

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

Minutes of the Regular Council meeting held on Tuesday, August 6, 2002, at the East Highlands Fire Hall, 3613 Woodridge Place at 7:35 p.m.

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

**IN ATTENDANCE:** Bruce Woodbury, Administrator

**AMENDMENT OF AGENDA**

MOTION 269/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: The Agenda be amended by moving item 7 f) Letter from Bob McMinn – Millstream Lake Rd to item 1 c) and by moving item 6 a) Highlands Zoning Bylaw Amendment Bylaw No. 185, 2002 to item 2 b).

**CARRIED**

**1. PETITIONS AND DELEGATIONS**

- a) Jeff Ward, CRD Parks  
Re: CRD Parks Land Acquisition Fund

Jeff Ward of CRD Parks was in attendance and provided Council with an overview of the lands acquired from the CRD Parks Land Acquisition Fund in 2001.

- b) Rezoning Application RZ-03-02  
OWNER/APPLICANT: LGB9 Development Corporation  
LOCATION: Millstream Road (Bear Mountain Resort)

Richard Irwin, Planning Consultant for the Bear Mountain Resort, was in attendance in support of the application.

Mr. Irwin advised Council that they would like to proceed with the rezoning of their property and present detailed information at a joint meeting of the Highlands Advisory Committees on August 13<sup>th</sup>. He also advised that they need Council's ok to proceed with piped water and sewer.

There was extensive discussion regarding the pros and cons of the application.

MOTION 270/02 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: Rezoning Application RZ-03-02 from LGB9 Development Corporation BE REFERRED to all Advisory Committees for review and recommendation.

CARRIED

Councillors McPherson and Mendum opposed

There was additional discussion regarding the time frames for review and what additional studies and reports would be made available.

MOTION 271/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR CARDINAL AND RESOLVED  
THAT: a joint Advisory Committee Meeting be arranged for August 26, 2002 for a presentation regarding Rezoning Application RZ-03-02 by LGB9 Development Corporation.

CARRIED

It was the consensus of Council that the Advisory Committees and the Advisory Planning Commission prepare recommendations relating to LGB9's rezoning application for consideration at the October 7<sup>th</sup> Council Meeting.

c) Bob McMinn – Millstream Lake Road

Mr. McMinn was in attendance in support of his request for Council to undertake a public walkthrough of his proposed relocation for a portion of Millstream Lake Road. Mr. McMinn read out a statement in this regard.

Discussion ensued as to whether another public walkthrough should be undertaken by Council.

MOTION \_\_\_/02 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: a public walkthrough and meeting be arranged to discuss Mr. McMinn's proposed alternate routing of a portion of Millstream Lake Road through his property.

THE MOVER AND SECONDER WITHDREW THE MOTION.

There was additional discussion regarding this item.

MOTION 272/02 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR VOGEL AND RESOLVED  
THAT: a Technical Review be undertaken of Mr. McMinn's proposed  
alternate routing of Millstream Lake Road.

Further discussion ensued.

MOTION WAS PUT

DEFEATED  
Councillors Faris and Vogel In Favour

MOTION 273/02 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: Mr. McMinn's letters dated July 30 and August 6, 2002 regarding a  
potential relocation of a part of Millstream Lake Road adjacent to his  
property BE RECEIVED.

CARRIED

## 2. ADOPTION OF THE MINUTES

- a) Minutes of the Special Council Meeting held July 22, 2002

MOTION 274/02 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The minutes of the Special Council meeting held July 22, 2002 BE  
ADOPTED as circulated.

CARRIED

- b) Highlands Zoning Bylaw Amendment Bylaw No. 185, 2002

MOTION 275/02 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT: "Highlands Zoning Bylaw Amendment Bylaw No. 185, 2002" BE  
GIVEN THIRD READING.

CARRIED  
Councillor Vogel Opposed

MOTION 276/02 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: "Highlands Zoning Bylaw Amendment Bylaw No. 185, 2002" BE  
ADOPTED.

CARRIED  
Councillor Vogel Opposed

3. **BUSINESS ARISING FROM THE MINUTES**

- a) Memorandum from the Administrator  
Re: Council Policy Amendment – Advisory Committee Terms of Reference

MOTION 277/02 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MCLELLAN AND RESOLVED  
THAT:

1. Council Policy 122 – Establishing Advisory Committees Policy, Standard Advisory Committee – Terms of Reference, 125.1 – Administration and Finance Advisory Committee Terms of Reference, 125.2 – Environment Advisory Committee Terms of Reference, 125.3 - Parks and Recreation Advisory Committee Terms of Reference, 125.4 – Protective Services Advisory Committee Terms of Reference, 125.5 – Roads Advisory Committee Terms of Reference and 125.6 – Trails Advisory Committee Terms of Reference BE AMENDED in Section 3.0 by

- a) deleting subsection 2. which reads:

2. The Mayor shall appoint a Council Member to act as Liaison to an Advisory Committee who will be a non-voting member of the Committee.

and replacing with:

2. The Mayor shall appoint a Council Member to act as Liaison to an Advisory Committee.

- b) deleting subsection 4. which reads:

4. The Mayor is an ex-officio, non-voting Member of all Advisory Committees.

CARRIED

4. REPORTS

a) **Committee Reports**

i) Administration and Finance

MOTION 278/02 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: the minutes of the Administration and Finance Advisory  
Committee meeting held on July 9, 2002 BE RECEIVED FOR  
INFORMATION.

CARRIED

Councillor McPherson noted that the next meeting of the  
Administration and Finance Advisory Committee is scheduled for  
August 13, 2002 at 7:30 p.m. at Pike House.

Councillor McPherson provided an update on her work on the  
Problem Gambling Awareness Committee, noting that the group is  
requesting that various facilities will be asked to put up problem  
gambling awareness posters.

MOTION 279/02 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: a letter be sent to the Juan de Fuca Seniors Centre  
requesting that they consider putting up problem gambling  
awareness posters at their facilities.

CARRIED

ii) Environment

Councillor Faris noted that the next meeting of the Environment  
Advisory Committee is scheduled for August 26, 2002, however,  
also noted that this is the same night as the joint Advisory  
Committee Meeting regarding LGB9's rezoning application.  
Councillor Faris noted that the EAC's following meeting is  
scheduled for September 23<sup>rd</sup>.

iii) Parks and Recreation

MOTION 280/02 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT:

1. The minutes of the Parks and Recreation Advisory  
Committee Meeting held July 8, 2002 BE RECEIVED FOR  
INFORMATION, AND FURTHER

2. That the expenditure of up to \$2,000.00 for the installation of a fence behind the north backstop of the basketball court at Twinflower Park BE AUTHORIZED.

CARRIED

MOTION \_\_\_/02 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: the proposal for the installation of a permanent washroom facility BE REFERRED to the Parks and Recreation Advisory Committee and the Parks and Recreation Association for consideration and a report to Council regarding details of the proposed project.

Upon discussion Alan Phillip, Chair of the Parks and Recreation Advisory Committee clarified that the recommendation was that the Highland Parks and Recreation Association consider adding this to its budget.

THE MOTION WAS WITHDRAWN BY THE MOVER AND  
SECONDER

Councillor Cardinal noted that the next meeting of Parks and Recreation Advisory Committee is scheduled for September 9, 2002 at 7:30 p.m. at Pike House.

iv) Protective Services

- Protective Services Advisory Committee  
Re: Minutes of the Meeting held July 22, 2002

MOTION 281/02 MOVED BY COUNCILLOR MCLELLAN  
SECONDED BY COUNCILLOR MCPHERSON AND  
RESOLVED THAT: The minutes of the Protective Services  
Advisory Committee meeting held July 22, 2002 BE  
RECEIVED FOR INFORMATION.

CARRIED

Councillor McLellan noted that the next meeting of the Protective Services Advisory Committee, after the joint meeting on August 26<sup>th</sup>, is scheduled for September 23, 2002 at 7:30 p.m. at the west fire hall.

v) Transportation and Public Works

Councillor Mendum noted that the next meeting of the Roads Advisory Committee is scheduled for August 15, 2002 at 7:30 p.m. at Pike House.

vi) Trails

Councillor Faris noted that the next meeting of the Trails Advisory Committee is scheduled for August 27, 2002. He further noted that a walk through of a proposed trail to connect Bukin Drive East and West had taken place and that the results of this would be discussed at the next Trails Advisory Committee Meeting.

vii) Planning and Zoning

Advisory Planning Commission Recommendation  
Re: Rezoning Application – RZ03-97 for 1943 Millstream Road  
(Highwest Waste Recyclers Ltd.)

MOTION 282/02 MOVED BY COUNCILLOR VOGEL SECONDED  
BY COUNCILLOR MENDUM AND RESOLVED  
THAT: the recommendations and report from the Advisory Planning  
Commission dated August 2, 2002 regarding Rezoning Application  
RZ-03-97 (Highwest) BE RECEIVED.

CARRIED

MOTION 283/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: staff BE DIRECTED TO PREPARE a Development  
Agreement for Council's consideration regarding the offer of initial  
and ongoing payment of funds to the District of Highlands by the  
owner in relation to rezoning application RZ-03-97 (Highwest).

CARRIED

MOTION 284/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: staff BE DIRECTED TO PREPARE restrictive covenants for  
Council's consideration in relation to rezoning application RZ-03-97  
(Highwest).

CARRIED

MOTION 285/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: staff BE DIRECTED TO PREPARE bylaws to amend the  
Official Community Plan and the Zoning Bylaw in relation to  
rezoning application RZ-03-97 (Highwest).

CARRIED

**b) Mayor's Report**

Mayor Roessingh advised that further information regarding the work of the West Shore Recreation Society Arena Committee would be forthcoming after cost projections are received from the architects and engineers. A referendum in relation to the proposed new arena is to be scheduled to occur in conjunction with the municipal elections in November.

Mayor Roessingh advised that the Province has extended the date, until September 30, 2002, for resolution of issues relating to the CRD's proposed Regional Growth Strategy.

Mayor Roessingh advised that as a result of his work on the municipal newsletter he has had the opportunity to talk to all Advisory Committee members. He indicated that the Committees appeared to be working well and the only significant complaint he heard was the need for improved communication from/to Council.

**5. CORRESPONDENCE**

- a) Letter from the Chair, Greater Victoria Public Library Board  
Re: New Guidelines for Service

MOTION 286/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: the letter from the Greater Victoria Public Library Board, dated July 15, 2002, regarding the new Guidelines for Service BE RECEIVED FOR INFORMATION.

CARRIED

- b) Letter from the Business and Community Relations Officer  
Fort Rodd Hill and Fisgard Lighthouse National Historic Sites of Canada  
Re: Grant-In-Aid for Canada Day Celebrations

MOTION 287/02 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: the letter from Dale Mumford, Business and Community Relations Officer, Fort Rodd Hill and Fisgard Lighthouse National Historic Sites of Canada dated July 23, 2002 regarding the Grant-In-Aid in support of Canada Day celebrations BE RECEIVED FOR INFORMATION.

CARRIED

6. **BYLAWS**

- a) Highlands Zoning Bylaw Amendment Bylaw No. 185, 2002

This item was moved up to Item 2 b)

7. **NEW BUSINESS**

- a) Letter from Joe Taylor  
Re: Resignation from the Trails Advisory Committee

MOTION 288/02 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: the letter from Joe Taylor dated July 17, 2002, indicating his  
resignation from the Trails Advisory Committee BE RECEIVED WITH  
REGRET.

CARRIED

- b) Letter from Laurain Mills  
Re: Resignation from the Parks and Recreation Advisory Committee

MOTION 289/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: Laurain Mill's resignation from the Parks and Recreation Advisory  
Committee, as indicated in correspondence received by staff dated July  
28, 2002, BE RECEIVED WITH REGRET.

CARRIED

- c) Capital Regional District Monthly Bylaw Enforcement Summary  
- June 2002

MOTION 290/02 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: the Capital Regional District Monthly Bylaw Enforcement  
Summary, dated July 22, 2002, for the month of June 2002 BE  
RECEIVED FOR INFORMATION.

CARRIED

- d) Memorandum from the Administrator  
Re: Referral from the Capital Regional District – Application Z-05-02  
(Official Community Plan and Rezoning) Lot 1, DL 136, Malahat District,  
Plan 38221 – 3770 Rocky Mountain Road

Councillor Cardinal advised that as the applicant owes money to his company he is absenting himself due to a potential conflict of interest. Councillor Cardinal left the meeting.

MOTION 291/02 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: the CRD Planning Department BE ADVISED that Council has NO  
OBJECTIONS to OCP/Zoning Application Z-05-02 relating to 3770 Rocky  
Mountain Road.

CARRIED

Councillor Cardinal returned to the meeting.

- e) Memorandum from the Administrator  
Re: Referral from the Capital Regional District – Draft Willis Point  
Community Plan

MOTION 292/02 MOVED BY COUNCILLOR FARIS  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: the consideration of the Draft Willis Point Community Plan BE  
DEFERRED.

CARRIED

- f) Letter from Bob McMinn  
Re: Millstream Lake Road

This item was moved up to item 1 c).

- g) Revenue and Expense Summary Report – August 2, 2002

MOTION 293/02 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR FARIS AND RESOLVED  
THAT: the Revenue and Expense Summary Report, dated August 2, 2002  
BE RECEIVED FOR INFORMATION.

CARRIED

**8. OTHER BUSINESS**

- a) Letter from the Provincial Capital Commission  
Re: Greenways Application – Highlands Environmental Atlas

MOTION 294/02 MOVED BY COUNCILLOR VOGEL  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: the letter from the Provincial Capital Commission dated July 18,  
2002 regarding the District of Highlands application requesting funding  
through the Greenways Partnership Program BE RECEIVED FOR  
INFORMATION.

CARRIED

- b) Memorandum from the Administrator  
Re: Roads Advisory Committee Recommendation – Trails Master Plan

MOTION 295/02 MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: the recommendation from the Roads Advisory Committee, dated April 25, 2002, regarding the Trails Master Plan BE REFERRED to the Trails Advisory Committee to develop, at the appropriate time given the other priorities of the Committee, a trail maintenance schedule in consultation with staff.

CARRIED

9. **ADJOURNMENT**

MOTION 296/02 MOVED BY COUNCILLOR VOGEL

SECONDED BY COUNCILLOR FARIS AND RESOLVED

THAT: The Regular meeting of Council BE ADJOURNED at 10:50 p.m. AND THAT, pursuant to Section 242.2 of the *Local Government Act* a meeting *in camera* be convened to discuss:

- Legal
- Personnel

CARRIED

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Karel Roessingh, Mayor

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Bruce Woodbury, Administrator