

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held Monday, November 3, 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: Bruce Woodbury, Administrator
Laurie Taylor, Deputy Clerk

AGENDA

MOTION 550/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR KADAR

THAT the agenda be amended by adding the following items:

- | | |
|-------------------|--|
| Item 4(a)(vii)(B) | Additional Email from Mayor Roessingh re: Summary of Concerns |
| Item 4(a)(vii)(C) | Council Open House for OCP Review |
| Item 4(a)(vii)(D) | Minute Taking for OCP Review – Colleen Robertson |
| Item 6(a) | Submission from Michael Bocking re: APC Bylaw |
| Item 7(d) | Submission from Karen Burns re: Tri-Party Conservation Covenants |
| Item 7(e) | Submission from PTRAC re: Roadside Trails |

AND THAT the agenda, as amended, be approved.

CARRIED

PETITIONS AND DELEGATIONS

1. PETITIONS AND DELEGATIONS

**a) AUTOPLAN BROKERS – PRESENTATION OF \$2500 CHEQUE
Prize won by Councillor Mendum at UBCM for
Autoplan Broker Road Safety Initiative**

- Rick Parent, President Coast Capital Insurance Services, presented a \$2500 cheque on behalf of the Autoplan Brokers Association.

b) **WESTSHORE RCMP**
Presentation re: Restorative Justice Program
Constable Beth Chipperfield and Program Co-ordinator Shelley Baker

- Brief outline of the program that brings victims, offenders and the community together in effort to arrive at resolution that is just for all.
- Eligible participants are individuals who could be charged for a minor offence by the RCMP.
- Requesting permission to use District logo on brochures; formal letter of endorsement and financial assistance in the amount of \$500.00
- Council suggested the program apply for a grant-in-aid.

MOTION 551/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR MCPHERSON

THAT the West Shore Restorative Justice Program be endorsed by Council and that the Program be given authorization to use the District of Highlands logo on program brochures.

CARRIED

c) **Development Variance Permit Application No. DVP 19-03**
OWNER/APPLICANT: Fariman & Christina Akhavan
LOCATION: Lot 8 Section 71 Plan VIP63277
CIVIC ADDRESS: 725 Caleb Pike Road

- To permit construction of an accessory building with a garage and carport on the main level and storage on the upper level.

MOTION 552/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT notification be issued for the proposed issuance of Development Variance Permit DVP 19-03 pertaining to Lot 8, Section 71, Highland District, Plan VIP 63277, located on Caleb Pike Road that would vary the following provisions of Zoning Bylaw No. 100:

1. Section 6.4.3 (8) from “the total 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 floor area of all accessory buildings shall not exceed 275 square metres and no single accessory building shall exceed 150 square metres in floor area.”
2. Section 6.4.3 (2) from “the height of an accessory building or structure shall not exceed 6 metres” to “ the height of an accessory building or structure shall not exceed 7.5 metres.”

CARRIED

d) **Correspondence Received regarding the OCP Review Process (6480-06)**

- (i) **Vicky Husband, 301 Ross-Durrance Road, dated October 27, 2003**
- (ii) **Tina Akhavan, 725 Caleb Pike Road, dated October 24, 2003**

MOTION 553/03

**MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM**

THAT: the following correspondence pertaining to the OCP Review Process be received for information:

Vicky Husband, 301 Ross-Durrance Road, dated October 27, 2003
Tina Akhavan, 725 Caleb Pike Road, dated October 24, 2003

CARRIED

2. ADOPTION OF THE MINUTES

a) **Minutes of the Regular Council Meeting – October 20, 2003**

MOTION 554/03

**MOVED BY COUNCILLOR M. BROTHERSTON
SECONDED BY COUNCILLOR K. BROTHERSTON**

THAT: The minutes of the Regular Council meeting held October 20, 2003 be adopted as circulated.

CARRIED

b) **Minutes of the Special Meeting – October 22, 2003**

MOTION 555/03

**MOVED BY COUNCILLOR M. BROTHERSTON
SECONDED BY COUNCILLOR K. BROTHERSTON**

THAT: The minutes of the Special Meeting held October 22, 2003 be adopted as circulated.

CARRIED

3. BUSINESS ARISING FROM THE MINUTES

Nil

4. REPORTS

a) Committee Reports

- i) Administration and Finance – Councillor Cardinal
 - Next Administration and Finance Advisory Committee meeting is scheduled for November 12, 2003 at 7:30 p.m. at Caleb Pike House.
- ii) Environment – Councillor McPherson
 - Next Environment Advisory Committee meeting is scheduled for November 12, 2003 at 7:30 p.m. at Caleb Pike House.
- iii) Parks, Trails and Recreation - Councillor K. Brotherston
 - Next scheduled Parks, Trails and Recreation Advisory Committee meeting is scheduled for November 10, 2003 at 7:30 p.m. at Caleb Pike House.
- iv) Protective Services - Councillor M. Brotherston
 - Next Protective Services Advisory Committee meeting is scheduled for November 24, 2003 at 7:30 p.m. at the West Fire Hall.

Protective Services Advisory Committee
Re: Minutes of the Meeting held October 27, 2003

MOTION 556/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR MENDUM

THAT: The minutes of the Protective Services Advisory Committee meeting held October 27, 2003 be received for information.

CARRIED

- iv) Roads – Councillor Mendum
 - Next scheduled Roads Advisory Committee meeting is scheduled for November 20, 2003 at 7:00 p.m. at Caleb Pike House.

- A) **Letter from Jan Hoel**
Re: Request for Appointment to Roads Advisory Committee

MOTION 557/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT Jan Hoel be appointed to the Roads Advisory Committee for the remainder of a two-year term expiring December 31, 2003.

CARRIED

vii) Planning and Zoning

- A) Advisory Planning Commission – Councillor Kadar

Nil

- B) OCP Planning Coordinating Team, – Councillor Kadar

- Next OCP Planning Coordinating Team meeting is scheduled for November 4, 2003 at 7:30 p.m. at the West Fire Hall

Minutes of the Meeting held October 21, 2003

MOTION 558/03

MOVED BY COUNCILLOR KADAR

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the minutes of the OCP Planning Coordinating Team meeting held October 21, 2003 be received for information.

CARRIED

Report from Mayor Roessingh & Councillor Mendum
Summary of concerns/comments received regarding the OCP Review Process

- Suggestion that a COW meeting be held with staff, the OCP Planning Coordinating Team and CitySpaces to discuss the review process
- Councillors asked to provide a list of concerns and issues about the future process of the review.

MOTION 559/03

MOVED BY COUNCILLOR M. BROTHESTON

SECONDED BY COUNCILLOR MENDUM

THAT a Committee of the Whole meeting be scheduled to discuss the OCP Review Process and the issues and concerns surrounding the process.

MOTION SUPERCEDED BY DEFERRAL MOTION

MOTION 560/03

MOVED BY COUNCILLOR M. BROTHESTON

SECONDED BY COUNCILLOR CARDINAL

THAT further consideration about the need for a Committee of the Whole meeting to discuss the OCP Review Process and the issues and concerns surrounding the process be deferred until November 17, 2003 Council Meeting.

CARRIED

Councillors McPherson and Mendum opposed.

C) Council Open House OCP Review – November 8, 2003

- A Councillor requested information as to the role Council is to play at the OCP Review Open House scheduled for November 8, 2003.
- It was noted the Open House will be discussed at the OCP Planning Coordinating Team meeting on November 4, 2003.

D) Minute Taking – OCP Review Process

- Colleen Robertson submitted proposals she had requested from three companies for minute taking for the OCP Planning Coordinating Team and Focus Groups.
- It was noted that CitySpaces must provide the minute taking for the meetings they attend under the provisions of their contract.
- Provision of paid services for minute taking during the OCP Review was not provided in the budget.

MOTION 561/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR CARDINAL

THAT further consideration of the proposal submitted by Colleen Robertson for paid services for minute taking for the OCP Review be deferred until November 17, 2003 Council Meeting.

CARRIED

b) **Mayor's Report** - Mayor Roessingh

- The CRD has purchased Killarney Lake as an addition to Mount Work Park

5. **CORRESPONDENCE**

a) **Letter from Society for Children and Youth of BC**

MOTION 562/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the letter received October 11, 2003 from the Society for Children and Youth of BC be received for information.

CARRIED

6. **BYLAWS**

a) **Advisory Planning Commission Bylaw No. 209, 2003**

- Michael Bocking submitted a letter expressing concern about the conflict of interest provisions in Bylaw No. 209.
- It was noted the conflict of interest provisions in Bylaw 209 are the same as the provisions that exist in the current APC Bylaw No. 12.

MOTION 563/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT further consideration of "Advisory Planning Commission Bylaw No. 209, 2003" be deferred to permit staff to check with other municipalities regarding conflict of interest provisions for Advisory Planning Commissions.

CARRIED

b) **Bylaw No. 214 – Amendment to Procedure (Notice of Meeting) Bylaw No. 131**

MOTION 564/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MENDUM

THAT: "Bylaw No. 214 – Amendment to Procedure (Notice of Meeting) Bylaw No. 131" be read a first time.

CARRIED

MOTION 565/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR MCPHERSON

THAT: "Bylaw No. 214 – Amendment to Procedure (Notice of Meeting) Bylaw No. 131" be read a second time.

CARRIED

MOTION 566/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT: "Bylaw No. 214 – Amendment to Procedure (Notice of Meeting) Bylaw No. 131" be read a third time.

CARRIED

7. NEW BUSINESS

a) Monthly Building Report – October 2003 (3800-01)

MOTION 567/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR MCPHERSON

THAT the Monthly Building Report for October 2003, be received for information.

CARRIED

**b) Capital Regional District Monthly Bylaw Enforcement Summary
September 2003 (0655-20)**

MOTION 568/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR MCPHERSON

THAT the Capital Regional District Monthly Bylaw Enforcement Summary for September 2003, be received for information.

CARRIED

c) Budget Variance Report – to October 31, 2003 (1700-10)

MOTION 569/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT the Budget Variance Report to October 31, 2003, be received for information.

CARRIED

d) **Options to Tri-Party Conservation Covenant
Highlands 2 Holdings Ltd – 18-Lot Subdivision – Lot 2 Plan VIP59526
Memo from Planning Technician dated October 29, 2003**

- Karen Burns submitted a letter opposing the request to waive the tri-party conservation covenants.

MOTION 570/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR MCPHERSON

THAT the correspondence from Highlands 2 Holdings Ltd dated October 29, 2003 requesting the waiver of third party conservation covenants, for the proposed 18-lot subdivision of Lot 2, Plan VIP59526, Sections 28, 35, & 70, Highland District (Highlands Estates Phase 4) be received,

AND THAT the applicant be requested to provide further information and plans to staff, on the options being proposed as the alternative to the Third Party Conservation Covenant; and

AND THAT the request be referred to staff for comments and recommendations at a future meeting of Council.

CARRIED

e) **Relax Roadside Trail Standards
Highlands 2 Holdings Ltd – 18-Lot Subdivision – Lot 2 Plan VIP59526**

MOTION 571/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MENDUM

THAT the correspondence from Highlands 2 Holdings Ltd dated October 29, 2003 requesting the Approving Officer relax the requirement of roadside trails for the proposed 18-lot subdivision of Lot 2, Plan VIP59526, Sections 28, 35, & 70, Highland District (Highlands Estates Phase 4) be received,

AND THAT the request be referred to the Parks Trails and Recreation Advisory Committee, Roads Advisory Committee and Environmental Advisory Committee for their input to be provided by November 13, 2003.

AND THAT further consideration of the request be deferred until the November 17, 2003 Council meeting.

CARRIED

- f) **Release and/or amend Registered Charges
Kingco 2000 Ltd. – 4-lot Subdivision – Lot 2 Plan VIP72161
Memo from Planning Technician dated October 29, 2003**

MOTION 572/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR CARDINAL

THAT the correspondence from Aaltje van Grootheest dated October 27, 2003 regarding Kingco 2000 Ltd.'s proposal to release and/or amend various charges, covenants and rights-of-way registered in favor of the District of Highlands on Lot 2, Plan VIP72161, Lot D, Plan VIP70021, Except Parts in Plans VIP71071 and VIP72161; Section 4, Ranges 3 and 4 West; and Lot 1, Plan VIP _____, Section 5, Range 4 West, all of Highland District be received.

AND THAT the owner be requested to prepare and submit FORM C releases, and final signatory versions of replacement documentation, suitable for registration in the Victoria Land Title Office, to the District

AND THAT authorization to release or amend the registered charges be approved in principle, subject to:

- a) The Approving Officer's review and approval of the releases and replacement charges;
- b) All expenses accrued for the preparation and registration of the releases and charges to be that of the owner; and
- c) Upon confirmation of registration of the amended or extended charges, the owner or the owner's lawyer providing the District with registered copies of the charges in paper and digital format.

CARRIED

- g) **CRD Proposed Regional Housing Affordability Strategy
Memo from Planning Technician dated October 29, 2003**

MOTION 573/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT COUNCIL:

1. Receive the correspondence from the Capital Regional District dated October 27, 2003 regarding the Regional Housing Affordability Strategy;
2. Refer the correspondence and documentation to staff for comments; and

3. Defer providing comments to the CRD on the documentation until such time that staff has reviewed the proposed strategy and provided recommendations to Council.

CARRIED

MOTION 574/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT Mayor Roessingh, Councillors McPherson, Kadar and M. Brotherston attend the Housing Forum on November 26, 2003 at the Saanich Municipal Hall.

CARRIED

8. OTHER BUSINESS

a) Rezoning Application No. RZ-06-02

Memo from the Planning Technician dated October 30, 2003

OWNER/APPLICANT: Millstream Industrial Park

LOCATION: Section 4, Range 3 West, Highland District, Except Part Shown coloured red on plan attached to DD13124, Except Part Shown outlined in red on Plan 626R, and except part in Plan 18272

CIVIC ADDRESS: 2015 Millstream Road

MOTION 575/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT consideration of Rezoning Application RZ-06-02 pertaining to the Millstream Industrial Park property, Section 4, Range 3 West, Highland District, Except Part Shown coloured red on plan attached to DD13124, Except Part Shown outlined in red on Plan 626R, and except part in Plan 18272 located on Millstream Road be deferred pending receipt of:

1. A revised application, concept plan and bylaws from the owners and/or staff identifying changes to a Light Industrial (M1) and Medium Industrial (M2) zone for the property, with the light industrial zone generally comprising the front of the property along Millstream Road, and the medium industrial zone comprising the central and rear portions;
2. A staff report for Council's consideration to address issues and options in response to the recommendations submitted by the Advisory Planning Commission and Advisory Committees, including the implications of public sanitary sewer and water services for the property; and
3. New Development Permit Area Guidelines and Zoning Design Standards being presented to Council together with the recommendations of the Advisory Planning Commission; and

4. The documentation and assessments from the Applicant as directed by Council at its August 18, 2003 meeting.

AND THAT the correspondence from Richard Irwin dated October 30, 2003 attached to the report from the Planning Technician dated October 30, 2003 be received.

CARRIED

9. **ADJOURNMENT**

- a) **Resolution to Convene to In-Camera Meeting**

MOTION 576/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT: That the regular meeting of Council be adjourned at 10:37 p.m;

AND THAT, pursuant to Section 242.2 of the *Local Government Act* an *in-camera* meeting be convened to discuss:

- Personnel Issues
- Land Issues

CARRIED

Karel Roessingh, Mayor

Bruce Woodbury, Administrator