

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, OCTOBER 17, 2005 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brownoff, Derman, Gillespie, Ngai, Pickup, Wade, and Wergeland  
**Staff:** Tim Wood, 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 held October 3, 2005, and the Special Council and Committee of the Whole Meetings held October 4, 2005, be adopted."**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 371

McKenzie Ave.  
Bylaw 8653

**1654 MCKENZIE AVENUE.**

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8653". Rezoning from C-3 to C-3L.

**MOVED by Councillor Ngai and Seconded by Councillor Wergeland: "That Bylaw No. 8653 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED,**

**with Councillor Derman voting against.**

No. 372

Short Street  
Bylaw 8710

**3481 SHORT STREET.**

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8710" **and approval of Development Permit DPR2005-00010.** Rezoning from C-4 to C-2.

**MOVED by Councillor Derman and Seconded by Councillor Pickup: "That Bylaw No. 8710 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Pickup: "That Council approve and issue Development Permit No. DPR2005-00010 on Lot 1, Section 7, Victoria District, Plan 45105 (3481 Short Street)."**

**CARRIED**

No. 373

ADM40  
Bylaw 8709

**TAX CERTIFICATE BYLAW.**

Final Reading of the "Tax Certificate Bylaw, 2005, No. 8709". To impose a fee with respect to providing property tax information.

**MOVED by Councillor Pickup and Seconded by Councillor Gillespie: "That Bylaw No. 8709 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 374  
ADM40  
Bylaw 8708

**REPEAL BYLAW (LOCAL IMPROVEMENT GENERAL BYLAW).**  
Final Reading of the "Repeal Bylaw, 2005 (Local Improvement General Bylaw, 2000, No. 8141), No. 8708".

**MOVED by Councillor Pickup and Seconded by Councillor Brownoff:**  
**"That Bylaw No. 8708 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 375  
ADM40  
Bylaw 8719

**TAX EXEMPTION REAL PROPERTY BYLAW.**  
First Three Readings of the "Tax Exemption Real Property Bylaw, 2005, No. 8719". To provide tax exemption for 2006 for the properties identified.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:**  
**"That Bylaw No. 8719 be introduced and read."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Derman:** "That Bylaw No. 8719 be read a second time."

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Pickup:**  
**"That Bylaw No. 8719 be now passed."**

**CARRIED**

No. 376  
ADM40  
Bylaw 8720

**TICKET BYLAW AMENDMENT – NOXIOUS WEEDS BYLAW.**  
First Three Readings of the "Ticket Bylaw, 2001, Amendment Bylaw, 2005, No. 8720". To add the Noxious Weeds Bylaw as a designated bylaw.

**MOVED by Councillor Pickup and Seconded by Councillor Wade:**  
**"That Bylaw No. 8720 be introduced and read."**

**CARRIED**

**MOVED by Councillor Pickup and Seconded by Councillor Wade:**  
**"That Bylaw No. 8720 be read a second time."**

**CARRIED**

**MOVED by Councillor Pickup and Seconded by Councillor Wade:**  
**"That Bylaw No. 8720 be now passed."**

**CARRIED**

No. 377  
Hartland Ave.  
Bylaw 8714

**226 HARTLAND AVENUE.**  
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8714". Rezoning from A-1 to A-7.

**MOVED by Councillor Wergeland and Seconded by Councillor Ngai:**  
**"That Bylaw No. 8714 be introduced and read."**

**CARRIED**

No. 378  
Lochside Drive  
Bylaw 8715

**5155 LOCHSIDE DRIVE.**  
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8715". Rezoning from RS-18 to RS-6.

**MOVED by Councillor Gillespie and Seconded by Councillor Ngai:**  
**"That Bylaw No. 8715 be introduced and read."**

**CARRIED**

No. 379  
Lochside Drive  
 Bylaw 8717

**ZONING BYLAW – HOUSEKEEPING AMENDMENT TO THE LIQUOR RETAIL ZONES AND C-14 (NEIGHBOURHOOD PUBLIC HOUSE).**

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2005, No. 8717”. To amend all liquor retail zones to reference Schedule B and zone C-14 to reference Schedule F.

**MOVED by Councillor Gillespie and Seconded by Councillor Wade: “That Bylaw No. 8717 be introduced and read.”**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 380  
ADM60  
 GVPL Operating  
 Agreement

**GREATER VICTORIA PUBLIC LIBRARY OPERATING AGREEMENT.**

Report of the Director of Finance dated September 30, 2005 further to letters from the Greater Victoria Public Library dated June 7 and September 22, 2005, recommending Council approve the revised Greater Victoria Public Library Operating Agreement for a three year term commencing January 1, 2006 as approved by the Library Board on September 20, 2005.

In response to a question from Council, the Director Finance stated:

- Section 8.4 of the draft Library Operating Agreement may have been deleted some time ago.

Councillor Brownoff stated:

- She has difficulty supporting the changes to the revised Library Operating Agreement when she does not know what they are; it would be a good idea if amendments were highlighted in some way.

**MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: “That further consideration of the Greater Victoria Public Library Operating Agreement be postponed for additional information with respect to revisions to the Agreement.”**

**CARRIED**

Adjournment

On a motion from Councillor Derman, the Meeting adjourned at 7:40 p.m.

The Meeting reconvened at 8:10 p.m.

*From the Committee of the Whole Meeting held October 17, 2005.*

No. 381  
Majestic Drive  
 Development  
 Variance Permit

**4490 MAJESTIC DRIVE – DEVELOPMENT VARIANCE PERMIT – ANN HOLME COOPER.**

**MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That Council approve and issue Development Variance Permit DVP2005-00020 on Lot 3, Section 17, Victoria District, Plan 11051 (4490 Majestic Drive).”**

**CARRIED**

In Camera Motion

**MOVED by Councillor Wergeland and Seconded by Councillor Wade: “That the following Council meeting be closed to the public as the subject matter being considered relates to personal information about an identifiable individual and labour relations.”**

**CARRIED**

Adjournment            On a motion from Councillor Gillespie, the meeting adjourned at 8:11 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, OCTOBER 17, 2005 AT 7:41 P.M.

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

Majestic Drive  
 Development  
 Variance Permit

**4490 MAJESTIC DRIVE – DEVELOPMENT VARIANCE PERMIT – ANN HOLME COOPER.**

Report of the Director of Planning dated September 27, 2005 recommending Development Variance Permit DVP2005-00012 be approved and, if approved, that a bylaw pursuant to Section 30 of the *Community Charter* be prepared to dedicate Lot 18, Plan 27789 and Lot 3, Plan 29327 as road.

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

- The two small parcels currently owned by the Municipality have always been intended for road access to the subject property.

In response to questions from Council, Ms. A. Cooper, applicant, stated:

- The existing Cedar hedge will be preserved.
- She will consider some kind of reasonable screening along the northwesterly boundary of the neighbour at 1570 Fremont Place.

Mr. J. Van Amstel, 1570 Fremont Place, stated:

- He has lived in his present location for the past 38 years and during that time he installed an irrigation system and planted hedging and trees on the portion of the Municipal property that will be dedicated for road access.
- He hopes there will be some kind of a buffer between his property and the adjacent property and that he will be given an opportunity to remove the irrigation system and some of the trees so he can use them for firewood.

**MOTION: MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That:**

- 1. It be recommended that Council approve and issue Development Variance Permit DVP2005-00012 on Lot 3, Section 17, Victoria District, Plan 11051 (4490 Majestic Drive); and**
- 2. “That a bylaw, pursuant to Section 30 of the Community Charter, be prepared to dedicate Lot 18, Plan 27789 and Lot 3, Plan 29327 as road.”**

Councillor Derman stated:

- The proposed subdivision is an appropriate development for this area; both of the proposed new lots will be larger than the minimum size required for the current zoning.
- He hopes that the concerns of the neighbour at 1570 Fremont Place

will be taken into consideration during the subdivision review process.

Councillor Wergeland stated:

- He agrees that the concerns expressed by the neighbour at 1570 Fremont Place should be taken into consideration by the Approving Officer when reviewing the subdivision application.

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

South Valley Drive  
Development  
Variance Permit

**3957 SOUTH VALLEY DRIVE – DEVELOPMENT VARIANCE PERMIT –  
HOMEWOOD CONSTRUCTORS LIMITED.**

Report of the Director of Planning dated September 28, 2005 recommending Development Variance Permits DVP2003-00027 be rescinded and DVP2005-00020 be approved.

Mr. D. Scott, applicant, Homewood Constructors Limited, stated:

- An alignment problem at the north end of South Valley Drive was identified during the subdivision review process.
- As a result, they are proposing to shift the alignment of South Valley Drive slightly to the west which means it will reduce the lot depth for two of the proposed parcels on the west side of the road and increase the lot depth for the parcels on the east side of the road.

**MOTION:**

**MOVED by Councillor Wergeland and Seconded by Councillor Derman: “That it be recommended that Council rescind Development Variance Permit DVP2003-00027 and approve and issue Development Variance Permit No. DVP2005-00020 on Lot 9, Section, 16, Victoria District, Plan VIP78182 (3957 South Valley Drive).”**

**CARRIED**

ADM40  
Road Closing

**ROAD CLOSING AND HIGHWAY DEDICATION REMOVAL BYLAW  
(VIADUCT AVENUE WEST).**

Report of the Lands Commissioner dated October 4, 2005 recommending Council adopt Road Closing and Highway Dedication Removal Bylaw, 2005, (Viaduct Avenue West), No. 8694.

The Administrator stated:

- The intent is to register a public access right-of-way over the proposed closed road in order to accommodate a future trail; there would be access over the full amount of the road.

Mr. R. Taves, 4161 Clinton Place and Mr. B. Phillips, 1466 Charlton Road, stated:

- They are jointly purchasing Lot B, Sections 93 and 94 in order to subdivide it and create two five-acre lots; they have applied to purchase 0.5 acres of the Viaduct Avenue West road allowance.
- They are aware that there could be a future trail along the property and are supportive of it.
- There will also be two natural state covenants on the property; they would like to naturally reforest the swamp area.

Mr. T. Berscheid, 336 Cyril Owen Place, stated:

- He is not opposed to the owners wanting to acquire the road right-of-

- way; however, he is concerned that there be public access through it.
- The road right-of-way is used by local area residents as a connector between Viaduct Avenue and Prospect Lake Road; it is also used by commuters as the only bus access for people who live on Prospect Lake Road is near Viaduct Road West is at Interurban Road.
  - He thinks there should be more consultation with the neighbourhood before any plans are finalized.

Mr. B. Miller, 240 Viaduct Avenue West, stated:

- There has not been any consultation with the neighbours and he does not think the application should proceed until this has been done.

Ms. D. Pfeifer, 969 Milner Avenue, stated:

- She boards her horse at 495 Viaduct Avenue West; the trail at the end of Viaduct Avenue West is the only access to Thetis and Prospect Lake Roads from that area that is safe to ride.
- As an equestrian she is finding it more difficult to find trails that are accessible to horses.

**MOTION:**

**MOVED by Councillor Pickup and Seconded by Councillor Brownoff: “That further consideration of the Road Closing and Highway Dedication Removal Bylaw for Viaduct Avenue West be postponed to allow consultation with area residents.”**

Councillor Wade stated:

- While she agrees that it would have been a good idea to have some dialogue with the neighbours, she is concerned that this not raises the community’s expectations that the trail surface will be built in the near future or that it will be given a higher priority in terms of the Municipality’s development process.
- Staff are well aware that there are multiple users who have access to the subject land and she supports that.
- The owners who are acquiring the land under the right-of-way are very supportive of full public access; she is not sure what purpose the consultation would achieve at this point.

Councillor Pickup stated:

- It is the policy of this Council to support consultation when we are making land use decisions; further consideration of this issue should be postponed until there has been consultation with the immediate neighbours.

Councillor Brownoff stated:

- She agrees that the immediate neighbours should be consulted further.

Councillor Derman stated:

- He will support postponing further consideration; there needs to be a process for public input.

**The Motion was then PUT and CARRIED**

Adjournment

On a motion from Councillor Pickup, the meeting adjourned at 8:09 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK