

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, JUNE 26, 2006 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Gillespie, Hunter, Ngai, Sanders and Wergeland
Staff: Tim Wood, Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Carrie M. MacPhee, Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brice and Seconded by Councillor Gillespie:
“That the Minutes of the Council and Committee of the Whole Meetings held June 19, 2006, and the Minutes of the Special Council Meeting held June 13, 2006, be adopted.”

CARRIED

BYLAWS

No. 227
PLD55
Bylaw 8727

1880 LAVAL AVENUE.

Final Reading of the “Official Community Plan Bylaw, 1993, Amendment Bylaw, 2006, No. 8727”. To amend the Gordon Head Local Area Plan to designate Lot 1, Plan VIP8322 for potential attached housing.

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That Bylaw No. 8727 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 228
Laval Ave.
Bylaw 8728

1880 LAVAL AVENUE.

Final Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8728” and approval of Development Permit DPR2004-00021. Rezoning from P-1 to RT-3.

MOVED by Councillor Brownoff and Seconded by Councillor Sanders:
“That Bylaw No. 8728 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: “That Council approve and issue Development Permit DPR2004-00021 on Lot 1, Section 59, Victoria District, Plan VIP78322 (1880 Laval Avenue).”

CARRIED

No. 229
ADM40.
Bylaw 8782

STREETS AND TRAFFIC REGULATION BYLAW AMENDMENT – ELECTRIC BIKES ON SAANICH MULTI-USE TRAIL NETWORK.

First Three Readings of the “Streets and Traffic Regulation Bylaw, 2002, Amendment Bylaw, 2006, No. 8782”. To amend the definition of “cycle” to include “motor assisted cycles” to enable these forms of transport to use the trail network in the same manner as bicycles.

MOVED by Councillor Gillespie and Seconded by Councillor Ngai: “That Bylaw No. 8782 be introduced and read.”

CARRIED

MOVED by Councillor Gillespie and Seconded by Councillor Ngai: “That Bylaw No. 8782 be read a second time.”

CARRIED

MOVED by Councillor Gillespie and Seconded by Councillor Ngai: “That Bylaw No. 8782 be now passed.”

CARRIED

No. 230
ADM40 - Treasury
Bylaw 8783

RECREATION FACILITY EXPANSION AND LIBRARY CONSTRUCTION LOAN AUTHORIZATION BYLAW.

First Three Readings of the “Recreation Facility Expansion and Library Construction Loan Authorization Bylaw, 2006, No. 8783”. To authorize borrowing of \$2,069,300.

MOVED by Councillor Wergeland and Seconded by Councillor Derman: “That Bylaw No. 8783 be introduced and read.”

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Derman: “That Bylaw No. 8783 be read a second time.”

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Derman: “That Bylaw No. 8783 be now passed.”

CARRIED

No. 231
ADM40 - Treasury
Bylaw 8784

TRAILS AND SPORT FACILITY IMPROVEMENTS LOAN AUTHORIZATION BYLAW.

First Three Readings of the “Trails and Sport Facility Improvements Loan Authorization Bylaw, 2006, No. 8784”. To authorize borrowing of \$322,000.

MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That Bylaw No. 8784 be introduced and read.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That Bylaw No. 8784 be read a second time.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gillespie: “That Bylaw No. 8784 be now passed.”

CARRIED

No. 232
ADM40 - Treasury
 Bylaw 8785

SEWER CONSTRUCTION AND IMPROVEMENT LOAN AUTHORIZATION BYLAW.

First Three Readings of the "Sewer Construction and Improvement Loan Authorization Bylaw, 2006, No. 8785". To authorize borrowing of \$1,000,000.

MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8785 be introduced and read."
CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8785 be read a second time."
CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8785 be now passed."
CARRIED

No. 233
Primrose Road
 Bylaw 8770

1075 PRIMROSE ROAD (A PORTION)

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8770" and approval of Development Permit DPR2006-00001. Rezoning from RS-6 to RD-1.

MOVED by Councillor Gillespie and Seconded by Councillor Hunter: "That Bylaw No. 8770 be adopted by Council and the Seal of the Corporation be attached thereto."
CARRIED

MOVED by Councillor Brice and Seconded by Councillor Hunter: "That Council approve and issue Development Permit DPR2006-00001 on Lot A, Block 20, Section 78, Victoria District, Plan 1171 (1075 Primrose Road)."
CARRIED

RESOLUTIONS FOR ADOPTION

No. 234
ADM120 - MFA
 2006 Fall Issue

MUNICIPAL FINANCE AUTHORITY BORROWING – 2006 FALL ISSUE.

Report of the Director of Finance dated June 19, 2006 recommending Council authorize long term borrowing through the Municipal Finance Authority for a number of approved capital projects.

MOVED by Councillor Gillespie and Seconded by Councillor Ngai: "That Council approve borrowing from the Municipal Finance Authority of B.C. as part of their 2006 Fall Issue, \$4,505,000 as authorized through Loan Authorization Bylaws for the projects specified and that the Capital Regional District be requested to consent to our borrowing over a 15 year term and include the borrowing in their security issuing bylaw:

<u>Bylaw</u>	<u>Purpose</u>	<u>Amt. of Borrowing Authorized</u>	<u>Amt. Already Borrowed</u>	<u>Remaining</u>	<u>Amount of Issue</u>
8562	Trails/Parks	\$2,470,000	\$1,810,000	\$660,000	\$660,000
8686	Fire Hall Improve.	\$175,000		\$175,000	\$175,000
8688	Streetscape Improve.	\$1,363,000		\$1,363,000	\$1,363,000
8689	Library Construction	\$1,857,000		\$1,857,000	\$1,857,000
8690	School Improvement	\$687,000		\$687,000	\$450,000
TOTAL		<u>\$6,552,000</u>	<u>\$1,810,000</u>	<u>\$4,742,000</u>	<u>\$4,505,000"</u>

CARRIED

No. 235
PRO15/XRef:
ADM115 - CRD

CAPITAL REGIONAL DISTRICT HAZARDOUS MATERIALS RESPONSE SERVICE.

Letter from the Capital Regional District (CRD) dated June 19, 2006 requesting Council give consent to the CRD adopting Bylaw No. 3322, "Capital Regional District Hazardous Materials Incident Response Service Establishment Bylaw No. 1, 2006."

MOVED by Councillor Hunter and Seconded by Councillor Brownoff: "That Council give consent to the CRD adopting Bylaw No. 3322, "Capital Regional District Hazardous Materials Incident Response Service Establishment Bylaw No. 1, 2006."

CARRIED

No. 236
ADM115 – UBCM
Proposed
Resolution

UNION OF BC MUNICIPALITIES – PROPOSED RESOLUTION.

Report from Councillor Brice dated June 20, 2006 requesting Council forward the resolution outlined regarding the property purchase tax to the 2006 UBCM Annual Convention.

MOVED by Councillor Brice and Seconded by Councillor Hunter: "That the following motion be forwarded to the 2006 Union of British Columbia Municipalities' Annual Convention:

PROPERTY PURCHASE TAX

WHEREAS the government charges property purchase tax on all transfers including local government;

WHEREAS local government housing corporations may purchase projects for affordable housing including those held by other non profit societies;

THEREFORE BE IT RESOLVED that local government housing corporations be exempt from the property purchase tax."

CARRIED

No. 237
ADM115 – UBCM
Proposed
Resolution

UNION OF BC MUNICIPALITIES – PROPOSED RESOLUTION.

Report from Councillor Derman dated June 23, 2006 requesting Council forward the resolution outlined regarding provincial funding for libraries to the 2006 UBCM Annual Convention.

MOVED by Councillor Derman and Seconded by Councillor Hunter: "That the following motion be forwarded to the 2006 Union of British Columbia Municipalities' Annual Convention:

INCREASED LIBRARY FUNDING

WHEREAS provincial funding for libraries has not risen sufficiently to keep abreast of increases in costs due to general inflation in BC for a period of at least 10 years;

WHEREAS this has resulted in decreased provincial funding for libraries in real dollars increased costs for municipalities and regional districts;

WHEREAS libraries play an important role in establishing social equity and providing equal opportunities for children from diverse backgrounds and economic strata;

THEREFORE BE IT RESOLVED that the government of the province of BC be asked to provide increased funding for libraries at least equal to the increase in general inflation in BC over the last 10 years.”

CARRIED

No. 238
ADM85
Finance and
Personnel
Standing Cte.

CONNECTION FEES

Memorandum from the Finance and Personnel Standing Committee dated June 13, 2006 and Report from the Director of Engineering dated April 6, 2006 pertaining to connection fees to the water, sewer and drainage systems.

MOVED by Councillor Ngai and Seconded by Councillor Hunter: “That Council endorse the proposed water, sewer and drainage system fees outlined in Table 1 of the April 6, 2006 Report of the Director of Engineering and that staff bring forward the appropriate bylaw amendments.”

CARRIED

No. 239
FIN120
Audit and Financial
Statements

2005 AUDIT FINDINGS REPORT, 2005 AUDITED FINANCIAL STATEMENTS AND 2005 STATEMENT OF FINANCIAL INFORMATION

Memorandum from the Finance and Personnel Standing Committee Meeting held June 22, 2006 recommending the 2005 Reports be approved.

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

- 1. The 2005 Audit Findings Report be received and the 2005 Audited Financial Statements be accepted; and**
- 2. The 2005 Statement of Financial Information be approved.”**

CARRIED

Adjournment

On a Motion from Councillor Gillespie, the meeting adjourned at 8:11 p.m.
The meeting reconvened at 9:34 p.m.

From the Committee of the Whole Meeting held June 26, 2006.

No. 240
Cedar Hill Road
Development
Permit
Amendment

3787 CEDAR HILL ROAD – DEVELOPMENT PERMIT AMENDMENT – GARYALI ARCHITECT INC.

MOVED by Councillor Ngai and Seconded by Councillor Wergeland: “That Council approve and issue Amended Development Permit No. P/2/98 on Lot 1, Sections 13, 14, 15, 15A, and 80, Victoria District, Plan 32836 (3170 Tillicum Road).”

CARRIED,
with Councillors Brownoff, Derman, Gillespie and Sanders voting against.

No. 241
ADM75
2006 Annual
Report

2006 ANNUAL PROGRESS REPORT.

**MOVED by Mayor Leonard and Seconded by Councillor Wergeland:
“That Council endorse the 2006 Annual Report.”**

CARRIED

In Camera Motion

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

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 9:35 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

Mr. E. Beyers, Suite 315 Ophir Court, Church Street, stated:

- He and his wife live in one of the leaky condos which they purchased from the Luther Court Housing Foundation in 2003.
- The Lutheran Church Housing Foundation gave them written guarantees that they would be absolved from paying for the remediation costs of the condos but the Society declared bankruptcy which resulted in them having to pay more than \$67,000 from their own savings account.
- Now the Lutheran Church is requesting that their Development Permit be amended which will allow them to proceed with a multi-million dollar addition to the church.
- He would like to know how the Church can afford to pay for the addition when they have not met their commitment to pay for the remediation at Ophir Court.
- He and his wife feel that the Lutheran Church is morally responsible for the financial disaster that has been created and that they should make amends; they hope that Council will withhold the Development Permit Amendment until this matter has been rectified to the satisfaction of the pensioners involved.

Mr. D. Storch, 4415 Shelbourne Street, Chair of Lutheran Church of the Cross Congregation, stated:

- They are sorry for the situation the Beyers are in.
- The Lutheran Church of the Cross is not the Luther Court Housing Foundation – they are two separate organizations with separate administrations, letters patent, members, financing, etc.
- There is some crossover however, between the two organizations: the Lutheran Housing Foundation which is now bankrupt has membership from all the Lutheran Churches in the greater Victoria area and from a number of other people who are not Lutherans.

Mr. K. Whitcroft, president, Quadra Cedar Hill Community Association, stated:

- The trellis was a visual amenity to the community and was meant to reduce the look of the massing of the wall facing Cedar Hill Road; if the trellis is eliminated what kind of assurance will there be that some greenery will still be planted.
- The Development Permit was approved based on the plans that were previously presented and now the applicants are asking for further variances.

Mayor Leonard stated:

- He would like to remind everyone that form and character of institutional uses cannot be regulated by a development permit; therefore, changes to the form and character of the proposed development do not require Council approval except as they relate to the variance.
- We do not get to vote on a landscape plan or whether or not there is a trellis; those are form and character issues and that is why the architect was not prepared to do a presentation.
- We can choose to vote against the variances and the applicants will have to construct the building as was originally approved at the previous meeting.

MOVED by Councillor Derman and Seconded by Councillor

Sanders: “That further consideration of the Development Permit Amendment for 3787 Cedar Hill Road be postponed.”

Councillor Derman stated:

- When this application first came before Council there were requests for some considerable variances.
- Council had a concern regarding the variances because they would result in the building being sited closer to Cedar Hill Road which could further impact the pedestrian environment.
- He would like the applicants to come back to Council with a more comprehensive presentation that outlines what measures they are going to take to minimize the setback variance.

Councillor Ngai stated:

- She will not support the motion to postpone the application.
- This organization is a not-for-profit organization; asking them to come back with another presentation will mean more time and money on the part of the consultants and she does not think that would be fair.

Councillor Brownoff stated:

- She will support the motion.
- Number 5 in the Development Permit Amendment states: “*Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning.....*”; the landscape plan is changing and we need to see it.

The Motion was then PUT and DEFEATED, with Mayor Leonard and Councillors Brice, Hunter, Ngai and Wergeland voting against.

Councillor Hunter stated:

- Sometimes we make decisions as Council that we are not happy with but we have to live with them; he would like to move forward and deal with the specific issues pertaining to the variances.

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

- The approved development permit varied the exterior side yard setback to 5.3 metres; what the applicants need now to satisfy the most recent building design is a variance of 4.5 metres.
- The setback measurement is taken from the wall of the building to the road; the applicant now wants to move the wall closer to Cedar Hill Road.
- The applicant has not presented any new proposals for landscape design; from time to time minor variations are approved in cases where there is no substantial change in the design or no negative consequence from the design.
- All Development Permits mention landscape designs and minor variations are permitted in the course of plan preparation.
- In this case, there is a substantial variance to the setback and that is why a Development Variance Permit had to be issued to authorize that setback variance; as part of the package the building designs that were submitted were attached to the Development Permit and therefore form part of the Permit.

MOTION: MOVED by Councillor Ngai and Seconded by Mayor Leonard: “That it be recommended that Council approve and issue Amended Development Permit No. P/2/98 on Lot 1, Sections 13, 14, 15, 15A, and 80, Victoria District, Plan 32836 (3170 Tillicum Road).”

Councillor Ngai stated:

- The applicants are still proposing to have some greenery on the wall facing Cedar Hill Road although it will not be as extensive as originally proposed.
- While she sympathizes with the residents of Ophir Court, it is not up to Council to deal with the leaky condo issue.
- She supports the Development Permit Amendment.

Councillor Derman stated:

- He will not be supporting the Development Permit Amendment.
- While he is sympathetic to the goals of the Church and hopes they will accomplish those goals, Council represents the community as a whole.
- Council already approved the applicant's Development Permit and now they are asking for further variances based on an error that was made by the applicant.
- As the Director of Planning pointed out, once the applicant asked for a substantial variance the landscape plans became attached to the Development Permit.
- With regard to the residents living in Ophir Court, Council cannot withhold a Development Permit because of their leaky condo situation.
- He finds it very disappointing that the collective Lutheran Churches in town have not attempted to take some measures to bring assistance to the residents in Ophir Court.

Councillor Wergeland stated:

- There is always a concern when a development is completed that the finished product will be what the community expected.
- He encourages the applicants and the Church to take into consideration the concerns that have been expressed with regard to the landscaping, and hopes that they will give consideration to the wall facing Cedar Hill Road.

Mayor Leonard stated:

- He trusts that the Church will build what they have said they will build; they take pride in their Church and the community and the Church will continue to be a landmark at that location.
- He agrees with the Planner's report and looks forward to the building's completion.

Councillor Sanders stated:

- She will not support the Development Permit Amendment.
- When Council approved the previous application it was based on a fifteen foot variance from Cedar Hill Road; now the applicants are

- requesting an additional two and one half feet.
- When Council votes to approve an application that is what they should get; when an application comes forward to Council the design should be based on accurate calculations.
- She is hopeful that the Church will build what they have said they will build.

Councillor Brownoff stated:

- She will not support the application.
- The subject site is a very prominent location and the proposed addition is a large two-storey structure.
- The applicants had plans for an extensive landscape plan and because of an error on the part of their professional team they are now planning to reduce it; the community should not have to accept any less of an amenity.
- She hopes that the applicants and the Church will reconsider and not eliminate the trellis and greenery.
- She is also sympathetic to the circumstances that the residents of Ophir Court are faced with and even though there are two separate organizations involved, she hopes that the Church will offer them some support.

Councillor Gillespie stated:

- He will not support the amendment to the Development Permit even though it is a minor change to the Permit.
- He feels sorry for the people who have ended up with leaky condos; it is unfortunate that the Church has not helped them out.

The Motion was then PUT and CARRIED, with Councillors Brownoff, Derman, Gillespie, and Sanders voting against.

ADM75

2006 Annual Report

2006 ANNUAL PROGRESS REPORT.

2006 Annual Report for Council consideration.

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

- The Association would like to thank the Administrator and staff for their efforts in preparing the Report.
- Many neighbourhoods have been impacted by local parks being converted to sports fields and community associations raised concerns about the wording of the outdoor lighting policy; this is not identified in the report.
- Each of the six theme areas should have a section devoted to ongoing issues that need to be dealt with, i.e. definition of an urban village, secondary suites, septic field failures, etc.; in subsequent years these issues can be dealt with.
- When referring to the Master Plan and Progress Report, it would be helpful if the sidebars cross referenced each other; this will make it easier to identify items or initiatives that have been rescheduled or are still in progress.
- The document did not deal with the issue of incorporating residential units above commercial development; it is a policy issue that overlaps three theme areas.

- In future reports it would be helpful if the statistics on new sidewalk construction defined whether it referred to concrete or asphalt sidewalks.

Mr. K. Whitcroft, president, Quadra Cedar Hill Community Association, stated:

- The Association would also like to thank staff for the Report.
- In the section entitled Sustainable Environment – Protect and Enhance Air, Water and Land Quality, it states: *“This initiative was replaced with individual policy based projects such as the Streamside Development Permit Area Regulations”*. He would like to know what other projects were undertaken.
- It is very important to have an ecosystem network inventory so we can see how we are progressing.
- There is not a lot being done to deal with the issue of pollutants in the sewers and stormwater; in the next few years we need to get some direction within the Corporate Plan so that it will be reported out in the Progress Report.

MOTION:

MOVED by Mayor Leonard and Seconded by Councillor Wergeland: “That it be recommended that Council endorse the 2006 Annual Report.”

Councillor Brownoff detailed specific statistics and baseline indicators she would like staff to consider for future annual reports with respect to a number of matters including affordable housing, the LIFE program, the energy retrofit, water consumption, new business incorporations, pedestrians, and new bike lanes and sidewalks.

Councillor Derman stated:

- He thanks staff for their efforts on the Report.
- If this document is going to reach its maximum utility, we will need to go to a system of baselines and benchmarks.
- We need to have baselines and benchmarks for issues such as the level of health of our ecosystem, the quality of the water in our watercourses and if we have an expectation of improvement, the extent of our urban forest and how much have we gained or lost in recent years, and what are we aiming for as we move into the future with respect to balanced transportation.

Councillor Hunter stated:

- He thanks and congratulates staff for the Progress Report; it is a very impressive document.

The Motion was then PUT and CARRIED

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 9:35 p.m.

.....
CHAIR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK