

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held Monday, November 17, 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 McPherson
Councillor Mendum

ABSENT Councillor Kadar

IN ATTENDANCE: Bruce Woodbury, Administrator
Laurie Taylor, Deputy Clerk

AGENDA

MOTION 577/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MENDUM

THAT: The agenda BE AMENDED by adding the following items:

- Item 7(c) Report from District of Metchosin on Greater Victoria Public Library Board operating agreement
- Item 8(b) Letter from Janet Williams regarding Roadside Trails

AND THAT the agenda, as amended, BE APPROVED

CARRIED

PETITIONS AND DELEGATIONS

1. PETITIONS AND DELEGATIONS

- a) **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

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

MOTION 578/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT Council authorize the issuance of Development Variance Permit DVP 19-03 pertaining to Lot 8, Section 71, Highland District, Plan VIP63277, located on Caleb Pike Road to 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

- b) **Rezoning Application No. RZ07-03**
OWNER: 654449 BC Ltd. & Doug Turner
LOCATION: Lots A & B, Section 39, Plan 34216
CIVIC ADDRESS: Woodridge Place

- **Report from Planning Technician dated**
- **Supplement report from Planning Technician dated November 17, 2003-**
- **Letter from Michael Bocking, agent, dated November 17, 2003**

Councillor Cardinal declared a conflict of interest, as the applicant is his employer and left the Council meeting at 7:32 p.m.

- Application to rezone the subject property from Greenbelt 2 (GB2) zone to a new Rural Residential zone that would permit a residential subdivision of up to 15 lots.

Michael Bocking, agent for applicant:

- No land use OCP amendment will be sought
- Support in community for proposal

Council:

- Concern was expressed by some councillors about the layout, proposed density and the issues surrounding the impact on traffic and water supply.

Public:

- Expressed concern over impact on traffic and existing wells
- Expressed doubt that the support in community is actually as high as reported.

MOTION 579/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR

THAT rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be referred to the Advisory Committees for consideration and recommendation to the Advisory Planning Commission, with subsequent recommendations from the Advisory Planning Commission to be submitted to Council at a Regular meeting.

MOTION FAILED DUE TO LACK OF SECONDER

MOTION 580/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR

THAT rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be denied

MOTION FAILED DUE TO LACK OF SECONDER

MOTION 581/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR

THAT rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be sent back to the applicant for additional information.

MOTION FAILED DUE TO LACK OF SECONDER

MOTION 582/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR

THAT applicant for rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be requested to provide additional information on traffic impact and water supply to support the density requested

MOTION FAILED DUE TO LACK OF SECONDER

MOTION 583/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR M BROTHERSTON

THAT applicant for rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be requested to provide additional information on traffic impact and water supply to support the density requested;

AND THAT rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be referred to the Advisory Committees for consideration and recommendation to the Advisory Planning Commission, with subsequent recommendations from the Advisory Planning Commission to be submitted to Council at a Regular meeting.

DEFEATED

Mayor Roessingh, Councillors McPherson and Mendum opposed.

MOTION 584/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR

THAT rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be sent back to the applicant for a revised application.

MOTION FAILED DUE TO LACK OF SECONDER

MOTION 585/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR

THAT rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be denied

MOTION FAILED DUE TO LACK OF SECONDER

MOTION 586/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR

THAT further consideration of rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be deferred

MOTION FAILED DUE TO LACK OF SECONDER

Council

- A member of Council suggested moving away from solely residential use on the property to diversify the tax base; if uses were diversified would they have less impact on traffic and water than 15 residential lots.

MOTION 587/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR MCPHERSON

THAT the applicant for rezoning application RZ-07-03 for Lots A & B, Section 39, Plan 34216 located on Woodridge Place, be requested to provide a revised concept plan showing a lower density and justification or diversification of the tax base and that is more sensitive to the traffic and water issues.

CARRIED

Councillors K. Brotherston and M. Brotherston opposed.

Councillor Cardinal returned to the Council meeting at 8:12 p.m.

2. ADOPTION OF THE MINUTES

a) Minutes of the Regular Council Meeting – November 3, 2003

MOTION 588/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR MCPHERSON

THAT: The minutes of the Regular Council meeting held November 3, 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 has been scheduled for December 9, 2003 at 7:30 p.m. at Pike House.

ii) Environment – Councillor McPherson

- Next Environment Advisory Committee meeting has been scheduled for December 17, 2003 at 7:30 p.m. at Pike House

iii) Parks, Trails and Recreation - Councillor K. Brotherston

Parks, Trails and Recreation Advisory Committee

Re: Minutes of the Meeting held November 10, 2003

MOTION 589/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR MCPHERSON

THAT the minutes of the Parks Trails and Recreation Advisory Committee meeting held November 10, 2003 be received for information

CARRIED

- Next scheduled Parks, Trails and Recreation Advisory Committee meeting is December 8, 2003 at 7:30 p.m. at Caleb Pike House.

iv) Protective Services - Councillor M. Brotherston

- Next Protective Services Advisory Committee meeting is November 24, 2003 at 7:30 p.m. at the West Fire Hall.

v) Roads – Councillor Mendum

- Next scheduled Roads Advisory Committee meeting is November 20, 2003 at 7:30 p.m. at the Pike House.

vii) Planning and Zoning

a) Advisory Planning Commission

Minutes of the APC Meeting held October 29, 2003

MOTION 590/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the minutes of the Advisory Planning Commission meeting held October 29, 2003 be received for information

CARRIED

b) OCP Task Force

Minutes of the OCP PCT Meetings held October 28, 2003 & November 4, 2003

MOTION 591/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT the minutes of the OCP Planning Coordinating Team meetings held October 28, 2003 and November 4, 2003 be received for information.

CARRIED

Correspondence regarding the OCP Review from:

- Vicky Husband, 301 Ross Durrance Road
- Catherine Reader, 218 Ross-Durrance Road

MOTION 592/03

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

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

- Vicky Husband, 301 Ross Durrance Road
- Catherine Reader, 218 Ross-Durrance Road

CARRIED

**Memo from Deputy Clerk dated November 13, 2003
COW meeting re OCP Review Process**

MOTION 593/03

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

THAT a Committee of the Whole meeting be held with Council, staff, Brenda McBain of CitySpaces and the OCP Planning Coordinating Team to discuss communications, a review of the process to date and a review of the process to follow.

CARRIED

Councillors K. Brotherston and M. Brotherston opposed

Staff were requested to arrange the meeting concurrent with an OCP Planning Coordinating Team meeting

**Memo from Deputy Clerk dated November 7, 2003
Minute Taking – OCP Review Process**

MOTION 594/03

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

THAT staff be instructed to draft the appropriate bylaw to amend the 2003 budget to provide funds for minute taking for the OCP Review Process.

DEFEATED

Mayor Roessingh, Councillors Cardinal, K. Brotherston, M. Brotherston and Mendum opposed.

- Les Bjola, on behalf of Bear Mountain, Councillor McPherson and Vicky Husband all offered to donate the money to pay the minute taker.

Staff

- Advised that if the money were donated to the District and the minute taker paid from District funds a budget amendment would still be required which takes two meetings as it must be approved by bylaw.

**MOTION 595/03
MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON**

THAT the submission from Colleen Robertson pertaining to paid services for minute taking for the OCP Review be received for information;

AND THAT the minute taking for the OCP Review be done by District staff, volunteers and Councillors.

CARRIED

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

- OCP Open House on November 8, 2003 was well attended and well done

5. CORRESPONDENCE

a) **NEED Crisis and Information Line
Grant in Aid Request**

**MOTION 596/03
MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR K. BROTHERSTON**

THAT: That the letter from the NEED Crisis and Information Line dated November 3, 2003 requesting a grant-in-aid, BE DEFERRED for consideration during budget discussions.

CARRIED

6. BYLAWS

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

**MOTION 597/03
MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR K. BROTHERSTON**

THAT: “Bylaw No. 214 – Amendment to Procedure (Notice of Meeting) Bylaw No. 131” be adopted.

CARRIED

b) **Advisory Planning Commission Bylaw No. 209, 2003
Memo from Deputy Clerk dated November 7, 2003**

**MOTION 598/03
MOVED BY COUNCILLOR MCPHERSON
SECONDED BY COUNCILLOR MENDUM**

THAT: “Advisory Planning Commission Bylaw No. 209, 2003” be granted first reading.

DEFEATED

Councillors Cardinal, K. Brotherston and M. Brotherston opposed.

Michael Bocking

- Indicated he still has concerns about the proposed conflict of interest wording in the proposed bylaw and its ramifications for the future especially advisory committees
- He has correspondence from City of Victoria staff, District of Saanich and proposed wording for the bylaw he would like to submit to Council.

MOTION 599/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT: further consideration of the "Advisory Planning Commission Bylaw No. 209, 2003" be deferred until December 1, 2003 to permit staff time to obtain the information from Michael Bocking for presentation to Council.

CARRIED

MOTION 600/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT: that staff be instructed to obtain a written legal opinion from the District's solicitor on the conflict of interest provisions for the APC

DEFEATED

Mayor Roessingh, Councillors Cardinal, K. Brotherston and Mendum opposed.

c) Building Regulation Bylaw No. 192, 2003

MOTION 601/03

MOVED BY COUNCILLOR CARDINAL

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT: "Building Regulation Bylaw No. 192, 2003" be granted first reading.

CARRIED

MOTION 602/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR MENDUM

THAT: "Building Regulation Bylaw No. 192, 2003" be granted second reading.

CARRIED

MOTION 603/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT: "Building Regulation Bylaw No. 192, 2003" be granted third reading.

CARRIED

7. **NEW BUSINESS**

a) **CRD Pound Services – 5401 Pat Bay Highway**

MOTION 604/03

**MOVED BY COUNCILLOR CARDINAL
SECONDED BY COUNCILLOR MENDUM**

THAT: the District of Highland seek the consent of the Council of the District of Saanich under Section 707(2) of the Local Government Act to use the CRD's pound facility located at 5401 Pat Bay Highway to house any animals picked up within the boundaries of the Highlands.

CARRIED

MOTION 605/03

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

THAT once consent has been obtained from the District of Saanich that staff be authorized to draft the appropriate bylaw for Council's consideration.

CARRIED

b) **Greater Victoria Public Library – 2004 Provisional Operating Budget**

- Provisional operating budget provides for a 5.9% increase in Highlands contribution for 2004 and does not include any provision for increased operating costs of a new Central Library.

MOTION 606/03

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

THAT: the 2004 Provisional Operating Budget for the Greater Victoria Public Library be received for information.

CARRIED

c) **Greater Victoria Public Library – Library Operating Agreement – extension of time Report from District of Metchosin dated November 12, 2003**

- Library Board has requested a 2-year extension to current operating agreement which expires December 31, 2003 due to the unresolved lawsuit.

MOTION 607/03

**MOVED BY COUNCILLOR MENDUM
SECONDED BY COUNCILLOR CARDINAL**

THAT Council request a meeting the Councils of Langford, Colwood and Metchosin to discussion the extension of the Greater Victoria Public Library Board operating agreement and other Library matters.

CARRIED

d) **Langford Referral – Bylaws 802 & 803 – LGB9 Bear Mountain**

- District of Langford has received an OCP and Rezoning application for the Bear Mountain property that would permit an increased density from 1500 to 2200 dwelling units and an increase in commercial space from 6.9 acres to 9.2 acres.

MOTION 608/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT Council receive the memo from the Planning Technician dated November 5, 2003, and accompanying referral package from the District of Langford;

AND THAT a letter be sent to the Council of the District of Langford expressing concern about the limited timeframe for providing a response for the referral and a request that all referrals be sent to the District more than two weeks in advance of the public hearing date to permit the District the opportunity to consider the referral at a Council meeting.

CARRIED

e) Holiday Office Hours

Memo from Deputy Clerk dated November 7, 2003

MOTION 609/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MENDUM

THAT the memo from the Deputy Clerk dated November 7, 2003 outlining the schedule for District Office hours for the 2003 Holiday Season be received for information.

CARRIED

f) Corporate Priorities Session

MOTION 610/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR MENDUM

THAT consideration of the request to set a date for a Committee of the Whole meeting to discuss Corporate Priorities be deferred to December 15, 2003.

CARRIED

g) Relax Roadside Trail Standards

Robertson –6-lot Subdivision - Lot 2 Plan 9340

Memo from Planning Technician dated October 29, 2003

- Request to relax the requirement for roadside trails for proposed subdivision

MOTION 611/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MENDUM

THAT: With regards to the request by Colleen Robertson to the Approving Officer, to relax the requirement of roadside trails for the proposed 6-lot subdivision of Part of Lot 2, Section 34, Highland District, Plan 9340, except parts included within the boundaries of Plans 16984, 17727 and 39300 located on Millstream Road;

THAT COUNCIL receive the correspondence dated October 29, 2003 from Colleen Robertson which provides their request and rationale;

AND THAT the request be referred to the Parks Trails and Recreation Advisory Committee, Roads Advisory Committee and Administration and Finance Advisory Committee for their input to be provided by December 5, 2003.

AND THAT further consideration of the request be deferred until the comments are received from the advisory committees.

CARRIED

Councillors K. Brotherston and Cardinal opposed.

8. OTHER BUSINESS

a) Options to Tri-Party Conservation Covenant

Highlands 2 Holdings Ltd – 18-Lot Subdivision – Lot 2 Plan VIP59526

- Request to waive the requirement for a tri-party (District, the Land Conservancy and the Owner) conservation covenant to be registered against the property
- Deferred from November 3, 2003 Council meeting.

(i) Memo from Planning Technician dated November 12, 2003

MOTION 612/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT: With regards to the request by Highlands 2 Holdings Ltd to waive the expectation for tri-party conservation covenants, for the proposed 18-lot subdivision of Lot 2, Plan 59526, Sections 28, 35, & 70:

THAT Council receive the correspondence dated November 10, 2003 from Windsor Law Group for Highlands 2 Holdings Ltd, which clarifies that two-party conservation covenants are desired instead of a three-party conservation covenants;

AND THAT the report dated November 12, 2003 from the Planning Technician relating to the conservation covenant options be received for information.

CARRIED

(ii) Correspondence from:

- Alan Philip, 671 Millstream Lake Road
- Ken Faris & Angela Aarts-Faris, 1201 Millstream Road

MOTION 613/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR M. BROTHERTON

THAT: the following correspondence pertaining to the Tri-Party Conservation Covenants be received for information:

- Alan Philip, 671 Millstream Lake Road
- Ken Faris & Angela Aarts-Faris, 1201 Millstream Road

CARRIED

MOTION 614/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR MCPHERSON

THAT staff be requested to provide a report on the history of the three-party conservation covenants;

AND THAT staff be instructed to contact The Land Conservancy for their input regarding the request to waive of the three-party conservation covenants

CARRIED

**b) Relax Roadside Trail Standards
Highlands 2 Holdings Ltd – 18-Lot Subdivision – Lot 2 Plan VIP59526
Memo from Planning Technician dated October 29, 2003**

- Request to relax the requirement for roadside trails for proposed subdivision

MOTION 615/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR M. BROTHERSTON

THAT: With regards to the request by Highlands 2 Holdings Ltd to the Approving Officer, to relax the requirement of roadside trails for the proposed 18-lot subdivision of Lot 2, Plan 59526, Sections 28, 35, & 70:

THAT Council receive, for information, the following correspondence pertaining to the request to relax the requirement of roadside trails:

1. Environment Advisory Committee dated November 10, 2003
2. Parks, Trails and Recreation Advisory Committee dated November 13, 2003
3. Roma and Wayne Allen dated November 12, 2003
4. Pattie Whitehouse, dated November 7, 2003
5. Liz Sahlstrom, dated November 13, 2003
6. Alan Phillip, dated November 3, 2003 and refer this correspondence to staff for a response to the various issues and concerns raised at an upcoming Council meeting; and

CARRIED

MOTION 616/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR M. BROTHERSTON

AND THAT Council defer providing comments to the Approving Officer relevant to this request until comments from the Roads Advisory Committee are available.

CARRIED

MOTION 617/03

MOVED BY COUNCILLOR K. BROTHERSTON

SECONDED BY COUNCILLOR M. BROTHERTON

THAT: the following correspondence pertaining to the relaxation of the Roadside Trails be received for information:

- Sue Nightingale, 1308 Millstream Road
- Janet Williams, 2281 Bukin Place

CARRIED

c) **Report from Brenda Warner dated November 11, 2003**
re: Water & Sewer Servicing

- Report commissioned by the District of water and sewer servicing options for lands in the south Highlands

MOTION 618/03

MOVED BY COUNCILLOR MENDUM

SECONDED BY COUNCILLOR CARDINAL

THAT further consideration of the report from Brenda Warner dated November 11, 2003 regarding water and sewer servicing in the south Highlands be deferred to a Committee of the Whole meeting;

AND THAT the report, without the expression of interest from Terasen, be forwarded to the OCP Planning Coordination Team for information.

CARRIED

Staff:

- Reminded Council that Kingco 2000 Developments had submitted an application to amend the OCP to permit the extension of CRD piped water services to these lands, and to lands within the South Highlands, noting the application had been deferred at the September 2, 2003 Council meeting.

Ron King

- Suggested that if Council denied his application, it would permit him to approach BC Land and Water Management Division once again for a private water utility license

Rezoning Application No. RZ06-03

OWNER/APPLICANT: Kingco 2000 Development Ltd.

LOCATION: Lot 2 Range 3 & 4 West Plan VIP72161 et al

CIVIC ADDRESS: 940 River Road

MOTION 619/03

MOVED BY COUNCILLOR MCPHERSON

SECONDED BY COUNCILLOR MENDUM

THAT Application No. RZ-06-03 made by Kingco Developments Ltd, to amend Section 4.2.10 (e) of the Highlands Official Community Plan Bylaw, pertaining to lands legally described as Lot 2, Range 3 West and 4 West, Highland District, Plan VIP72161; Lot D, Section 4, Range 4 West, Highland District, Plan VIP70021, Except Parts in Plans VIP71071 and VIP72161; and Lot 1, Plan VIP _____, Section 5, Range 4 West, all of Highland District, BE DENIED

CARRIED

9. **ADJOURNMENT**

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

MOTION 620/03

MOVED BY COUNCILLOR M. BROTHERSTON

SECONDED BY COUNCILLOR K. BROTHERSTON

THAT: That the regular meeting of Council be adjourned at 10:15 p.m;

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

- Personnel

CARRIED

Karel Roessingh, Mayor

Bruce Woodbury, Administrator