

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

Minutes of the Regular Council meeting held Monday, March 3, 2003, at the East Highlands Fire Hall, 3613 Woodridge Place at 7:30 p.m.

PRESENT: Mayor Roessingh, Chair
Councillor K. Brotherston
Councillor M. Brotherston
Councillor Cardinal
Councillor Kadar
Councillor McPherson
Councillor Mendum

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

AGENDA

MOTION 107/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: The agenda BE APPROVED.

CARRIED

1. PETITIONS AND DELEGATIONS

- a) Development Permit Application DP-07-03
OWNER/APPLICANT: Mark and Wendy Cardinal
LOCATION: 1350 Millstream Road

Councillor Cardinal left the meeting at 7:32 p.m. stating a conflict of interest in that he was the applicant for Development Permit Application DP-07-03.

MOTION 108/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: There BE ISSUED Development Permit DP-07-03 pertaining to Lot 4, Section 27, Highland District, Plan 24908 that would vary Zoning Bylaw No. 100:

- a) in Section 3.3(1)(d) by decreasing the required setback from the natural boundary of watercourses from 30 metres to 15 metres, to permit the construction of an accessory building (Storage Barn); and

for the purpose of building a Storage Barn, and related site preparation, on lands located within 30 metres of a wetland-watercourse included within Development Permit Area #2 (Water and Riparian Features), as shown generally in the Plan attached as Schedule 1, subject to the following conditions:

1. Throughout the process of site preparation and construction, measures shall be taken to prevent modification of, and impact upon, the existing drainage course.
2. Perimeter roof drainage shall be designed and installed to promote ground infiltration and direct drainage away from the drainage course, to the satisfaction of the Building Inspector.

CARRIED

Councillor Cardinal returned to the meeting at 7:33 p.m.

- b) Development Permit Application DP-05-03
OWNER/APPLICANT: Joseph and Frances Maillet
LOCATION: 401 Jayhawk Place

MOTION 109/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: Development Permit DP-05-03 BE ISSUED pertaining to Lot A, Section 31, Highland District, Plan VIP67896 that would vary Zoning Bylaw No. 100:

- a) in Section 3.3(1)(d) by decreasing the required setback from the natural boundary of watercourses from 30 metres to 27.7 metres, to permit the construction of an accessory building (Garage); and

for the purpose of cutting trees, site preparation (potential blasting, soil removal and/or deposit) and building, for a proposed residence and septic field, within lands designated as Development Permit Area 1 (Steep Slopes) and Development Permit Area 2 (Water and Riparian Areas), as shown generally in the Plan attached as Schedule 1, subject to the following conditions:

1. Prior to cutting trees for the proposed septic field, confirmation of approval by the CRD Environmental Health Officer shall be provided; and
2. Where tree-cutting takes place on designated steep slope areas, stumps shall be retained *in situ*; and

3. Measures shall be taken to mitigate erosion and prevent sedimentation from entering the drainage course, which measures may include the installation of silt-fencing and hay-bales; and
4. Perimeter roof drainage shall be designed and installed to promote ground infiltration and direct drainage away from the drainage course, to the satisfaction of the Building Inspector.

CARRIED

- c) Development Permit Application DP-09-03
OWNER/APPLICANT: Blair and Maria Veenstra
LOCATION: 1070 River Road

MOTION 110/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: That Development Permit DP-09-03 BE ISSUED pertaining to Strata Lot 2, Section 4, Range 3W and 4W, Highland District, Strata Plan VIS5080 that would vary Zoning Bylaw No. 100:

- a) in Section 6.8.3(4) to permit the construction of an accessory building (Garage):

From: No *building* or *structure* shall be sited within 3 metres of a *side lot line*.

To: No *building* or *structure* shall be sited within 1.5 metres of a *side lot line*.

and for the purpose of site preparation (including tree-cutting, blasting, soil removal and/or deposit) and construction of a proposed residence and accessory building, within lands designated as Development Permit Area 1 (Steep Slopes), as shown generally on the Plan attached as Schedule A.

CARRIED

- d) Development Variance Permit Application DVP-02-03
OWNER/APPLICANT: Steven Wunderlich
LOCATION: Lot 9, Section 72, Highland District, Plan VIP74674

MOTION 111/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: Development Variance Permit DVP-02-03 BE ISSUED pertaining to Lot 9, Section 72, Highland District, Plan VIP74674, as shown in Schedule A, that would vary Zoning Bylaw No. 100:

- a) in Section 6.4.3(7) by increasing the maximum floor area of the principle building on a lot from 322 square metres to 358.45 square metres as substantially shown in the floor plans attached as Schedule B.

There was discussion regarding the placement of a restrictive covenant to reduce the total square footage of accessory buildings by the same amount as the proposed variance, and varying views and opinions were noted.

CARRIED

- e) Development Variance Permit Application DVP-05-03
OWNER/APPLICANT: Highlands 1 Holdings Ltd.
LOCATION: Lot 6, Section 30, Highland District, Plan VIP74674

MOTION 112/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: Development Variance Permit DVP-05-03 BE ISSUED pertaining to Lot 6, Section 30, Highland District, Plan VIP74674 as shown in Schedule A, that would vary Zoning Bylaw No. 100:

- a) in Section 6.4.3(7) by increasing the maximum floor area of the principle building on a lot from 322 square metres to 391.2 square metres as substantially shown in the floor plans attached as Schedule B for the purpose of constructing a new house on the property.

There was discussion regarding the placement of a restrictive covenant to reduce the total floor area for accessory buildings, and varying views and opinions were noted.

CARRIED

- f) Rezoning Application RZ-01-03
OWNER/APPLICANT: Kenneth and Mary Anne Leason
LOCATION: 3642 Munn Road

Mr. Leason was in attendance in support of his application and provided an overview of his proposed plans for a dog kennel, and answered queries of members of Council in this regard.

MOTION 113/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR KADAR AND RESOLVED
THAT: Rezoning application RZ-01-03 made by Kenneth and Mary Anne Leason, pertaining to Lot B, Section 40, Highland District, Plan VIP55009, BE REFERRED to advisory committees for consideration and recommendation to the Advisory Planning Commission with subsequent recommendations from the Advisory Planning Commission submitted to Council at a Regular meeting.

CARRIED

2. ADOPTION OF THE MINUTES

- a) Minutes of the Regular Council Meeting held February 17, 2003

MOTION 114/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: The minutes of the Regular Council meeting held February 17, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

- a) Minutes of the Committee of the Whole Meeting held February 19, 2003

MOTION 115/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR KADAR AND RESOLVED
THAT: The minutes of the Committee of the Whole meeting held February 19, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

MOTION 116/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: Rod Glover be added to the agenda as item 3 b) to address Council regarding potential consultants for assistance with the Official Community Plan review.

CARRIED

3. BUSINESS ARISING FROM THE MINUTES

- a) Memorandum from the Planning Technician
Re: Delegation of Development Permit Approvals

There was lengthy discussion regarding delegation of development approvals to staff and the various effects this might have on residents, staff and Council, and varying views and opinions were noted.

MOTION 117/03 MOVED BY COUNCILLOR
SECONDED BY COUNCILLOR AND RESOLVED
THAT: "District of Highlands Development Permit Delegation Bylaw No. 200, 2003" BE GRANTED FIRST READING.

CARRIED

(Councillors McPherson and Mendum recorded as opposed)

MOTION 118/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: "District of Highlands Development Permit Delegation Bylaw No. 200, 2003" BE GRANTED SECOND READING.

CARRIED

(Councillors McPherson and Mendum recorded as opposed)

MOTION 119/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: "District of Highlands Development Permit Delegation Bylaw No. 200, 2003" BE GRANTED THIRD READING.

CARRIED

(Councillors McPherson and Mendum recorded as opposed)

MOTION 120/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: "District of Highlands Development Permit Delegation Bylaw No. 200, 2003" be reviewed in six months time.

CARRIED

- b) Rod Glover
Re: Official Community Plan Review

Mr. Glover addressed Council to relay information he has gathered with respect to potential consultants to assist with the Official Community Plan Review and a possible resident survey.

4. REPORTS

a) Committee Reports

- i) Administration and Finance

- Administration and Finance Advisory Committee
Re: Minutes of the Meeting held February 11, 2003

MOTION 121/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON AND
RESOLVED THAT: The minutes of the Administration and
Finance Advisory Committee meeting held February 11,
2003 BE RECEIVED FOR INFORMATION.

CARRIED

The next meeting of the Administration and Finance Advisory
Committee is scheduled for March 11, 2003 at 7:30 p.m. at Pike
House.

ii) Environment

The next meeting of the Environment Advisory Committee is
scheduled for March 11, 2003 at 7:30 p.m. at Pike House.

Councillor McPherson advised on the activities of the Intermunicipal
Committee on Disability Issues, noting the Committee's work will be
focussing on housing issues for the mentally disabled.

Councillor McPherson noted that the BC Transit commuter bus
ridership is increasing.

iii) Parks and Recreation

- Parks and Recreation Advisory Committee
Re: Minutes of the Meeting held February 10, 2003

The next meeting of the Parks and Recreation Advisory
Committee is scheduled for April 14, 2003 at 7:30 p.m. at
Pike House.

MOTION 122/03
MOVED BY COUNCILLOR K. BROTHERSTON
SECONDED BY COUNCILLOR M. BROTHERSTON AND
RESOLVED THAT: The minutes of the Parks and
Recreation Advisory Committee meeting held February 10,
2003 BE RECEIVED FOR INFORMATION.

CARRIED

- Memorandum from the Parks and Recreation Advisory Committee
Re: Rezoning Guidelines

MOTION 123/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MCPHERSON AND
RESOLVED THAT: The memorandum from the Parks and Recreation Advisory Committee, dated February 10, 2003, regarding the Rezoning Guidelines BE RECEIVED FOR INFORMATION.

CARRIED

iv) Protective Services

- Protective Services Advisory Committee
Re: Minutes of the Meeting held February 24, 2003

MOTION 124/03
MOVED BY COUNCILLOR M. BROTHERSTON
SECONDED BY COUNCILLOR MCPHERSON AND
RESOLVED THAT: The minutes of the Protective Services Advisory Committee meeting held February 24, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

Councillor M. Brotherston noted that the Protective Services Advisory Committee has requested an update on outstanding issues.

The next meeting of the Protective Services Advisory Committee is scheduled for March 24, 2003 at 7:30 p.m. at the West Fire Hall.

v) Roads

- Roads Advisory Committee
Re: Minutes of the meeting held February 20, 2003

MOTION 125/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCPHERSON AND
RESOLVED THAT: The minutes of the Roads Advisory Committee meeting held February 20, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

The next meeting of the Roads Advisory Committee is scheduled for March 20, 2003 at 7:30 p.m. at Pike House.

Councillor Mendum advised that the Greater Victoria Public Library would be putting funds set aside for a demographics study towards the feasibility study with respect to potential use of the downtown Bay Building.

Councillor Mendum reported on a recent seminar she attended regarding the West Nile virus, noting that further information will be received in this regard.

vi) Trails

Councillor K. Brotherston advised that the Trails Advisory Committee met February 26th, and had discussion regarding BC Hydro's clearing under the power lines. The Committee also discussed amalgamation with the Parks and Recreation Advisory Committee, and a recommendation will be forthcoming in this regard.

The next meeting of the Trails Advisory Committee is scheduled for March 26, 2003 at 7:30 p.m. at Pike House.

vii) Planning and Zoning

Nil.

b) Mayor's Report

Mayor Roessingh advised that he recently attended a Red Cross First Aid course held at the West Fire Hall, and expressed thanks to Linda Dryden for a job well done in organizing the course.

5. CORRESPONDENCE

- a) Letter from Stella Jo-Dean, Volunteer Chair, Pitch-In British Columbia
Re: Pitch-In Program

MOTION 126/03 MOVED BY COUNCILLOR M. BROTHERSTON
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: The letter from Stella Jo-Dean, Volunteer Chair, Pitch-In British Columbia, BE RECEIVED FOR INFORMATION.

CARRIED

- b) Letter from Byron Cook, Owner & Operator, Nutri-Lawn
Re: Pest Management/Application of Pesticides

MOTION 127/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: That the letter from Byron Cook, Owner & Operator, Nutri-Lawn,
dated February 10, 2003, regarding chemical pesticide use BE
REFERRED to the Environment Advisory Committee for review and a
recommendation to Council.

CARRIED

- c) Letter from the Highlands Association of Large Lot Owners
Re: Official Community Plan Review

MOTION 128/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: The letter from the Highlands Association of Large Lot Owners,
dated February 26, 2003 regarding the Official Community Plan Review
BE RECEIVED FOR INFORMATION.

CARRIED

6. BYLAWS

- a) "Revenue Anticipation Borrowing Bylaw No. 197, 2003"

MOTION 129/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: "Revenue Anticipation Borrowing Bylaw No. 197, 2003" BE
ADOPTED.

CARRIED

- b) "Highlands Official Community Plan Amendment Bylaw No. 194, 2003"
"Highlands Zoning Amendment Bylaw No. 195, 2003"
Re: Rezoning Application RZ-04-02 (Kingco 2000 Developments Ltd.)

Ron King was in attendance in support of his rezoning application.

There was discussion regarding the amended amenity proforma.
Subsequent discussion regarding the rezoning application ensued, and
varying views and opinions with respect to how Council wished to proceed
were noted.

MOTION 130/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: Staff BE DIRECTED to prepare a report on the amenity proforma contained in Rezoning Application RZ-04-02 (Kingco 2000. Developments Ltd.), AND FURTHER that the staff report and proforma BE REFERRED to the Administration and Finance Advisory Committee and the Advisory Planning Commission for a recommendation to be presented to Council at the Regular meeting scheduled for March 17, 2003.

CARRIED

- c) “District of Highlands Road Naming Bylaw No. 196, 2003”

Paul Curtis, Chair of the Roads Advisory Committee, was in attendance and provided an update regarding the Committee’s consideration of the road names for Highlands Estates.

Councillor McPherson advised that she had been in contact with Michael Volk, Project Manager for the Highlands Estates subdivision, and that Mr. Volk had agreed that the road proposed to be named Northview Close should be changed to Skyview Place.

MOTION 131/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The recommendation from the Roads Advisory Committee, dated February 20, 2003, regarding road names for the Highlands Estates Subdivision BE RECEIVED FOR INFORMATION.

CARRIED

MOTION 132/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: “District of Highlands Road Naming Bylaw No. 196, 2003” BE AMENDED in Sections 2 and 4 by replacing the road name “Northview Close” with the road name “Skyview Place”, AND THAT Bylaw No. 196, as amended, BE GRANTED FIRST READING.

CARRIED

MOTION 133/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: “District of Highlands Road Naming Bylaw No. 196, 2003”, as amended, BE GRANTED SECOND READING.

CARRIED

MOTION 134/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR KADAR AND RESOLVED
THAT: “District of Highlands Road Naming Bylaw No. 196, 2003”, as
amended, BE GRANTED THIRD READING.

CARRIED

- d) “District of Highlands Official Community Plan Amendment Bylaw No. 198,
2003”
“District of Highlands Zoning Bylaw Amendment Bylaw No. 199, 2003”
Re: Rezoning Application RZ-05-02 (First National Properties Ltd.)

Dave Irvine of First National Properties Ltd. was in attendance in support
of the application.

There was discussion regarding the application and trails for the
development. It was noted that the issue of trails was a subdivision matter
and would be addressed by the Approving Officer at subdivision time
should the zoning be approved.

Further discussion ensued regarding the application, and various
amendments to the proposed bylaws were suggested.

MOTION 135/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: “District of Highlands Official Community Plan Amendment Bylaw
No. 198, 2003”, and “District of Highlands Zoning Bylaw Amendment
Bylaw No. 199, 2003” with respect to Rezoning Application RZ-05-02
(First National Properties Ltd.) BE DEFERRED to the Regular meeting
scheduled for March 17, 2003.

CARRIED

7. NEW BUSINESS

- a) Letter from Ken Faris
Re: Request for Appointment to the Environment Advisory Committee

Councillors Ken Brotherston and Marie Brotherston left the meeting at
10:04 p.m. stating a conflict of interest regarding a pecuniary interest.

MOTION 136/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: Ken Faris BE APPOINTED to the Environment Advisory Committee for the remainder of a one-year term expiring December 31, 2003.

CARRIED

Councillors Ken Brotherston and Marie Brotherston returned to the meeting at 10:05 p.m.

- b) Building Report for February 2003

MOTION 137/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: The Building Report for February 2003 BE RECEIVED FOR INFORMATION.

CARRIED

- c) Memorandum from the Deputy Clerk
Re: Appointment of CRD Bylaw Enforcement Officers

MOTION 138/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: Pursuant to Section 268 of the *Local Government Act* and Section 28(3) of the *Offence Act*, the following appointments BE RESCINDED:

Gary Legault, duty Animal Control Officer.

CARRIED

MOTION 139/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR KADAR AND RESOLVED
THAT: Pursuant to Section 268 of the *Local Government Act* and Section 28(3) of the *Offence Act*, the following BE APPOINTED:

Don Brown, Chief Bylaw Enforcement Officer
Debra Juch, Bylaw Enforcement Officer
Neil Logan, Bylaw Enforcement Officer

CARRIED

- d) Memorandum from the Administrator
Re: Building Officials' Association of BC – Annual Education and Training Conference

MOTION 140/03 MOVED BY COUNCILLOR M. BROTHERSTON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The Building Inspectors attendance at the 2003 Building Officials' Association of BC Annual Education and Training Conference to be held April 27 to April 30, 2003, and associated expenses BE AUTHORIZED.

CARRIED

- e) Letter from the Schwalbe-Epic Cycling Club
Re: Request for Use of Roadways for Bicycle Events

MOTION 141/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: the Schwalbe-Epic Cycling Club BE AUTHORIZED to hold bicycle events on Caleb Pike Road/Millstream Road, in accordance with the letter from the Club received February 28, 2003, as follows:

Sunday	23 March 2003	10:00 a.m. – 11:30 a.m.
Wednesday	9 April 2003	6:30 p.m. – 8:00 p.m.
Wednesday	7 May 2003	6:30 p.m. – 8:00 p.m.
Wednesday	4 June 2003	6:30 p.m. – 8:00 p.m.
Wednesday	2 July 2003	6:30 p.m. – 8:00 p.m.
Wednesday	30 July 2003	6:30 p.m. – 8:00 p.m.

CARRIED

8. OTHER BUSINESS

- a) Memorandum from the Deputy Clerk
Re: Highland Heritage Park Society 2003 Master Plan
Highland Parks and Recreation Association 2003 Master Plan

MOTION 142/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT:

1. the Highland Heritage Park Society 2003 Master Plan BE APPROVED;
2. That the Highland Parks and Recreation Association amended 2003 Master Plan (dated February 10, 2003) BE APPROVED; AND
3. That the recommendation from the Administration and Finance Advisory Committee from its February 11, 2003 meeting regarding funding for the Highland Heritage Park Society BE DEFERRED for consideration in conjunction with 2003 Budget deliberations.

There was discussion regarding funding for the Highland Heritage Park Society, and varying views and opinions were noted.

CARRIED

9. ADJOURNMENT

MOTION 143/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: The Regular meeting of Council BE ADJOURNED at 10:20 p.m. AND
THAT, pursuant to Section 242.2 of the *Local Government Act*, a meeting *in camera* be convened to discuss:

- Litigation or potential litigation
- The acquisition, disposition or expropriation of land or improvements.

CARRIED

Karel Roessingh, Mayor

Bruce Woodbury, Administrator