

MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, APRIL 5, 2005 AT 8:33 P.M.

Present: **Chair:** Mayor Leonard
 Council: Councillors Cubberley, Derman, Gillespie, Ngai, Pickup, Wade and Wergeland
 Staff: Tim Wood, Municipal Administrator; Ken Krieger, Director of Parks and Recreation; Anne Topp, Manager of Planning Services; Wayne Randall, Lands Commissioner; Jagtar Bains, Development Coordinator; and MaryAnn Greco, Senior Committee Clerk.

Fowler Road
Application to
exclude from ALR

5455 FOWLER ROAD – APPLICATION TO EXCLUDE MUNICIPAL PROPERTY FROM THE AGRICULTURAL LAND RESERVE

Report of the Director of Planning dated March 23, 2005 recommending that the proposal to create a 1.45 ha (3.58 ac) park on the site and to subdivide off the existing single family dwelling be supported and that the application to exclude the land from the Agricultural Land Reserve (ALR) be supported and forwarded to the Land Commission following a Public Hearing, held in accordance with the requirements of Section 29 of the *Agricultural Land Commission Act*.

In response to questions from Council, the Director of Parks and Recreation stated:

- The immediate need for this site is to alleviate parking issues associated with both the Lochside Trail and Lochside Park.
- Although there are site constraints, he does not believe they will impact the park uses proposed.

Ms. A. Moffat, 5447 Fowler Road, stated:

- The Cordova Bay Local Area Plan policy does not support removal of land from the ALR which is outside the Urban Containment Boundary in the northern farmlands.
- The previous owner applied to have this land removed from the ALR and it was rejected; in 1994 the owner took Saanich to court and lost.
- A parking lot to serve sports clubs whose members come from all over the Capital Region will have far greater consequences than anything the previous owner could have done.
- The parking spaces at Lochside Park accommodate at least 130 vehicles; this is more than enough for local park use including a local sports club as well as regional trail users.
- In regard to the proposal to use this site for trail side amenities, why not have Lochside Park be the community park it is supposed to be instead creating a new one.
- Neither the Cordova Bay Local Area Plan nor the Parks Priority Study foresees a need for another park in this area; the Local Area Plan states that Cordova Bay exceeds the adopted guidelines for neighbourhood parks and the northeast quadrant of the Municipality is well served with community park space.
- The proposed subdivision does not conform with the Cordova Bay Local Area Plan policy to maintain a minimum lot area of 2.0 hectares outside the Urban Containment Boundary.
- The proposed single family lot is justified in this application because it is similar to those to the south however those lots were subdivided at least 50 years ago and none of those lots are on filled land.

- The only perkable land for the proposed residential lot is the small front lawn which slopes down to the house, so the sewage has to be pumped up to the front corner of the lot near an open storm drain.
- The existing dwelling is large, contains a secondary suite and has a history of septic and storm drain problems.
- She believes it is Saanich's intention to provide more parking so that Cordova Bay's community park can better serve private clubs.

Mr. R. Wigmore, 5474 Fowler Road, stated:

- He is concerned about the history of septic problems for the existing single family dwelling.
- This lot was formerly a deep depression which was filled by the previous owner with a lot of junk and debris.
- The previous owner cut down a large stand of cotton wood trees, which are now rotting on the site.
- A recent geotechnical survey outlines the problems caused by this filling such as sinkholes and unstable ground.
- A parking lot at this location will cause a plethora of problems including late night parties by teenagers and overnight parking by recreational vehicles.
- If the site is to be used as a parking lot, a fence should be erected that surrounds the parking lot with a gate to be locked at dusk to avoid serious night time problems; ideally the whole site should be fenced.

Mr. R. Stonebanks, President of the Cordova Bay Association, stated:

- The Executive has discussed this matter on three occasions and accepts the reality that Saanich has bought this land and supports the proposed use as a park.
- The Association observes that public ownership of land in the form of a park is the best guarantee against future private development.
- Much care and attention must be paid in the future to what specifically should be done with this property so that its acquisition is for the benefit of this community.
- The Association is concerned about this site being used as a parking lot and would like the concerns raised by the previous speakers addressed.

In response to a question from Council, the Municipal Administrator stated:

- The Parks Department had identified this site for overflow parking and trail amenities for the Lochside Regional Trail and Lochside Park.
- A general geotechnical overview was undertaken for this site and although there were some site constraints identified, it did not preclude the site from being used for overflow parking with a pervious surface.
- This site was considered a good arrangement if it could be subdivided and 3 to 4 acres could be purchased for municipal parkland at a reasonable cost.
- There is a parking predicament in this area that can not be solved overnight but managed over time.

- Once the property was acquired, issues were raised about the existing septic system and storm drain, and the Lands Commissioner provided information to Council on how to address the situation.
- Council has been provided with adequate and ample information on the purchase of this property.

Councillor Pickup stated:

- She believes due diligence was not undertaken by staff regarding the purchase of this site; she disagrees that this was a good investment for the Municipality in terms of park use and the state of the property.
- It was not until the public complained about the septic system and storm water that further investigation was undertaken.
- She sees no strong evidence to indicate the need for this property for a park and particularly for overflow parking given the nature of the soil.
- She walks the Lochside Trail on a regular basis and there has never been trouble with parking availability unless a special event is going on at Lochside Park.
- She does not support this site being used for a park or retained as municipal property.
- She is not convinced that the septic system for the single family residence will be satisfactory given the secondary suite.
- Public meetings should be held with the community to determine the future use of this site before considering its removal from the ALR.

Councillor Wergeland stated:

- He does not share the same concerns regarding lack of due diligence by staff on the acquisition and background history of this site.
- Staff provided adequate information and advised that it was intended for parking and greenspace and that the site was previously filled.

Mayor Leonard stated:

- He does not believe there is a case for this property to remain in the ALR.
- This is not an issue about the use of Lochside Park by sports organizations or private clubs, it is about whether the site should be within the ALR.
- If the land is removed, a comprehensive public process will commence.
- The overflow parking area will not look like a downtown parking lot; it will have farm-like fencing, possibly a gate and a permeable parking surface.
- In the future, the CRD may wish to provide amenities for trail walkers and riders however this will not be done without open houses and community input.

Councillor Gillespie stated:

- He supports the recommendation of the Director of Planning to forward this application to a Public Hearing.
- His concern is that additional land may be needed for a septic system.

The Lands Commissioner stated:

- The existing pump had malfunctioned however it has since been repaired and the service technician suggested there were no problems with the field area.

MOTION: MOVED by Councillor Gillespie and Seconded by Councillor Wergeland: "That a Public Hearing be called."

Councillor Derman stated:

- He concurs with the points made by the two neighbourhood speakers.
- He was not made aware of the nature of the fill or the potential problems that it would create.
- He was aware that the single family dwelling was on septic system but not of the viability of it.
- His intention in supporting the purchase of this site was to restore the ecological-feel that had been there before and create an additional amenity for the trail users and the community.
- He does not feel comfortable with the direction suggested for the future of this property to date.

Councillor Cubberley stated:

- Saanich's deposit of fill requirements have been reformed since the time this property was filled.
- This property used to be a beautiful site but it was ruined by the amount and quality of fill.
- He does not have a problem with its removal from the ALR but does not want to see it being used primarily for parking.
- A public process will be undertaken to determine the use of this site.
- This application should not be rushed to a Public Hearing until there is a firm concept for this site.

Councillor Pickup stated:

- This application needs to go through a public process prior to going to a Public Hearing.
- Whether this site is agriculturally viable is not the issue; this is a buffer piece of land.
- She does not support the site being turned into a parking lot; it would be a further violation of this property.
- This property is currently listed in Saanich's Environmentally Sensitive Areas Atlas.

The Motion was then PUT and CARRIED with Councillor Pickup voting against.

Adjournment

On a motion from Councillor Derman, the meeting adjourned at 9:15 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK