

DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING

Minutes of the Regular Council meeting held Tuesday, April 22, 2003, at Caleb Pike House, 1589 Millstream Road 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: Lorraine Hilton, Deputy Clerk
Sandi Chesley, Administrative Assistant

AGENDA

MOTION 232/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The agenda BE APPROVED.

CARRIED

1. PETITIONS AND DELEGATIONS

- a) Rezoning Application RZ-03-03
OWNER/APPLICANT: Colleen Robertson
LOCATION: Part of Lot 2, Section 34, Highland District, Plan 9340
Except Parts Included Within the Boundaries of Plans 16984, 17727 and 39300

Colleen Robertson was in attendance and provided a presentation with respect to Rezoning Application RZ-03-03.

There was discussion regarding the application, and Ms. Robertson answered queries of Council in this regard.

MOTION 233/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: Rezoning Application RZ-03-03 made by Colleen Robertson BE REFERRED to all Advisory Committees for consideration and recommendation from the Advisory Planning Commission submitted to Council at a Regular meeting.

AMENDING MOTION 234/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The recommendations from the Advisory Planning Commission be presented to Council at the Regular meeting scheduled for June 2, 2003.

CARRIED

The main motion was put.

CARRIED

- b) Development Variance Permit Application DVP-09-03
OWNER/APPLICANT: John Strasdas
LOCATION: 1066 River Road

MOTION 235/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: Development Variance Permit DVP-09-03 BE ISSUED
pertaining to Strata Lot 3, Section 4, Range 3W and 4W, Highland District,
Strata Plan VIS5080, that would vary Zoning Bylaw No. 100:

- i) in Section 6.8.3(4), to permit the construction of a building (house):

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 3 metres
of a *side lot line*, except that the roof may project into the required
side yard by not more than 0.6 metres (2 feet), in order to
accommodate a roof encroachment into the required side yard, as
shown generally in the Plan attached as Schedule A.

CARRIED

- c) Development Variance Permit Application DVP-10-03
OWNER/APPLICANT: Sean Maruca and Trudy Miller
LOCATION: 1823 Millstream Road

Mr. Maruca was in attendance in support of the application.

MOTION 236/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: Notification BE ISSUED for the proposed issuance of Development Variance
Permit DVP-10-03 pertaining to Lot 1, Section 13, Highland District, Plan 35785 that
would vary Zoning Bylaw No. 100:

- in Section 7.3.3(3) by decreasing the required setback from the front lot line from 7.5 metres to 4.0 metres; and
- in Section 7.3.3(6) by decreasing the required setback from the rear lot line from 10 metres to 2.87 metres.

CARRIED

2. ADOPTION OF THE MINUTES

- a) Minutes of the Committee of the Whole Meeting held March 31, 2003

MOTION 237/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The minutes of the Committee of the Whole meeting held March 31, 2003 BE
ADOPTED AS CIRCULATED.

CARRIED

- b) Minutes of the Committee of the Whole Meeting held April 2, 2003

MOTION 238/03 MOVED BY COUNCILLOR M. BROTHERSTON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The minutes of the Committee of the Whole meeting held April 2, 2003
BE ADOPTED AS CIRCULATED.

CARRIED

- c) Minutes of the Public Hearing held April 7, 2003

MOTION 239/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: The minutes of the Public Hearing held April 7, 2003
BE ADOPTED AS CIRCULATED.

CARRIED

- d) Minutes of the Regular Meeting held April 7, 2003

MOTION 240/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: The minutes of the Regular Council meeting held April 7, 2003
BE ADOPTED AS CIRCULATED.

CARRIED

3. BUSINESS ARISING FROM THE MINUTES

Nil.

4. REPORTS

a) Committee Reports

- i) Administration and Finance

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

MOTION 241/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The minutes of the Administration and Finance Advisory Committee
meeting held March 11, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

Councillor Cardinal advised that there will be more meetings regarding the Five-Year Financial Plan and a mail-out will be forthcoming.

ii) Environment

Councillor McPherson advised that the Environment Advisory Committee met on April 9, 2003 and provided an update on the development of a Pest Management Policy.

The next Environment Advisory Committee meeting has been scheduled for May 14, 2003 at 7:30 p.m., at Pike House.

Councillor McPherson provided an update on the Community Policing Advisory Committee noting that the Committee will now be meeting monthly.

iii) Parks and Recreation

The next meeting of the Parks and Recreation Advisory Committee has been scheduled for April 23, 2003 at Pike House.

iv) Protective Services

The next meeting of the Protective Services Advisory Committee is scheduled for April 28, 2003 at 7:30 p.m. at the West Fire Hall.

v) Roads

The next meeting of the Roads Advisory Committee is scheduled for April 24, 2003 at 7:30 p.m. at the Pike House.

There was discussion regarding the driveway on Stewart Mountain Road and it was noted that further information would be forthcoming.

Councillor Mendum provided an update with respect to the information available regarding the West Nile Virus.

vi) Planning and Zoning

Nil.

b) Mayor's Report

Mayor Roessingh thanked Marcie McLean and the Highland District Community Association for a delightful, well organized Easter Egg Hunt.

The Mayor noted that the West Shore Chamber of Commerce was looking for local government support for an Armed Forces Day to honour the Armed Forces Personnel in the West Shore communities.

MOTION 242/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR CARDINAL AND RESOLVED
THAT: Council give its support in principle for the West Shore Chamber of Commerce
Armed Forces Day.

CARRIED

Mayor Roessingh noted that the victim from the recent Lone Hill Tree Park attack wished to express her appreciation for the community support shown to her.

There was discussion regarding the “Total Awareness” and personal safety seminar with consensus from Council that the seminar be held on May 13, 2003 at 7:30 p.m. at the West Highlands Fire Hall.

5. CORRESPONDENCE

- a) Letter from Marcie McLean, Events Coordinator, Highland District
Community Association
Re: Annual Community Roadside Cleanup

MOTION 243/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The letter from Marcie McLean, Events Coordinator, Highland District
Community Association, dated April 16, 2003 regarding the Annual Community
Roadside Cleanup BE RECEIVED FOR INFORMATION.

CARRIED

6. BYLAWS

- a) “Highlands Official Community Plan Amendment Bylaw No. 198, 2003”

David Irvine of First National Properties Ltd. was in attendance.

There was discussion regarding Highlands Official Community Plan Amendment Bylaw No. 198, 2003 and Highlands Zoning Amendment Bylaw No. 199, 2003 and various opinions were noted.

MOTION 244/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: “Highlands Official Community Plan Amendment Bylaw No. 198, 2003” BE
GRANTED THIRD READING.

CARRIED

(Mayor Roessingh and Councillor McPherson recorded as opposed)

“Highlands Official Community Plan Amendment Bylaw No. 198, 2003”

MOTION 245/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: “Highlands Official Community Plan Amendment Bylaw No. 198, 2003” BE
ADOPTED.

CARRIED

(Mayor Roessingh and Councillor McPherson recorded as opposed)

“Highlands Zoning Amendment Bylaw No. 199, 2003”

MOTION 246/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: “Highlands Zoning Amendment Bylaw No. 199, 2003
BE GRANTED THIRD READING.

CARRIED
(Mayor Roessingh, Councillor Mendum and Councillor McPherson
recorded as opposed)

“Highlands Zoning Amendment Bylaw No. 199, 2003”

MOTION 247/03 MOVED BY COUNCILLOR KADAR
SECONDED BY COUNCILLOR CARDINAL AND RESOLVED
THAT: “Highlands Zoning Amendment Bylaw No. 199, 2003”
BE ADOPTED.

CARRIED
(Mayor Roessingh, Councillor Mendum and Councillor McPherson
recorded as opposed)

b) “Highlands Zoning Amendment Bylaw No. 201, 2003”

Mayor Roessingh outlined various options available to Council with respect to floor area maximums in the Rural Residential 4 (RR4) Zone. There was discussion regarding the different options and varying views and opinions were noted.

MOTION /03 MOVED BY COUNCILLOR MENDUM
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003”
BE AMENDED by deleting Section 1. and replacing it with the following:

1. The “Highlands Zoning Bylaw No. 100, 1998” is amended as follows:

By deleting Section 6.4.3(7) and Section 6.4.3(8) and replacing them with the following:

6.4.3(7) The total *floor area* of the *dwelling unit* on the lot shall not exceed 420 square metres and the total *floor area* of all *buildings* on a lot shall not exceed 600 square metres.

Motion failed due to the lack of a seconder.

MOTION /03 MOVED BY COUNCILLOR MCPHERSON
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003”
BE GRANTED FIRST READING.

Motion failed due to the lack of a seconder.

MOTION 248/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003”
BE AMENDED by deleting Section 1. and replacing it with the following:

1. The “Highlands Zoning Bylaw No. 100, 1998” is amended as follows:

By deleting Section 6.4.3(7) and replacing it with the following:

- 6.4.3(7) The total *floor area* of a *dwelling unit* on a *lot* shall not exceed 420 square metres.

CARRIED
(Councillor McPherson recorded as opposed)

MOTION 249/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSON AND RESOLVED
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003”, as amended,
BE GRANTED FIRST READING

CARRIED
(Councillor McPherson recorded as opposed)

MOTION 250/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR K. BROTHERSON AND RESOLVED
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003”
BE GRANTED SECOND READING

CARRIED
(Councillor McPherson recorded as opposed)

MOTION 251/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED
THAT: A Public Hearing for “Highlands Zoning Amendment Bylaw No. 201, 2003”
BE SCHEDULED for May 20, 2003 at 7:00 p.m. at Pike House.

CARRIED

7. NEW BUSINESS

- a) Memorandum from the Planning Technician
Re: Delegation of Authority to the Approving Officer -
Exemption from Lot Frontage Requirements

MOTION 252/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR CARDINAL AND RESOLVED
THAT: Council delegate its powers under Section 944(2) of the *Local Government Act*
to the Approving Officer, to permit lot frontage exemptions to be made by the Approving
Officer.

There was discussion regarding the delegation of authority to permit lot frontage
exemptions with various opinions being noted.

The MOTION was withdrawn with the permission of the seconder.

MOTION 253/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED
THAT: The memorandum from the Planning Technician with respect to the Delegation of Authority to the Approving Officer regarding Exemptions of Lot Frontage Requirements BE DEFERRED pending more information to be obtained by staff from other local governments with respect to process.

CARRIED

- b) Memorandum from the Administrator
Re: Saving Small Towns: Low Impact Development

Interest in attending the conference on Saving Small Towns/ Low Impact Development Solutions was expressed by various members of Council.

MOTION 254/03 MOVED BY COUNCILLOR K. BROTHERSTON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: The memorandum from the Administrator regarding Saving Small Towns: Low Impact Development Solutions Conference BE DEFERRED pending more information from staff with respect to costs and budget.

CARRIED

- c) Letter from the Manager, Solid Waste Division, Capital Regional District, Environmental Services
Re: CRD Composting Bylaw and Associated Information

MOTION 255/03 MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED
THAT: Council's support of the draft Capital Regional District Composting Facility Regulation Bylaw No. 2736 be forwarded to the Capital Regional District; and further, that Council's concerns regarding the lack of a definition of "Temporary" storage of compost also be expressed.

CARRIED

8. OTHER BUSINESS

- a) Memorandum from the Planning Technician
Re: OCP Review – Structuring the Public Consultation Process

MOTION 256/03 MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM AND RESOLVED
THAT: Staff BE DIRECTED to initiate a public consultation process for the OCP review, as outlined in Option A described in Table 1 in the memorandum dated April 15, 2003, from the Planning Technician.

There was discussion regarding the options and varying views and opinions were noted.

DEFEATED

(Councillor McPherson and Councillor Mendum recorded as in favour)

MOTION 257/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED

THAT: Staff BE DIRECTED to initiate a Request for Proposal addressed to at least three planning consultants, with specific instructions to prepare an appropriate public consultation process with related costs, timeframes and resources identified, for presentation to Council within a specified timeframe; AND FURTHER that staff BE AUTHORIZED to contact the District of Central Saanich, to determine the extent of their OCP consultation process, and relevant budget and timeframe constraints, for presentation to Council.

CARRIED

(Councillor McPherson recorded as opposed)

- b) Memorandum from the Deputy Clerk
Re: Outstanding Referrals – Removal of Items

MOTION 258/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: That the following items BE REMOVED from the Administrator's (and where indicated, the Fire Chief's) list of Outstanding Referrals:

- Greater Victoria Public Library Governance Document Review – February 3, 2003
- Disposition of Land – Closed Road (Kerkham) – Financial Plan Amendment – July 15, 2002
- Letter from Beverly Swanwick requesting amendments to Bylaw No. 155 – March 19, 2001
- Supervision of Road Maintenance Contractor – November 1, 1999
- Conservation Covenants – May 17, 1999
- Natural Area Protection Tax Incentive Proposal – January 18, 1999
- Development Permit DP-03-98 (Section 33) – November 2, 1998
- Letter from the Municipal Clerk, District of Saanich re: Film Commission Coordination – August 4, 1998 (also to be removed from Fire Chief's Outstanding Referrals List)
- Letter from the Film Commissioner, The Greater Victoria Film Council re: New Application Process – August 17, 1998 (also to be removed from the Fire Chief's Outstanding Referrals List)
- Bill 26 – Municipal Act Amendments – Riparian Tax Exemptions – October 20, 1997

CARRIED

9. ADJOURNMENT

MOTION 259/03 MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

- THAT: The Regular meeting of Council BE ADJOURNED at 9:15 p.m.

CARRIED

Karel Roessingh, Mayor

Bruce Woodbury, Administrator