

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MARCH 14, 2005 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brownoff, Cubberley, Derman, Gillespie, Ngai, Pickup, Wade (arrived at 7:40) and Wergeland
Staff: Tim Wood, Municipal Administrator; 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 March 7, 2005, be adopted."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 80
PQS100
Quotation 08/05

QUOTATION 08/05 – TRACTOR FOR CEDAR HILL GOLF COURSE.

Report of the Director of Purchasing dated March 9, 2005 recommending Quotation 08/05 for a tractor for Cedar Hill Golf Course be awarded to Island Tractor & Supply Ltd. in the amount of \$62,868.67.

MOVED by Councillor Pickup and Seconded by Councillor Brownoff: "That Quotation 08/05 for a tractor for Cedar Hill Golf Course be awarded to Island Tractor & Supply Ltd. in the amount of \$62,868.67."

CARRIED

No. 81
ADM115 - FCM
Membership Dues

FEDERATION OF CANADIAN MUNICIPALITIES – MEMBERSHIP DUES.

Invoice from the Federation of Canadian Municipalities requesting payment of membership dues in the amount of \$11,605.59 and travel funds in the amount of \$1,813.95.

MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That Council authorize payment of the 2005 Federation of Canadian Municipalities annual membership dues in the amount of \$11,605.59 and travel funds in the amount of \$1,813.95."

CARRIED

REPORTS FROM SAANICH ADVISORY COMMITTEE CHAIRS

No. 82
ADM85
Saanich Advisory
Committees

Council members provided updates on the various Saanich Advisory Committees they chair.

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 7:55 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
 HELD IN THE COUNCIL CHAMBERS
 SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MARCH 14, 2005 AT 7:56 P.M.

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

McKenzie Avenue
 Rezoning

1654 McKENZIE AVENUE – REZONING APPLICATION – TUSCANY VILLAGE HOLDINGS LTD.

Report of the Director of Planning dated February 24, 2005 recommending approval of the rezoning from C-3 to C-3L, that prior to final reading the applicant register a restrictive covenant limiting the size of the Liquor Retail Store (LRS) facility to 450 m² (4843 ft²) and that Development Permit DPR2003-00041 be amended to show the use of a portion of Building “D” for LRS use.

Mr. K. Brown, Executive Vice President, on behalf of Bond Development Corporation, stated:

- The Tuscany Village Shopping Centre is a high-end development and the proposed liquor store will be as well.
- The Laurel Point Inn Group has an approved license for the store; they hope to see an affiliate of theirs joining as the occupant.
- In the absence of an affiliate, Bond Development Corporation will lease the property in cooperation with the Laurel Inn Point Group.
- The general demographics will be well served by a liquor outlet at this location.

Ms. J. Gaylord, Gordon Head Residents’ Association, stated:

- At the time of the original rezoning in May 2004, the developer indicated his intention to include a liquor retail store; the Association has no objection to this proposal.

Ms. S. Jack, 3980 Oakwinds Street, stated:

- There are already two liquor stores a short distance away from Tuscany Village; she would like to know why another one is necessary.

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

- He would like to know what the Province has established as the minimum distance between liquor stores.

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

- The University Heights Shopping Centre is already in jeopardy.
- The liquor store at the University Heights Mall is very small compared to the 5,000 square foot store that is proposed for Tuscany Village;

- they should not be competing for the same business.
- She hopes that Council will not approve the rezoning application.

Mr. Brown stated:

- The liquor store at the University Heights Mall is not a full service operation like the store proposed for Tuscany Village.
- Demographics and third party studies indicate that with the high density in the area the area is actually under-serviced.

In response to a question, the Director of Planning stated:

- The provincial regulation is 500 metres between liquor stores.

MOTION:

MOVED by Councillor Gillespie and Seconded by Councillor Cubberley: “That a Public Hearing be called.”

Councillor Cubberley stated:

- This is the first application under the new zoning regulations and the applicant made his intentions known right from the start.
- It is not up to Council to get involved with fair competition practices.

Councillor Pickup stated:

- The LCLB granted approval to transfer the Liquor Retail Store from Douglas Street to the Tuscany Village site.
- She agrees with the new regulations as it gives the public an opportunity to provide input on these types of applications.

Councillor Derman stated:

- When the application for Tuscany Village was approved some time ago, a number of residents living on Teakwood Road expressed concern that there needed to be more of a transition/buffer for one of the buildings as it interfaced with the neighbours bordering the property line.
- One of the property owners on Teakwood Road was originally offered an eight foot setback from their property line and the single storey building which would provide some screening from the development; now it is going to be a two-storey building built right to the lot line.
- He will not support the rezoning application.

Councillor Brownoff stated:

- She will support the rezoning application; the LCLB has already approved the transfer of the applicant’s retail store.
- She would like clarification from the applicant at the Public Hearing on the times of operation and delivery times; there could be noise issues.

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

Cherry Tree Bend
Road
Rezoning

4865 CHERRY TREE BEND ROAD (A PORTION) – REZONING APPLICATION – BRUCE STOREY.

Report of the Director of Planning dated March 2, 2005 recommending the Cordova Bay Local Area Plan be amended to include the property in the Urban Containment and Sewer Enterprise Boundaries, approval of the rezoning from A-1 to RS-12, the Agricultural Land Reserve application be forwarded to the Agricultural Land Commission with a resolution supporting removal, and that prior to final reading a natural state covenant and a blanket pedestrian right-of-way over the natural preservation area be registered.

Mr. B. Storey, applicant, 7178 Mark Lane, stated:

- His proposal to subdivide has been revised since the original application came forward two years ago.
- This proposal is for the creation of seven lots comprising approximately 2.25 acres and for the preservation of about 1.75 acres.
- He will grant an option to the Royal Oak Burial Park to acquire the remaining 7.5 acres should they wish to pursue it.
- The proposed lots can be serviced by gravity to the existing sewer that runs through the north of the property in a Municipal right-of-way.

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

- If the application is not approved he plans to farm the land.

Mr. J. Howroyd, 761 Westbury Road, stated:

- He is opposed to the proposed subdivision; the subject property is located in the Agricultural Land Reserve (ALR) and should not be removed.
- Removal of the land from the ALR would be a major change to the Urban Containment Boundary (UCB).
- The subject property is a rare and precious part of the neighbourhood and adding seven new homes will impact the sensitive ecosystem that exists on the site.

Mr. G. Abbott and son, 4933 Eagle View Lane, stated:

- His family is opposed to the proposed subdivision and removal of the subject property from the ALR; it is also outside the Sewer Enterprise Boundary (SEB) and UCB.
- He and his family operate a small organic farm on their property and they are hoping to expand their operation to include livestock.
- There is a buffer area between his property and that of the subject property that is a key component to their future agricultural plans.
- There has already been a lot of development along the Cordova Ridge and he does not understand the need to create more density in this area.

Mr. R. Lukat, 759 Westbury Road, stated:

- He is opposed to the proposed rezoning application.
- His property is adjacent to the subject parcel and he his family have lived there since 1989; it is a nice quiet street.

- Rezoning the subject property to RS-12 is not acceptable; the current zoning bylaws should be adhered to, and the property should remain in the ALR.
- Developing the site will have a negative impact on the neighbourhood.

Ms. R. Fontenla, 762 Westbury Road, stated:

- She and her husband are the neighbours who will be the most affected if the subject property is rezoned and subdivided, but they support the proposal.
- While their property overlooks the subject site and affords them a lot of privacy, they are concerned with the number of trees that are leaning towards their home.
- Their property is very shaded by the growth of trees and they have a lot of moss; her husband's health would benefit by more sunlight on their property.
- The applicant has assured them that they will retain as many trees as possible between the proposed houses to retain some privacy.
- They are willing to sacrifice some of their privacy to allow for the subdivision; they think it will enhance the neighbourhood.

Mr. S. Napolitano, 774 Westbury Road, stated:

- He does not think the subject property should be removed from the ALR; it is also outside the UCB and SEB.
- The wooded area of the property provides a home for a lot of wildlife.
- He is also concerned with traffic issues; the proposed subdivision will add another 15 or 20 cars using Haliburton Road as its only access from the highway which is already congested especially during school hours.

Ms. E. Turnbull, president, Royal Oak Community Association, stated:

- She hopes that Council will support keeping the subject property in the ALR and maintain the UCB and SEB; non-farming uses should be limited.
- We need to look at Saanich as a whole package and see what areas are viable for farming; the Saanich community is all about farming.
- We need to plan for smart and sensitive growth.
- It is important to maintain land that is registered in the ALR; it is up to the Agricultural Land Commission to decide if this property is viable for farming.

Ms. T. Bains, director, Haliburton Community Organic Farm Society, stated:

- It is essential to our local economy and local food security that farmland be used as farmland; greater benefit is reaped from local economies and those dollars go further in support of the community as a whole.
- The subject property is presently in the ALR and the soils are deemed to be worthy of growing crops; it has been proven by sustainable farming methods that these methods would improve soils and there would be no question as to their viability for farming.
- Forest and farmland work together in a sustainable farming situation;

the mature trees stabilize the area, provide services for other species, retain water, and provide a habitat for pollinators; the diversity of this woodland allows the system to sponsor its own fertility, and lends assistance in stabilization.

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

- She is opposed to the proposed development and urges Council to reject the application.
- There was a commitment made by a former Council to the people of Cordova Bay, that properties running from the ridge down to the Pat Bay Highway would never be developed.
- She is very distressed to hear that the applicant will cut down all the trees if his application is not approved.

Ms. K. Napolitano, 774 Westbury Road, stated:

- The subject property contains a second growth urban forest and if it is removed it will impact a lot of wildlife.
- The property is in the ALR, outside of the SEB and UCB; and borders the burial park.

Mr. B. Beazly, 767 Westbury Road, stated:

- He has ambivalent feelings about the proposed development and recognizes that neighbourhoods change; the same thing happened when the property their houses were built on was rezoned.
- He would like to know if the applicant will be registering building schemes and clarification on what will happen to the property if the application is not approved.

Mr. A. Maclean, 4981 Wesley Road, stated:

- He has a letter of opposition from his daughter whose property borders the subject parcel.
- She bought the property because it borders on land that is in the ALR; if the property is removed from the ALR a beautiful forested area will be impacted as well as her privacy.
- Much of the landscaping on her property has been planted for shady areas and it will be impacted if the trees are cut down; her house will also be too hot during the summer months.
- He and his daughter hope that Council will reject the application.

Ms. L. Smiley, 761 Westbury Road, stated:

- She is opposed to the proposed development because the property is outside the SEB and UCB, is located in the ALR, and requires rezoning.
- The property has a second growth forest with several sensitive ecosystems within it.
- She thinks adding seven new very large homes into the UCB is a major change and she hopes that Council will not approve the proposed development.

Ms. J. Gaylord, 1692 Carnegie Crescent, stated:

- She is opposed to any land being removed from the ALR; the community will not see any benefits from the subject parcel being

removed.

- She finds it disturbing that the applicant says he will clear cut all of the trees if his application is not approved.
- When the Gordon Point Estates were built five years ago the forested area was supposed to be retained; now there are barely any trees remaining.

Ms. B. Johnson, 4891 Cherry Tree Bend Road, stated:

- She is opposed to the proposed subdivision; the property is outside of the SEB and UCB and will have to be removed from the ALR and subdivided.
- She does not think that the previous owner of the property would approve of the land being removed from the ALR.
- The proposed seven new houses are too large and will generate a lot of traffic; it is already difficult to exit from Cherry Tree Bend Road – more traffic will not help the situation.

Mr. G. Bosence, 778 Westbury Road, stated:

- He is opposed to the proposed development.
- If the application is approved, it will be the end of the west side of the Cordova Bay Ridge.

Dr. N. Turner, 1290 Tracksell Avenue stated:

- At the request of members of the local community and as a professional botanist, she visited the subject property in November, 2003.
- The forested area is an exceptional and increasingly rare example of fully functioning coastal Douglas-fir forest vegetation.
- As a community, we have an obligation to present and future generations to protect this ecosystem.
- The immediate community, as well as Saanich as a whole, would benefit from the protection of this forest as natural parkland.

Mr. B. Bowker, 237 Meadowbrook Road, stated:

- He is opposed to the proposed development.
- He took part in the discussions for the Rural Saanich Local Area Plan and the Committee unanimously agreed that no more lands be removed from the ALR.

Ms. S. MacPherson, president, Prospect Lake Community Association, stated:

- Removing the subject property from the ALR would be a step backwards and contrary to current practices and policies of the Municipality.
- The integrity of the SEB and UCB need to be protected; the Association is opposed to the proposed development.

Mr. K. Weir, 768 Westbury Road, stated:

- He is opposed to the proposed subdivision and removal of the property from the ALR.
- Saanich should purchase the property to prevent it from being clear

cut.

- Whatever decision Council makes will set a precedent; he hopes they will reject it.

Ms. K. Whitworth, 4580 Viewmont Avenue, stated:

- If Council decides to forward the application to a Public Hearing and then agrees to endorse the project going to the Agricultural Land Commission, it could send a message that the other two aspects of the application pertaining to the UCB and SEB are a foregone conclusion.

Mr. R. Warden, president, North Quadra Land Use Protection Association, stated:

- Council should decide what a major or minor amendment to the UCB is and then base its decision on that for the proposed development; the Association thinks the addition of seven new homes would be a major amendment.
- The Association thinks the subject property should be kept in the ALR.

Ms. S. Bridges, vice president, Cordova Bay Association, stated:

- Members of the Association met with the applicant in November 2004 regarding his proposal for Cherry Tree Bend Road and did not support it; their position has not changed.
- Major and minor amendments to the UCB need to be clarified; the Association does not consider the proposed development to be a minor amendment.
- The Association hopes that Council will reject the proposed subdivision, purchase the property and retain it as an urban forest.

Mr. H. Charania, 757 Genevieve Road, stated:

- Council has pledged a strong commitment to protect the UCB; there should be no trade-offs just because the applicant is stating that he will cut down all the trees; there is no public interest for the UCB to change.
- He would like to know why this application is being considered as a whole package and why it was not forwarded to the Agricultural Land Commission with or without a recommendation from Council as is their standard practice.
- He hopes that Council will reject the proposed development.

Ms. B. McLaren, 766 Westbury Road, stated:

- She is opposed to the proposed application to remove the property from the ALR; it is also outside the SEB and UCB.
- The property contains a mature second growth forest and a rare and sensitive riparian ecosystem; it is also a home for deer and many birds and other wildlife.
- She is also concerned with the increase in traffic that the new homes could generate on Westbury and Haliburton Roads.

Ms. D. Jensen, 776 Westbury Road, stated:

- She does not support removal of the subject property from the ALR; it is also outside of the UCB and SEB.

- If the property is developed and the forested area cut down, it will impact the wildlife and sensitive ecosystem.
- It is anticipated that the proposed new homes will be marketed for about \$800,000; the only people who will be able to afford them will be wealthy people or those who will have multi-families living in them.

Mr. F. Shanks, 770 Westbury Road, stated:

- He does not support the proposed development.

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

- One of the policies in the Saanich Corporate Plan is to protect and maintain urban forests; the Municipality also supports using naturescape principles.
- We need to look after our environment.

Mr. M. Teele, 4928 Lemaire Place, stated:

- He has had the opportunity to meet new neighbours thanks to new development, although he understands the neighbourhoods' concerns and fear of the unknown.
- Council has many tools they can use to control the size and style of the proposed new homes.
- He is not opposed to good, sound development.

Mr. R. McLaren, 766 Westbury Road, stated:

- He is opposed to the proposed development; we need to preserve our greenspace.

In response to questions and comments, Mr. Storey stated:

- He is willing to register building schemes for the proposed new houses.
- Under the proposed new zoning, the size of the new houses could be up to 5,000 square feet; they will likely be about 2,500 to 3,500 square feet.
- If their application is not approved he and his wife will live on the property, cut down some of the trees and farm the property.

Mr. D. Bottrell, Dogwood Tree Service, stated:

- On the original concept plan, 35 to 40 trees would be removed for the building footprint and the actual service corridor; however the plan has changed dramatically on the entranceway.
- They have had relatively good success in building near a second growth forest; the revised plan is a much better plan than the original one.

Councillor Derman stated:

- He does not support sending the application forward to a Public Hearing.
- Saanich has a well established process of sending applications to the Agricultural Land Commission for their decision on whether or not to remove a property from the ALR; he is not in favor of considering a number of concurrent processes.

- The subject property is a prime piece of urban forest and if the development application is not approved he hopes that the applicant will not cut down all the trees.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Pickup: “That the application to rezone Parcel A (DD533281) of Sections 47 and 48, Lake District, Except Part in Plan 7793 (4865 Cherry Tree Bend Road) from A-1 to RS-12, be rejected.”

Councillor Pickup stated:

- Removal of the subject property would be in total violation of the SEB and UCB policies, and the property is located in the ALR.
- When the Gordon Point area in Gordon Head was developed nearly all of the urban forest was lost.
- If we are going to change our UCB in any significant way then that may require an amendment to the Regional Growth Strategy.
- She hopes there will be some way to preserve the trees on the subject property.

Councillor Wergeland stated:

- He would have preferred a decision on the ALR aspect prior to consideration of the rezoning.
- Much has been said about the preservation of agricultural land for future generations yet it has been indicated that the trees should not be cut down because the land is not viable for agricultural use.
- The Solicitor has confirmed that the owner of land in the ALR is entitled to cut down trees to allow the land to be used for agricultural purposes.
- Many people have said that the UCB should not be changed unless there is a major public benefit; postponing the application would provide an opportunity for the applicant to work with the community to identify what benefits could be achieved.
- If the application is rejected and the owner decides to farm the land, many people could be disappointed; it is important to find a win/win solution.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: “That consideration of the rezoning application for 4865 Cherry Tree Bend Road be postponed to allow additional public consultation.”

Councillor Brownoff stated:

- She does not support postponing the application.

Councillor Gillespie stated:

- Years ago there used to be other farms on the Cordova Bay Ridge – now there are houses.
- The applicant has stated that if the proposal is not approved he will cut down the trees so he can farm the property.
- The Planner’s report states that minor amendments to the UCB can be considered when the property can be serviced by gravity to the sewer system and the owner’s engineer has indicated that it can be.
- He would like to see the application go forward to the ALC for their

decision.

- The applicant has the right to build a house on the western portion of the property and clear cut the remainder for farming.

Councillor Cubberley stated:

- It is still not clear what is considered a major or minor expansion to the UCB; he does not think the proposed change to the UCB could be considered minor.
- We need to try to find alternative solutions for the subject property; an urban forest does not really qualify when Saanich is considering acquiring parkland.
- He does not support all of the processes being considered concurrently or postponing further consideration of the application.

Councillor Ngai stated:

- She will support postponing further consideration of the application as it will allow the applicant to consider more community input.
- She also does not support all of the processes running together and would rather the ALC review the application on its own merits before Council considers it.
- The property owner has the right to farm the property if that is his wish; perhaps if there was further public consultation the applicant would come back with an alternate proposal.

Councillor Derman stated:

- He does not support postponement or think there would be any value to it.
- He also does not agree with dealing with the application as a package; if the application was rejected, the applicant could decide if he wanted the application forwarded to the ALC for their consideration.

Councillor Pickup stated:

- She does not support postponing further consideration; it could just give the applicant false hope.
- She also does not have any confidence in the ALC – they seem to support removal of land from the ALR.

Mayor Leonard stated:

- There are conflicting priorities and issues of property rights.
- While postponing consideration of the application may not resolve some difficult issues, if the application is rejected, we will be further away from an acceptable solution.
- This application was postponed once before and what is now proposed is totally different.
- Trees on land in the ALR can be cut if the owner certifies that it is for agricultural use; we need to be very practical about the owner's options.
- Some residents have indicated that Saanich should purchase the property; cost is a concern and a precedent would be set in terms of pressure to purchase any agricultural land that is proposed for development.
- Postponing consideration of the application will leave more options

open.

Councillor Wade stated:

- She is not comfortable with considering all of the processes as a package; the issues should be dealt with separately.
- There needs to be further discussions on what is considered major and minor amendments to the SEB and UCB.
- She will support postponing it.

The Motion was then PUT and CARRIED, with Councillors Brownoff, Cubberley, Derman and Pickup voting against.

Adjournment

On a motion from Mayor Leonard, the meeting adjourned at 10:35 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK