



## DISTRICT OF HIGHLANDS

### MINUTES OF THE COMMITTEE OF THE WHOLE MEETING

Monday, September 17, 2018 @ 7:00 pm.  
School House, 1589 Millstream Road

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**PRESENT:** Mayor Ken Williams  
Councillors Leslie Anderson  
Ann Baird  
Gord Baird  
Karen Burns  
Marcie McLean  
Karel Roessingh

**IN ATTENDANCE:** Chief Administrative Officer Lorraine Hilton  
Corporate Officer Tina Neurauter  
Planner Laura Beckett  
Approving Officer Michael Dillistone  
Building Inspector Chris Leek  
Public 1 member

#### 1. APPROVAL OF THE AGENDA

**MOVED BY:** COUNCILLOR ROESSINGH  
**SECONDED:** COUNCILLOR MCLEAN

That the agenda be approved as amended: ADD: Presentation from Dave Mackas as a new number 3 and renumber the agenda accordingly.

CARRIED

#### 2. ADOPTION OF THE MINUTES

a) Committee of the Whole – May 14, 2018

**MOVED BY:** COUNCILLOR MCLEAN  
**SECONDED:** COUNCILLOR ROESSINGH

That the May 14, 2018 Committee of the Whole minutes be adopted.

CARRIED

#### 3. PRESENTATION

a) Presentation – Dave Mackas  
**RE: STATUS OF PUBLIC ACCESS TO FOI DOCUMENTS**

Mr. Mackas read allowed the following letter to Council.

*RE: Status of public access to FOI documents re OK Industries Quarry Application*

*I am happy that Highlands has received from Energy, Mines, and Petroleum Resources Ministry a response to the District's May 2018 FOI Request, and that Council members were able to see these documents slightly before last week's UBCM Conference.*

*But I am worried about delays in availability to Highlands residents. I heard by word of mouth that staff is reluctant to release publicly the FOI response, and wants to withhold public access until the material has been posted by the Province on its Open Information web site.*

*Unfortunately, this is a slow process. Two months is the typical delay between 'release to applicant' and 'public posting on web' dates. This extends to three or more months for about 15% of the files I looked at. Not surprisingly, there has been to date no Open Information posting of the Highlands FOI response.*

The initial recommendation for an FOI request from Highlands to Mines Ministry came in Nov 2017 from SLUSC. Our recommendation was prompted by:

- perceived gaps and risks in the original OK Industries Permit Application, plus
- statement (Oct 2017) by the Mines Inspector that additional information would be provided ONLY in response to an FOI request.

SLUSC members also felt that the District would be the right FOI applicant and the District website would be the right place to post any response to FOI (for ease of community access, and perceived objectivity of what is posted).

My reasons for raising this tonight are that:

- 2 Highlands citizen groups concerned about the proposed mine (SLUSC and HDCA #NotOK) will be having their monthly meetings in the next 10 days. Both need to know how soon and how broadly they will have access to the FOI response.
- OK Industries is promising a Community Information meeting before year end. Any concerned citizens should have access to complete background information well ahead of this meeting.

I therefore request that:

The EMPR response to FOI be posted on the District website as soon as legally possible, and The extent and reasons for any delay be explained to SLUSC and HDCA #NotOK.

Thank you for your consideration,  
David Mackas

**MOVED BY: COUNCILLOR GORD BAIRD**  
**SECONDED: COUNCILLOR ANN BAIRD**

That it be recommended to Council:

That the FOI response regarding OK Industries Mine Permit Application be forwarded to the Sustainable Land Use Select Committee for information. CARRIED

#### **4. UNFINISHED BUSINESS**

- a) REPORT – M. Dillistone, September 4, 2018 (6410.02)  
**RE: SECONDARY SUITES/ACCESSORY DWELLING UNITS**

Council considered a report from the Approving Officer on the outcome of the public consultation on secondary suites and accessory dwelling units. The report also contained a proposed policy and amendments to the zoning bylaw to accommodate secondary suites and accessory dwelling units.

Council members had several comments regarding the outcome of the public consultation and the proposed policy and bylaw information. These comments included:

- Why use 40% or 90m<sup>2</sup> as maximum size?  
A: to ensure the home doesn't become a duplex
- There are two conversations: policy for new suites/ADUs and the enforcement on existing ones. The enforcement aspect will require more work, and perhaps should be done separately.
- BC Assessment is not currently capturing secondary suites or accommodations
- How can the District's risk (with respect to fire) be minimized with existing suites?
- Program should be set up to ensure "user pay," with respect to both enforcement and legalization
- The information presented at the open house was somewhat limited; hearing comments from residents is useful but not enough information has been gathered
- Process should be fair for existing and new suites

- Can the District involve BC Assessment in a capacity to determine the number of existing suites and ADUs and to give them a fair appraisal? Can we use Metchisin as an example of involving BC Assessment (ex. spot check/audit)?
- Highlands can come up with their own solution for secondary accommodations
- Some satisfaction with policy direction, but not with enforcement direction.
- Some support was expressed for accessory dwelling units to be located in front of main dwelling units on large properties
- Should the owner live on the property?
- Is 90m<sup>2</sup> too small for an ADU?
- Should it be restricted to only one suite or accessory dwelling unit?
- Perhaps secondary suites or accessory dwelling units should only be permitted within the Urban Containment Boundary. This could protect the aquifer if it was determined there was too much of a draw on it from the additional density.
- There was a suggestion to limit secondary suites to properties equal to or larger than 5 acres.
- Should there be a minimum lot size for accessory dwelling units?
- OCP Policy 2.2.24 states, “When Council considers secondary housing, sustainability will be the prime factor for consideration.”
- Discussion on waiting until after the work on the Environment Law’s GAP analysis report review is complete, also Council’s consideration for potential DPA Area(s) for “Aquifer Recharge Factors”.
- One option is to do nothing.
- There was some desire expressed to explore regulating water.
- Council needs to define: secondary suites, accessory dwelling units and enforcement.
- Perhaps Council should participate in a visioning exercise?
- If maximum size is 90m<sup>2</sup> should two smaller units be permitted if they add up to 90m<sup>2</sup>?
- There was concern expressed that the public may not understand the level of costs involved for bringing existing SS and ADUs up to the appropriate regulatory codes, and that there was a lack of understanding of the cost for enforcement
- Should Council consider an incentive to residents to legalize their suite – what should that incentive be? There was some suggestion that experience with other issues in other municipalities seem to demonstrate that penalties are more effective for compliance
- Process needs to be consistent and fair
- Should there be a permit fee? What should that be? When should it be collected?
- Should enforcement only be around safety issues?
- If Highlands knows of certain specific risks on a property, is Highlands then liable – does our risk increase?
- Does the height restriction allow for above garage suites?  
*A: Staff response was that it is possible. A variance could also be requested.*
- Should higher elevation properties be considered separately based on Golder Associates comments in the Groundwater Study that groundwater typically moves from higher elevations to lower elevations?

**MOVED BY: COUNCILLOR GORD BAIRD**  
**SECONDED: COUNCILLOR MCLEAN**

That it be recommended to Council:

That secondary suites and accessory dwelling units be forwarded to a future Official Community Plan review; and

That Council continue collecting information and educating themselves and the public on topics relating to secondary suites and accessory dwelling units (ex. risk assessment, information on septic, water, grey water collection, etc.) DEFEATED

**OPPOSED: COUNCILLORS ANDERSON, ANN AND GORD BAIRD AND MAYOR WILLIAMS**

Council members thanked staff for the work that had been presented to them and noted that without the work they would not have been able to get to this point.

There was discussion regarding rolling the issue of SS and ADUs into a future OCP review, and in the meanwhile having presentations from various agencies such as Island Health regarding water and septic; BC Assessment regarding how they “count” suites and ADUs, and how the assessor or does the assessor add in fair market value for suites and ADUs; and risk assessment with respect to suites.

**MOVED BY: COUNCILLOR GORD BAIRD**  
**SECONDED: COUNCILLOR MCLEAN**

That it be recommended to Council:

That the topic of secondary suites and accessory dwelling units be forwarded to the next Strategic Planning session. CARRIED

**MOVED BY: COUNCILLOR GORD BAIRD**  
**SECONDED: COUNCILLOR BURNS**

That it be recommended to Council:

That Appendix A of the report from M. Dillistone regarding secondary suites and accessory dwelling units dated September 4, 2018 be forwarded to the next Committee of the Whole meeting for additional review and discussion. CARRIED

## **5. NEW BUSINESS**

- a) REPORT – L. Hilton, CAO, September 7, 2018 (0645-20)  
**RE: 2018 PERIOD TWO REPORTING – May 1 – August 31, 2018**

Staff answered questions on period two reporting.

**MOVED BY: COUNCILLOR ROESSINGH**  
**SECONDED: COUNCILLOR ANN BAIRD**

That the May 1, 2018 to August 31, 2018 Activity reports attached to the report from the Chief Administrative Officer be received. CARRIED

- b) REPORT – L. Beckett, Planner, September 11, 2018 (0645-20 & 5600.17)  
**RE: 2016 & 2017 ANNUAL GROUNDWATER MONITORING REPORTS**

Council members discussed having the water balance study by Colquitz Engineering for Bear Mountain (Ecoasis) reviewed by Golder Associates.

**MOVED BY: COUNCILLOR GORD BAIRD**  
**SECONDED: COUNCILLOR BURNS**

That it be recommended to Council:

That Council direct staff to seek from Golder Associates a quote for a review of the water balance study prepared by Colquitz Engineering for Bear Mountain (Ecoasis) and to forward this information to 2019 budget discussions; And further that Council forward the 2016 and 2017 Groundwater Monitoring Reports to the Sustainable Land Use Select Committee for information. CARRIED

**6. IN CAMERA**

**MOVED BY: COUNCILLOR MCLEAN**  
**SECONDED: COUNCILLOR BURNS**

That the Committee of the Whole move to an In Camera Committee of the Whole meeting at 9:12pm to discuss items pursuant to the Community Charter, specifically, Section 90(1)(f) Law Enforcement and 90 (1)(i) the receipt of advice that is subject to solicitor-client privilege.

***The meeting reconvened from In Camera at 9:50pm***

**7. ADJOURNMENT**

**MOVED BY: COUNCILLOR GORD BAIRD**  
**SECONDED: COUNCILLOR ROESSINGH**

That the September 17, 2018 Committee of the Whole meeting adjourn at 9:51 pm. CARRIED

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MAYOR

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CORPORATE OFFICER