

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

Minutes of the Regular Council meeting held Tuesday, May 20, 2003, at Caleb Pike House, 1589 Millstream Road at 7:50 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  
Sandi Chesley, Administrative Assistant

**AGENDA**

MOTION 387/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR KADAR AND RESOLVED  
THAT: The agenda BE APPROVED.

CARRIED

**1. PETITIONS AND DELEGATIONS**

- a) Development Variance Permit Application DVP-11-03  
OWNER/APPLICANT: David and Cheryl Bennett  
LOCATION: Lot 23, Section 29 and 35, Highland District, Plan 39439

Mr. Bennett was in attendance in support of the application and answered queries of Council in this regard.

MOTION 388/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED  
THAT: Development Variance Permit DVP-11-03 BE ISSUED pertaining to Lot 23, Sections 29 and 35, Highland District, Plan 39439 that would vary Zoning Bylaw No. 100:

1. Section 6.1.3(2) from “the *height* of an *accessory building* or *structure* shall not exceed 6 metres (19.68 feet),” to “the *height* of an *accessory building* or *structure* shall not exceed 7.62 metres (25 feet)”.

CARRIED

MOTION /03 MOVED BY COUNCILLOR MCPHERSON

THAT: Development Variance Permit DVP-11-03 BE DENIED pertaining to Lot 23, Sections 29 and 35, Highland District, Plan 39439 that would vary Zoning Bylaw No. 100:

2. Section 6.1.3(7) from “the total *floor area* of all *accessory buildings* on a *lot* shall not exceed 325 square metres and no single *accessory building* shall exceed 200 square metres in *floor area*,” to “the total *floor area* of all *accessory buildings* on a *lot* shall not exceed 421.39 square metres (4536 square feet) and no single *accessory building* shall exceed 278.98 square metres (3003 square feet) in *floor area*.”

Motion failed due to the lack of a seconder.

MOTION 389/03 MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR CARDINAL AND RESOLVED

THAT: Development Variance Permit DVP-11-03 BE ISSUED pertaining to Lot 23, Sections 29 and 35, Highland District, Plan 39439 that would vary Zoning Bylaw No. 100:

2. Section 6.1.3(7) from “the total *floor area* of all *accessory buildings* on a *lot* shall not exceed 325 square metres and no single *accessory building* shall exceed 200 square metres in *floor area*,” to “the total *floor area* of all *accessory buildings* on a *lot* shall not exceed 421.39 square metres (4536 square feet) and no single *accessory building* shall exceed 278.98 square metres (3003 square feet) in *floor area*.”

CARRIED

(Councillor McPherson and Councillor M. Brotherston recorded as opposed)

- b) Development Variance Permit Application DVP-12-03  
OWNER/APPLICANT: George Fisher  
LOCATION: Lot 19, Sections 30 and 31, Highland District, Plan VIP74674

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

MOTION 390/03 MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED

THAT: That Development Variance Permit BE ISSUED pertaining to Lot 19, Sections 30 and 31, Highland District Plan VIP74674 that would vary Zoning Bylaw No. 100:

1. Section 6.4.3(7) from “the total *floor area* of a *dwelling unit* shall not exceed 322 square metres,” to “the total *floor area* of a *dwelling unit* shall not exceed 355.34 square metres (3825 square feet).”

CARRIED

- c) Development Variance Permit Application DVP-13-03  
OWNER/APPLICANT: Michael Volk  
LOCATION: Lot 16, Sections 30 and 72, Highland District, Plan VIP74674

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

MOTION 391/03 MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED

THAT: Notification BE ISSUED for the proposed issuance of Development Variance Permit DVP-13-03 pertaining to Lot 16, Sections 30 and 72, Highland District, Plan VIP74674 that would vary Zoning Bylaw No. 100:

- in Section 6.4.3(8) **from** “the total combined *floor area* of all *accessory buildings* on a *lot* shall not exceed 275 square metres and no single *accessory building* shall exceed 100 square metres in *floor area*” **to** “the total combined *floor area* of all *accessory buildings* on a *lot* shall not exceed 186 square metres and no single *accessory building* shall exceed 186 square metres in *floor area*”

CARRIED

(Councillor McPherson recorded as opposed)

## 2. ADOPTION OF THE MINUTES

- a) Minutes of the Committee of the Whole Meeting held April 29, 2003

MOTION 392/03 MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR KADAR AND RESOLVED

THAT: The minutes of the Committee of the Whole meeting held April 29, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

- b) Minutes of the Regular Meeting held May 5, 2003

MOTION 393/03 MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED

THAT: The minutes of the Regular Council meeting held May 5, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

- c) Minutes of the Special Council Meeting held May 14, 2003

MOTION 394/03 MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The minutes of the Special Council meeting held May 14, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

- d) Minutes of the Public Hearing held May 14 2003

MOTION 395/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The minutes of the Public Hearing held May 14, 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 Meetings held April 1, April 17 and May 13, 2003

MOTION 396/03 MOVED BY COUNCILLOR M. BROTHERSTON  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: The minutes of the Administration and Finance Advisory Committee  
meetings held April 1, April 17 and May 13, 2003 BE RECEIVED FOR  
INFORMATION.

CARRIED

The next Administration and Finance Advisory Committee meeting has been  
scheduled for June 10, 2003 at 7:30 p.m., at Pike House.

- ii) Environment

Councillor McPherson advised that the Environment Advisory Committee met on  
May 15, 2003 and walked the Robertson property.

The next Environment Advisory Committee meeting has been scheduled for June  
11, 2003 at 7:30 p.m., at Pike House.

- iii) Parks Trails and Recreation

The next meeting of the Parks and Recreation Advisory Committee has been  
schedule for May 28, 2003 at Pike House.

iv) Protective Services

Councillor M. Brotherston reported on the Total Awareness Seminar that took place on May 13, 2003, noting that there was valuable information presented to those who attended. Attendees expressed interest in participating in another seminar in the future.

The next meeting of the Protective Services Advisory Committee is scheduled for May 26, 2003 at 7:30 p.m. at the West Fire Hall.

v) Roads

The next meeting of the Roads Advisory Committee is scheduled for May 28, 2003 at 7:30 p.m. at the Pike House.

vi) Planning and Zoning

The next meeting of the Advisory Planning Commission will be May 28, 2003 at 7:30 p.m. at the West Fire Hall.

**b) Mayor's Report**

Mayor Roessingh reported that the CRD has announced that the transfer of the Roler property to CRD Parks has now been complete and extended a thank you to Jon Roler for participating. He noted that The Land Conservancy is raising funds to further the connection between Thetis Lake and Mt. Work Park.

The Mayor raised concerns over calls members of Council received over the weekend regarding tree cutting. Various options and opinions were noted on how to deal with weekend bylaw issues that arise from time to time.

Mayor Roessingh announced that it would be the last opportunity to say goodbye to the Deputy Clerk, Lorraine Hilton, who will be leaving the District of Highlands for a position with the District of Oak Bay. Council and staff will miss her greatly and wish her well in her new position.

**5. CORRESPONDENCE**

- a) Letter from the Solicitor General and Letter from the Solicitor General and President of UBCM  
Re: Restructuring of Police Financing

MOTION 397/03 MOVED BY COUNCILLOR M. BROTHERSTON  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: The letter from the Solicitor General dated May 2, 2003 and the letter from the Solicitor General and Union of British Columbia Municipalities (UBCM) President dated May 2, 2003, regarding the restructuring of Police financing BE RECEIVED FOR INFORMATION.

CARRIED

6. **BYLAWS**

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

MOTION 398/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED  
THAT: “Highlands Official Community Plan Amendment Bylaw No. 194, 2003” BE  
GRANTED THIRD READING.

CARRIED

MOTION 399/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: “Highlands Official Community Plan Amendment Bylaw No. 194, 2003” BE  
ADOPTED.

CARRIED

There was discussion regarding “Highlands Zoning Amendment Bylaw No. 195, 2003”  
with varying opinions being noted.

MOTION 400/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR KADAR AND RESOLVED  
THAT: “Highlands Zoning Amendment Bylaw No. 195, 2003” BE GRANTED THIRD  
READING.

DEFEATED

(Councillors Cardinal and Kadar recorded as in favour)

- b) “Highlands Zoning Amendment Bylaw No. 201, 2003”  
Re: Floor Area Requirements – RR4 Zone

MOTION 401/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003” BE DEFERRED to the  
Regular meeting scheduled for June 2, 2003.

CARRIED

(Councillors K. Brotherston, Cardinal and Kadar recorded as opposed)

7. **NEW BUSINESS**

- a) Capital Regional District Monthly Bylaw Enforcement Summary – March 2003

MOTION 402/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The Capital Regional District Monthly Bylaw Enforcement Summary for March 2003, dated April 29, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

- b) Letter from the Provincial Emergency Program  
Re: 2003/2004 JEPP Application – Emergency Plan Update

Val Fletcher, Emergency Program Coordinator was in attendance and provided information with respect to the grant application for funding for the Emergency Plan Update.

MOTION 403/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The letter from the Provincial Emergency Program dated May 5, 2003, regarding the District of Highlands' JEPP Application for BC #578/03 – Emergency Plan Update, BE RECEIVED FOR INFORMATION.

CARRIED

- c) Memorandum from the Planning Technician  
Re: Development Permit DP-21-02B to Authorize Tree-cutting/  
Removal for Fuel-break at Highlands Estates Phase I

MOTION 404/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED  
THAT: The memorandum from the Planning Technician, dated May 13, 2002 regarding Development Permit Application DP-21-02B to authorize Tree-cutting/removal for fuel-break at Highlands Estates Phase I BE RECEIVED FOR INFORMATION.

CARRIED

- d) Memorandum from the Deputy Clerk  
Re: Letter from the Minister of Community, Aboriginal and Women's  
Services – Board of Variance Appointments

MOTION 405/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED  
THAT: The letter from the Minister of Community, Aboriginal and Women's Services, dated May 7, 2003, regarding Board of Variance Appointments BE RECEIVED FOR INFORMATION.

CARRIED

MOTION 406/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED

THAT: Staff be directed to contact Mr. Job Kuijt to determine if he wishes to be considered for a further term on the Board of Variance; AND FURTHER that the vacancy on the Board of Variance be advertised.

CARRIED

- e) Memorandum from the Planning Technician  
Re: Servicing Within Bear Mountain Drive – LGB9 Bear Mountain Partnership

Les Bjola was in attendance and answered queries of Council with respect to servicing within Bear Mountain Drive.

MOTION 407/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED

THAT: With respect to servicing within Bear Mountain Drive Council endorse the following conditions of approval, which would be applicable to the servicing:

1. Confirmation that the District of Langford has amended its servicing bylaw to permit the extension of its sanitary sewer, storm sewer and road servicing area to comprise those lands which will be dedicated as the Bear Mountain Parkway;
2. Confirmation that a Construction Agreement and sufficient bonding have been secured by the District of Langford, to address all costs associated with the servicing, including costs to design, install, service, and maintain the services in accordance with District of Langford standards;
3. The temporary lift station area will be only designated for sanitary sewer services; and
4. That the sewer services will be close-piped until such time that:
  - a) Bear Mountain Drive is dedicated; and
  - b) The municipal boundary between the District of Highlands and the District of Langford is adjusted such that Bear Mountain Drive (and all Services within) are located within the District of Langford.

CARRIED

(Councillor McPherson recorded as opposed)

Memorandum from the Planning Technician  
Re: Temporary Lift Station – LGB9 Bear Mountain Partnership

There was discussion regarding the temporary lift station, and Mr. Bjola answered queries of Council in this regard.

MOTION 408/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED  
THAT: Council endorse the following conditions of approval, which would be applicable to the Lift-Station:

1. Confirmation that the District of Langford has amended its servicing bylaw to permit only an extension of its sanitary sewer servicing area into that portion of LGB9-owned lands occupied by the temporary lift station, located within the District of Highlands; and,
2. Confirmation that a Construction Agreement and sufficient bonding have been secured by the District of Langford, to address all costs associated with the lift station, including costs to design, install, service, maintain, and remove the lift station and remediate the site of the lift station if necessary; and
3. Submission of the Professional Engineer's design for the lift station to the District of Highlands, and confirmation of approval of same by the District of Langford in compliance with its applicable bylaws; and
4. Confirmation of registration of a specific right-of-way in favour of the District of Langford to accommodate the station; and
5. Confirmation that the lift station will be:
  - a) tied into the District of Langford's telemetry system and be regularly monitored;
  - b) designed with excess storage capacity in case of overflow; and
  - c) constructed with connections to allow a Genset to be hooked up in the event of a power failure.

CARRIED  
(Councillor McPherson recorded as opposed)

8. **OTHER BUSINESS**

Nil.

9. ADJOURNMENT

MOTION 409/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The Regular meeting of Council BE ADJOURNED at 9:25 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
- Labour relations or employee negotiations

CARRIED

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Karel Roessingh, Mayor

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Bruce Woodbury, Administrator