



**DISTRICT OF HIGHLANDS
MINUTES OF THE
REGULAR COUNCIL MEETING**

**Monday, October 20, 2008 @ 7:00 p.m.
SCHOOL HOUSE, 1589 MILLSTREAM ROAD**

PRESENT:

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

ABSENT

Councillor K Brotherston

IN ATTENDANCE:

Chris Coates, Chief Administrative Officer
Laura Beckett, Planner
Tina Neurauter, A/ Corporate Officer
20 members of the public

1. APPROVAL OF THE AGENDA

**MOTION: 366 /2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MENDUM**

THAT the agenda be approved as amended:

UNDER PETITIONS AND DELEGATIONS ADD: Marcie McLean, Vicky Husband, Daphne Williams, Michael Bocking, Colleen Robertson and Alan McNaul.

CARRIED

2. PETITIONS AND DELEGATIONS

Marcie McLean, 1321 Millstream Road, addressed Council and expressed her appreciation for their efforts over the last three years.

Daphne Williams, 3422 Verona Crescent, addressed Council regarding two issues; she felt that the audience did not have an opportunity to speak at the Committee of the Whole meeting of October 15, 2008 and regarding what she felt was unacceptable behavior at the Council table.

Alan McNaul, 750 Hanington Road, addressed Council regarding his concerns about his property not being included in the District of Highlands RGS amendment proposal. He felt he may have made different choices when he purchased his property a year ago had he know this.

Vicky Husband, 301 Ross Durrance Road, congratulated the organizer of the Highland Pioneer Reunion. Ms. Husband stated that she was disappointed that the audience members did not have a chance to speak at the Committee of the Whole meeting of October 15, 2008. She also made many comments regarding statement from Council members and addressed the Mayor's proposal submitted to the Capital Regional District Board members.

Michael Bocking, 405 Hazlitt Creek Road, was in the audience and available for questions on behalf of Rezoning application RZ-01-08.

Colleen Robertson, 1835 Millstream Road, addressed Council regarding the lighting on the property around the School House. She hopes that it can be improved. She also commented on public recording the Council meetings and offered her comments regarding the proposed RGS amendment and the current process.

3. ADOPTION OF THE MINUTES

a) Council - October 6, 2008

MOTION: 367 / 2008
Moved by: COUNCILLOR MAHOVLICH
Seconded: COUNCILLOR FALL

THAT the minutes of Council dated October 6, 2008 be adopted.

CARRIED

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

a) Committee Reports

- i) Advisory Planning Commission (Cllr. Williams) – 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. 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, but the Committee will be looking at a timeline extension for the 10 x 10 grants.
- 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) – Draft report should be available by Wednesday, October 22 or Thursday, October 23, 2008. Scheduled for the Committee of the Whole meeting October 27, 2008.
- x) CREST (Cllr. Fall) – Phase 1 now complete, working on in vehicle repeaters now.
- xi) CRD Water (Mayor Cardinal) – Nothing to report, agenda package available for viewing at the District office.

b) Mayor's Report

CRD Board – The Regional Growth Strategy was discussed at the Board meeting. A Special Meeting has been scheduled for Wednesday, October 29, 2008 to further deal with this issue.

CRD Committees

Parks – 2009 Budget discussed at last meeting. \$20,000 for bull frog eradication.

Environment – Councillor Mahovlich will report Mr. McNaul's water concerns regarding well monitoring of his property.

West Shore Parks and Recreation – Letter of Understanding reached between the West Shore P & R and the Greater Victoria BMX Society.

5. RATIFICATION OF COMMITTEE RECOMMENDATIONS

a) COMMITTEE OF THE WHOLE – October 15, 2008

1) Rezoning Application RZ-05-08 – 5247 Munn Road

MOTION: 368 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR KADAR

THAT Council give consideration for First and Second Readings at the October 20, 2008 Regular Council meeting.

CARRIED

2) Regional Growth Strategy

a) Letter – Minister Blair Lekstrom – October 8, 2008
RE: RESPONSE TO LETTER OF OCTOBER 2, 2009

b) ARBITRATION PROPOSAL SUBMISSION

MOTION: 368 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MAHOVLICH

That these items be moved to the end of the agenda.

CARRIED

b) RISE AND REPORT FROM SPECIAL IN CAMERA - October 6, 2008

MOTION: 369 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

THAT the District is not able to pursue the alleged expansion of business issues relating to the possible non-conforming use of property at 2690 Munn Road at this time.

CARRIED

6. INTRODUCTION OF LATE ITEMS

7. UNFINISHED BUSINESS

a) Report – Municipal Planner
RE: Development Variance Permit Application DVP-04-08
(1931 Millstream Road)

MOTION: 370 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR MENDUM

THAT Council authorize issuance of Development Variance Permit DVP-04-08 pertaining to:

Lot A, Section 15, Highland District, Plan 16010 – 1931 Millstream Road

Varying Section 7.3D.4, subsection (1) and (2) of Highland Zoning Bylaw No. 100, 1998 as follows:

Fencing required along north side of property adjacent to residential property as shown in red on Attachment 1 to this permit.

CARRIED

- b) Report – Municipal Planner
RE: Rezoning Application RZ-01-08 – 889 Finlayson Arm Road

MOTION: 371 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

That Council direct staff to draft an appropriate Bylaw to accomplish the requested density;

That Council express support for a 2-party covenant with the intent to protect the hilltop area, as outlined in the applicant’s amended application;

That Council enter into a road Reservation agreement for the area previously noted as the emergency access; and

That Council express support for water storage for fire protection purposes.

CARRIED

MOTION: 372 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

That staff be directed to check with TLC regarding their interest in a conservation covenant on this property and in general and bring this information back to Council.

CARRIED

8. CORRESPONDENCE

9. BYLAWS

- a) BYLAW NO. 312
RE: BROTHERSTON REZONING APPLICATION RZ-05-08 – 5247 Munn Road

MOTION: 373 / 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR MAHOVLICH

That Council give Highlands Zoning Amendment Bylaw No. 312, 2008 FIRST READING.

CARRIED

MOTION: 374 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR FALL

That Council give Highlands Zoning Amendment Bylaw No. 312, 2008 SECOND READING.

CARRIED

MOTION: 375 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

That Council set a Public Hearing date for Highlands Zoning Amendment Bylaw No. 312, 2008 for Monday, December 15, 2008 immediately preceding the regularly scheduled Council Meeting at 7:00 p.m. in the School House.

CARRIED

MOTION: 376 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

That Council support in principle a covenant restricting residential use on proposed lot 2 (whereon the Gregory house would situate), and that this be a condition of subdivision approval.

CARRIED

10. NEW BUSINESS

- a) Report – CAO Memorandum
RE: TWINFLOWER PARK UPGRADE CONTRACT

MOTION: 376 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR FALL

That Council approve the Twinflower Park Upgrade Contract and that the Mayor and Chief Administrative Officer be authorized to execute the Agreement on behalf of the District.

CARRIED

- b) Report – Municipal Planner
RE: ALTERNATE COUNCIL LIAISON FOR COMMUNITY INFRASTRUCTURE AND SERVICES SELECT COMMITTEE

MOTION: 377/ 2008
MOVED BY: COUNCILLOR FALL
SECONDED: COUNCILLOR WILLIAMS

That Councillor Mendum be appointed as Council liaison to the Community Infrastructure and Services Committee for the months of October and November, 2008.

CARRIED

- c) Report – Administrative Assistant
RE: BUILDING REPORT – SEPTEMBER 2008

MOTION: 378/ 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

That the Building report for September 2008 be received for information.

CARRIED

- d) Memo – Chief Administrative Officer
RE: REGIONAL GROWTH STRATEGY ARBITRATION JOINT STATEMENT

That Council approve the wording of the joint statement for the Regional Growth Strategy Arbitration Process.

CARRIED

11. RATIFICATION OF COMMITTEE RECOMMENDATIONS

- a) COMMITTEE OF THE WHOLE – October 15, 2008

Council Motion 368/2008 to move this item to the end of the agenda

2) Regional Growth Strategy

- i) Letter – Minister Blair Lekstrom – October 8, 2008
RE: RESPONSE TO LETTER OF OCTOBER 2, 2009

MOTION: 379 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR KADAR

- a) That the correspondence from the Minister of Community Development on the Arbitration Process for the Regional Growth Strategy be received.

CARRIED

ii) ARBITRATION PROPOSAL SUBMISSION

- b) That Council Support the inclusion of the 3 residential lots on the east side of Millstream Road, adjacent to the current RUCSPA boundary along with the two parcels highlighted in white adjacent to the most easterly current RUCSPA Boundary in a possible submission to the RGS arbitration.
- c) That with all properties identified for possible inclusion in a proposal to the RGS Arbitration, staff provide mapping, rationale and the pros and cons of inclusion or exclusion.

- d) That Council support the inclusion of the Hanington Estates and River Road properties in a possible submission to the RGS arbitration.
- e) That Council support the inclusion of the proposed Phase I Subdivision (Bear Mountain) site in a possible submission to the RGS arbitration.
- f) That Council support the inclusion of the lower portion of the Tourism designation (Golf Academy Location) in a possible submission to the RGS arbitration.
- g) That Council support the inclusion of the remaining tourist land designation adjacent to Goldstream Park, including the maintenance shed and terminating no further north than the maintenance shed in a possible submission to the RGS arbitration.
- h) That Council support the inclusion of the Commercial LGB9 lands adjacent to Millstream Road in a possible submission to the RGS arbitration.
- i) That Council support inclusion of the Municipal Office and excluding the forested Peninsula in a possible submission to the RGS arbitration.
- j) That Council support inclusion of the municipal land buffer on the north and west sides of Hatcher Swamp in a possible submission to the RGS arbitration.
- k) That staff provide details on the percentage of Commercial Zoned LGB9 lands contained within the identified properties and the percentage that is not included.
- l) That staff seek permission from the land owners to view the lands involved in the RUCSPA Boundary discussions.

MOTION: 380 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR FALL

That Council approve items b) through l) with l) being changed to read:

- l) That staff seek permission from the specified land owners to view the lands involved in the RUCSPA Boundary discussions.

CARRIED

MOTION: 381 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

That Council add to this list for the staff report specifically in consideration of item c) above that the property across from Hanington Estates (McNaul and Skadberg propert) be added to this list.

CARRIED

MOTION: 382 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR FALL

That Council add to this list for the staff report (pros and cons and rationale) the single lot across from 1931 Millstream Road.

CARRIED

MOTION: 383 / 2008
MOVED BY: COUNCILLOR MENDUM
SECONDED: COUNCILLOR MAHOVLICH

That Council add to this list for the staff report (pros and cons and rationale) the property at 1985 Millstream Road.

CARRIED

MOTION: 384 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

That Council add to this list for the staff report (pros and cons and rationale) the strip of land that borders Millstream Road between Millstream Road and the current Urban Containment Boundary, bordered by the west of Millstream Road and on east of Millstream Road by the current Urban Containment Boundary.

CARRIED

MOTION: 385 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR KADAR

That Council add to this list for the staff report (pros and cons and rationale) the tourist commercial area north of the Municipal Hall.

DEFEATED

OPPOSED: COUNCILLOR MENDUM
COUNCILLOR FALL
COUNCILLOR WILLIAMS

11. ADJOURNMENT

MOTION: 379 / 2008
MOVED BY: COUNCILLOR MAHOVLICH
SECONDED: COUNCILLOR WILLIAMS

THAT the Regular Council Meeting of Council adjourn at 9:00 p.m. and convene In Camera to discuss pursuant to Community Charter, specifically Section 90 (1) (m) a matter that, under another enactment, is such that the public may be excluded from the meeting, (Treaty Negotiation)

CARRIED

Mayor

Acting Corporate Officer