001

MOTION 371/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: The minutes of the Regular Council meeting held July 3, 2001 BE ADOPTED as circulated.

CARRIED

- b) Minutes of the Committee of the Whole Meeting held July 11, 2001

MOTION 372/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: The minutes of the Committee of the Whole meeting held July 11, 2001 BE ADOPTED as circulated.

CARRIED

## 3. BUSINESS ARISING FROM THE MINUTES

- a) Development Variance Permit Application DVP-08-01  
Development Permit Application DP-10-01  
APPLICANT/OWNER: Jim Welham and Patricia Leno

LOCATION: 1891 Millstream Road

MOTION 373/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: Development Variance Permit DVP-08-01 relating to Lot 10, Plan 4128, Section 17, Highland District BE ISSUED that would vary Zoning Bylaw 100:

- a) in Section 3.3(1)(b) by reducing the required setback of a building and structure from Teanook Lake from 30.0 metres to those distances (but no less than 25.0 metres), and substantially in those locations for a proposed home addition and deck as shown on Site Plan A; and
- b) in Section 3.3(1)(d) by reducing the required setback of a building from a watercourse from 30 metres:
  - i) to that distance (but no less than 10.0 metres), and substantially in that location for a proposed garage as shown on Site Plan A; and
  - ii) to those distances (but no less than 20.0 metres), and substantially in those locations for a proposed home addition and deck as shown on Site Plan A.

CARRIED

MOTION 374/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: Development Permit DP-10-01 relating to Lot 10, Plan 4128, Section 17, Highland District BE ISSUED for the construction of a home addition, a deck, a garage, a driveway and parking area, part of which will be surfaced with interlocking brick, and for the cutting of trees (as marked on Site Plan A with an "X") all as substantially shown on Site Plan A. It shall be a condition of the Development Permit that any drainage from the bricked parking area shall be discharged into a rock pit.

CARRIED

- b) Conservation Covenant Revision  
APPLICANT/OWNER: David Schramm  
LOCATION: 660 Stewart Mountain Road

MOTION 375/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The request by David Schramm to amend the Reference Plan of Conservation Covenant EM02353 on Lot 4, Plan VIP66845, Section 34, Highland District as requested by the owner and described in correspondence and plan dated June 22, 2001 BE DENIED and further that Mr. Schramm be required to remove any building forms or other works constructed within the covenant area and revegetate the disturbed covenant area with the appropriate native vegetation.

Mr. Schramm was in attendance and requested the opportunity to address Council regarding the proposed revision.

MOTION WITHDRAWN with the permission of the seconder.

Mr. Schramm made reference to his letter to Council dated July 16, which outlined his concerns regarding the staff recommendation to deny his application.

MOTION 376/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: The request by David Schramm to amend the Reference Plan of Conservation Covenant EM02353 on Lot 4, Plan VIP66845, Section 34, Highland District as requested by the owner and described in correspondence and plan dated June 22, 2001 BE DENIED and further that Mr. Schramm be required to remove any building forms or other works constructed within the covenant area and revegetate the disturbed covenant area with the appropriate native vegetation.

CARRIED

- c) Conservation Covenant Revision  
APPLICANT/OWNER: John and Gerda Alderson  
LOCATION: 746 Caleb Pike Road

MOTION 377/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: The proposed revision to the Conservation Covenant as requested by the owners of Lot 5, VIP63277, Sections 35 & 71, Highland District in correspondence and plan dated June 10, 2001 BE DENIED and further that the owners BE REQUESTED to submit a proposed revision that provides for an equivalent portion of the current Residential Use Area that is to be covenanted in exchange for the area to be removed from the covenant.

Reference was made to an additional letter from the Alderson's received July 16, 2001 regarding their request, and an overview of the events since the original 1999 application for an amendment to the Conservation Covenant was considered.

CARRIED

- d) BC Assets and Land Corporation Land Referral/Response  
Form – Willis Point  
Re: Application for a Licence of Occupation for Private Moorage.

MOTION 378/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: With respect to the Land Referral/Response Form from the BC Assets and Land Corporation regarding an application for a Licence of Occupation for Private Moorage – Saanich Inlet, dated June 31, 2001 (file number 1406439);

1. BC Assets and Land Corporation BE ADVISED that the District of Highlands' interest is unaffected by the application; AND
2. That the comments received from the Capital Regional District on July 11, 2001 BE FORWARDED to BC Assets and Land Corporation.

CARRIED

4. REPORTS

a) **Committee Reports**

- i) Administration and Finance

Nil.

- ii) Environment

It was noted that the Environment Advisory Committee is scheduled to meet with members of Council regarding the Committee's role and effectiveness on July 18 at 7:30 p.m. at Pike House.

- iii) Parks and Recreation

Nil.

- iv) Protective Services

It was noted that the Protective Service Advisory Committee is scheduled to meet on July 18, 2001, at 7:30 p.m. at the West Fire Hall.

CARRIED

- v) Transportation and Public Works

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

- vi) Trails

- Trails Advisory Committee  
Re: Minutes of the Meeting held June 26, 2001

MOTION 379/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: The minutes of the Trails Advisory Committee meeting held June 26, 2001 BE RECEIVED FOR INFORMATION.

CARRIED

Councillor Faris advised that the Trails Advisory Committee is scheduled to meet July 24, 2001 at 7:30 p.m. at Pike House.

- vii) Planning and Zoning

Nil.

**b) Mayor's Report**

Mayor Roessingh noted that the CREST Members' Agreement Bylaw has been unanimously accepted by the municipalities in the Region.

The Mayor advised that the report from Ben Marr regarding the incorporation of the Juan de Fuca Electoral Area is scheduled to be considered by the Capital Regional District Board at its meeting scheduled for August 8, 2001.

It was also noted that consensus has been reached by the participating municipalities with respect to the West Shore Juan de Fuca Parks and Recreation Commission Bylaw.

**5. CORRESPONDENCE**

Nil.

**6. BYLAWS**

- a) "CREST Members' Agreement Bylaw No. 162, 2001"

MOTION 380/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: First Reading of "CREST Members' Agreement Bylaw No. 162, 2001" BE  
RESCINDED.

CARRIED

MOTION 381/01 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: "CREST Members' Agreement Bylaw No. 162, 2001" BE AMENDED by deleting  
Schedule "A" in its entirety and replacing it with the Schedule "A" included in the  
Agenda.

CARRIED

MOTION 382/01 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: "CREST Members' Agreement Bylaw No. 162, 2001" BE GRANTED FIRST  
READING.

CARRIED

MOTION 383/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: "CREST Members' Agreement Bylaw No. 162, 2001" BE GRANTED SECOND  
READING.

CARRIED

MOTION 384/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: "CREST Members' Agreement Bylaw No. 162, 2001" BE GRANTED THIRD  
READING.

CARRIED

- b) "District of Highlands Building Regulation Amendment Bylaw No. 163, 2001"

MOTION 385/01 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: "District of Highlands Building Regulation Amendment Bylaw No. 163, 2001" BE  
ADOPTED.

CARRIED

- c) "West Shore Parks and Recreation Commission Bylaw No. 164, 2001"

MOTION 386/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: Third Reading of "West Shore Parks and Recreation Commission Bylaw No.  
164, 2001" BE RESCINDED.

CARRIED

MOTION 387/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: "West Shore Parks and Recreation Commission Bylaw No. 164, 2001" BE  
AMENDED:

1. By DELETING Section 2 (b) of Schedule "A" and replacing it with the following:
  - "b) shall review all budgets submitted by the Commission and approve in principle the level of funding for the current calendar year by the third Monday in January; and provide final approval by February 28<sup>th</sup> in each year."
2. By DELETING Section 11 of Schedule "A" and replacing it with the following:

"11. The municipalities may dissolve the commission by municipalities representing 75% of the votes on the commission repealing the establishing bylaws as defined under Section 258.1 of the Local Government Act. If the Municipalities dissolve the Commission:

  - a) the Municipalities shall make every reasonable effort to reach an agreement in writing as to the distribution of the assets and liabilities of the Commission; and

b) the terms of this Agreement shall remain in force until an agreement is reached under subparagraph (a); or an arbitration panel under paragraph 12 has reached a decision.”

3. By DELETING Section 13 of Schedule “A” and replacing it with the following:

“13. The distribution of shared capital assets that have been purchased jointly by the municipalities shall be negotiated at the time of dissolution. Such distribution shall be based upon the actual contribution of each municipality to those assets, unless otherwise agreed by the Municipalities at the time the asset was acquired by the Commission.”

4. By DELETING “(b) Centennial Park Leased Facility, 2805 Carlow Road, Victoria BC” from Schedule “A” of the Agreement.

5. By DELETING Section 2.9 of Schedule “E” and replacing it with the following:

“2.9 The term for representatives appointed under s.2.1 (f) through (h) is two years ending December 31<sup>st</sup> of the second year following the appointment.”

CARRIED

MOTION 388/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: “West Shore Parks and Recreation Commission Bylaw No. 164, 2001”, as amended, BE GRANTED THIRD READING.

CARRIED

d) “Stag Road Closure Bylaw No. 165, 2001”

MOTION 389/01 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: “Stag Road Closure Bylaw No. 165, 2001” BE GRANTED FIRST READING.

CARRIED

MOTION 390/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: “Stag Road Closure Bylaw No. 165, 2001” BE GRANTED SECOND READING.

CARRIED

MOTION 391/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: “Stag Road Closure Bylaw No. 165, 2001” BE GRANTED THIRD READING.

CARRIED

**7. NEW BUSINESS**

- a) District of Langford Referral  
Re: Western Forest Products Ltd. Rezoning Application

It was noted by members of Council that the information received from the District of Langford with respect to the Western Forest Products Ltd. rezoning application was limited. Concerns were expressed regarding the potential impact of the proposed development.

MOTION 392/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: In response to the District of Langford's referral form regarding Western Forest Products Ltd.'s rezoning application relative to Lot A, Section 3, Ranges 3 and 4 West, Highland District, Plan 27507; Section 81, Highland District; Section 82, Highland District; Section 83 Highland District; Section 84, Highland District, the following comments BE FORWARDED to the District of Langford:

- a) that there be no construction traffic through the District of Highlands;
- b) that information regarding drainage impacts be provided;
- c) that information regarding the fire access road be provided;
- d) that Council has concerns regarding the limited timeframes for providing a response to the referral;
- e) that the principle of fitting the development to the land be used;
- f) that more information be provided on the proposed development; and
- g) that the application be referred to the District of Highlands Council again if it proceeds.

There was discussion regarding the proposed Regional Growth Strategy's Urban Containment Boundary on the Langford border, and a potential conflict between the proposed Regional Growth Strategy and the proposed development was noted.

CARRIED

- b) Letter from the Chair of the Board, School District No. 62 (Sooke)  
Re: School Site Acquisition Charges

MOTION 393/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: The letter from the Chair, Board of School Trustees, School District No. 62 (Sooke), dated June 28, 2001 regarding school site acquisition charges BE REFERRED TO STAFF for a report to Council.

CARRIED

- c) Revenue and Expense Summary Report as of June 30, 2001

MOTION 394/01 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: The Revenue and Expense Summary Report, as of June 30, 2001, BE RECEIVED FOR INFORMATION.

CARRIED

- d) Recycling Coordinator's 2001 Second (and Final) Summary Report

MOTION 395/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: The Recycling Coordinator's 2001 Second (and Final) Quarter Summary Report BE RECEIVED FOR INFORMATION.

CARRIED

MOTION 396/01 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: A thank you letter be sent to Mandy Schuttinga with respect to her service as Recycling Coordinator.

CARRIED

MOTION 397/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: The Capital Regional District BE REQUESTED to forward Recycling Reports to the District of Highlands.

CARRIED

- e) Letter from the Chair, Citizens Advisory Committee, William Head Institution  
Re: Request for Appointment of Council Member

MOTION 398/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: Councillor McLellan BE APPOINTED to the William Head Institution Citizen Advisory Committee, as requested in a letter from the Committee dated June 26, 2001.

CARRIED

- f) Letter from Rachel Westfall  
Re: Request for Bylaw Banning Cosmetic Use of Lawn and Garden Pesticides

MOTION 399/01 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The letter and accompanying information from Rachel Westfall, dated June 30, 2001, requesting that Council enact a bylaw to ban the cosmetic use of lawn and garden pesticides in the District of Highlands BE REFERRED TO THE ENVIRONMENT ADVISORY COMMITTEE for comment.

CARRIED

## 8. OTHER BUSINESS

- a) Proposed Regional Growth Strategy

MOTION 400/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: With respect to the Proposed Regional Growth Strategy, the following recommendations BE FORWARDED to the Capital Regional District:

**Recommendation #1:** That the Regional Urban Containment and Servicing Area in the Skirt Mountain area of Langford exclude lands identified as Sensitive Ecosystem Protection Area as shown on Map 3 of the proposed Regional Growth Strategy.

**Recommendation #2:** That the Sensitive Ecosystem Areas as shown on Map 3 of the proposed Regional Growth Strategy be revised to reflect current uses and alterations of land such as in South Highlands (particularly over the proposed Highlands Business Park), at the eastern end of Stewart Mountain Road, and near the new residential lots at Eagles Lake.

**Recommendation #3:** That the Rural/Rural Residential Areas as shown on Map 3 of the proposed Regional Growth Strategy be revised to include lands zoned in the Rural Residential Six, Seven, Eight zones, in the Community Institutional zone, in the Eagles Lake residential neighbourhood zoned Rural Residential two, as well as the existing altered areas within the Highlands Business Park designated Commercial/Light Industrial.

**Recommendation #4:** That if small lots in Rural/Rural Residential areas are to be accepted, they should involve projects which cluster these lots and preserve large, contiguous areas of forest and farm land, and if the specific lot size figure is to be stated, it should be placed with context in the glossary under a definition of Rural/Rural Residential.

**Recommendation #5:** That an approximate limit of the Sea to Sea Green/Blue Best (particularly on its eastern side near the Regional Urban Containment and Servicing Area) be shown on Map 4 of the proposed Regional Growth Strategy.

**Recommendation #6:** That the Urban Containment Boundary be changed to include the Millstream Industrial Park.

**Recommendation #7:** That with respect to the Urban Containment Boundary in the Town of View Royal, it is strongly suggested that the boundary remain south of Thetis Lake Park.

**Recommendation #8:** That the definition of Rural Communities in the proposed Regional Growth Strategy be changed to include Recreation and Environmental Protection.

CARRIED

9. **ADJOURNMENT**

MOTION 401/01 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

- THAT: The Regular Council meeting BE ADJOURNED at 9:45 p.m.

CARRIED

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Karel Roessingh, Mayor

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Bruce Woodbury, Administrator