

Moved by Councillor Pickup and Seconded by Councillor Gillespie:
“That it be recommended that Council approve an exemption from the 10% road frontage requirement of the *Local Government Act* for the proposed subdivision of Lot 13, Section 109, Lake District, Plan 11753 (4644 FALAISE DRIVE).”

CARRIED

No. 96
Derby Road
Bylaw 8534

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8534”

PROPOSED REZONING TO PERMIT A DUPLEX ON DERBY ROAD

To rezone Lot 2, Block 2, Section 42, Victoria District, Plan 1276, except that part in Parcel A (**1485 DERBY ROAD**) from zone RS-6 (single family dwelling) to zone RD-1 (two family dwelling) for a proposed duplex. **A DEVELOPMENT PERMIT** applicable to the above lands will also be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted.

The Notice of Public Hearing; the report of the Director of Planning Services dated February 10, 2004, recommending approval; and a letter from the Quadra/Cedar Hill Community Association dated March 11, 2004 requesting the application be postponed for further consideration; were introduced.

APPLICANT:

Mr. N. Banks, Banks Design, representing the owner, stated:

- S The subject property is 50 square metres larger than the requirement for a duplex lot.
- S The proposal is to construct a second dwelling echoing the form and rooflines of the existing house; it will be set back further from the street than the existing dwelling.
- S The majority of existing landscaping will be retained.
- S As required, four parking spaces have been incorporated into the site; one will be under the existing house, two will be below the addition and one surface parking space will be on the east side of the property.
- S Prior to submitting the application, the applicant spoke with three of the four immediate neighbours and two representatives of the Quadra Cedar Hill Community Association; the main concerns were the location of the proposed garages, on-street parking and landscaping.
- S At the request of the Community Association, an open house was held in April 2003; 65 neighbours were invited although only three neighbours and three Community Association representatives were in attendance.
- S There has been very little response to the rezoning sign which has been posted on the property for approximately four months.
- S They have decided to use right-angle parking spaces as there were concerns that parking spaces in front of the garages could prohibit access to the other parking spaces.
- S The nearest visible neighbouring building in the rear yard is a garage with one small window.
- S There is a significant amount of existing landscaping including trees

along the rear fenceline and shrubbery screening the driveway from the street.

- S They have not had an opportunity to address the concerns noted in the letter from the Community Association as it was only just received.
- S There will be a moderate increase in density on this site by one unit.
- S The on-street parking issues result from surrounding properties, not just the subject property.

PUBLIC INPUT:

Mr. M. Pawluk, 3365 Doncaster Drive, stated:

- S He lives in the house located directly south of the proposed development.
- S He is concerned that this will set a precedent for additional duplexes and that two variances are being requested to accommodate a duplex in this single-family dwelling neighbourhood.
- S This proposal appears contradictory to the direction for development contained in the Shelbourne Local Area Plan.
- S The applicant has addressed the traffic and parking issues since the last neighbourhood meeting.
- S The intersection at Doncaster Drive and Derby Road is difficult to cross as Doncaster Drive does not line up; crossing Derby Road is further complicated when vehicles park in front of the subject property thereby minimizing the view of oncoming traffic.
- S All of the shrubs in the rear yard are deciduous and the only evergreen plantings are three cedar trees which are dying.
- S If approved, he would request that an evergreen hedge be planted along the south elevation fenceline of the subject property.
- S He noted that a concrete or stucco wall will be constructed between the two units and will extend to the rear fenceline; this will be an eyesore when viewed from his property.
- S There are a number of suites in the area and there are a number of people already living in the existing house at 1485 Derby Road.

Mr. T. DePue, 3345 Doncaster Drive, stated:

- S He has concerns with respect to the increased density on the site.
- S He bought his home because it was located in a single-family dwelling neighbourhood.
- S There are several other lots in this neighbourhood which could accommodate a duplex.
- S He is concerned that this duplex will turn into a four-plex as both sides could have an in-law suite.
- S The traffic calming measures did help but traffic is still heavy in this neighbourhood and does not need to be increased by this proposal.

Mr. S. Owen, 1498 Derby Road, stated:

- S Derby Road is a very busy street and there is no parking on the north side of the street between Cedar Hill Road and the golf course.
- S He believes there is an illegal suite on the subject property although Saanich Bylaw Officers have reported there is no suite.
- S There are several vehicles parked in front of the subject property which decreases the viewlines at the intersection at Doncaster Drive and Derby Road.

- S He would be satisfied if the owner lived upstairs and could control what occurs in the house but it appears to be operated as a rooming house with an absentee owner most of the time.
- S He is concerned about what would happen to the house if the owner should sell.

Ms. M. Boyce, 3365 Doncaster Drive, stated:

- S She visited many of neighbours surrounding the subject property over the past week and circulated a map of those neighbours that were opposed to the rezoning; she also submitted five letters from neighbours who were opposed to the rezoning.
- S At the Committee of the Whole meeting, the applicant had three letters of support from neighbours, one of these neighbours has since rescinded their support.
- S A sidewalk only exists on the north side of Derby Road; there are many young families in the neighbourhood and children must cross Derby Road at Doncaster Drive to access the sidewalk to get to school; increasing traffic at this intersection by permitting this rezoning would be dangerous.
- S There are many other properties in this neighbourhood which could have duplexes and she is opposed to increased density in this neighbourhood.

Mr. B. Chu, 1483 Derby Road, stated:

- S He is opposed to this rezoning as vehicles from the subject property block access to his driveway.

Mr. K. Whitcroft, 1044 Inverness Road, representing the Quadra Cedar Hill Community Association, stated:

- S Although this application has been in process for a long period of time, there has been little contact with the residents; the first neighbourhood meeting was held with only two days notice with three representatives from the association and three neighbours in attendance.
- S The concerns of the association relate to parking/garage access, tree retention and the impact of the development on the property to the south.
- S They would support the applicant being required to plant a hedge to protect the privacy of the neighbour to the south.
- S There is a downward slope from Derby Road to the basement of the existing house; this could mean that traffic would back out of the driveway, uphill, onto a busy street which would be very dangerous.
- S The existing garage will be difficult to access because of the location of the new garage.

Ms. L. Stewart, 3313 Doncaster Drive, stated:

- S She is concerned that this duplex will bring additional traffic to this busy street and that the value of her home will decrease.

Mr. B. Pankhurst, 1474 Derby Road, stated:

- S He is opposed to this rezoning and agrees with the comments made by the previous speakers.

APPLICANT'S RESPONSE:

Mr. Banks and Ms. M. Cadden, owner, stated:

- S They provided pictures of the rear yard of the subject property taken during the winter; they believe there is adequate landscaping to screen the addition.
- S The immediate neighbours did not want to have all garage doors facing the street to minimize the visual impact on the streetscape.
- S Traffic is of concern to all who live in the neighbourhood but is not a result of just one property.
- S The owner is happy to provide infill landscaping, such as non-invasive bamboo, in addition to the existing landscaping, but does not want to plant a row of hedging as it will have a negative impact on the heritage trees which exist in the rear yard.
- S The garden wall between the two yards will be solid on the lower four feet with two feet of trellis on top.
- S They have not yet considered street frontage parking control but could do so with additional landscaping.
- S The original house has a 6' basement and a significant amount of crawlspace so it is not anticipated that the occupants will use the garages for storage and park on the street.
- S The west sideyard complies with current zoning but a variance is required for the RD-1 zone; an additional variance is required for the combined sideyard setback.
- S There is no suite in the house but the owner has roommates for reasons of safety as she is regularly out of town for business.
- S The proposed addition only has one bedroom.

In response to questions from Council, the Senior Planner stated:

- S There are other properties in the neighbourhood which could meet the size requirement for a duplex but are unlikely candidates as most of them already have significantly sized homes on them; each new application would be judged on its own merits.
- S The total floor area of the addition is similar to what is permitted under the current zoning although a small variance might be needed to meet the requirement for the amount of floor space in a non-basement area.

Moved by Councillor Gillespie and Seconded by Councillor Wergeland: "That the application to rezone to RD-1 be approved."

Councillor Gillespie stated:

- S This proposal appears suitable for infill development which Council has committed to providing where appropriate.
- S There is a lot of traffic on Derby Road but the traffic calming measures have helped address the situation.

Councillor Cubberley stated:

- S He understands the neighbourhood's concerns regarding traffic but does not believe the addition of a one bedroom unit will have a significant impact on the traffic.
- S The design of the addition matches the existing house; it will fit in well and will not have a significant visual impact on the streetscape.

- S If approved, the applicant will need to address the concerns voiced by the neighbours.

Councillor Wade stated:

- S She is opposed to the rezoning as she believes the applicant does not appear willing to compromise with the neighbours to address their concerns.
- S The request to plant an evergreen hedge along the south property line is not unreasonable.

Councillor Ngai stated:

- S The addition will add character to the building and she is pleased that the applicant will consider additional screening for the neighbour to the south.
- S A one bedroom unit cannot be blamed for an increase in traffic.
- S This proposal will provide affordable housing.

Councillor Pickup stated:

- S Policy 6.7 of the Shelbourne Local Area Plan states that the design and scale of two-family dwellings should be compatible with adjacent single family dwellings and that regard should be given for the number of two-family zones; this proposal is not in conflict with the plan.
- S She would not support multiple duplexes in this neighbourhood.
- S The design and character of the proposed addition fits with that of the existing house and she believes the addition is appropriate for this site.
- S She does not agree that a wall of screening is necessary as the applicant has agreed to provide additional screening to compliment the existing landscaping.

In response to a question from Council, the Senior Planner stated:

- S The landscape plans form part of the development permit; if Council is not satisfied with the landscape plans they are not obliged to approve the permit.

Councillor Wergeland stated:

- S He appreciates the number of residents present at the meeting to voice their concerns to Council.
- S This proposal is not significant in comparison to what could be constructed on the site.
- S The addition is tastefully designed and will have a positive impact on the neighbourhood.
- S Considering the amount of traffic that travels to and from the golf course, two additional cars will not have a significant impact on the traffic.
- S Consideration should be given to requiring a full hedge along the south property line to provide screening for the adjacent neighbour.

Mayor Leonard stated:

S He is opposed to the rezoning.

S The applicant appears to have disregarded the concerns of the neighbours by denying the hedge along the rear fenceline; he is concerned that this will become a revenue property in future.

The Motion was then Put and CARRIED with Mayor Leonard and Councillor Wade voting against.

No. 97
Derby Road
Bylaw No. 8534

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8534"
Second and Third Readings.

**Moved by Councillor Cubberley and Seconded by Councillor Pickup:
"That Bylaw No. 8534 be read a second time."**

CARRIED

with Mayor Leonard and Councillor Wade voting against.

**Moved by Councillor Cubberley and Seconded by Councillor Pickup:
"That Bylaw No. 8534 be now passed."**

CARRIED

with Mayor Leonard and Councillor Wade voting against.

**Moved by Councillor Pickup and Seconded by Councillor Gillespie:
"That it be recommended that Council approve and issue Development Permit No. DPR2003-00011 Lot 2, Block 2, Section 42, Victoria District, Plan 1276, except that part in Parcel A (1485 DERBY ROAD) subject to the applicant providing an enhanced landscape plan to provide additional screening along the south boundary."**

CARRIED

with Mayor Leonard and Councillor Wade voting against.

No. 98
PLD55 - Blenkinsop
Local Area Plan
Bylaw 8499

OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2003, NO. 8499"

BLINKINSOP LOCAL AREA PLAN UPDATE

The intent of this proposed bylaw is to adopt a new Blenkinsop Local Area Plan as Appendix "G" to the Official Community Plan.

The Notice of Public Hearing; the report of the Director of Planning Services dated September 11, 2002 recommending approval; the supplementary report from the Director of Planning Services dated March 1, 2004 outlining amendments to the plan in response to a letter from the Agricultural Land Commission (ALC) dated December 19, 2003 and amendments to the Sewer Enterprise Boundary policies; were introduced.

In response to a question from Council, the Senior Planner stated:

S The recommendations in the supplementary report are in response to concerns identified by the ALC.

APPLICANT:

The Corporation of the District of Saanich.

PUBLIC INPUT:

Mr. P. Megson, 4691 Westbank Street, representing himself and his neighbours at 4685 Westbank Street, stated:

- S The Urban Containment Boundary (UCB) and the Sewer Enterprise Boundary (SEB) currently runs through the middle of their properties; he queried how it could be amended to encompass the entire lot.

The Senior Planner stated:

- S It is not uncommon for the boundaries to sever a parcel as this precludes a portion of the property from subdivision.
- S There are a number of deep parcels on Cordova Bay Road which could be subdivided if the entire property was included within the boundaries.

Mr. H. Knight, 4190 Glendenning Road, stated:

- S He has lived in the Blenkinsop Valley for 42 years.
- S He supports the Plan which recommends preservation of the area in its current state.
- S The municipality should continue to support the rural nature of the valley.
- S Amendments to the UCB and SEB boundaries in the Blenkinsop Valley are not desirable.
- S There is a need to increase awareness of the scarcity of agricultural land in Saanich.
- S Our population continues to increase while food production on Vancouver Island is decreasing.
- S He hopes that Saanich will not support any new farm markets in the valley except for the those which are currently operating.
- S He also hopes that Saanich will not support any commercial development within the Blenkinsop Valley.

Mr. R. Warden, president, North Quadra Ratepayers Association, 936 Lucas Avenue, stated:

- S The Community Association supports the plan, particularly the sections pertaining to the UCB and agricultural land use policies.
- S As there is no active community association in the Blenkinsop Valley there should be a larger notification area for new development; because of the size of the lots in the valley the usual 90 metre radius often only includes adjacent parcels.
- S The Blenkinsop Valley should be preserved in its natural state.

Mr. Lee, co-owner, Western Forest Products land within the Blenkinsop Valley, stated:

- S The Wilkinson Valley is unique to Saanich as it contains farming, residential, open spaces and ecologically sensitive areas and should be preserved in its current state.
- S He believes the plan requires additional research and policies to protect the riparian areas around Blenkinsop Lake; farming activities can currently occur right up to the edge of the riparian areas causing great damage.

Mr. P. Lucey, 390 7th Avenue, Kimberley B.C., stated:

- S He is an Aquatic Ecologist and a farmer.
- S He presented a map of the Blenkinsop Valley which showed a 200 year flood; there is nothing in the current plan to address the relevance of the Blenkinsop Valley floodplain in relation to the surrounding community.
- S Land-use planning needs to include policies to protect the floodplain, address water quality issues to protect the downstream users, and to link to Swan Lake and the other major wetlands and safe storage zones in the municipality; these are currently not included in the document.
- S The valley has flooded several times over the past 15 years which has resulted in land saturation and washed-out roads; Saanich has been lucky so far but cannot continue without a plan to protect these areas.
- S There have been significant financial losses to several farmers in the valley due to lost crops from flooding; the farmers have not been compensated and a policy should be incorporated in the plan to address this issue.
- S Former Saanich staff have indicated that flooding in the valley is not a new issue and has been a concern since the 1960s.
- S There appears to be a discrepancy in the document as Policy 5.8 states that a process *should* be undertaken to reduce the number of water licences on Blenkinsop Lake while Policy 12.9 suggests the municipality initiate discussions with Blenkinsop Lake water licence holders and the Province to *consider* reducing the allowable take.
- S He would suggest that the municipality offer a compensation on a 1:1 ratio to farmers that use the municipal water supply rather than taking water out of the lake.
- S Control of floodplains requires owning the land; there are precedents for this elsewhere in the municipality.

Mr. K. Whitworth, 1044 Inverness Road, stated:

- S He believes that Policy 10.2 should be amended to recommend acquisition of the entire former nursery site.

Ms. I. Block, 4125 Interurban Road, stated:

- S She lived in the Blenkinsop Valley for 20 years.
- S There is an error on page 3 under the Community Organization section which identifies the Saanich Greenbelt Association as having a special interest in the valley; the association no longer exists.
- S This version of the Blenkinsop Local Area Plan is a tremendous improvement over the previous document.
- S The ALC should not be able to dictate what agricultural land in Saanich is used for.
- S Policy 10.4 (b) recommends considering purchase of the nature reserve for park; it has been for sale for the past year.
- S She is concerned that Map 11.1 shows Blenkinsop Road as a major road; it is built on peat, is in the floodplain, and cannot handle large volumes of traffic.
- S Policy 12.4 should include a clause that people who neglect their septic tanks should not have the privilege of connecting to the sewer system.

- S Policy 12.9 should include a statement about Saanich's intent to protect floodplain areas.
- S Policy 13.1 should include Appendix N within the text as most people reading this document would not also have the Appendix.

APPLICANT'S RESPONSE:

Nil.

Moved by Councillor Cubberley and Seconded by Councillor Wade:
"That the the Blenkinsop Local Area Plan dated August 2003 be adopted as Appendix G to the Official Community Plan with the following amendments:

1. **The following statement be added to paragraph 1 of page 10:**
"It should be noted that the approval of the Agricultural Land Commission is required for land located with the Agricultural Land Reserve. The commission is obliged to consider subdivision application on their merits in terns of its mandate to preserve agricultural land and encourage farming."
2. **Pages 13, 27, 30 and 41 and Policy 12.1 be amended as outlined in the report of the Director of Planning Services dated March 1, 2004; and**
3. **Policy 12.4 be deleted."**

Councillor Cubberley stated:

- S Mr. Lucey's comments with respect to floodplains are visionary and can be considered after the plan has been adopted.

Councillor Pickup stated:

- S The Community Association section of page 3 should be amended to delete the reference to the Saanich Greenbelt Association and to note there are a number of surrounding community associations that have an interest in the plan.
- S She would support deleting the last sentence of Paragraph 1 in the March 1, 2004 report of the Director of Planning Services.
- S The next meeting of the Environmental Advisory Committee will feature Andrew Weaver, a climatologist from the University of Victoria, to discuss climate change and stormwater management.
- S Staff will continue to work to address the issue of Agri-Tourism.

Councillor Gillespie stated:

- S Historically, there have been several farming activities which have not survived in the valley due to a lack of wildlife control.
- S Drainage plays a major part in land use planning.
- S He agrees with Policy 5.8 (b) as there is a 4-5" pipe on the old nursery site which removes water from the lake.
- S There is now a reduced water price for farmers so that they can use more of the public water supply and take less from the lake; the licence should be eliminated.
- S A portion of the land on the old nursery site could be used as an educational project to teach children about farming activities.

It was the consensus of Council that rather than naming specific associations in the Community Association section of Page 3 that the wording be amended to indicate that while there is no active residents' association representing the entire valley there are a number of surrounding community associations that have shown a special interest in the Blenkinsop Valley and Mount Douglas Park.

The Motion was then Put and CARRIED

No. 98
PLD55 - Blenkinsop
Local Area Plan
Bylaw 8499

OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2003, NO. 8499"
Second, Third and Final Readings.

Moved by Councillor Cubberley and Seconded by Councillor Pickup:
"That Bylaw No. 8499 be read a second time."

CARRIED

Moved by Councillor Cubberley and Seconded by Councillor Pickup:
"That Bylaw No, 8499 be amended to:

1. Add the following statement to paragraph 1 of page 10:

"It should be noted that the approval of the Agricultural Land Commission is required for land located with the Agricultural Land Reserve. The commission is obliged to consider subdivision application on their merits in terms of its mandate to preserve agricultural land and encourage farming."

2. To amend pages 13, 27, 30 and 41 and Policy 12.1 as outlined in the report of the Director of Planning Services dated March 1, 2004; and

3. To delete Policy 12.4 ."

CARRIED

Moved by Councillor Cubberley and Seconded by Councillor Pickup:
"That Bylaw No. 8499 as amended be now passed."

CARRIED

Moved by Councillor Cubberley and Seconded by Councillor Pickup:
"That Bylaw No. 8499 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 99
ADM40
Bylaw 8529

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8529"

PROPOSED ZONING BYLAW AMENDMENT FOR ACCESSORY BUILDING SEPARATION

The intent of this proposed bylaw is to require that accessory buildings and structures on single family dwelling and duplex zoned properties have a minimum separation of 1.2 m (3.9 ft.) from the principal building and a minimum separation of 0.6m (2.0 ft) between the roofs.

The Notice of Public Hearing and the report of the Manager of Inspection Services dated January 12, 2004, recommending approval; were introduced.

APPLICANT:

The Corporation of the District of Saanich.

PUBLIC INPUT:

Nil.

APPLICANT'S RESPONSE:

Nil.

Moved by Councillor Gillespie and Seconded by Councillor Pickup:
"That the application to amend Zoning Bylaw, 2003, No. 8200 to add a new Section 5.29 be approved."

CARRIED

No. 99
ADM40
Bylaw 8529

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8529"
Second, Third and Final Readings.

Moved by Councillor Gillespie and Seconded by Councillor Cubberley:
"That Bylaw No. 8529 be read a second time."

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Cubberley:
"That Bylaw No. 8529 be now passed."

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Cubberley:
"That Bylaw No. 8529 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

Adjournment

On a motion from Councillor Cubberley, the meeting adjourned at 9:42 p.m.