

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, FEBRUARY 27, 2006 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Hunter, Ngai, Sanders and Wergeland
Staff: Tim Wood, 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 Brownoff: "That the Minutes of the Council and Committee of the Whole Meetings held February 13, 2006, be adopted."

CARRIED

BYLAWS

No. 44
ADM40
Bylaw 8718

PARKS RESERVATION BYLAW.

First Three Readings of the "Parks Reservation Bylaw, 2006, No. 8718". To reserve specific Municipal lands for park and consolidate Bylaw 6256.

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8718 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8718 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8718 be now passed."

CARRIED

No. 45
ADM40
Bylaw 8733

NATURE SANCTUARY RESERVATION BYLAW (SWAN LAKE CHRISTMAS HILL NATURE SANCTUARY).

First Three Readings of the "Nature Sanctuary Reservation Bylaw, 2006 (Swan Lake Christmas Hill Nature Sanctuary), No. 8733". To reserve specific municipal lands for a nature sanctuary and consolidate Bylaw 7196.

MOVED by Councillor Hunter and Seconded by Councillor Brice: "That Bylaw No. 8733 be introduced and read."

CARRIED

MOVED by Councillor Hunter and Seconded by Councillor Brice: "That Bylaw No. 8733 be read a second time."

CARRIED

MOVED by Councillor Hunter and Seconded by Councillor Brice: "That Bylaw No. 8733 be now passed."

CARRIED

No. 46
ADM40/
XRef: PKA35
Bylaw 8731

PARKS MANAGEMENT AND CONTROL BYLAW AMENDMENT.

First Three Readings of the "Parks Management and Control Bylaw, 1997, Amendment Bylaw, 2006, No. 8731". To include the Swan Lake Christmas Hill Nature Sanctuary lands.

MOVED by Councillor Derman and Seconded by Councillor Hunter:
"That Bylaw No. 8731 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Hunter:
"That Bylaw No. 8731 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Hunter:
"That Bylaw No. 8731 be now passed."

CARRIED

No. 47
ADM40
Bylaw 8740

TREE PRESERVATION BYLAW AMENDMENT – REVISED SCHEDULE B (LIST OF SIGNIFICANT TREES).

First Three Readings of the "Tree Preservation Bylaw, 1997, Amendment Bylaw, 2006, No. 8740". To include a revised Schedule B (List of Significant Trees).

MOVED by Councillor Wergeland and Seconded by Councillor Ngai:
"That Bylaw No. 8740 be introduced and read."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Ngai:
"That Bylaw No. 8740 be read a second time."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Ngai:
"That Bylaw No. 8740 be now passed."

CARRIED

No. 48
PLD55
Bylaw 8745

3938 TELEGRAPH BAY ROAD.

First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw, 2006, No. 8745". To amend the Cadboro Bay Local Area Plan to designate the property for general residential use.

MOVED by Councillor Ngai and Seconded by Councillor Brice: "That Bylaw No. 8745 be introduced and read."

CARRIED

No. 49
Telegraph Bay Rd.
Bylaw 8746

3938 TELEGRAPH BAY ROAD.

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8746". Rezoning from P-1 to RS-10.

MOVED by Councillor Brice and Seconded by Councillor Sanders:
"That Bylaw No. 8746 be introduced and read."

CARRIED

No. 50
Normandy Rd.
Bylaw 8716

561 NORMANDY ROAD.

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8716". Rezoning from A-1 to RS-8.

**MOVED by Councillor Ngai and Seconded by Councillor Wergeland:
"That Bylaw No. 8716 be introduced and read."**

CARRIED

No. 51
PLD55
Bylaw 8747

4530 AND 4536 VIEWMONT AVENUE.

First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw, 2006, No. 8747". To amend the Royal Oak Local Area Plan to designate the property for multi-family housing and to include in the West Saanich Road Development Permit Area.

**MOVED by Councillor Ngai and Seconded by Councillor Brice: "That
Bylaw No. 8747 be introduced and read."**

CARRIED

No. 52
Viewmont Ave.
Bylaw 8748

4530 AND 4536 VIEWMONT AVENUE.

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8748". Rezoning from RS-6 and RS-10 to RA-6.

**MOVED by Councillor Wergeland and Seconded by Councillor Ngai:
"That Bylaw No. 8748 be introduced and read."**

CARRIED

No. 53
ADM40
Bylaw 8744

**ZONING BYLAW HOUSEKEEPING AMENDMENT – REFERRALS TO
THE MINISTRY OF TRANSPORTATION.**

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8744". To delete Section 7.8 to eliminate the requirement for unnecessary referrals to the Ministry of Transportation during the rezoning and Development Permit application process.

**MOVED by Councillor Derman and Seconded by Councillor Brice:
"That Bylaw No. 8744 be introduced and read."**

CARRIED

RESOLUTIONS FOR ADOPTION

No. 54
PQS100
Tender 02/06

TENDER 02/06 – CUSTOM RESCUE PUMPER.

Joint report of the Fire Chief and the Director of Purchasing dated February 21, 2006 recommending Tender 02/06 for a custom rescue pumper be awarded to Safetek Emergency Vehicles representing Smeal Fire Apparatus Co. at a cost of \$540,000 plus applicable taxes and that Council approve the purchase of optional fire apparatus equipment quoted at a cost of \$14,412 plus applicable taxes, all to be funded in 2007 from the equipment replacement reserve.

MOVED by Councillor Hunter and Seconded by Councillor Derman:
“That:

- 1. Tender 02/06 for a custom rescue pumper be awarded to Safetek Emergency Vehicles representing Smeal Fire Apparatus Co. at a cost of \$540,000 plus applicable taxes; and**
- 2. Council approve the purchase of optional fire apparatus equipment quoted at a cost of \$14,412 plus applicable taxes to be funded in 2007 from the equipment replacement reserve.”**

CARRIED

No. 55
PQS100
RFP 01/06

REQUEST FOR PROPOSAL 01/06 – 2006 WATERWORKS CAPITAL PROJECTS.

Report of the Director of Purchasing dated February 22, 2006 recommending Request for Proposal 01/06 for 2006 Waterworks Capital Projects be awarded to Kerr Wood Leidel.

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Request for Proposal 01/06 for 2006 Waterworks Capital Projects be awarded to Kerr Wood Leidel.”

CARRIED

CAPITAL REGIONAL DISTRICT ACTIVITIES

No. 56
ADM115
CRD Activities
Adjournment

Council members provided updates on a variety of Capital Regional District initiatives.

On a Motion from Councillor Hunter, the meeting adjourned at 7:56 p.m.

The meeting reconvened at 8:41 p.m.

From the Committee of the Whole Meeting held February 27, 2006.

No. 57
Cloverdale Ave.
Development
Variance Permit

990 CLOVERDALE AVENUE – DEVELOPMENT VARIANCE PERMIT – ANDREW AND MARGARET MELVIN.

MOVED by Councillor Wergeland and Seconded by Councillor Ngai: “That Council approve and issue Development Variance Permit DVP2005-00006 on Lot B, Section 63, Victoria District, Plan 16944 (990 Cloverdale Avenue).”

CARRIED

No. 58
Grange Road
Development
Variance Permit

3925 GRANGE ROAD – DEVELOPMENT VARIANCE PERMIT – MICHAEL GREIG.

MOVED by Councillor Hunter and Seconded by Councillor Brice: “That Council approve and issue Development Variance Permit DVP2005-00024 on that part of Lot 1, Section 79, Victoria District, Plan 9056 lying to the south of a boundary parallel to and perpendicularly distant 66 feet from the northerly boundary of said lot (3925 Grange Road).”

CARRIED

No. 59
Charles Place
Development
Variance Permit

1369 AND 1381 CHARLES PLACE – DEVELOPMENT VARIANCE PERMIT AND 10% MINIMUM HIGHWAY FRONTAGE EXEMPTION – BRAD CUNNIN LAND SURVEYING.

MOVED by Councillor Wergeland and Seconded by Councillor Derman: “That Council approve an exemption from the 10% road frontage requirement of the *Local Government Act*, and approve and issue Development Variance Permit DVP2005-00026 on Lot C, Section 32, Victoria District, Plan VIP57584 and Lot 1, Section 32, Victoria District, Plan 35316 (1369 and 1381 Charles Place).”

CARRIED

No. 60
Viewmont Ave.
Subdivision

4556 VIEWMONT AVENUE – SUBDIVISION APPLICATION – LINDA POWELL.

MOVED by Councillor Derman and Seconded by Councillor Brice: “That Council approve an exemption from the 10% road frontage requirement of the *Local Government Act* for proposed Lot 1, of a subdivision of Lot 5, Section 9, Lake District, Plan 5336 except that part in Plan VIP62696 (4556 Viewmont Avenue).”

CARRIED

In Camera Motion

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That the following meeting be closed to the public as the subject matter being discussed relates to the proposed acquisition of land and/or improvements.”

CARRIED

Adjournment

On a motion from Councillor Ngai, the meeting adjourned at 8:43 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, FEBRUARY 27, 2006 AT 7:57 P.M.

Present: **Chair:** Councillor Brownoff
Council: Mayor Leonard and Councillors Brice, Derman, Hunter, Ngai, Sanders and Wergeland
Staff: Tim Wood, 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.

Cloverdale Avenue
 Development
 Variance Permit

990 CLOVERDALE AVENUE – DEVELOPMENT VARIANCE PERMIT – ANDREW AND MARGARET MELVIN.

Reports of the Director of Planning dated June 8, 2005 and January 30, 2006 recommending Development Variance Permit DVP2005-00006 be approved and that the concept plans prepared by Hartman's Design be considered by Council and if supported, the Approving Officer be requested to consider suitable covenant controls during the subdivision process to address dwelling size and design, shared access, parking and tree preservation.

Ms. M. Melvin, owner and applicant, 990 Cloverdale Avenue, stated:

- She and her husband plan to build a house on the newly created lot and live in it themselves.
- At the previous Committee of the Whole Meeting consideration of their application was postponed and they were asked to provide additional information on a number of issues that were raised; they have now addressed those concerns.
- The concept plan for the proposed new dwelling is a 216 square metre, 1½ storey, non-basement design; the second storey will be built into the roof space.
- The new house will be situated three metres from the common side lot line shared with 988 Cloverdale Avenue.
- Both lots will share a driveway access from Cloverdale Avenue and there will be additional parking on proposed Lot 2.
- There will be a covenant to protect and retain sixteen Garry oak trees; five trees will be removed.

In response to questions from Council, Ms. Melvin stated:

- They plan to use some permeable pavers and grasscrete.
- They will also register a covenant to restrict house size.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That:

- 1. It be recommended that Council approve and issue Development Variance Permit DVP2005-00006 on Lot B, Section 63, Victoria District, Plan 16944 (990 Cloverdale Avenue); and**

2. **The concept plans, prepared by Hartman’s Design and received on January 16, 2006, be considered by Council at the Committee of the Whole Meeting and if supported, the Approving Officer be requested to consider suitable covenant controls during the subdivision process to address dwelling size and design, shared access, parking, and tree preservation.”**

Councillor Derman stated:

- He appreciates the efforts of the applicants to meet with the neighbours and address their concerns.
- He is happy there will be covenants to restrict house size and protect the trees.

Councillor Sanders stated:

- She congratulates the applicants for working with the community in order to achieve positive results.
- The proposed design is attractive and will be a positive addition to the neighbourhood.

Councillor Hunter stated:

- He thanks the applicants and Community Association for working together.

Councillor Brice stated:

- She is happy that everyone was able to work together to achieve a positive result.

The Motion was then PUT and CARRIED

Grange Road
Development
Variance Permit

3925 GRANGE ROAD – DEVELOPMENT VARIANCE PERMIT – MICHAEL GREIG.

Report of the Director of Planning dated February 3, 2006 recommending the house size, siting and design proposals of the applicant be considered by the Approving Officer for inclusion in a restrictive covenant during the subdivision review process, and that Development Variance Permit DVP2005-00024 be approved.

Mr. M. Greig, applicant, 3925 Grange Road, stated:

- The proposal is to subdivide under the current zoning and create one additional lot; the proposed subdivision meets the criteria of the Zoning Bylaw.
- The existing bungalow was built in 1949 and they will be retaining it; they made a number of improvements to the house and removed the deck and solarium from the east side to comply with side yard setbacks from the proposed new lot boundary.
- They are requesting variances for front and rear yard setbacks, combined front/rear yard setback, and allowable floor space in non-basement areas; if the variances are approved it will allow the existing dwelling to be retained on proposed Lot A.
- They discussed their proposal with the neighbours and received support for their plans although the neighbour at 3933 Grange Road has some concerns.
- Their neighbour would like the Garry oak tree that is located in the

southeast corner of proposed Lot B to be removed as it overhangs his property.

Mr. J. Clarkson, 3933 Grange Road, stated:

- He has lived in his present location for the past 19 years and over the past few years infill developments have become an issue in the area.
- A previous infill development on Jasmine Avenue was promoted as 1^{1/2} storey residences; the rooflines are significantly higher than neighbouring houses.
- Neighbours were also told that the homes would be single family but they all have suites in them; this has increased traffic in an area where there are no sidewalks.
- He would like some assurance that the proposed dwelling will not have a suite in it; he would also like to see it reduced to one storey so it will not impact the neighbours' privacy.
- He does not support removal of the existing Garry oak tree.

In response to questions and comments, the Director of Planning stated:

- The applicant has submitted conceptual plans for three different craftsman style homes that he is willing to build on proposed Lot B; those plans could be referred to the Approving Officer for consideration and a restrictive covenant that would incorporate the designs and house size limitations.
- Regardless of who owns the subject property, the house designs and house sizes would be linked to the title.
- If the building envelope encroaches on the root zone of the existing Garry oak tree then the tree could be endangered; the applicant could be encouraged to retain the tree if possible by creative siting of the proposed new house.
- Given the size limitations of the proposed new house it would be difficult to incorporate a suite.

In response to questions and comments, the Director of Engineering stated:

- The intent is to widen Snowdrop Avenue to six metres; this will allow for safe movement through the intersection.

Snowdrop Avenue is classified as a residential road and currently there is no requirement for construction of sidewalks on residential roads.

MOTION:

MOVED by Mayor Leonard and Seconded by Councillor Wergeland:
"That:

- 1. The house size, siting and design proposals of the applicant be considered by the Approving Officer for inclusion in a restrictive covenant during the subdivision review process; and**
- 2. It be recommended that Council approve and issue Development Variance Permit DVP2005-00024 on that part of Lot 1, Section 79, Victoria District, Plan 9056 lying to the south of a boundary parallel to and perpendicularly distant 66 feet from the northerly boundary of said lot (3925 Grange Road)."**

CARRIED

Charles Place
Development
Variance Permit

1369 AND 1381 CHARLES PLACE – DEVELOPMENT VARIANCE PERMIT AND 10% MINIMUM HIGHWAY FRONTAGE EXEMPTION – BRAD CUNNIN LAND SURVEYING.

Report of the Director of Planning dated February 6, 2006 further to a proposed 3 lot subdivision and the need for an exemption from the 10 percent road frontage requirement in the *Local Government Act* on proposed Lot B and recommending that, if Council approves the exemption, Development Variance Permit DVP2005-00026 to vary Lot B as outlined be approved.

Mr. B. Cunnin, Brad Cunnin Land Surveying, stated:

- The proposal is to subdivide the subject property and create one additional panhandle lot for single family dwelling use; the two existing dwellings will be retained.
- They are also proposing to adjust the boundary of the adjacent property at 1369 Charles Place which will increase the size of proposed Lot C by 118 square metres.
- They met with the Quadra Cedar Hill Community Association and held a neighbourhood meeting to discuss the proposal; eight residents attended and had no objections to the proposed subdivision.
- They will register a covenant to preserve the Garry oak trees at the time of subdivision; tree #252 on proposed Lot B could be impacted and tree #235 may not be viable for retention.

Mr. B. Trotter, 3823 Merriman Drive, on behalf of the Quadra Cedar Hill Community Association, stated:

- The Community Association and some members of the neighbourhood met with the applicant to discuss the proposed subdivision; although they support the proposal there were some concerns expressed with regard to the trees.

MOTION:

MOVED by Mayor Leonard and Seconded by Councillor Wergeland: “That it be recommended that Council approve an exemption from the 10% road frontage requirement of the *Local Government Act* and approve and issue Development Variance Permit DVP2005-00026 on Lot C, Section 32, Victoria District, Plan VIP57584 and Lot 1, Section 32, Victoria District, Plan 35316 (1369 and 1381 Charles Place).”

Councillor Ngai stated:

- She supports the proposed subdivision; it is a lovely piece of property that has always been well maintained.
- The owners could have subdivided and created more lots but chose to retain the character of the neighbourhood.

The Motion was then PUT and CARRIED

Viewmont Avenue
Subdivision

4556 VIEWMONT AVENUE – SUBDIVISION APPLICATION – LINDA POWELL.

Report of the Director of Planning dated February 8, 2006 further to a proposed 2 lot subdivision and the need for an exemption from the 10 percent road frontage requirement in the *Local Government Act* on proposed Lot 1.

Mr. R. McNeil, McNeil Building Designs Limited, on behalf of the owners, stated:

- The proposal is to subdivide the subject property and create one additional lot for single family dwelling use.
- They plan to construct a 348 square metre, non-basement, 1^{1/2} storey house that includes a large workshop area; the second storey is designed to be built into the roof space.
- The concept design they have submitted is exactly what they plan to build and is in keeping with the surrounding neighbourhood.

MOTION:

MOVED by Councillor Ngai and Seconded by Councillor Hunter:
“That it be recommended that Council approve an exemption from the 10% road frontage requirement of the *Local Government Act* for proposed Lot 1, of a subdivision of Lot 5, Section 9, Lake District, Plan 5336 except that part in Plan VIP62696 (4556 Viewmont Avenue).”

CARRIED

Falaise Drive/
XRef: EPW65
Inclusion in Sewer
Enterprise
Boundary

4725 FALAISE DRIVE (A PORTION) – REQUEST FOR INCLUSION IN THE SEWER ENTERPRISE BOUNDARY.

Report of the Director of Engineering dated February 9, 2006 further to a letter from First Memorial Funeral Services, recommending the existing building footprint on Lot 1, Section 108, Lake District, Plan 9374, except Part in Plan 2395 RW be approved for inclusion within the Sewer Enterprise Boundary.

Ms. P. Meads, Cemetery Office Manager, First Memorial Funeral Services, stated:

- They contacted the Vancouver Island Health Authority (VIHA) in January with regard to the existing onsite sewage treatment system at First Memorial Funeral Services.
- VIHA conducted a site evaluation which revealed that the system is failing and site conditions make it unsuitable for repair; subsequently VIHA recommended that the property be connected to the Municipal sewer system.

Ms. K. Whitworth, president, Royal Oak Community Association, stated:

- The Association reviewed the application for inclusion in the Sewer Enterprise Boundary and supports it.

MOTION:

MOVED by Councillor Wergeland and Seconded by Councillor Ngai: “That the application to include the existing building footprint on Lot 1, Section 108, Lake District, Plan 9374, Except Part in Plan 2395 RW (4725 Falaise Drive) within the Sewer Enterprise Boundary be approved.”

CARRIED

ADM40
Zoning Bylaw
Housekeeping
Amendment

**ZONING BYLAW HOUSEKEEPING AMENDMENT – HEIGHT OF
FENCES, WALLS AND RETAINING WALLS.**

Report of the Municipal Solicitor dated February 2, 2006 recommending the Zoning Bylaw be amended as outlined in order to resolve certain interpretation problems related to calculating the height of fences, walls and retaining walls.

MOTION:

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

CARRIED

Adjournment

On a motion from Councillor Derman, the meeting adjourned at 8:42 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK