

**DISTRICT OF HIGHLANDS
REGULAR COUNCIL MEETING**

Minutes of the Regular Council meeting held on October 3, 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 Mendum
Councillor McPherson

IN ATTENDANCE: Heinz Burki, Administrator
Laura Beckett, Municipal Planner
Sandi Chesley, Administrative Assistant

1. APPROVAL OF THE AGENDA

MOTION NO. 434/05

MOVED BY: COUNCILLOR KADAR

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council approve the agenda as amended:

Add the following names to the Petitions and Delegations portion of the Agenda:

Bob McMinn
Marcie McLean
Michael Bocking
Elaine Limbrick
Richard Warrington
Vicky Husband
Evelyn Samuel

Add as a late item to 8(i): Letter, dated September 28, 2005 from City of Langford – Referral for Draft Highlands Official Community Plan.

CARRIED.

2. MAYOR'S REPORT

The Mayor's Report will be in two parts. Mayor Roessingh made a couple of announcements. Congratulations to John Chew who recently celebrated his 50th Anniversary. Mr. Chew has always been involved with the District and has been on the Roads Advisory Committee for a total of 11 years. Mayor Roessingh commented on how Mr. Chew is very dedicated to the community and a wonderful man to know and work with. There was an article on Mr. Chew in the business section of the Times Colonist this past weekend.

An announcement was made at the UBCM conference that the District would be getting a portion of the federal gas tax. Once the agreement has been signed, the District will be receiving monies ranging from approximately \$40,000 the first year up to \$100,000 in the fifth year. The funds are to be used for green infrastructure and the District must report on how the money is spent. There was discussion on Small Community Grants and the Premier indicated that the budget would be doubled in the next couple of years. There are some automatic grants such as \$15,000 for tourism promotion.

3. ADOPTION OF THE MINUTES

- a) Minutes of the following Council Meetings:

MOTION NO. 435/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR MCPHERSON

THAT the following minutes be adopted:

- a) Minutes of the Regular Council meeting dated September 19, 2005
b) Minutes of the Committee of the Whole dated September 19, 2005

CARRIED.

4. INTRODUCTION OF LATE ITEMS

5. PETITIONS AND DELEGATIONS

Presentation from Sea Breeze Pacific Regional Transmission System, Inc.

Mayor Roessingh gave a short introduction to Sea Breeze stating that they are proposing to lay a transmission line between BC to Washington state. Part of that line will go through the Highlands area including a small portion on Munn Road and a larger portion on the eastern border from Hartland Landfill.

Monique Stevenson and Mike Wise from Sea Breeze Pacific Regional Transmission Systems, Inc. gave a presentation to Council outlining the two proposed projects and the new transmission technology called HVDC Light – High Voltage Direct Current Light

Ms. Stevenson gave a power point presentation touching on the need for the projects; the technology used, installation of the cable, the consultation and permitting process and touched more on each of the proposed projects. Mr. Wise and Ms. Stevenson answered questions from Council and the public

Mark Hornell, Director of Regional Planning Services – CRD

Mr. Hornell answered questions and queries from Council on how the proposed OCP fits into the Regional Growth Strategy, what amendments might be required and in future what would trigger amendments.

Bob McMinn, 499 Millstream Lake Road, speaking as the Chair of the Fiscal and Environmental Advisory Committee brought to Council's attention the wage table that was submitted with the recommendations with respect to Council Indemnities. Mr. McMinn noted that the Communities were listed from lowest Councillor salaries increasing to highest for the best comparison. Mr. McMinn also stated that work on the path and lighting to the School House would be beginning shortly.

Marcie McLean, 1321 Millstream Road, expressed concern with the last Council meeting, particularly the Committee of the Whole portion regarding the changes to the OCP where only the highlighted areas were part of the discussion. Ms. McLean also had concern with Council moving back to the previous "Goal 4" from the July 2005 Draft OCP version and stated that she did not see a problem with what was in the September version.

Michael Bocking, 403 Hazlitt Creek Road, touched on the purpose of the Regional Growth Strategy, in particular the definition of "sustainability". Mr. Bocking read out the statement and suggested that "regional" be substituted with "municipal and property owners" in hopes to broaden what it means to be rural community in a natural area.

Elaine Limbrick, 3836 Munn Road, had her questions answered earlier by Mike Wise of Sea Breeze.

Richard Warrington, 3194 Woodridge Place – Mr. Warrington spoke against the Development Variance Permit Application that was before Council regarding 3198 Woodridge Place. Mr. Warrington felt that his property was the only one affected by the variance. The main concern is that the structure proposed is directly below Mr. Warrington's kitchen, two bedrooms and their deck and left them with little or no privacy.

Vicky Husband, 301 Ross Durrance Road – Ms. Husband spoke in opposition of the proposed OCP and felt that Highlands "rural" future was not clear. She felt that the OCP was going in the wrong direction to protect the landscapes of the Highlands.

Evelyn Samuel, 403 Hazlitt Creek Road – advised she had her questions answered earlier from Mr. Hornell, CRD Planning.

5. UNFINISHED BUSINESS

- a) Greater Victoria Public Library
Letter and Library Operating Agreement

Mayor Roessingh updated Council on the Library Operating Agreement. He stated that there was a meeting of the Mayors and it was discussed that they limit the Agreement to three years because the Province was considering changing the Library Act. Mayor Roessingh mentioned that he received the consultant's draft report which outlined a number of statistics such as ranking, visits, hours opened, etc. as well as future needs for another library the West Shore area.

MOTION NO. 436/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR KADAR

THAT Council approve the Library Operating Agreement.

There was further discussion regarding and Councillor Cardinal stated he would like to defer the approval of the Library Operating Agreement until Council had an opportunity to review the consultant's draft report.

CARRIED.
(COUNCILLORS CARDINAL AND K. BROTHERSTON OPPOSED)

- b) Development Variance Permit Application DVP-08-05
Lot 1, Section 22, Highland District, Plan 22584 (3198 Woodridge Place)

Michael Jonson was present and answered questions from Council. There was discussion and concerns regarding the bylaw infractions and granting of the variance. Mr. Burki pointed out that the bylaw infractions and the request for the variance were two separate issues but Council could defer the issuance of the Development Variance Permit pending the resolution of the bylaw infractions.

MOTION NO. 437 /05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR KADAR

THAT Council defer the granting of the variance to Mr. Jonson until the bylaw concerns were addressed.

There was further discussion.

MOTION FAILS

MOTION NO. 438/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Development Variance Permit DVP 08-05 BE ISSUED pertaining to:

Lot 1, Section 22, Highland District, Plan 22584 (3198 Woodridge Place)

As shown on Schedule "A" of the permit and that would vary Zoning Bylaw 100 as follows:

1. Section 6.4.3.(3) by reducing the side yard setback requirement from 3 meters to 2.5 meters.

CARRIED.
(COUNCILLOR MCPHERSON OPPOSED)

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

a) Committee Reports

- i) Advisory Planning Commission – Nothing to Report

Councillor Kadar commented on the many workshops he attended at the UBCM conference. The first workshop was the Community Tourism Workshop and Councillor Kadar said that there was funding available. Some ideas to use the money would be for Welcome to Highlands Signs with maps showing our trails and things of that nature. Councillor Kadar stated that the discussions on Crystal meth were very informative and has the power point presentation to possibly show at a future Committee of the Whole or Committee meeting. Protecting Wetlands and Grasslands is another power point presentation that would be worth while viewing.

- ii) Capital Regional Board

Councillor Marie Brotherston attended a very successful conference in Austin Texas. The opening of the conference was at the Texas Recycling and Landfill, which is privately owned. Councillor Brotherston was able to tour the landfill noting that there is a wildlife preserve on part of the 350 acres. At the compost facility, everything is ground including cardboard, milk, organics, wood, etc. Councillor Brotherston also visited a private enterprise which deals with e-waste, which takes computers apart and recycles, refurbishes parts, and sells all parts of the computer. Councillor Brotherston met with a Council member of Austin Texas and discussed how they dealt with receiving the refugees from both hurricane Katrina and Rita. Hartland Land Fill has received another two awards.

- iii) Community Energy Planning Steering Committee – Nothing to Report

- iv) CREST

Councillor Marie Brotherston noted that the final report is complete and will be reporting at the next Council meeting on the consultant's report.

- v) Emergency Planning Committee – Nothing to Report
- vi) Greater Victoria Family Court Committee

The minutes from September 21, 2005 meeting have been circulated to Council. On another note, Councillor McPherson stated that the reason for the alert on Crystal Meth making it to UBCM for discussion was due to the hard work of the Family Court Youth Justice Committee and in particular Ruth Lane, who chairs the Youth Matters Committee. From the Millenium Report, there was a major recommendation regarding mental health and have now submitted an expression of interest to UBCM for seed money and to also use other moneys for pilot projects in schools to try to identify and treat mental health issues starting at the elementary level.

- vii) Inter-Municipal Committee on Disability Issues – nothing to report
- viii) Solid Waste Advisory Committee – nothing to report
- ix) Western Communities Policing Advisory Committee – nothing to report
- x) West Shore Parks and Recreation Society's Board of Directors

Councillor Cardinal reported that West Shore Parks and Rec had put out calls for proposal for a consultant to review the needs for playing fields in the West Shore Region and Ken Cossey had been hired and will be supplying the Board with a report on the needs of the municipalities and giving recommendations as well.

b) Mayor's Report

The UBCM is 100 years old and Mayor Roessingh read out a plaque that was given to the District of Highlands which will be displayed at the Municipal Office. Mayor Roessingh stated that the UBCM conference was very busy and very valuable. The Mayor also attended the workshop on tourism as well as one on Alternative Fuels. Mayor Roessingh spoke on the study that Qualicum Beach carried out on their demands in the future and was incorporated into their OCP as a population cap.

- i) Greater Victoria Public Library Board
- ii) CRD Arts Committee – nothing to report

Mayor Roessingh did meet with Minister Pat Bell regarding Millstream Meadows noting that there is an upcoming meeting at which there will be a Memorandum of Understanding. The Memorandum of Understanding is an agreement about eventual ownership and eventual responsibility for the clean up.

The Mayor also reported on how much gas tax money the District will be receiving for the next five years. The minimum is \$25,000 per municipality and then it is based on population being \$15 per head to start. Half of the per population money will go to CRD and the other half to the municipality.

- c) Minutes and Recommendations from the Fiscal and Environment Advisory Committee dated September 14, 2005

MOTION NO. 439/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR MENDUM

THAT the minutes from the Fiscal and Environment Advisory Committee dated September 14, 2005 be adopted.

CARRIED.

Council dealt with each of the recommendations from the Fiscal and Environment Committee separately.

Recommendations/Action Items

1. The Fiscal and Environment Advisory Committee recommends that the Councilor indemnity be raised to \$6,000 and the Mayoral indemnity be raised to \$10,000. Both of these indemnities are comparable to other communities of similar population.

MOTION NO. 440/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR MENDUM

THAT Council authorize that the Mayoral indemnity be raised to \$10,000 and the Councilor indemnity be raised to \$6,000 effective December 5, 2005

CARRIED.

(COUNCILLORS CARDINAL AND K. BROTHERSTON OPPOSED)

2. The FEAC further recommends that the Councilor and Mayoral indemnities be reviewed every 3 years, immediately prior to the next election.

MOTION NO. 441/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR MENDUM

THAT Council recommends to the next Council that Council indemnities be reviewed every 3 years, immediately prior to the next election.

CARRIED.

3. The FEAC forwards to Council for consideration the idea of a per-call stipend to volunteer Firefighters in the District. The FEAC would like Council to formally request the FEAC to discuss this idea and make recommendations as appropriate.

MOTION NO. 442/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR KADAR

THAT Council refer back to the FEAC the idea of stipend to volunteer firefighters in the District of Highlands, make recommendations and report back to Council.

CARRIED.

7. CORRESPONDENCE

- a) Correspondence to be received for Information.
Letter from Team BC: Small Communities Setting the Pace

MOTION NO. 443/05

MOVED BY: COUNCILLOR MCPHERSON

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the letter from Team BC: Small Communities Setting the Pace, dated September 9, 2005 for information.

CARRIED.

- b) Correspondence requiring Action.
Letter from Don Brown, Chief Bylaw Officer, CRD
Re: Cats

MOTION NO. 444/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the letter dated September 14, 2005 from Don Brown, Chief Bylaw Officer, CRD regarding Cats for information.

CARRIED.

MOTION NO. 445/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR M. BROTHERSTON

THAT a letter be sent to CRD Animal Control that the idea of a centralized non-registry be made available for abandoned pets.

CARRIED.

8. BYLAWS

- a) Fire Protection Specified Area Amendment Bylaw No. 266, 2005
- b) Fire Protection Specified Area Amendment Bylaw No. 267, 2005
- c) Fire Protection Specified Area Amendment Bylaw No. 268, 2005
- d) Fire Protection Specified Area Amendment Bylaw No. 269, 2005
- e) Fire Protection Specified Area Amendment Bylaw No. 270, 2005
- f) Fire Protection Specified Area Amendment Bylaw No. 271, 2005
- g) Fire Protection Specified Area Amendment Bylaw No. 272, 2005
- h) Fire Protection Specified Area Amendment Bylaw No. 274, 2005

MOTION NO. 446/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council adopt the following bylaws:

Fire Protection Specified Area Amendment Bylaw No. 266, 2005
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Fire Protection Specified Area Amendment Bylaw No. 270, 2005
Fire Protection Specified Area Amendment Bylaw No. 271, 2005
Fire Protection Specified Area Amendment Bylaw No. 272, 2005
Fire Protection Specified Area Amendment Bylaw No. 274, 2005

CARRIED.

- i) OCP Bylaw No. 277, 2005

MOTION NO. 447/05

MOVED BY: COUNCILLOR M. BROTHERSTON

SECONDED: COUNCILLOR KADAR

THAT the OCP Bylaw discussions be moved to the end of the agenda to become 9e).

CARRIED.

9. NEW BUSINESS

- a) Development Variance Permit Application DVP-09-05
Development Permit Application DP-09-05
Lot 6, Section 30, Highland District, Plan VIP56557 (760 Lorimer Place)

MOTION NO. 448/05

MOVED BY: COUNCILLOR MENDUM

SECONDED: COUNCILLOR KADAR

THAT Development Variance Permit No: DVP 09-05 relating to Lot 6, Section 30, Highland District, Plan VIP56557 be received and notification be given to the appropriate surrounding residents.

AND FURTHER that Development Permit No. DP-09-05 relating to Lot 6, Section 30, Highland District, Plan VIP56557 be tabled at this time until approval of DVP 09-05.

CARRIED.

- b) Memo – Administrator
Lot 8, Plan VIP76681 (1464 White Pine Terrace)
Request to expand RUZ

Thomas Roy from Cascadia Biological Services was present to answer questions from Council.

MOTION NO. 449/05
MOVED BY: COUNCILLOR CARDINAL
SECONDED: COUNCILLOR KADAR

THAT the request to expand the RUZ at 1464 White Pine Terrace be tabled to the next regular Council meeting pending an on-site visit with Council and the applicant

CARRIED.
(COUNCILLOR K. BROTHERSTON OPPOSED)

- c) Report – Monthly CRD Animal Control Reports

MOTION NO. 450/05
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the CRD Animal Control Report for the Month of August, 2005 for information.

CARRIED.

- d) Report – Building Report for September, 2005

MOTION NO. 451/05
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR K. BROTHERSTON

THAT Council receive the Building Report for the Month of September, 2005 for information.

CARRIED.

- e) OCP Bylaw No. 277, 2005

MOTION NO. 452/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR M. BROTHERSTON

THAT Council receive the correspondence from the City of Langford dated September 28, 2005 and from the Private Managed Forest Land Council dated September 30, 2005.

CARRIED.

There was discussion on the increase in density on minimum parcel size from 30 acres to 20 acres.

The Municipal Planner suggests to include in the OCP the changes received from Private Managed Forest Land Council.

Corrections on all maps should be amended. **The Planner advises that the changes will be made.**

Chapter 10 – Regional Context Statement – changes

Page 61

remove: The Local Government Act requires municipalities to adopt a “regional context statement” ~~by August 2005.~~

Page 61

from: While there are areas of consistency, there are a few areas of inconsistency.
to: The Highlands OCP 2005 is generally consistent with the Regional Growth Strategy.

Page 62

1.1 Inconsistencies Column
from: Highlands Servicing Boundary does not match the RUCSPA.
to: The RUCSPA be amended to match the proposed Highlands servicing boundary.

Page. 62

1.2
Inconsistencies Column –
remove: ~~Policy 2.2 states: “Council will amend the zoning bylaw to change the lot area requirements for subdivision from 12 hectares (30 acres) to 8 hectares (20 acres) in the R1, R4, GB1 and GB2 zones in accordance with Map 2.2” This policy, if Council acts upon it, would change the build-out of the Highlands by a maximum of 2% from approximately 1,000 single family dwelling lots to 1,020). Council feels that this policy represents a balance of views from all residents.~~

Page 62 1.2

Resolution of Inconsistencies Column -

remove: ~~-.The District of Highlands intends to apply for an RGS amendment that uses the 2005 designated OCP capacity level instead of the previous OCP (1997) capacity level.
-.Public input to this OCP update indicated a desire to allow for some development of the rural properties. Changing the lot area requirement from 30 to 20 acres in the rural zones was an attempt to balance all residents' wishes for the longer term.~~

Page 63 3.2 Consistencies Column – second bullet

remove: Policies 2.2(17), (18) and (20) work together to allow for the possibility of secondary residences, with restrictions for family members. This may only be considered once a reasonable understanding of the groundwater supply for the Highlands has been undertaken, and a plan for “legalizing” all illegal suites is developed.

MOTION NO. 453/05

MOVED BY: COUNCILLOR CARDINAL

SECONDED: COUNCILLOR KADAR

THAT the Council meeting continue past 10:30 p.m.

CARRIED.
(COUNCILLOR MENDUM OPPOSED)

MOTION NO. 454/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR KADAR

THAT Council give first reading to the “OCP Bylaw No. 277, 2005”

CARRIED.
(COUNCILLOR MENDUM OPPOSED)

MOTION NO. 455/05

MOVED BY: COUNCILLOR K. BROTHERSTON

SECONDED: COUNCILLOR KADAR

THAT Council give second reading to the “OCP Bylaw No. 277, 2005”

CARRIED.
(COUNCILLOR MENDUM OPPOSED)

MOTION NO. 456/05
MOVED BY: COUNCILLOR K. BROTHERSTON
SECONDED: COUNCILLOR KADAR

THAT Council set a Public Hearing date of October 26, 2005 to be held at the West Fire Hall at 7:00 p.m.

CARRIED.

10. ADJOURNMENT

MOTION NO. 457/05
MOVED BY: COUNCILLOR MCPHERSON
SECONDED: COUNCILLOR K. BROTHERSTON

THAT the Regular Meeting of Council adjourn and move into an "In-Camera" Special Council Meeting at 10:45 p.m., pursuant to Section 90(a) of the *Community Charter*, to discuss financial issues.

CARRIED.

MAYOR

ADMINISTRATOR