

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

Minutes of the Regular Council meeting held Monday, June 2, 2003, at East Highlands Fire Hall, 3613 Woodridge Place, 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  
Sandi Chesley, Administrative Assistant

**AGENDA**

MOTION 410/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The agenda BE AMENDED by adding the following item:

Item 5a) Correspondence from Bill Vogel  
Re: Refining Policy for Advisory Planning Commission

AND THAT the agenda as amended BE APPROVED.

CARRIED

**1. PETITIONS AND DELEGATIONS**

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

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

MOTION 411/03 MOVED BY COUNCILLOR M. BROTHERSTON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: Development Variance Permit DVP-13-03 BE ISSUED pertaining to Lot 16, Sections 30 and 72, Highland District, Plan VIP74674 that would vary Zoning Bylaw No. 100:

1. 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)

- b) Development Variance Permit Application DVP-14-03  
OWNER/APPLICANT: Brad Riach  
LOCATION: Lot 1, Section 30, Highland District, Plan VIP74674

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

MOTION 412/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED  
THAT: Notification BE ISSUED for the proposed issuance of Development Variance Permit DVP-14-03 pertaining to Lot 1, Section 30, Highland District Plan VIP74674 that would vary Zoning Bylaw No. 100:

1. 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 275 square metres (2960 square feet) and no single *accessory building* shall exceed 125 square metres (1345.5 square feet) in *floor area*.”

CARRIED

## 2. ADOPTION OF THE MINUTES

- a) Minutes of the Public Hearing held May 20, 2003

MOTION 413/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR KADAR AND RESOLVED  
THAT: The minutes of the Public Hearing held May 20, 2003 BE AMENDED on page 2 under Public Comment, Michael Volk, 2513 Duncan Place by changing the sentence “He stated that Highlands Estates has not been marketed as an exclusive, high-end development, and that the potential for variances being sought for accessory buildings such as barns was not an issue” to “He stated that Highlands Estates has been marketed as an exclusive, high-end development, and that the potential for variances being sought for accessory buildings such as barns was not an issue”, and that the minutes BE ADOPTED as amended.

CARRIED

- b) Minutes of the Regular Meeting held May 20, 2003

MOTION 414/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED  
THAT: The minutes of the Regular Council meeting held May 20, 2003 BE ADOPTED AS CIRCULATED.

CARRIED

3. **BUSINESS ARISING FROM THE MINUTES**

Nil.

4. **REPORTS**

a) **Committee Reports**

i) Administration and Finance

Councillor Cardinal reported that the Arena project is proceeding ahead of schedule, is under budget and plans are in place to secure a long term tenant.

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 provided an update with respect to the Environment Advisory Committee's recent meeting.

Councillor McPherson reported that she is now the Vice Chair on the Family Court and Justice Committee.

iii) Parks Trails and Recreation

Councillor K. Brotherston reported that the Parks Trails and Recreation Advisory Committee did not meet on May 28, 2003 as scheduled due to a lack of a quorum and that the next meeting has been scheduled for June 25, 2003 at 7:30 p.m., at Pike House.

iv) Protective Services

MOTION 415/03 MOVED BY COUNCILLOR M. BROTHERSTON  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: The minutes of the Protective Services Advisory Committee meeting held May 26, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

v) Roads

MOTION 416/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR MCPHERSON AND RESOLVED  
THAT: The minutes of the Roads Advisory Committee meeting held May 22, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

The next meeting of the Roads Advisory Committee has been scheduled for June 19, 2003 at 7:30 p.m., at Pike House.

Councillor Mendum provided information with respect to a UBCM publication regarding a provincial draft strategic plan for library systems.

vi) Planning and Zoning

MOTION 417/03 MOVED BY COUNCILLOR KADAR  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: The minutes of the Advisory Planning Commission meeting held May 28, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

**b) Mayor's Report**

Mayor Roessingh reported that one of the District of Highlands' pioneers, Nellie Cooke recently passed away. The Mayor commented on what a delightful person and wonderful Highlander Ms. Cooke was and that she will be missed.

Mayor Roessingh advised that a notice is being mailed to Highland residents advising them on two open houses which are being hosted on June 11 and June 14, 2003 at the East Highlands Fire Hall to review proposals for a residential and a community park in the East Highlands.

**5. CORRESPONDENCE**

a) Correspondence from Bill Vogel  
Re: Refining Policy for the Advisory Planning Commission

MOTION 418/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR KADAR AND RESOLVED

THAT: The correspondence from Bill Vogel dated June 2, 2003, regarding Refining Policy for the Advisory Planning Commission BE DEFERRED to the Regular meeting scheduled for June 16, 2003.

CARRIED

(Councillor McPherson and Councillor Mendum recorded as opposed)

6. **BYLAWS**

- a) “Highlands Zoning Amendment Bylaw No. 195, 2003”

Mayor Roessingh explained to those present that Highlands Zoning Amendment Bylaw No. 195, 2003 did not pass third reading at the last Regular meeting of May 20, 2003. Since then, two Councillors had stated that they had concerns about and were unclear on the Bylaw. The Mayor noted that he had the authority to have the item returned to the Council meeting and further explained that there will not be the opportunity for public input since there has already been a Public Hearing on the Bylaw.

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

MOTION 419/03 MOVED BY COUNCILLOR M. BROTHERSTON  
SECONDED BY COUNCILLOR KADAR AND RESOLVED  
THAT:

1. “Highlands Zoning Amendment Bylaw No. 195, 2003” BE GRANTED THIRD READING.
2. Approval BE GRANTED to discharge the Development Agreement covenant from that portion of LGB9’s lands in Section 5 that is being rezoned to RR13 subject to a new Development Agreement covenant with Kingco being registered against all of the lands within the RR13 zone.
3. The Letter of Undertaking from Kingco’s solicitor, dated May 30, 2003, to register restrictive covenants on title of the lands to be zoned RR13 BE RECEIVED and that the Mayor and Clerk be authorized to sign said covenants. (One covenant contains provisions providing Council with the option to require that any or all of the properties within the RR13 zone be supplied with water from the CRD water system. The other covenant contains the Development Agreement referenced in Section 6.13.5(2) of the RR13 zone).
4. The Approving Officer BE REQUESTED to ensure that, if any of the properties within the RR13 zone are serviced by a Water Utility, appropriate water main piping is installed by the developer within his property, and within adjacent road right of way(s), to enable future connections(s) to the CRD water system.
5. That staff BE DIRECTED to draft an amendment to Schedule A of Subdivision or Development of Land Bylaw No. 154, 2001 to include Service Levels for the Intensive Residential zone category, and that the permitted Water Service Levels be Level 1 and Level 2.

CARRIED

(Mayor Roessingh, Councillors McPherson and Mendum recorded as opposed)

“Highlands Zoning Amendment Bylaw No. 195, 2003”

MOTION 420/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR KADAR AND RESOLVED  
THAT: “Highlands Zoning Amendment Bylaw No. 195, 2003” BE ADOPTED.

CARRIED

(Mayor Roessingh, Councillors McPherson and Mendum recorded as opposed)

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

MOTION 421/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR BROTHERSTON AND RESOLVED  
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003” BE GRANTED THIRD  
READING.

CARRIED

(Mayor Roessingh and Councillor McPherson recorded as opposed)

“Highlands Zoning Amendment Bylaw No. 201, 2003”

MOTION 422/03 MOVED BY COUNCILLOR K. BROTHERSTON  
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED  
THAT: “Highlands Zoning Amendment Bylaw No. 201, 2003” BE ADOPTED.

CARRIED

(Mayor Roessingh and Councillor McPherson recorded as opposed)

c) Memorandum from the Planning Technician  
Advisory Planning Commission Minutes and Recommendations  
Re: 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 and 39300

Colleen Robertson was in attendance in support of the application and answered queries of Council in this regard.

There was discussion regarding Rezoning Application RZ-03-03 with varying opinions being noted.

MOTION 423/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED  
THAT: Staff be directed to prepare the necessary bylaws for Rezoning Application RZ-03-03 for presentation to Council concurrently with the aforesaid reports.

CARRIED

MOTION 424/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED

THAT: With respect to RZ-03-03 the applicant be directed to provide preliminary assessment reports for the lands subject to rezoning, demonstrating the septic percolation and groundwater potential for those lands.

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

DEFEATED  
(Councillor McPherson recorded as in favour)

MOTION 425/03 MOVED BY COUNCILLOR KADAR  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED

THAT: With respect to RZ-03-03 the applicant be directed to provide reports demonstrating the septic percolation potential for those lands.

CARRIED  
(Councillor Cardinal recorded as opposed)

**7. NEW BUSINESS**

- a) Building Report for May 2003

MOTION 426/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The Building Report for May 2003 BE RECEIVED FOR INFORMATION.

CARRIED

- b) Capital Regional District Monthly Bylaw Enforcement Summary – April 2003

MOTION 427/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED  
THAT: The Capital Regional District Monthly Bylaw Enforcement Summary for April 2003, dated May 22, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

- c) Budget Variance Report to May 30, 2003

MOTION 428/03 MOVED BY COUNCILLOR M. BROTHERSTON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The Budget Variance Report to May 30, 2003 BE RECEIVED FOR INFORMATION.

CARRIED

- d) Letter from Kent Willner  
Re: Resignation from Roads Advisory Committee

MOTION 429/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED  
THAT: The letter from Kent Willner, dated May 21, 2003 regarding his resignation from the Roads Advisory Committee BE RECEIVED FOR INFORMATION.

CARRIED

- e) Letter from District of Saanich  
Re: Rural Saanich Local Area Plan Review Update

MOTION 430/03 MOVED BY COUNCILLOR M. BROTHERSTON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The letter from Corey Paiement, Planner, District of Saanich, dated May 13, 2003, regarding the Rural Saanich Local Area Plan Review Update BE RECEIVED FOR INFORMATION.

CARRIED

- f) Review of Advisory Committee Council Liaison Appointments

MOTION 431/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR K. BROTHERSTON AND RESOLVED  
THAT: The review of Advisory Committee Council Liaison Appointments BE DEFERRED to the Regular meeting scheduled for June 16, 2003.

CARRIED

- g) Memorandum from the Administrator  
Re: 2003 Grant-in-aid Distribution

MOTION 432/03 MOVED BY COUNCILLOR MENDUM  
SECONDED BY COUNCILLOR M. BROTHERSTON AND RESOLVED  
THAT: The 2003 Grant-in-aid Distribution BE DEFERRED and that staff BE DIRECTED to draft a budget amendment to accommodate an additional \$2,000.00 in funding for the Highland Heritage Parks Society.

CARRIED

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

MOTION 433/03 MOVED BY COUNCILLOR MCPHERSON  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: Staff be authorized to request a detailed Terms of Reference for the OCP review from Urban Apects Consulting Group Ltd; including the preparation of a consultation structure plan, implementation of the plan, facilitation and final drafting of the plan, and related costs, time frames and resources.

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

DEFEATED  
(Mayor Roessingh, Councillors McPherson and Councillor Mendum  
recorded as in favour)

MOTION 434/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR KADAR AND RESOLVED  
THAT: Staff be authorized to engage the services of City Spaces, for an upset fee of  
\$1,200.00 to prepare a consultation structure plan for an OCP Review.

CARRIED  
(Councillor McPherson and Councillor Mendum recorded as opposed)

**8. ADJOURNMENT**

MOTION 435/03 MOVED BY COUNCILLOR CARDINAL  
SECONDED BY COUNCILLOR MENDUM AND RESOLVED  
THAT: The Regular meeting of Council BE ADJOURNED at 9:45 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

---

Karel Roessingh, Mayor

---

Bruce Woodbury, Administrator