

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, APRIL 11, 2005 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Cubberley, Derman, Gillespie, Ngai, Pickup, Wade and Wergeland
Staff: Tim Wood, Municipal Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Margaret Trottier, Deputy Municipal Clerk; and Shirley Leggett, Senior Committee Clerk.

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: "That the Minutes of the Council and Committee of the Whole Meetings held April 4, 2005, be adopted."

CARRIED

BYLAWS

No. 107
ADM40
Bylaw 8618

WATER UTILITY BYLAW AMENDMENT – RE-CONVEYANCE OF WATER.

Final Reading of the "Water Utility Bylaw, 2000, Amendment Bylaw, 2005, No. 8618". Housekeeping amendment to prohibit water being re-conveyed from one parcel to another without the Municipality's permission.

MOVED by Councillor Gillespie and Seconded by Councillor Cubberley: "That Bylaw No. 8618 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 108
ADM40
Bylaw 8624

CONTROLLED SUBSTANCE PROPERTY BYLAW.

First Three Readings of the "Controlled Substance Property Bylaw, 2005, No. 8624". To impose requirements on owners of buildings containing clandestine laboratories.

MOVED by Councillor Wergeland and Seconded by Councillor Pickup: "That Bylaw No. 8624 be introduced and read."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Pickup: "That Bylaw No. 8624 be read a second time."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Pickup: "That Bylaw No. 8624 be now passed."

CARRIED

No. 109
Wordsworth Street
Bylaw 8655

3201 WORDSWORTH STREET/1608, 1618 AND 1620 NORTH DAIRY ROAD.

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8655". Rezoning from RS-6 to RA-3.

MOVED by Councillor Ngai and Seconded by Councillor Pickup: "That Bylaw No. 8655 be introduced and read."

CARRIED

No. 110
Clutesi Street
Bylaw 8656

5074 CLUTESI STREET.
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8656". Rezoning from A-1 to RS-10 and RS-12.

MOVED by Councillor Derman and Seconded by Councillor Gillespie:
"That Bylaw No. 8656 be introduced and read."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 111
PQS100
Tender 06/05

TENDER 06/05 – POLICE PUBLIC SAFETY BUILDING ALTERATIONS.
Report of the Director of Purchasing dated April 4, 2005 recommending Tender 06/05 for interior alterations to the Police Public Safety Building be awarded to Campbell Construction Ltd. in the amount of \$84,513.26.

MOVED by Councillor Derman and Seconded by Councillor Gillespie:
"That Tender 06/05 for interior alterations to the Police Public Safety Building be awarded to Campbell Construction Ltd. in the amount of \$84,513.26."

CARRIED

No. 112
ADM115 - CRD
Housing Trust
Fund

CAPITAL REGIONAL DISTRICT REGIONAL HOUSING TRUST FUND SERVICE ESTABLISHMENT BYLAW AMENDMENT.
Letter from the Capital Regional District dated April 1, 2005 requesting Council pass a resolution consenting to the adoption of Bylaw 3269 to amend the Regional Housing Trust Fund Service Establishment Bylaw to include the District of Sooke as a participant.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: "That Council give consent to adopting Capital Regional District Bylaw No. 3269, which amends Bylaw No. 3266 being the "Capital Regional District Regional Housing Trust Fund Service Establishment Bylaw No. 1, 2005", for the purpose of including the District of Sooke as a participant in the service."

CARRIED

No. 113
ADM75
Unpaid Leave of
Absence

COUNCILLOR CUBBERLEY – REQUEST FOR UNPAID LEAVE OF ABSENCE.
Letter from Councillor Cubberley dated April 1, 2005 requesting an unpaid leave of absence for the period April 19 to May 17, 2005 inclusive.

MOVED by Councillor Derman and Seconded by Councillor Wade:
"That Council approve an unpaid leave of absence to Councillor Cubberley from his duties as Councillor for the period of April 19, 2005 to May 17, 2005 inclusive."

CARRIED

Adjournment On a motion from Councillor Wergeland, the meeting adjourned at 7:34 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

committees and community associations.

- A draft Parks Master Plan will be circulated for review and comment and CRD Parks will seek approval from the CRD Board sometime early in 2006.

Councillor Pickup stated:

- She commends and thanks CRD Parks for their outstanding leadership in park land and trail acquisition for the region.
- There are some issues of safety associated with some of the region's parks and lakes, for example, lack of lifeguards.
- She does not support charging fees for people to visit parks and trails – they need to be easily accessible to everyone.

Councillor Derman stated:

- He congratulates CRD Parks for their ongoing efforts with their land acquisition program.
- There should be some kind of an inventory that shows how successfully the parks are providing representative ecosystems.
- He would like to see an investigation of opportunities for connectivity to regional trails so that we begin to broaden access to them, as well as consider the possibility of circle routes connected to those trails.
- He would also like to see a strategy in place for invasive species management.

Councillor Wergeland stated:

- CRD Parks' staff has gone to great effort to ensure that the public has ample opportunity to provide input and feedback on the Parks Master Plan.

Mr. I. Graeme, 2615 Dean Avenue, stated:

- CRD Parks continues to do an excellent job with the region's parks acquisition program; we have a world-class greenspace and trail system.
- There is no singular body looking at connectivity to regional trails and there is a large portion of the urban core that is disconnected from the regional system.
- Portions of Bowker Creek encompass three Municipalities; it would be a good idea to utilize the CRD's expertise to garner some funding partnerships.

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

- He would like to thank CRD Parks for doing an excellent job of preserving greenspace.
- He would also like to see more funds spent to acquire land in rural areas of our region so people do not have to get in their vehicles to utilize the parks or greenspace.

Mr. G. Cottrell, 3332 Aldridge Street, stated:

- There are some areas in Victoria where there are no parks and one is at Lansdowne/Richmond/Shelbourne/Cedar Hill Cross Roads area; he would like to see a children's playground for this area.

MOTION: MOVED by Councillor Cubberley and Seconded by Councillor Derman: "That the presentation and March 11, 2005 letter from the Capital Regional District Parks be received."

Councillor Cubberley stated:

- The region is lucky to have such a wonderful parks and trail system.
- There could be more focus on regional trails in the Parks Master Plan; we need to look at the mandate for regional trails and how we can bring them into the urban areas.
- The Galloping Goose and Lochside Trails are the primary mover for pedestrians and cyclists in the region and downtown core but it is not captured in the purpose of the regional trails; transportational use of trails is not mentioned in the Parks Master Plan.

Councillor Gillespie stated:

- We are way ahead of other areas throughout the region for its parks system; we have a vast network of trails that are utilized by thousands of people every year.

The Motion was then PUT and CARRIED

Richmond Road
Rezoning

2675 AND 2697 RICHMOND ROAD – REZONING APPLICATION – MAGELLAN HOLDINGS LTD.

Reconsideration of the reports of the Director of Planning dated February 10, 2005 recommending the Shelbourne Local Area Plan be amended to designate the site for attached housing, approval of the rezoning from RS-6 to RM-5 and Development Permit DPR2004-00007, and that an easement be registered to provide the opportunity for a shared access to the adjacent property to the east at 1835 Kings Road, effective only if the site is rezoned to a multi-family use; and the Advisory Design Panel dated December 3, 2004 and December 29, 2004 recommending approval of the design; and supplementary report of the Director of Planning dated March 30, 2005 recommending a Public Hearing be called.

In response to questions from Council, the Director of Planning stated:

- The applicant has offered to dedicate 9.1 metres from the top of the bank to the edge of the park dedication.

In response to questions from Council, the Director of Engineering stated:

- The applicant has been requested to provide a separated sidewalk along Richmond Road; staff could discuss further greenway enhancements with the applicant.

Mr. D. Nyran, Magellan Holdings Ltd., applicant, stated:

- As a result of concerns raised at the February 28, 2005 Committee of the Whole Meeting they have revised their proposal.
- They are now proposing to relocate the "L" shaped block of the proposed housing development closer to Kings Road which will shift the building 10 feet and provide a minimum 19.5 metre building setback from the centre of Bowker Creek and 14.8 metres from the top of the bank on the north side of the creek.
- The proposed park dedication for a future Bowker Creek access will

be increased from 580 square feet to 1290 square feet.

- The Camosun Community Association was contacted regarding the proposed changes to the proposal and was fully supportive.

In response to a question from Council, Mr. Nyran stated:

- They would be willing to create more of a greenway instead of just a separated sidewalk along Richmond Road so it can connect to the Spirit Gardens.

Mr. I. Graeme, Director, Friends of Bowker Creek Society, stated:

- The Society is disappointed that there is no information in the Planner's supplementary report to substantiate the suitability of the proposed new dimensions and revised creek setbacks or any mention of a riparian assessment, site evaluation or cross section.
- The report also fails to acknowledge the importance of riparian values of the creek and makes no reference to the severe erosion of the creek banks, including the north side adjacent to the property.
- Saanich has many excellent qualified Environmental staff and the Society cannot understand why the importance of Bowker Creek as the key "form-maker" for the site was not afforded greater emphasis given that staff participate on the Bowker Creek Watershed Management Plan Steering Committee.
- The Society would like to see an equal or greater degree of effort made to substantiate the dimensions of and vision for the regional Bowker Creek "Creek-scape" adjacent to the site.
- There seems to be some discrepancy in the measurements between the site plan and actual dimensions of the location of the creek and top of the bank.
- The Planner's report fails to demonstrate to Council how the goals of the Centennial Trails 2006 project will be accomplished even at a conceptual level.

Ms. K. Foster, Director, North Jubilee Neighbourhood Association, stated:

- Since the February 28, 2005 Committee of the Whole Meeting no new information has been presented by the applicants to the Association or Victoria residents.
- The Association still has issues with the proposed density and access to Bowker Creek.
- These concerns and many of the required variances for the current proposal could be alleviated by retaining the original placement of the buildings and eliminating the two southernmost units closest to Bowker Creek.
- Additional work should be undertaken to establish what width of entry and setback from the Creek bank would be necessary to best preserve and protect it.

Mr. R. Miller, 1760 Lee Avenue, on behalf of the Friends of Bowker Creek Society, stated:

- The site plan indicates that the top of the bank to the northern edge of the Creek is 9.1 metres; he measured only 7.6 metres.
- The revised site plan shows that the dedication area has increased by

about 2.3 times but the sketch in the Planner's report gives the impression that it is about 4 times larger.

- The Society is disappointed that Environmental staff were not involved in establishing a greenway area or riparian area.
- The Society hopes that a Public Hearing will not be called until there is an integrated plan that shows how all of the components of the proposal fit together and that any inconsistencies have been resolved.

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

- There are concerns with the stability of the banks of the Creek; the Creek should be relocated in order to improve the riparian area.
- The subject area is a crucial area for restoration and could become a key component of the regional trail system.

Mr. C. Jensen, 2328 Foul Bay Road, stated:

- The applicants have done a commendable job of working with the local neighbourhood to design an attractive residential mixed housing development, however, there are still some concerns associated with the revised proposal.
- Saanich should undertake a site assessment and develop conceptual plans for greenway and riparian restoration as it appears Environmental staff did not provide any guidance or recommendations for future creek restoration or greenway requirements.
- He cannot support the proposed development if it is going to result in more hard engineering of the Creek's banks.

Ms. V. Sanders, Land Use Director, Camosun Community Association, stated:

- The applicants undertook a good public process and redesigned their proposal in order to address issues such as density, massing and traffic, as well as making Bowker Creek a focal point of the development when the Association suggested it.
- As a result of concerns expressed at the February 28, 2005 Committee of the Whole Meeting, the applicants made further revisions by moving one of the buildings further away from the Creek and increasing the park dedication area.
- The proposed development addresses policies in the Regional Growth Strategy, is close to a variety of amenities and transit, and will provide a public access to Bowker Creek.
- The applicant is also proposing to create a streetscape presence along Kings Road and Richmond Road that will aesthetically enhance the area as well as improve pedestrian safety.
- The proposed concept is the third proposal that has been brought forward for the subject site over the last few years and the Association thinks it is the most suitable.

Mr. D. Bassett, Vic Davies Architect, stated:

- The proposed park dedication area is triangular in shape and is about 1290 square feet in size which moves the property line approximately 27 feet along Richmond Road from where the current property line is located.
- This means that the property dedicated to Saanich will be about 40

feet from the centre line of Bowker Creek as established by the surveyors, with the building back an additional 19 feet from the dedication area.

Mayor Leonard stated:

- It would appear that the sketch in the Planner's report is not as accurate as the plan from the BC Land Surveyors.
- If the application goes forward to a Public Hearing there needs to be some critical points identifying the top of the bank added to the surveyors plan.

Mr. X. St. Phillip, Magellan Holdings Ltd., stated:

- They are prepared to offer an additional 5 foot strip to the dedication area and incorporate a change in the landscape along Richmond Road if that is what Council wants.
- They will also speak to Engineering staff about considering a bioswale along Kings Road as opposed to constructing a curb and gutter.
- They will have the BC Land Surveyor confirm the top of the bank and the additional five feet to the dedication area.

MOTION:

**MOVED by Councillor Derman and Seconded by Mayor Leonard:
"That a Public Hearing be called."**

Councillor Derman stated:

- He appreciates the efforts the applicant has made to work with the community; it has been a long and arduous process.
- The proposed development could impinge upon the rehabilitation of Bowker Creek and have long term implications so it has to be handled carefully.
- At the Public Hearing he would like to have more information with regard to a site assessment that determines what is required for the restoration of the Creek and multi-purpose trail.
- The Creek may need to be redirected so the deterioration of the banks can be addressed.
- A greenway type trail along Richmond Road will help address cyclist and pedestrian safety.

Councillor Cubberley stated:

- We need to determine what the exact land parameters of the site are in order to ensure that there is a trail, a riparian area, and some distance to the proposed development.
- He agrees that a greenway area should extend around the corner at Richmond Road and link to the Spirit Gardens.
- We need to have an accurate survey from the top of the bank to the edge of the proposed buildings and have it properly marked out with stakes prior to the Public Hearing.

Councillor Wergeland stated:

- He agrees that there needs to be an accurate survey and would like to see some photo imaging of what the proposed buildings will look like on the site.

Councillor Pickup stated:

- Environmental staff has not been as fully involved with regard to the proposed application as they could have been.
- She would like to see a more comprehensive conceptual plan with accurate measurements for the Public Hearing so there is a better understanding of how all the components of the proposal will be achieved.

The Motion was then PUT and CARRIED

Dupplin Road
Rezoning

450 DUPPLIN ROAD – REZONING APPLICATION – DONALD AND JACQUELINE LOGUE.

Report of the Director of Planning dated March 23, 2005 recommending approval of the rezoning from RS-6 to M-1DW and Development Permit DPR2002-00009, that a bond equal to the cost of the stormwater management system and mandatory building renovations be submitted prior to final reading, and that an access easement across 444 Dupplin Road be registered at the Land Title Office prior to final reading.

Councillor Derman stated:

- He agrees that planting the required trees in the backyard of the subject property would be impractical and would like to know if they could be planted either along the Galloping Goose or along Whittier Avenue instead.

The Director of Planning stated:

- The purpose of rezoning the subject property is to bring it into compliance; the owners already have a business license so they are operating in a non-conforming manner.

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

- He was happy to see that stormwater management requirements were discussed in the Planner’s report.

MOTION:

**MOVED by Councillor Derman and Seconded by Councillor Pickup:
“That a Public Hearing be called.”**

CARRIED

In Camera Motion

**MOVED by Councillor Wade and Seconded by Councillor Derman:
“That the following Council meeting be closed to the public as the subject matter being considered relates to personal information about identifiable individuals being considered for appointment.”**

CARRIED

Adjournment

On a motion from Councillor Cubberley, the meeting adjourned at 9:30 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK