



DISTRICT OF HIGHLANDS
MINUTES OF THE
REGULAR COUNCIL MEETING

Monday, March 3, 2008 @ 7:07 p.m.
SCHOOL HOUSE, 1589 MILLSTREAM ROAD

PRESENT:

Mayor M Cardinal, Chair
Councillor K Brotherston
Councillor A Fall
Councillor Kadar
Councillor M Mahovlich
Councillor J Mendum
Councillor K Williams

IN ATTENDANCE:

Chris Coates, CAO
Laura Beckett, Planner
Tina Neurauter, Deputy Corporate Officer
16 members of the public were present

1. Approval of the Agenda

MOTION: 76 / 2008
MOVED BY: COUNCILLOR KEN BROTHERSTON
SECONDED: COUNCILLOR JOE KADAR

THAT the agenda be approved as amended:

Under item No. 2 PETITIONS AND DELEGATIONS add:

Marci McLean

CARRIED

2. PETITIONS AND DELEGATIONS

1. Presentation to the Stone Family
RE: THE GRANTING OF THE HIGHLANDS MEDAL OF HONOUR TO MR. DEREK STONE

Mayor Cardinal presented the Stone Family with the Highlands Medal of Honour – Community Service on behalf of their late father, Mr. Derek Stone.

2. Mr. Les Bjola – Bear Mountain Master Partnership
RE: PROPOSED DEVELOPMENT VARIANCE PERMIT

Mr. Les Bjola was in attendance at the meeting and addressed Council regarding his current development variance permit applications. His comments to Council addressed his concerns regarding the proposed Local Area Service Establishment for riparian area maintenance and monitoring.

Marcie McLean, 1321 Millstream Road, asked if the Phase 1 Bear Mountain would be directed by the contents of the 1997 OCP.

3. ADOPTION OF THE MINUTES

- a) Regular Meeting of Council – February 18, 2008

MOTION: 77 / 2008
MOVED BY: COUNCILLOR ANDREW FALL
SECONDED: COUNCILLOR KEN BROTHERSTON

THAT the minutes of the regular meeting of Council dated February 18, 2008 be adopted.

CARRIED

4. REPORTS OF COMMITTEES, COMMITTEE OF THE WHOLE & COMMISSIONS**a) Committee Reports**

- i) Advisory Planning Commission (Cllr. Brotherston) – Nothing to report.
- ii) CRD Arts Committee (Cllr. Fall) – Nothing to report.
- iii) Emergency Planning Committee (Cllr. Fall) – Nothing to report.

- iv) Greater Victoria Family Court Committee (Cllr. Mahovlich) – Councillor Mahovlich spoke regarding the final report from the Victoria Family Court & Youth Justice Committee Youth Matters Sub-Committee. This report was produced by Marcela Y. Mrnka. Councillor Mahovlich read a section from recommendations found in the executive summary.
- v) Greater Victoria Public Library Board (Cllr. Kadar) – Nothing to report.
- vi) Inter-Municipal Committee on Disability Issues (Cllr. Kadar) – Nothing to report.
- vii) Solid Waste Advisory Committee (Cllr. Kadar) – Nothing to report.
- viii) Western Communities Policing Advisory Committee (Cllr. Mendum) – Nothing to report.
- ix) Groundwater Task Force (Cllr. Mahovlich) – Recommendations from task force should be coming to the Committee of the Whole meeting in June/ 08.
- x) CREST (Cllr. Fall) - Councillor Fall reported that CREST is proceeding with system improvements.
- xi) CRD Water (Cllr. Brotherston) - Nothing to report.
- xii) Juan de Fuca Water (Cllr. Brotherston) – Nothing to report.

b) Mayor's Report

- xiv) CRD Board – Nothing to report.
- xv) CRD Committees

Parks – Councillor Mahovlich reported on the establishment of a comprehensive management program for invasive species; this program will only address invasive plant species not the American bull frog. The committee has been invited to tour the E&N Rail Trail on April 30, 2008. Salt Spring Island has put in a request for \$50,000 toward the survey and design work for a 1.5 kilometre shoulder lane bikeway in the North Ganges portion of the Fulford Harbour-Ganges-Vesuvius.

Environment – Councillor Mahovlich reported on the plastic bag issue before the CRD Board. An all out ban was not favored.

West Shore Parks and Recreation – Issues discussed at the February 21, 2008 meeting were the re-branding of the Juan de Fuca Parks and Recreation Society to the West Shore Parks and Recreation Society. Also discussed was the new sign for the front entrance.

5. RATIFICATION OF COMMITTEE RECOMMENDATIONS**6. INTRODUCTION OF LATE ITEMS****7. UNFINISHED BUSINESS**

1. Letter – Minister Pat Bell, Ministry of Agriculture and Land
RE: MILLSTREAM MEADOW SITE

Councillor Mahovlich updated Council regarding this issue. Councillor Mahovlich believes that the Minister will be making a formal announcement on this issue in late March.

MOTION: 78 /2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT the letter from Minister Pat Bell regarding the Millstream Meadow site be received.

CARRIED

2. Report – Laura Beckett, Planner – February 26, 2008
RE: BEAR MOUNTAIN MASTER PARTNERSHIP - DVP -02-07 APPLICATION SUMMARY

There was a lengthy discussion around the table regarding this development variance permit application. Issues discussed were the proposed “gift back” of land and the establishment of a Local Area Service.

MOTION: 79 /2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Council add the following condition in section 5 of draft development variance permit DVP-02-07:

- “The lands referenced by N. Roger Parry, BCLS of FOCUS in his letter to the District of Highlands dated February 20, 2008, and as detailed on drawing NO. 011970-22SK3 submitted with this letter, both of which form part of this Permit, be restricted from the siting of buildings and the undertaking of earth-works by way of a restrictive covenant in favour of the Highlands to compensate the riparian land area varied as a result of this Permit”

AND FURTHER THAT Council approve, but withhold issuance pending finalization of the CRD’s Regional Growth Strategy proposed amendment, Development Variance Permit DVP-02-07 (*version attached to March 3, 2008 staff report as herein amended*) pertaining to:

- Section 16, Highland District, Except that Part in Plan VIP72555 – PID 009-861-866
- Section 5, Range 4 West, Highland District, Except Parts in Plans VIP60675, VIP67875, and VIP75584 – PID 009-861-815
- Lot A, Section 4, Range 4 West, Highland District, Plan VIP70021 (see Plan as to Limited Access) Except that Part in Plan VIP75586 – PID 024-672-092

(“Bear Mountain Phase 1 Subdivision”)

As shown on the attached Figure 2, dated November 2007 from ENKON Environmental, which shall form Schedule A of the permit and that would vary Zoning Bylaw 100 as follows:

In Section 3.3 (1) Riparian Area Regulations for the construction of buildings or structures:

From: “within 30m of the natural boundary of any watercourse”

To: “no closer than

- 10m from the natural boundary of the area marked as R6 on Figure 2,
- 2m from the natural boundary of the area marked as R5 on Figure 2,
- 20m from the natural boundary of the areas marked as R1, R2, R3, and R4 on Figure 2.

CARRIED

OPPOSED: COUNCILLOR FALL
COUNCILLOR MENDUM
COUNCILLOR WILLIAMS

3. Report – C. D. Coates, Chief Administrative Officer – February 27, 2008
RE: PROPOSED BEAR MOUNTAIN STAGE 1 SUBDIVISION –
LOCAL AREA SERVICE ESTABLISHMENT FOR RIPARIAN AREA MAINTENANCE AND MONITORING

MOTION: 80 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

THAT the approval of the development variance permit is conditional on the basis that the landowner petition the District to establish a Local Area Service including all lands in Stage 1 of the proposed development to levy taxes for all costs associated with the management, monitoring, maintenance and enforcement of the riparian corridors 20 metres adjacent to the natural boundary of each stream within the boundaries of the Stage 1 development. Further that staff not issue any development permits for works associated with Stage 1 of the proposed development until such time as the local area service petition has been received and is authenticated.

MOTION: 81 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT the above motion be deferred to a future Committee of the Whole meeting.

CARRIED

OPPOSED: COUNCILLOR FALL
COUNCILLOR MENDUM
COUNCILLOR WILLIAMS

MOTION: 82 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM

THAT staff contact the Habitat Acquisition Trust (HAT) to see if there may be an interest regarding management, monitoring, maintenance, and ownership on conservation lands for the entire project and report these finding back to Council.

CARRIED

8. CORRESPONDENCE

- a) LETTER – Laura Taylor, M.Sc., CRD - December 20, 2007
RE: MILLSTREAM MEADOWS
- b) UBCM NOTICE – February 20, 2008
RE: 2008 PROVINCIAL BUDGET
- c) LETTER – Kerri Lore, D/City Clerk, City of Coquitlam – January 28, 2008
RE: MUNICIPAL FISCAL IMBALANCE
- g) UBCM NOTICE - February 14, 2008
RE: EXCERPTS FROM THE THRONE SPEECH
- h) LETTER – Richard Stanwick M.D. – February 11, 2008
RE: SMOKE FREE PREMISES POLICY

MOTION: 83/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT correspondence a), b), c), g), and h) be received for information.

CARRIED

- d) LETTER – Councillor Day, City of Colwood – February 5, 2008
RE: POSSIBLE JOINT MUSEUM/ARTS AND CULTURAL CENTRE

MOTION: 84/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR FALL

THAT the letter from Councillor Day, City of Colwood, regarding the possible joint museum/art and cultural centre be forwarded to the Community Centre Task Force for consideration.

CARRIED

- e) LETTER – Marnie Essery, Chair, IACDI – January 29, 2008
RE: RESOLUTION – 10 BY 10 CHALLENGE

MOTION: 85/ 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR BROTHERSTON

THAT the District of Highlands Council endorse the 10 by 10 Challenge and pass the following resolution:

That the Intermunicipal Advisory Committee on Disability Issues (IACDI) be appointed as the District of Highland's "Measuring Up Committee"; and

WHEREAS: Person with disabilities are under-represented in our workforce and in our community life;

WHEREAS: Individuals with disabilities represent an untapped resource with the ability and desire to fully participate in their community and economy;

WHEREAS: The 2010 Winter Olympic and Paralympics Games should benefit all British Columbians and provide long-term legacies;

WHEREAS: The citizens of British Columbia support the ideal that:

- Our communities are inclusive and accessible to all citizens, including persons with disabilities;
- All citizens have equal opportunity to share fully and equally in the life and prosperity of the community; and
- British Columbia leads the way in providing supports and opportunities for people with disabilities.

THEREFORE BE IT RESOLVED THAT the District of Highlands join the 10 x 10 Challenge and work with the Minister's Council on employment for Person with Disabilities to help meet the target of increasing employment for persons with disabilities by 10% by 2010.

CARRIED

- f) UBCM NOTICE - February 28, 2008
RE: FEDERAL BUDGET - 2008

MOTION: 86/ 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR BROTHERSTON

THAT the February 28, 2008 UBCM Notice be received.

CARRIED

Correspondence for Action

- i) LETTER – Nils Jensen, Chair Regional Water Supply Commission – February 14, 2008
RE: AMERICAN BULLFROGS

MOTION: 87/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT the District of Highlands write a letter to the Ministry of Environment requesting a funding contribution to the American bullfrog eradication program in the west shore control corridor, and that this item be forwarded to the 2008 budget discussions.

CARRIED

- j) LETTER – West Shore Chamber of Commerce – January 22, 2008
RE: WEST SHORE BRANDING – SUPPORT

MOTION: 88/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT Mayor Cardinal attend the next West Shore Chamber of Commerce meeting and report back to Council regarding the proposed West Shore branding.

CARRIED

9. BYLAWS

- 1) Memo – Deputy Corporate Officer – February 11, 2008
RE: BYLAW – Proposed West Shore Parks and Recreation Society Fees and Charges Bylaw

MOTION: 89 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MAHOVLICH

THAT Bylaw No. 303, being the West Shore Parks and Recreation Society Fees and Charges Bylaw No. 303, 2008 be given FIRST READING.

CARRIED

MOTION: 90 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT Bylaw No. 303, being the West Shore Parks and Recreation Society Fees and Charges Bylaw No. 303, 2008 be given SECOND READING.

CARRIED

MOTION: 91 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR BROTHERSTON

THAT Bylaw No. 303, being the West Shore Parks and Recreation Society Fees and Charges Bylaw No. 303, 2008 be given THIRD READING.

CARRIED

- 2) BYLAW – DISTRICT OF HIGHLANDS BYLAW NO. 300 TO REGULATE ROADS AND TRAFFIC
RE: PROPOSED ROADS AND TRAFFIC REGULATION BYLAW NO. 300

MOTION: 92 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Bylaw No. 300, being the District of Highlands By-Law No. 300 to Regulate Roads and Traffic be given FINAL READING.

CARRIED

10. NEW BUSINESS

- 1) Authorize Council member(s) attendance at the 2008 AVICC Convention, Langford, BC

MOTION: 93 / 2008
MOVED BY: COUNCILLOR BROTHERSTON
SECONDED: COUNCILLOR KADAR

THAT interest Council members be approved to attend the 2008 AVICC Convention.

CARRIED

- 2) Letter – Carmen Thiel, Corporate Officer – February 18, 2008
 RE: CRD BYLAW No. 3510
Capital Regional District Climate Action and Adaptation Service Establishment Bylaw, 2008

MOTION: 94 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MAHOVLICH

THAT Council of the District of Highlands give CONSENT to CRD Bylaw No. 3510, Capital Regional District Climate Action and Adaptation Service Establishment Bylaw, 2008.

CARRIED

MOTION: 95 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM

THAT this item be forwarded to the Fiscal and Environmental Select Committee for information.

CARRIED

11. ADJOURNMENT

MOTION: 96/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT the Council meeting of March 3, 2008 adjourn at 8:41 p.m. and that the meeting be closed to the public and convene In-Camera under the authority of the *Community Charter* Section 90 (1)(f) law enforcement and Section 90 (e) acquisition of land.

CARRIED

Mayor

Deputy Corporate Officer