



DISTRICT OF HIGHLANDS  
MINUTES OF THE  
REGULAR COUNCIL MEETING

Monday, August 18, 2008 @ 7:13 p.m.  
SCHOOL HOUSE, 1589 MILLSTREAM ROAD

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**PRESENT:**

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

**ABSENT**

Councillor K Brotherston

**IN ATTENDANCE:**

Laura Beckett, Planner  
17 members of the public were present

**1. Approval of the Agenda**

**MOTION:** 303 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR KADAR

THAT Dr. Cooper's request to present information to Council during Petitions and Delegations NOT be permitted due to potential legal implications

DEFEATED

**OPPOSED:** COUNCILLOR FALL  
COUNCILLOR MENDUM  
COUNCILLOR WILLIAMS

**MOTION:** 304 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR WILLIAMS

THAT Dr. Cooper be allowed to present his information during Petitions and Delegations

DEFEATED

**OPPOSED:** MAYOR CARDINAL  
COUNCILLOR KADAR  
COUNCILLOR MAHOVLICH

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**MOTION:** 305 / 2008  
**MOVED BY:** COUNCILLOR KADAR  
**SECONDED:** COUNCILLOR MAHOVLICH

THAT the agenda be approved as amended:

REMOVE 9d);

ADD under **Petitions and Delegations** Elaine Limbrick, Marcie McLean, Karel Roessingh, Bob McMinn, and Michael Bocking;

ADD an **In-Camera item** – Potential bylaw issue for an identifiable property.

CARRIED

## 2. PETITIONS AND DELEGATIONS

Elaine Limbrick, 3836 Munn Road, spoke regarding an event for the Highlands Green Mapping Project on Sunday, September 21, between 11 a.m. and 4 p.m. when a draft map will be presented to the public for comments, corrections, additions, and suggestions that will help finalize the map before its publication. Ms. Limbrick expressed honour to Nancy McMinn, and thanks to all members of the Highlands Green Mapping Group, Highlands Council, the Highlands District Community Association, Common Ground Community Mapping, Life Cycles Project Society, the West Shore Arts Council and the University of Victoria.

Marcie McLean, 1321 Millstream Road, requested that the July 21, 2008 Council Meeting Minutes be corrected to show that she did not speak during petitions and delegations that evening. She also had a question as to who would pay for the West Shore Parks and Recreation Society's proposed referendum. The Mayor responded that it likely be all member municipalities.

Karel Roessingh, 2639 Munn Road, submitted a compact disc recording of noise created by the Williams Scrap Metal operation. The recording was made 50 yards into his property from the road. He stated that this intensity of constant noise has occurred for the past 18 months, between 8 a.m. and 5 p.m. daily except for Sundays. He further explained that the peace of his neighbourhood has effectively been destroyed, and that his home-based recording business has suffered as a result of the constant noise. On a different topic, Mr. Roessingh explained that this week is World Water Week, and that he would like to know how much aquifer water Bear Mountain uses. He explained his search to try to find out, only to have no answer.

There was discussion about this among Council, and it was generally agreed that it should be referred to staff to gain the information.

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Mayor Cardinal reported that the Province announced today that Highlands would receive \$400,000 toward a Community Hall and Museum from the Towns for Tomorrow Grant Program. He expressed thanks to the Community Hall Task Force for their work towards the grant.

Bob McMinn, 499 Millstream Road, on behalf of the Highlands Parks and Recreation Society, showed the final drawing of the improvements to the ball field at Twinflower Park and reported to Council regarding the requested public consultation for the ball field upgrade. The project is expected to be completed by March 2009. Mr. McMinn's presentation to Council is attached to these minutes. Councillor Mahovlich suggested that at a minimum sod be placed around the perimeter of the field to prevent run-off during the winter months.

Michael Bocking, 405 Hazlitt Creek Road, commented on the recently received \$400,000 grant from Towns for Tomorrow.

### **3. ADOPTION OF THE MINUTES**

a) Council – July 21, 2008

**MOTION: 306 / 2008**  
**MOVED BY: COUNCILLOR FALL**  
**SECONDED: COUNCILLOR MAHOVLICH**

THAT the minutes of Council dated July 21, 2008 be adopted as amended:

REPLACE "Marcie McLean" with "Colleen Robertson" under section 1 "Approval of Agenda"

CARRIED

b) Community Centre Task Force

**MOTION: 307 / 2008**  
**MOVED BY: COUNCILLOR KADAR**  
**SECONDED: COUNCILLOR MENDUM**

THAT the minutes of the Community Centre Task Force dated July 29, 2008 be received

CARRIED

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

- i) Advisory Planning Commission (Cllr. Williams) – The Hanington Creek Estates rezoning application was the subject of the meeting. Items that would be accommodated as a result of the application included: setbacks for projections from buildings (ex. eaves), recreational vehicle parking, allowing for full basements on some lots due to slopes. While the land-owner indicated that there would likely not be any more rezonings to accommodate site issues, he acknowledged that a rezoning would be required should they choose to change the current septic field areas into residential lots.
- ii) CRD Arts Committee (Cllr. Fall) – Councillor Fall discussed the CRD Arts Service, and that a sub-committee would be submitting recommendations to the Arts Committee at the next meeting.
- iii) Emergency Planning Committee (Cllr. Fall) – Nothing to report.
- iv) Greater Victoria Family Court Committee (Cllr. Williams) – Nothing to report.
- 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) – There is an item later on the agenda.
- x) CREST (Cllr. Fall) – The next meeting is Wednesday, August 20, 2008.
- xi) CRD Water (Mayor Cardinal) – Nothing to report.
- xii) Juan de Fuca Water (Cllr. Kadar) – Nothing to report.

**b) Mayor's Report**

Thanks and appreciation to all fire fighters who responded to the fire on White Pine Terrace. A total of four departments were involved – Highlands, Langford, View Royal and Willis Point.

CRD Board – The Board discussed the amendment to the Urban Containment Boundary, the report was received as the facilitation process is now completed without a solution. The Province is to be advised that CRD Board recommends that the RGS Amendment be referred to the 5 year review.

CRD Committees

Parks – There will be a meeting Wednesday, August 20, 2008 at 10 a.m. to announce the acceptance of the addition to Mount Work Park at the Ross-Durrance Road Entrance to Mount Work Park.

Environment – Nothing to report

West Shore Parks and Recreation – Closure of velodrome was discussed at the last meeting including the closure of it. The field has now been closed due to liability issues concerning the condition of the turf.

## 6. RATIFICATION OF COMMITTEE RECOMMENDATIONS

### a) Advisory Planning Commission – August 7, 2008

#### i) Referral – RZ-04-08 – Hanington Creek Estates

MOTION: 308 / 2008  
 MOVED BY: COUNCILLOR FALL  
 SECONDED: COUNCILLOR WILLIAMS

**THAT** it be recommended to Council:

That the APC supports the application for revisions to the RR13 Zone and that council note the APC's concerns regarding potential soil slippage in steep slope areas.

CARRIED

### b) Community Centre Task Force – Opinion Referendum – July 29, 2008

#### i) Opinion Referendum

MOTION: 309 / 2008  
 MOVED BY: COUNCILLOR FALL  
 SECONDED: COUNCILLOR WILLIAMS

THAT Council authorize the inclusion of an opinion referendum question regarding community support for the proposed Community Centre be asked at the time of the Local Government Election (November 15, 2008) and that the wording be approved at the next regularly scheduled Council meeting of September 15, 2008.

DEFEATED

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**OPPOSED:** COUNCILLOR KADAR  
COUNCILLOR MAHOVLICH  
MAYOR CARDINAL

**MOTION:** 309 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR MAHOVLICH

THAT Council receive the motion put forward by the Community Centre Task Force regarding a proposed opinion referendum question.

CARRIED

The motion from the Task force is as follows:

PRO That since voter turn out is generally high in the Highlands, the November Municipal election is an ideal opportunity to gauge the broad public attitude towards a community centre in a controlled and timely way.

CON It is doubtful that there is sufficient information at this point to inform adequately the public, particularly with respect to development and operational costs and grants, to justify a useful referendum question.

## **7. UNFINISHED BUSINESS**

- a) PROPOSED REFERENDUM QUESTION – WEST SHORE PARKS AND RECREATION  
REFERRED FROM JULY 21, 2008 COUNCIL MEETING

**MOTION:** 310 / 2008  
**MOVED BY:** COUNCILLOR KADAR  
**SECONDED:** COUNCILLOR MAHOVLICH

THAT Council support a referendum question being asked at the time of the Local Government Election regarding the proposed infrastructure at the West Shore Parks and Recreation.

DEFEATED

**OPPOSED:** COUNCILLOR WILLIAMS  
COUNCILLOR FALL  
COUNCILLOR MENDUM

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**8. CORRESPONDENCE**

- a) Letter – Marcie McLean – August 13, 2008  
RE: PROPOSED HIGHLANDS COMMUNITY CENTRE

**MOTION:** 311/ 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR MENDUM

THAT the letter be received.

CARRIED

- b) Letter – Greater Victoria Velodrome Association – August 11, 2008  
RE: WESTSHORE PARKS AND RECREATION STADIUM PROPOSAL

**MOTION:** 312/ 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR MENDUM

THAT the letter be received.

CARRIED

**9. BYLAWS**

- a) BYLAW NO. 307  
RE: WEST SHORE PARKS AND RECREATION FEES AND CHARGES BYLAW NO. 307, 2008

**MOTION:** 313 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR FALL

THAT Bylaw No. 307, being the “West Shore Parks and Recreation Fees and Charges Bylaw No. 307, 2008” be given FINAL READING.

CARRIED

- b) BYLAW NO. 308  
RE: HIGHLANDS ZONING AMENDMENT BYLAW NO. 308, 2008

There was general discussion that the fencing requirements to surround the property may be excessive. It was pointed out that to remove this requirement from the zone would put the proposed bylaw back to first reading and necessitate a new public hearing. The applicant indicated that time was of the essence. Council generally agreed that they supported the removal of this requirement. Staff advised that an alternative to amending the bylaw would be for the applicant to apply for a development variance permit in this regard. Council generally agreed that the minutes should show support for such an application.

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**MOTION:** 314 / 2008  
**MOVED BY:** COUNCILLOR KADAR  
**SECONDED:** COUNCILLOR MAHOVLICH

THAT Bylaw No. 308, being the “Highland Zoning Amendment Bylaw No. 308” be given THIRD READING.

CARRIED

**MOTION:** 315 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR MENDUM

THAT Bylaw No. 308, being the “Highland Zoning Amendment Bylaw No. 308” be given FINAL READING.

CARRIED

**The Mayor left the meeting at 8:55 p.m. due to a direct pecuniary interest in the following item.**

**Councillor Ken Williams as Acting Mayor assumed the Chair.**

- c) BYLAW NO. 309  
RE: HIGHLANDS ZONING AMENDMENT BYLAW NO. 309, 2008

**MOTION:** 316 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR MENDUM

THAT Bylaw No. 309, being the “Highland Zoning Amendment Bylaw No. 309” be given THIRD READING.

CARRIED

**MOTION:** 317 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR MENDUM

THAT Bylaw No. 309, being the “Highland Zoning Amendment Bylaw No. 309” be given FINAL READING.

CARRIED

**10. NEW BUSINESS**

- a) Report – Approving Officer  
RE: TEMPORARY INDUSTRIAL USE PERMIT – 1943 MILLSTREAM ROAD

**MOTION:** 318 / 2008  
**MOVED BY:** COUNCILLOR FALL  
**SECONDED:** COUNCILLOR MENDUM

THAT Temporary Industrial Use Permit – TP-01-08 be authorized for issuance.

CARRIED

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**Mayor Cardinal returned to the meeting at 9:12 p.m. and assumed the Chair.**

- b) Report – Municipal Planner  
RE: REQUEST FOR FUNDING FOR DATA LOGGERS FOR FOUR MONITORING WELLS

Councillor Mahovlich noted that the request would make the Groundwater Study more accurate.

**MOTION: 319 / 2008**  
**MOVED BY: COUNCILLOR FALL**  
**SECONDED: COUNCILLOR MENDUM**

That Council authorize \$7,800 be allocated from Gas Tax Money and from Councillor Brotherston's forfeited stipend for the purchase and installation of four electronic data logger, AND FURTHER THAT Council authorize staff to use Golder Associates to complete the work.

CARRIED

- c) Report – Municipal Planner  
RE: RZ-01-08 – 889 FINLAYSON ARM ROAD

There was discussion regarding whether or not the bylaw could be written as an amenity bylaw based on the fact that the owner/applicant is only willing to offer an amenity if the proposed new lots are sold to non-family members, and that a zoning bylaw has no control over land ownership. There was also discussion regarding referring the application back to the committees and the Advisory Planning Commission.

**MOTION: 320 / 2008**  
**MOVED BY: COUNCILLOR MAHOVLICH**  
**SECONDED: COUNCILLOR KADAR**

That rezoning application RZ-01-08, 889 Finlayson Arm Road, be referred back to staff to determine if and how a bylaw may be written with respect to family members not providing an amenity and presenting a bylaw, if possible.

DEFEATED

**OPPOSED: COUNCILLOR WILLIAMS**  
**COUNCILLOR FALL**  
**COUNCILLOR MENDUM**

**MOTION: 321 / 2008**  
**MOVED BY: COUNCILLOR MENDUM**  
**SECONDED: COUNCILLOR FALL**

That staff report back to Council on the amenity question at the next Council meeting.

CARRIED

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**MOTION: 322 / 2008**  
**MOVED BY: COUNCILLOR FALL**  
**SECONDED: COUNCILLOR WILLIAMS**

That the previous motion be amended to include “and that rezoning application RZ-01-08, 889 Finlayson Arm Road, be referred back Committees and the Advisory Planning.”

CARRIED

**OPPOSED: MARK CARDINAL**

The motion as amended was adopted, with the final wording being as follows:

That staff report back to Council on the amenity question at the next Council meeting and that rezoning application RZ-01-08, 889 Finlayson Arm Road, be referred back Committees and the Advisory Planning.

CARRIED

- d) Report – Municipal Planner AND Bylaw No. 310  
RE: RZ-04-08 – HANINGTON CREEK ESTATES

**MOTION: 323 / 2008**  
**MOVED BY: COUNCILLOR MAHOVLICH**  
**SECONDED: COUNCILLOR KADAR**

THAT Bylaw No. 310, being the “Highland Zoning Amendment Bylaw No. 310” be given FIRST READING.

CARRIED

**MOTION: 324 / 2008**  
**MOVED BY: COUNCILLOR MAHOVLICH**  
**SECONDED: COUNCILLOR KADAR**

THAT Bylaw No. 310, being the “Highland Zoning Amendment Bylaw No. 310” be given SECOND READING.

CARRIED

**MOTION: 325 / 2008**  
**MOVED BY: COUNCILLOR MAHOVLICH**  
**SECONDED: COUNCILLOR MENDUM**

THAT Council authorize staff to schedule a Public Hearing for Bylaw No. 310, being the Highland Zoning Amendment Bylaw No. 310 for September 15, 2008 at 7:00 p.m. immediately preceding the Regular Council Meeting at the School House, 1589 Millstream Road, Highlands, B.C.

CARRIED

- e) Report – Municipal Planner  
RE: RZ-05-08 – 5247 MUNN ROAD

The applicant, Marie Brotherston, addressed Council expressing that the application is for estate planning purposes and to receive bank recognition of the two homes on the property. She provided an explanation regarding the need to create a lot around the Gregory House, which would result in proposed lot 2. It was acceptable to the owners and applicant that a covenant be placed on this proposed lot 2 to restrict it from residential use.

**MOTION:** 326 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR KADAR

That Council direct staff to send the application to the APC and the Select Committees, and to draft a bylaw to amend Highland Zoning Bylaw to accomplish the application, AND FURTHER THAT the results of both these actions be brought back to Council at the October 6, 2008 Council Meeting.

CARRIED

- f) Report – Councillor Mendum  
RE: Single Transferable License Plate

Councillor Mendum advised that she had drafted a letter regarding single transferable license plates. She noted that this would be a “carrot rather than stick” approach, and had been discussed for many years. Councillor Mendum also suggested requesting ICBC’s input.

**MOTION:** 327 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR FALL

That Council direct staff to send a letter to the Ministry of Public Safety and the Solicitor General, and to copy it to ICBC requesting feedback of a single transferable license plate to offer British Columbia drivers a lower cost option.

CARRIED

- g) Report – Councillor Mendum  
RE: Regional Growth Strategy Amendment

**MOTION:** 328 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR WILLIAMS

That Council direct staff to send a letter to LGB9 on the scenarios from the Regional Growth Strategy facilitator’s report.

CARRIED

**OPPOSED:** COUNCILLOR MAHOVLICH

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- h) Report – CAO Memorandum  
RE: Disposition of Pumper Truck

**MOTION:** 329 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR FALL

That Council approve the donation of the 1978 International Pumper Truck to the Horsefly Volunteer Fire Department.

CARRIED

- i) Report – Administrative Assistant  
RE: BUILDING REPORT – JULY 2008

**MOTION:** 330 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR FALL

That the July, 2008 Building Report be received.

CARRIED

- k) IN CAMERA MEETING

**MOTION:** 331 / 2008  
**MOVED BY:** COUNCILLOR MAHOVLICH  
**SECONDED:** COUNCILLOR MENDUM

That Council move In Camera to discuss an item pursuant to Community Charter section: 90(1) (g) litigation or potential litigation affecting the municipality.

CARRIED

## 11. ADJOURNMENT

**MOTION:** 232 / 2008  
**MOVED BY:** COUNCILLOR MENDUM  
**SECONDED:** COUNCILLOR FALL

To adjourn the Regular Council Meeting of Council at 10:05 p.m. and that the meeting be closed to the public and convene In-Camera under the authority of the *Community Charter* Sections 90(1) (g) litigation or potential litigation affecting the municipality.

CARRIED

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Mayor

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Acting Corporate Officer

Attachment...

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To: Mayor and Council, District of Highlands  
From: Bob McMinn, Chair, Highland Parks and Recreation Association  
Re: Public consultation regarding upgrading Twinflower ball fields  
Date: 18 August 2008

As required by council motion 244/2008, the Parks and Recreation Association held an “open house” on the Twinflower ballfield at 2 pm, Sunday August 3 and at 7 pm, Tuesday August 5. Notices were posted on the mail boxes to advertise these opportunities for neighbours and other Highlands residents to come and express their concerns and suggestions for their amelioration. The Association relied on the jungle telegraph for word to get around to those who had not seen the mail box notices.

Over the course of the two days, representatives from the two closest neighbouring families and another more distant family came to express their concerns. Support was expressed by representatives from four other families.

The Association is sympathetic to the downside of the existing field as far as the immediate neighbours are concerned. It is problematic whether upgrading the ball field will significantly increase the downside of after dark misuse of the parking lot. More use of the fields for games would increase traffic. This effect can be mitigated by increasing vegetation screening along the lock block wall and edge of the parking lot. The Association undertakes to do this in conjunction with the owners to the north of the field. Sufficient funds will be retained within the budget for vegetation enhancement.

A method of mitigating the negative effects of improper use of the parking lot would be to gate the entrance right at Millstream Road. The Association is making contact with the contractor who opens and closes the gate to the Gowlland Park on Caleb Pike Road West to determine the feasibility and cost of servicing a gate for the Highlands. Excluding motorized donut artists from the lot and the users of loud radio signals accompanying the consumption of beer etc, should significantly improve the present situation.

Concern was also expressed that the current method of lighting the Fire Hall sends light across the road to the detriment of neighbours. This might be reduced by screening which could still allow illumination of the fire hall lot without light crossing the road.

The Association has not contacted neighbours from Timber Glen, none of whom came to the open houses. A neighbour from Deerfield came to express support for the upgrade.

The Association is eager to include the mitigations outlined and any other feasible actions. The Association does not think shelving the upgrade is in the long term interest of the Highlands community. 1st Team’s cost estimate for the engineering plan developed is within budget, including the pop up irrigation system. We are awaiting the successful contractor’s bid, but are confident it will also be within budget.

I shall be pleased to answer any questions.