

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

Minutes of the Regular Council meeting held Tuesday, September 4, 2001 at the East Highlands Firehall, 3613 Woodridge Place at 7:30 p.m.

PRESENT: Mayor Roessingh, Chair
Councillor Cardinal (arrived at 7:32)
Councillor Faris (arrived at 7:33)
Councillor McLellan
Councillor McPherson
Councillor Mendum
Councillor Vogel

IN ATTENDANCE: Bruce Woodbury, Administrator (arrived 8:05)
Loranne Hilton, Deputy Clerk

AGENDA

MOTION 458/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED
THAT: The Agenda BE AMENDED as follows:

1. By ADDING the following items:

Item 4 a)i) Administration and Finance Advisory Committee
Re: Minutes of the Meeting held August 14, 2001

Administration and Finance Advisory Committee
Recommendations Re:

1. Road Width - Western Forest Products Highlands South Development
2. Reporting of Construction Expenses - Western Forest Products Highlands South Development

AND THAT THE AGENDA AS AMENDED BE APPROVED.

CARRIED

1. PETITIONS AND DELEGATIONS

a) Sierra Club, Victoria Group
Re: Bill 10 Anti-SLAPP Legislation

Mr. Pete Dixon of the Sierra Group was in attendance and read out his submission with respect to anti-SLAPP (Strategic Lawsuits Against Public Participation) legislation.

MOTION 459/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: A letter be written to the Union of BC Municipalities and the Attorney General stating Council's wish to see anti-SLAPP legislation reinstated.

CARRIED

2. ADOPTION OF THE MINUTES

a) Minutes of the Regular Council Meeting held August 20, 2001

MOTION 460/01 MOVED BY COUNCILLOR VOGEL

SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: The minutes of the Regular Council meeting held August 20, 2001
BE ADOPTED as circulated.

CARRIED

3. BUSINESS ARISING FROM THE MINUTES

a) Development Variance Permit Application DVP-09-01

Development Permit Application DP-12-01

APPLICANT/OWNER: John and Beverly Nash/Kingco 2000 Developments
Ltd.

LOCATION: 1058 River Road

Mr. and Ms. Nash were in attendance in support of their applications.

MOTION 461/01 MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: There BE ISSUED Development Variance Permit DVP-09-01
relating to Strata Lot 5, Plan VIS5080, Section 4, Range 4 West, Highland
District that would vary Zoning Bylaw No. 100:

a) in Section 3.3(1) (d) by reducing the required setback of a building
from a watercourse from 30.0 metres (but no less than 22.0 metres)
and substantially in those locations for a proposed residence as shown
on Site Plan A, AND

b) in Section 6.8.3(4) be reducing the required setback of a building from
a side lot line from 3.0 metres to those distances (but no less than 2.0
metres), and substantially in those locations for a proposed residence
as shown on Site Plan A.

CARRIED

MOTION 462/01 MOVED BY COUNCILLOR VOGEL

SECONDED BY COUNCILLOR CARDINAL AND RESOLVED

THAT: There BE ISSUED Development Permit DP-12-01 relating to Strata
Lot 5, 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

(Councillors Faris and McPherson recorded as opposed)

b) Development Variance Permit Application DVP-07-01

Development Permit Application DP-08-01

APPLICANT/OWNER: Michael Schmitz/First National Properties Ltd.
LOCATION: 700 Block Caleb Pike Road

Mr. Schmitz and Realtor Don Burnham were in attendance in support of the applications.

There was discussion regarding the past history of the applications and the proposed siting of the house and shop and varying views and opinions were noted.

MOTION 463/01 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR VOGEL AND RESOLVED
THAT: The application for Development Variance Permit DVP-07-01 relating to Strata Lot 2, Strata Plan 1823, Section 32, Highland District BE RECONSIDERED.

DEFEATED
(Councillor Cardinal recorded as in favour)

c) Memorandum from the Administrator
Re: Draft Amendment - "Subdivision or Development of Land Bylaw No. 154, 2001"

MOTION /01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR FARIS AND RESOLVED
THAT: The sections of "Subdivision or Development of Land Bylaw No. 154, 2001 regarding road standards and proposed amendments to Bylaw 154, as contained in the memorandum from the Administrator dated August 31, 2001 entitled Road Standards - Bylaw #154, BE REFERRED to the Roads Advisory Committee and the Protective Services Advisory Committee for review and comment.

There was discussion regarding the proposed amendments with respect to Service Level 2.

Motion withdrawn with the permission of the seconder.

MOTION 464/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: Agenda item 3 c) BE TABLED.

CARRIED

4. REPORTS

a) Committee Reports

i) Administration and Finance

Councillor McPherson noted that the Administration and Finance Advisory Committee is scheduled to meet September 11, 2001 at 7:30 p.m. at Pike House.

- Administration and Finance Advisory Committee
Re: Minutes of the Meeting held August 14, 2001

MOTION 465/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The minutes of the Administration and Finance
Advisory Committee meeting held August 14, 2001 BE
RECEIVED FOR INFORMATION.

CARRIED

- Administration and Finance Advisory Committee
Recommendations Re:

1. Road Width - Western Forest Products Highlands South
Development;
2. Reporting of Construction Expenses - Western Forest
Products Highlands South Development

MOTION 466/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The recommendation from the Administration and
Finance Advisory Committee, received September 4, 2001,
regarding the reporting of construction expenses for the
Western Forest Products Highlands South development BE
REFERRED to staff for discussion with Western Forest
Products Ltd.

CARRIED

MOTION 467/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND

RESOLVED THAT: The recommendation from the
Administration and Finance Advisory Committee, received
September 4, 2001, regarding the proposed road width for the
Western Forest Products Highlands South development BE
RECEIVED FOR INFORMATION.

CARRIED

ii) Environment

Councillor Faris advised that the Environment Advisory Committee is
scheduled to meet with members of Council regarding the
Committee's role and effectiveness on September 10, 2001 at 7:30 p.m.
at Pike House. It was also noted that a regular Committee meeting
may be scheduled for October.

iii) Parks and Recreation

Councillor Cardinal noted that the Parks and Recreation Advisory

Committee has not met through the summer. He also noted that the Parks Master Plan is scheduled to come before Council in October.

With respect to installing basketball hoops and stands at Twinflower Park, Councillor Cardinal advised that he has obtained pricing of less than \$1,000.00 per basketball hoop and stand, noting that he is willing to proceed with the project with Council's approval.

MOTION 468/01 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The Administrator BE AUTHORIZED to purchase 2 basketball hoops and backstops for installation at the Twinflower Park basketball court, with the price not to exceed \$2,000.00.

CARRIED

It was noted that the Parks and Recreation Advisory Committee is scheduled to meet on September 11, 2001 at 7:30 p.m. at the West Fire Hall.

iv) Protective Services

Councillor McLellan advised that the Protective Services Advisory Committee is scheduled to meet September 24, 2001 at 7:30 p.m. at the West Fire Hall.

v) Transportation and Public Works

Councillor Mendum advised that the Roads Advisory Committee is scheduled to meet September 20, 2001 at 7:30 p.m. at Pike House.

vi) Trails

Councillor Faris noted that the Trails Advisory Committee is continuing its work on the Trails Master Plan.

It was noted that the Trails Advisory Committee is scheduled to meet September 25, 2001 at 7:30 p.m. at Pike House.

vii) Planning and Zoning

Nil.

b) Mayor's Report

Mayor Roessingh noted that the Highland Fling is scheduled for Sunday, September 9, 2001 from 12 p.m. to 4 p.m. at Pike House.

3. BUSINESS ARISING FROM THE MINUTES

c) MOTION 469/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: Agenda item 3 c) BE LIFTED FROM THE TABLE.

CARRIED

There was discussion regarding Service Level 2 as it pertains to road standards in the Subdivision or Development of Land Bylaw No. 154, 2001.

MOTION 470/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The sections of "Subdivision or Development of Land Bylaw No. 154, 2001 regarding road standards and proposed amendments numbered 1 to 3 to the "Subdivision or Development of Land Bylaw No. 154, 2001", as contained in the memorandum from the Administrator dated August 31, 2001 entitled Road Standards - Bylaw #154, BE REFERRED to the Roads Advisory Committee and the Protective Services Advisory Committee for review and comment.

CARRIED

5. CORRESPONDENCE

6. BYLAWS

a) "Highlands Zoning Amendment Bylaw No. 159, 2001"

MOTION 471/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: MOTION 449/01 granting Final Reading to "Highlands Zoning Amendment Bylaw No. 159, 2001" BE RESCINDED.

CARRIED

MOTION 472/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: "Highlands Zoning Amendment Bylaw No. 159, 2001" BE GRANTED THIRD READING.

CARRIED

MOTION 473/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: "Highlands Zoning Amendment Bylaw No. 159, 2001" BE ADOPTED.
CARRIED

b) "Stag Road Closure Bylaw No. 165, 2001"

MOTION 474/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The letter from Paul Henry, dated August 28, 2001, regarding "Stag

Road Closure Bylaw No. 165, 2001" BE RECEIVED FOR INFORMATION.

CARRIED

Dr. Paul Henry was in attendance and noted his concerns with respect to the proposed Stag Road Closure Bylaw.

MOTION 475/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: Notification that Council is considering enacting "Stag Road Closure Bylaw No. 165, 2001" BE DISTRIBUTED to all residents of Fork Lake, AND FURTHER, that "Stag Road Closure Bylaw No. 165, 2001" BE REFERRED to the Parks Master Plan Steering Committee.

CARRIED

Mr. Duncan Kerkham, the initiator of the road closure process and owner of land adjacent to the proposed closure was in attendance and provided information with respect to the public access points to Fork Lake. Discussion ensued regarding Bylaw No. 165 and its impact on public access to Fork Lake and varying views and opinions were noted.

MOTION 476/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: Further consideration of "Stag Road Closure Bylaw No. 165, 2001" BE DEFERRED.

CARRIED

c) "Fire Protection Specified Area Amendment Bylaw No. 166, 2001"

MOTION 477/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: "Fire Protection Specified Area Amendment Bylaw No. 166, 2001" BE ADOPTED.

CARRIED

7. NEW BUSINESS

a) Capital Regional District Monthly Bylaw Enforcement Summary for the Month Ending July 31, 2001

MOTION 478/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The Capital Regional District Monthly Bylaw Enforcement Summary, dated August 22, 2001, for the month ending July 31, 2001 BE RECEIVED FOR INFORMATION.

CARRIED

b) Letter from the Cowichan Valley Regional District
Re: Electoral Area A - Mill Bay/Malahat Official Community Plan Revision

MOTION 479/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The letter from the Cowichan Valley Regional District, dated August 17, 2001, regarding Electoral Area A - Mill Bay/Malahat Official Community Plan Review, BE REFERRED to staff for a report to be presented for consideration at the September 17, 2001 Regular Council meeting.

CARRIED

c) Memorandum from the Deputy Clerk
Re: Capilano College - Professional Certificate Program in Local Government Administration

MOTION 480/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The tuition fees of \$650.00 and travel/accommodation expenses for the Deputy Clerk's enrolment in the Capilano College Municipal Law in British Columbia PADM 203 course BE APPROVED.

CARRIED

d) West Shore Parks and Recreation Commission
Re: Request for Appointment of Council Member

MOTION 481/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: Mayor Roessingh BE APPOINTED to the West Shore Parks and Recreation Commission.

CARRIED

8. OTHER BUSINESS

a) Letter from the Planning and Land Use Group (P.L.U.G.)
Re: South Highlands Planning Project - Open House and Community Discussion Forum Final Report

Eric Bonham, P.L.U.G. representative, was in attendance to answer questions from members of Council. Mr. Bonham stated that P.L.U.G. was pleased by the turnout at the June 6, 2001 public forum facilitated by Mr. Douglas Eddy of the Juan de Fuca Community Futures Development Corporation. Mr. Bonham noted that it was important to continue on with the project and maintain the momentum created to this point.

MOTION 482/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: A Committee of the Whole meeting regarding the South Highlands Planning Project be held at a date to be established.

CARRIED

MOTION 483/01 MOVED BY COUNCILLOR MCLELLAN
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The June 6, 2001 report prepared by Mr. Doug Eddy of the Juan de

Fuca Community Futures Development Corporation entitled South Highlands Planning Project Open House and Community Discussion Forum
BE RECEIVED FOR INFORMATION.

CARRIED

MOTION 484/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: The letter from the Planning and Land Use Group (P.L.U.G.) dated August 29, 2001 recommending that Council: 1) establish a South Highlands Economic Development Commission, 2) facilitate additional opportunities for proponents and the public to communicate, cooperate and provide input into the planning process in the South Highlands, and 3) have a Special Meeting with P.L.U.G. to explore options, reach consensus on the most appropriate model and initiate formation of a South Highlands Economic Development Commission, BE RECEIVED FOR INFORMATION.

CARRIED

b) Letter from Byron J. Cook of Nutri-Lawn
Re: Potential Pesticide Bylaw

MOTION 485/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The letter from Byron J. Cook of Nutri-Lawn, dated August 15, 2001, regarding a potential pesticide bylaw BE REFERRED to the Environment Advisory Committee for a report to Council.

CARRIED

c) Report from Harvey Research Ltd.
Re: Millstream Lake Road Upgrade or Realignment Environmental Evaluation

MOTION 486/01 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED

THAT: The report from Harvey Research Ltd., dated August 20, 2001, entitled Millstream Lake Road Upgrade or Realignment Environmental Evaluation BE RECEIVED FOR INFORMATION.

CARRIED

d) JBR Highway Consulting Ltd. Report
Re: Chipseal on Ross-Durrance Road

MOTION 487/01 MOVED BY COUNCILLOR FARIS
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The report from JBR Highway Consulting Ltd., dated August 29, 2001, regarding placing chipseal on Ross-Durrance Road BE RECEIVED FOR INFORMATION, AND FURTHER, that chipseal not be placed on Ross-Durrance Road.

CARRIED

e) JBR Highway Consulting Ltd. Report

Re: Blind Corners on Ross-Durrance/Millstream Lake Roads

MOTION 488/01 MOVED BY COUNCILLOR VOGEL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The report from JBR Highway Consulting Ltd., dated August 31, 2001, regarding blind corners on Ross-Durrance and Millstream Lake Roads BE REFERRED to the Roads Advisory Committee and the Protective Services Advisory Committee for a report to Council.

CARRIED

f) Monthly Reminder - Outstanding Referrals

MOTION 489/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: The Monthly Reminder - Outstanding Referrals report dated September 4, 2001, BE RECEIVED FOR INFORMATION.

CARRIED

9. ADJOURNMENT

MOTION 490/01 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR VOGEL AND RESOLVED

THAT: The Regular meeting of Council be adjourned at 9:20 p.m.

CARRIED

Karel Roessingh, Mayor
District of Highlands - Regular Council Meeting
Tuesday, September 4, 2001

Bruce Woodbury, Administrator