

**Minutes of Meeting  
Fiscal & Environmental Advisory Committee**

**Meeting Date:** Wednesday January 12<sup>th</sup>, 2005  
**Location:** Pike House

**Attendance**

**Highlands District Staff:** Scott Coulson (SC), Laura Beckett (LB)

**Committee Members:** PW Weyer (PW), Bev York (BY), Hans Waelti (HW), Robert Jirucha (RJ) Karen Burns (KB), Bob McMinn (BM), Warren Lee (WL), Michelle Mahovlich (MM)

**Absent Committee Member:** Rob Boeckh, who has resigned from the committee but whose resignation has not been formally accepted by Council

**Public:** Allan Philip

**Minutes**

Meeting called to order 7:15 with the above in attendance

***Item 1: Adopt Agenda (moved by Scott Coulson)***

Agenda adopted as is however members asked if in the future other items could be brought to the agenda. It was decided by the group that **Scott Coulson would ask Council if new items, that would not add a significant amount of time to the agenda could be brought forward.** Alternatively a committee member could bring an item forward for request to Council to provide direction to the Committee to add or not to add the item to a future agenda.

***Item 2: Requirement for seconding motions at the committee level.***

It was noted by KB that according to the existing bylaws a motion is not required to be seconded by another committee member during a committee meeting. BM pointed out that this is against Robert's Rules and it was agreed that the committee should be following Robert's Rules. **Scott Coulson will bring this matter to Council for amendment/advice.**

***Item 3: Nomination of Chair***

SC moved to nominate a Chair for the committee. KB nominated PW. PW wanted to think about it. WL then nominated BM since he has a long history in the community and is familiar with some previous items. All agreed that BM should be Chair.

***Item 4: Appointment of Vice-Chair***

BM took the chair and nominated PW as Vice Chair. PW accepted. No other nominations were heard and PW was appointed Vice Chair by acclamation.

*Item 5: Appointment of Secretary*

PW nominated KB as secretary. KB declined. PW nominated MM. MM accepted. With no further nominations MM was appointed Secretary and began taking notes.

*Item 6: Consideration of the Woodbridge Re-Zoning Application*

BM brought forward the main item on the agenda that is the rezoning application for Woodbridge.

**PW interjected stating that he wanted to ensure he was not in conflict or perceived conflict since his personal property bounds the access road to the proposed development.**

KB indicated that as a tax payer and not having a direct pecuniary interest in the proposed development she did not feel he was in conflict. Furthermore the committee is going to have to consider similar applications and the same could be said for future applications. MM agreed.

PW continued to elaborate to make sure he was not in conflict and offered to leave. SC further questioned PW as to whether he had direct financial gain, interest or benefit from the project. PW said no other than maybe a property assessment increase. KB pointed out that this could be said for all of us. SC did not see a conflict and offered to point that out to Council if it is required. None of the committee members saw a conflict of interest and **PW remained in the meeting.**

LB proceeded to introduce and provide review of the project.

BM re-iterated lot size, seems to be enough water, developer proposed trails, park allocation etc. Access to park via lots 2 and 3. BM indicated that on previous applications/previous committees there were on site meetings but this was not the case today.

MM asked why the application was turned down in the past. PW indicated adjacent properties had concerns and that the original development was 77 acres and included land to the west. Current proposal is 8 lots in 32 acres.

BM asked for clarification on Section 904 and the use of amenity zoning. Amenity zoning is under bylaws where developer and District split the anticipated monetary gain on the sale of the lots 50/50%. In this case the developer is offering a "gift" of a lump sum instead of the usual amenity zoning application.

BM indicated that he felt amenity zoning has been beneficial in the past to the District.

MM pointed out that some developers might not be as honest and could potentially hide funds so that amenity dollar value to District was less than expected. KB indicated that the amenity is based on a reasonable and fair estimate of profit.

There was an ensuing discussion on the opinion of amenities in general.

BM introduced discussion of 5% park land dedication which LB confirmed can be no more than 5% of the area.

BM and KB indicated that the District has to be careful that the trail designation area – in this case between lots 2 and 3 is actually in useable space. LB indicated that the contours seem to indicate that it is suitable.

Discussion moved back to amenity. HW indicated that we must be satisfied that the \$ value is fair and reasonable. PW indicated that the developers in general seem to be getting away from amenity zoning. WL thought this was due to financing issues on their end for business plans etc.

BM – Any other concerns on this development?

KB – several concerns. Questioned why all reports on the site were not distributed to the committee (no ecology map, no Payne report, no staff report).

MM agreed not a lot of info. PW indicated that Ingo Lambrecht a Highlands resident had done an independent review of Payne work and had some concerns regarding depleting Eagle Lake levels. HW indicated that we cannot continue to question professional reports otherwise what is the point of doing them. MM agreed.

KB – started discussion on emergency access routes. Alan Philip interjected that this is outside the scope of our committee. Discussion on this item ended.

KB – not opposed to 8 lots, however no RUZ, no 3<sup>rd</sup> party covenants, no restriction on suites, or types of activities.

BM – buffer (treed) should be 3<sup>rd</sup> party covenant so it acts as a form of protection. HW against 3<sup>rd</sup> party covenants since it does not allow owners to obtain benefits from their land according to their needs and within the constraints outlined in by-laws. Landowners in his opinion are good stewards. BY agreed with HW. BM, person purchasing knows what they are buying. PW thought 3<sup>rd</sup> party covenants were used to reduce costs to District.

SC – District is currently in a legal case with the TLC where a landowner violated the covenant and the District is named as liable in the law suit.

WL – liked buying factor for 3<sup>rd</sup> party covenant. RJ, asked for some clarification on 2<sup>nd</sup> and 3<sup>rd</sup> party covenants. Liked the balance/controls and restrictions of them. MM thought

that a buyer knows what they are getting so is aware of a covenant, if they do not like it, don't buy the land.

**Vote on 3<sup>rd</sup> party covenants ensued: 5 in favour, 2 against. The Chair did not vote.**

Note that HW indicated that 3<sup>rd</sup> party covenants are philosophically wrong. BY indicated favour towards no covenants whatsoever.

BM – issue of suites. Current OCP says not legal but it is known that they exist. PW indicated that we should assume they will go into this development since they are mortgage helpers. HW careful not to generalize that all homes will have tenants. RJ indicated that we can generalize enough to know that the proposed 8 lots will be more than 8 families.

**It was decided that the issue of suites would not be discussed since it is not allowed for in the current OCP.**

**Discussion on financial benefit to Highlands.** SC was asked if 8 lots is beneficial. SC said yes since it is not a financial or staffing burden having just 8 lots, 20 lots would be different. PW indicated that the District needs tax base diversification and not just residential. WL indicated that we should rephrase the question. If there are no monies from residential or commercial future developments, could the community survive? **SC said no, the District would not continue to operate at its current level but would be forced to increase the taxes and the services would go down until the financial state of the District was re-established.** He further indicated that the District does need to diversify. PW indicated that the District definitely needs money in the reserve funds. HW indicated that the new homes on Stewart Mtn. Road are known to provide the District with more money than they require to subsist and are therefore beneficial. RJ indicated that it is important to consider how this affects future developments, do we approve all of them then? BY indicated that there cannot be no change. RJ returned that he agreed the District needed change, but was not sure what change that should be.

**BM – variety of views on social and financial aspects. District has had no tax increase for 7 years but that is due to allowing developments such as this of about 15 new homes a year to increase the tax base.**

BM – concerned that this development works backwards to traditional ones by increasing density further from the core as opposed to reducing the density. MM are there traffic concerns here then? LB, there is no study and the zoning conforms to allowed under the OCP. PW, concerns on water use, noise and traffic. MM suggested traffic study. BM suggested roadside trails. RJ local people just drive too fast – a traffic study won't help that but he did support the study. HW – a good roadside trail as proposed by the developer will alleviate some of the problems.

**BM – are we generally in favour of the development as it is proposed?  
2 in favour; 5 against; Chair abstained**

**Development as proposed is not recommended. HOWEVER some suggestions as follows. After turning down the development proposal as written, the committee came up with the following suggestions:**

- 6 lots, minimum 5 acres each
- Detailed groundwater study indicating cumulative effects on existing developments in the area taking into account that the properties on Petworth in adjacent Saanich are also on water wells.
- Residential use zone (RUZ) for all development lots in this subdivision
- Adequate treed buffer between the development and all surrounding sides and between each individual lot
- 3<sup>rd</sup> party covenants (no specifics were given)
- traffic study to determine effects especially on end of cul-de-sac
- consideration of mountain bikers who access trail head in this area
- amenity on a per house basis at subdivision approval of \$20,000 per home

RJ indicated he was concerned that if the developer met all items above would we then have the right to still refuse it. It was generally felt that the committee could not ask for these and then not approve the proposal that this would not be acting in good faith.

**BM – all in favour of the above: 5 in favour, 2 against, Chair abstained. One person against did indicate that they saw favourable aspects in this modification.**

It was decided that meetings in future will attempt to run 7pm to 10 pm on the 2<sup>nd</sup> Wednesday of the month.

Meeting was adjourned at 10:15 pm

*Summary of Recommendations is attached on the next page as a separate page for Council.*

*Recommendations from Fiscal and Environmental Advisory Committee Meeting of  
January 12<sup>th</sup>, 2005 regarding:  
Rezoning Application of Lot B, Section 39, Highlands District Plan 34213  
RZ-08-04 – Woodridge*

1. The application as proposed is not recommended.
2. Rezoning would be recommended subject to the following:
  - a. Maximum 6 lots, 5 acre minimum, adjacent RR2 Zone has 5 acre average, 2 acre minimum.
  - b. Detailed groundwater study to be undertaken taking into account cumulative effects on existing developments including adjacent Petwork development in Saanich (which is on wells)
  - c. Residential Use Zones (RUZ) and conventanted buffer zones for all lots in this subdivision.
  - d. Tree buffer zones surrounding the development and between RUZs
  - e. 3<sup>rd</sup> party covenants on conserved buffers
  - f. Traffic study to be undertaken including effects on end of cul-de-sac, with consideration for mountain bikers who access trails in this area (see item "g")
  - g. Consideration of effect of mountain bikers on trail head
  - h. Amenity (or gift) of \$20,000 per lot and park area as proposed.

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CHAIR

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DATE