

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held on May 2nd, 2005 at Caleb Pike House, 1589 Millstream Road at 7:00 p.m.

PRESENT: Mayor Roessingh, Chair
Councillor K. Brotherston
Councillor M. Brotherston
Councillor Cardinal
Councillor Kadar
Councillor Mendum

ABSENT: Councillor McPherson

IN ATTENDANCE: Scott Coulson, Administrator
Terry Trace, Municipal Clerk
Heniz Burki, Building Inspector
Laura Beckett, Municipal Planner

1. APPROVAL OF THE AGENDA

MOTION NO. 182/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR MENDUM

THAT the Agenda be approved as amended:

Move: Item 5(e) to "In-Camera"; and

Add: Item between 8(c) and 8(d) Councillor K. Brotherston to read statement regarding Bear Mountain Bylaws.

CARRIED.

2. ADOPTION OF THE MINUTES

a) Special Council Minutes of the of April 18, 2005

MOTION NO. 183/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR CARDINAL

THAT Council adopt the April 18, 2005 Special Council Minutes.

CARRIED.

- b) Regular Council Meeting held on April 18, 2005

MOTION NO. 184/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR CARDINAL

THAT Council adopt the following minutes:

- a) April 18, 2005 Regular Council Meeting Minutes;
- b) Committee of the Whole Meeting (Policies and Priorities) held on April 19, 2005;
- c) April 19, 2005 Committee of the Whole (Policies and Priorities) Minutes;
- d) Committee of the Whole Meeting (Policies and Priorities) held on April 25, 2005; and
- e) April 25, 2005 Committee of the Whole (Policies and Priorities) Minutes.

CARRIED.

3. INTRODUCTION OF LATE ITEMS

4. PETITIONS AND DELEGATIONS

Marcie McLean, 1321 Millstream Road, addressed Council with allegations that one of the District's Councillors may have a "direct or indirect pecuniary interest", or interest in a matter that constitutes a "Conflict of Interest" with respect to the Woodridge Rezoning Application.

Ms. McLean also indicated that she did not feel that having a Public Hearing for the OCP in August was a good plan to allow adequately for public participation.

Carole Lester, 787 Finlayson Arm Road, addressed Council outlining her concerns with respect to replacement bylaws for Bear Mountain. She indicated that she hoped Council would do a better job this time around and reiterated her opposition to the bylaws and the development of Bear Mountain. She also questioned whether or not Bear Mountain could proceed with developing the lands under the present bylaws.

Mayor Roessingh advised that Bear Mountain could continue to apply for permits and that the zoning bylaw recently passed stands. He further noted that the proposed timeline for adoption of the new bylaws was early July, 2005.

Andrew Fall, 220 Old Mossy Road, addressed Council with respect to the Administrator's memo to Council in response to Mr. Fall's letter regarding the Five Year Projection. Mr. Fall wanted it noted that the letter refers to Mr. Fall's predictions and that he did not make any predictions, only suggested some corrections. He noted that the Administrator's response blurs the implications to the general public.

Mr. Fall then expressed concern with respect to conducting a risk assessment of Ross-Durrance Road and offered to share information with Council that he had researched on this matter.

Ms. Colleen Robertson, 1835 Millstream Road, addressed Council with respect to "District of Highlands Bylaw No. 36 to Regulate Roads and Traffic Amendment Bylaw No. 256, 2005". She expressed concern with respect to the sight lines and noted that additional signage and reduced speed limit will not make much of a difference.

Ms. Robertson then expressed concern with respect to Ross-Durrance Road. She noted that Ross-Durrance Road should not receive preferential treatment to other areas in the Highlands. She noted that grant money was received to repair the road a few years ago and this was never done to full potential and noted that the repairs should have been done at that time using the grant money. She expressed concern with respect to spending money now to carry out work on Ross-Durrance Road.

Ms. Robertson then proceed to support Mr. and Mrs. Allen's request for an amendment to Bylaw 100, Section 6.1.4(2) prohibiting lots being created if it contains part of an electrical transmission right-of-way described as Plan 3270 or as Plan 3242 RW and, if that lot contains less than 1.5 acres of land that does not contain part of such right-of-way.

Ms. Robertson also noted that it was good to see the Administrator's revised numbers for the 2005 budget for the District.

5. UNFINISHED BUSINESS

- a) Report – Building Inspector
Re: Development Variance Permit Application No. DVP-05-05

MOTION NO. 185/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council authorize the issuance of Development Variance Permit DVP-05-05, relating to:

Strata Lot 6, Plan VIS5080, Section 4, Range 4 West, Highland District (1062 River Road) that would vary Zoning Bylaw 100 as follows;

1. Section 3.3(1)(d) by reducing the required setback of a building from a watercourse from 30 metres to 23 metres as shown on the attached site plan to permit the construction of a single family dwelling.

CARRIED.

- b) Report – Building Inspector
Re: Development Variance Permit Application DVP-06-05

MAIN MOTION NO. 186/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council authorize the issuance of Development Variance Permit DVP-06-06 pertaining to:

Lot 18, Section 28/35, Highland District, Plan VIP76681 (1469 Red Cedar Court) as shown in Schedule A, that would vary Zoning Bylaw 100 as follows:

1. Section 6.4.3(8) by increasing the floor area of a single accessory building from 100 square metres to 134 square metres.

For the purpose of increasing the total floor area to allow for a garage on the main floor and an office on the upper level.

CARRIED.

OPPOSED: COUNCILLOR MENDUM.

AMENDING MOTION NO. 187/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council's approval of DVP-06-05 is based upon the condition that future accessory structures on this property shall not exceed a total of 141 square metres.

CARRIED.

- c) Report – Planner
Re: OCP Amended Timeline

MOTION NO. 188/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council approve the OCP timeline as presented by the Municipal Planner at the April 25, 2005 Committee of the Whole (Policies and Priorities) Meeting.

CARRIED.

OPPOSED MAYOR ROESSINGH AND COUNCILLOR MENDUM.

- d) Report – Administrator
Re: Five Year Projection

MOTION NO. 189/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council receive the memo from the Administrator dated April 19, 2005, regarding the Five Year Projection for information.

CARRIED.

- e) Report – Municipal Clerk
Re: Draft Policy for Ross-Durrance Road

Item 5(e) was moved to “In-Camera”

6. REPORTS OF COMMITTEES, COMMITTEE OF THE WHOLE & COMMISSIONS

a) Committee Reports

- i) Advisory Planning Commission
Report - Planner
Re: Minutes of the Advisory Planning Commission Meeting held April 20, 2005

With respect to Marcie McLean’s allegations, earlier in the minutes, that a member of Council may have a “direct or indirect pecuniary interest”, or interest in a matter that constitutes a “Conflict of Interest” with respect to the Woodridge Rezoning Application, Councillor Cardinal made a statement that he did not attend the April 20, 2005 Advisory Planning Commission Meeting and that he does not have a conflict with the Woodridge Rezoning Application and further that he has no financial interest anywhere in the Eastern Highlands.

MOTION NO. 190/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR CARDINAL

THAT Council receive the Advisory Planning Commission Meeting Minutes of April 20, 2005 for information.

CARRIED.

- ii) Capital Regional Board

Councillor M. Brotherston reported that Mr. Bill Jordan retired as Executive Director and that Bill Eccleston will be filling the role as Executive Director until the position is filled.

Councillor M. Brotherston then reported that the Blue Box Recycling program for pizza boxes launched on Friday, April 29, 2005. She noted that CHEK 6 did a segment on this issue and Vancouver Island's morning show covered the issue live. She noted that Metro-Waste Paper will process the paper liners for the pizza boxes and that IPI will be the Hauler for Recycling. She further noted that the new recycling schedule provides for the East and West Highlands to be picked up on the same day.

- iii) Community Energy Planning Steering Committee

Councillor M. Brotherston also reported that the Goldstream Water Reservoir is 100% full and that the Sooke Watershed is 93% full.

- iv) CREST

Councillor M. Brotherston reported CREST received a PST rebate in the amount of \$918,342. She noted that the CREST audit was now complete.

- v) Emergency Planning Committee – Nothing to Report
- vi) Greater Victoria Family Court Committee – Nothing to Report
- vii) Inter-Municipal Committee on Disability Issues – Nothing to Report
- viii) Solid Waste Advisory Committee

Councillor M. Brotherston reported that the Province is sending back the Solid Waste Bylaw to SWAC with small changes and noted that the bylaw still requires ongoing work.

She noted that the Committee is looking at the concept of gable-topped milk containers and noted, however, that it may be too costly. She further noted that the Dairy Foundation is looking for a stewardship program which would be reviewed after two years.

- ix) Western Communities Policing Advisory Committee – Nothing to report.
- x) West Shore Parks and Recreation Society's Board of Directors

Councillor Cardinal noted that the Finance Committee will meet Thursday with KMPG.

Councillor Cardinal further noted that the Board will be placing an ad in the newspaper advertising for a new Administrator.

- b) Mayor's Report

- i) Greater Victoria Public Library Board

Mayor Roessingh spoke to the Library Board's Operating Agreement. He noted that the Board has received the final report on Governance. He noted that there are still to be some changes made, due to Provincial Legislative changes and noted that the Board is looking to a long term Strategic Plan for the region.

Mayor Roessingh then noted that the Provincial Election is on May 17, 2005 and that an election poll will take place at the West Fire Hall and will need to use the furniture out of the Caleb Pike House for the election. Therefore, the Council Meeting of May 16, 2005 will be held at the Caleb Pike School House.

- ii) CRD Arts Committee – Nothing to Report

7. CORRESPONDENCE

MOTION NO. 191/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council receive the following letters for information.

- a) Letter – Canadian Forces
Re: Letter of Appreciation for Contribution
- b) Letter – Municipal Finance Authority
Re: MFA Leasing Program Dividend
- c) Letter – City of Burnaby
Re: Request for Public Inquiry into the Investigation of the Air India Bombing
- d) Letter – Capital Regional District Parks
Re: CRD Parks 2004 Annual Report
- e) Letter- Ron Mitchell
Re: Highland Estates Entrance
- f) Letter- Pattie Whitehouse
Re: Highland Estates Entrance

CARRIED.

Correspondence Requiring a Recommendation:

- g) Letter – Les Allen
Re: 641 Millstream Lake Road

MOTION NO. 192/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council be provided with a staff report with more information with respect to Zoning Bylaw No. 100, Section 6.1.4(2) prohibiting lots being created if it contains part of an electrical transmission right-of-way described as Plan 3270 or as Plan 3242 RW and, if that lot contains less than 1.5 acres of land that does not contain part of such right-of-way.

CARRIED.

8. BYLAWS

- a) "District of Highlands Bylaw No. 36 to Regulate Roads and Traffic Amendment Bylaw No. 256, 2005"

MOTION NO. 193/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council adopt "District of Highlands Bylaw No. 36 to Regulate Roads and Traffic Amendment Bylaw No. 256, 2005".

CARRIED.

- b) "Tax Rates Bylaw No. 258, 2005"

MOTION NO. 194/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give "Tax Rates Bylaw No. 258, 2005" first Reading.

CARRIED.

MOTION NO. 195/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give "Tax Rates Bylaw No. 258, 2005" second Reading.

CARRIED.

MOTION NO. 196/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council give "Tax Rates Bylaw No. 258, 2005" third Reading.

CARRIED.

- c) "Five Year Financial Plan Bylaw No. 259, 2005"

MOTION NO. 197/06

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give "Five Year Financial Plan Bylaw No. 259, 2005" first Reading.

CARRIED.

MOTION NO. 198/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council give “Five Year Financial Plan Bylaw No. 259, 2005” second Reading.

CARRIED.

MOTION NO. 199/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give “Five Year Financial Plan Bylaw No. 259, 2005” third Reading.

CARRIED.

d) “Highlands Official Community Plan Amendment Bylaw No. 261, 2005”

Councillor K. Brotherston read the following declaration (whereby a signed copy now forms part of these minutes):

I, Kenneth S. Brotherston, of Victoria British Columbia, do solemnly declare that:

1. I am a principal of Brotherston Logging Ltd.
2. My spouse, Marie Brotherston, and I were elected as members of Council in November 2002;
3. I never intended to be engaged as a contractor, subcontractor of LGB9, or work for LGB9 in any other form of employment, once elected as a member of Council;
4. I have not been engaged as a contractor or subcontractor of LGB9 and have not worked for LGB9 in any other form of employment, during my term in office;
5. There will not be any future work available through LGB9 available to me regardless of my position;
6. However, if there were future work available, I would never even consider being engaged as a contract or subcontractor of LGB9 or work for LGB9 in any other form of employment.

Councillor M. Brotherston stated that she concurred with Councillor K. Brotherston’s statement and stated that she herself does not have a conflict.

MOTION NO. 200/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give “Highlands Official Community Plan Amendment Bylaw No. 261, 2005” first reading.

CARRIED.

OPPOSED: MAYOR ROESSINGH AND COUNCILLOR MENDUM.

MOTION NO. 201/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council give “Highlands Official Community Plan Amendment Bylaw No. 261, 2005” second reading.

CARRIED.

OPPOSED: MAYOR ROESSINGH AND COUNCILLOR MENDUM.

e) “District of Highlands Zoning Amendment Bylaw No. 262, (Bear Mountain), 2005”

MOTION NO. 202/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT “District of Highlands Zoning Amendment Bylaw No. 262, (Bear Mountain), 2005 be amended as follows prior to first reading:

Page 6, Change Sections 15.1.04 – 1(b) and 2(b) – to provide for the amenity funds to go into the following three amenity reserve funds equally:

- a) Fire Hall Amenity Reserve Fund;
- b) Municipal Amenity Hall Reserve Fund; and
- c) Community Amenity Hall Reserve Fund.

CARRIED.

MOTION NO. 203/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council give “District of Highlands Zoning Amendment Bylaw No. 262, (Bear Mountain), 2005 first reading.

CARRIED.

OPPOSED: MAYOR ROESSINGH AND COUNCILLOR MENDUM.

MOTION NO. 204/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council give “District of Highlands Zoning Amendment Bylaw No. 262, (Bear Mountain), 2005 second reading.

CARRIED.

OPPOSED: MAYOR ROESSINGH AND COUNCILLOR MENDUM.

- f) Report – Planner
Re: Referrals for OCP Amendment and Rezoning Application – Bear Mountain

MOTION NO. 205/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council consider and pass the following resolutions:

WHEREAS:

- A. Council intends to consider repealing Official Community Plan Amendment Bylaw No. 236, 2004 (Bylaw 236) enacted February 7, 2005, and to replace it with a new bylaw amending the Official Community Plan (the “Replacement Bylaw”);
- B. The Replacement Bylaw is identical to Bylaw 236 in terms of projected land uses, land use and density policies, but is different only in some minor details, including identification of specific types of amenities that will be sought by Council in subsequent zoning bylaws, correction of grammatical errors and mapping clarification;
- C. Council considers that pursuant to S. 879 of the *Local Government Act* that consultation in respect of the Replacement Bylaw need not be as intense as was done in fact through the staff referral process to outside agencies, organizations and governments in respect of Bylaw 236. This is so because Bylaw 236 was widely referred for consultation with the knowledge of Council, and Council was aware of the results of such staff consultations.

Therefore it is resolved:

THAT the Replacement Bylaw is to be referred for comment to the following:

- a) BC Parks (South Vancouver Island Parks District);
- b) BC Hydro;
- c) BC Transit;
- d) Capital Regional District Board;
- e) Councils of Langford, Saanich, Central Saanich, and View Royal;
- f) Department of Fisheries & Oceans Canada;
- g) Heritage Conservation Branch;
- h) Ministry of Forests;
- i) Ministry of Transportation;
- j) Ministry of WALP;
- k) School District Board of School District 61 (Victoria);
- l) School District Board of School District 62 (Sooke);
- m) School District Board of School District 63 (Saanich);
- n) TLC (The Land Conservancy);
- o) Tsartlip First Nation;
- p) Vancouver Island Health Authority; and
- q) West Shore RCMP.

And

THAT the transmittal letter requesting review and comments reminds recipients that they have already reviewed and commented on in Bylaw 236 in the past five months, and that while their comments are desired on all aspects of the Replacement Bylaw, such comments should be received for Council consideration on or before June 1, 2005.

CARRIED.
OPPOSED: COUNCILLOR MENDUM.

9. NEW BUSINESS

- a) Report – Municipal Clerk
Re: Regular Council Meeting of May 16, 2005
Change of Location to School House

MOTION NO. 206/05
MOVED BY: COUNCILLOR M. BROTHERSTON
SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council authorize that the Regular Council Meeting of May 16 , 2005 be held at the Heritage School House instead of the Caleb Pike House.

CARRIED.

- b) RCMP Monthly Mayor's Report for March,2005

MOTION NO. 207/05
MOVED BY: COUNCILLOR M. BROTHERSTON
SECONDED: COUNCILLOR MENDUM

THAT Council receive the RCMP Monthly Mayors Report for March, 2005.

CARRIED.

- c) Report – Administrator
Re: Committee Referrals

MOTION NO. 208/05
MOVED BY: COUNCILLOR CARDINAL
SECONDED: COUNCILLOR MENDUM

THAT Council refer the following items be referred to a Committee of the Whole (Policies and Priorities) Meeting:

1. Bear Mountain Trail Plan;
2. Parks Master Plan;
3. Community Hall Task Force;
4. Council Indemnity Task Force; and
5. Priority Items from past Advisory Committees

CARRIED.

Staff was requested to set up a Committee of the Whole Meeting on May 24, 2005 for the Parks Master Plan, subject to the availability of the CRD staff.

- d) Report – Building Inspector
Re: Monthly Building Report

MOTION NO. 209/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the Building Report for April, 2005.

CARRIED.

8. ADJOURNMENT

MOTION NO. 210/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR CARDINAL

THAT the Regular Meeting of Council adjourn and move into an “In-Camera” Special Council Meeting at 8:30 p.m., pursuant to Section 90(a) of the *Community Charter*,” to discuss legal issues.

CARRIED.

MAYOR

MUNICIPAL CLERK