

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

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

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Ngai and Seconded by Councillor Brownoff:
“That the Minutes of the Council and Committee of the Whole Meetings held March 20, 2006, be adopted.”

CARRIED

BYLAWS

No. 104
ADM40
Bylaw 8742

FALSE ALARM BYLAW.

Final Reading of the “False Alarm Bylaw, 2006, No. 8742”. To encompass false alarms for both Police and Fire Services and repeal Burglar Alarm Bylaw No. 7102.

MOVED by Councillor Derman and Seconded by Councillor Gillespie:
“That Bylaw No. 8742 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 105
ADM40
Bylaw 8743

TICKET BYLAW AMENDMENT – FALSE ALARM BYLAW.

Final Reading of the “Ticket Bylaw, 2001, Amendment Bylaw, 2006, No. 8743”. To add False Alarm Bylaw No. 8742 and remove Burglar Alarm Bylaw No. 7102.

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That Bylaw No. 8743 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 106
EPW65/
XRef: Falaise Dr.
Bylaw 8750

SEWER ENTERPRISE BOUNDARY EXTENSION BYLAW (4725 FALAISE DRIVE – A PORTION).

Final Reading of the “Sewer Enterprise Boundary Extension Bylaw, 2006, No. 8750”. To include the existing building footprint at 4725 Falaise Drive.

MOVED by Councillor Hunter and Seconded by Councillor Gillespie:
“That Bylaw No. 8750 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 107
ADM40
Bylaw 8756

OIL BURNING EQUIPMENT AND FLAMMABLE LIQUID AND COMBUSTIBLE LIQUID FUEL TANK BYLAW, 2001, AMENDMENT BYLAW, 2006, NO. 8756

Final Reading of Oil Burning Equipment and Flammable Liquid and Combustible Liquid Fuel Tank Bylaw, 2001, Amendment Bylaw, 2006, No. 8756. To amend Bylaw No. 8204.

MOVED by Councillor Hunter and Seconded by Councillor Gillespie: "That Bylaw No. 8756 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 108
ADM40
Bylaw 8754

DEVELOPMENT PERMIT DELEGATION AUTHORIZATION BYLAW AMENDMENT – STREAMSIDE DEVELOPMENT PERMIT AREA.

First Three Readings of the "Development Permit Delegation Authorization Bylaw, 2005, Amendment Bylaw, 2006, No. 8754". To delegate to the Manager of Environmental Services the authority for development permits for land located in the Streamside Development Permit Area.

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8754 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8754 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8754 be now passed."

CARRIED

No. 109
PLD60
Bylaw 8755

LAND USE AND DEVELOPMENT APPLICATION FEE BYLAW AMENDMENT.

First Three Readings of the "Land Use and Development Application Fee Bylaw, 2005, Amendment Bylaw, 2006, No. 8755". To include a \$350 application fee for a development permit for land in the Streamside Development Permit Area.

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: "That Bylaw No. 8755 be introduced and read."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: "That Bylaw No. 8755 be read a second time."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: "That Bylaw No. 8755 be now passed."

CARRIED

REPORTS FROM SAANICH ADVISORY COMMITTEE CHAIRS

No. 110
ADM85
Saanich Advisory
Committees
Adjournment

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

On a Motion from Councillor Gillespie, the meeting adjourned at 7:56 p.m.
The meeting reconvened at 9:19 p.m.

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

No. 111
Cherry Tree Bend
ALR Exclusion

4865 CHERRY TREE BEND (A PORTION) – AGRICULTURAL LAND RESERVE APPEAL (EXCLUSION) – BRUCE STORY.

MOVED by Councillor Gillespie and Seconded by Councillor Brice:
“That the application to exclude the eastern 0.59 ha portion only of Parcel A (DD 533281) of Sections 47 and 48, Lake District, Except Part in Plan 7793 (4865 Cherry Tree Bend) from the Agricultural Land Reserve be forwarded to the Agricultural Land Commission.”

CARRIED,
with Councillor Ngai voting against.

No. 112
Locarno Lane
Development
Variance Permit

3975 LOCARNO LANE – DEVELOPMENT VARIANCE PERMIT AND REQUEST FOR REMOVAL OF RESTRICTIVE COVENANT – DR. THOMAS WARD AND MARLIE MANNING.

MOVED by Councillor Ngai and Seconded by Councillor Brownoff:
“That Council discharge the existing covenant and approve and issue Development Variance Permit DVP2006-00002 on Amended Lot B, Section 44, Victoria District, Plan 20209 (3975 Locarno Lane).”

CARRIED

No. 113
Rogers Avenue
Subdivision
Application

831 ROGERS AVENUE – SUBDIVISION APPLICATION – TONY AND LORENE HOUSTON.

MOVED by Councillor Gillespie and Seconded by Councillor Hunter:
“That Council approve an exemption from the 10% road frontage requirement of the *Local Government Act* for proposed Lot 2 on Lot A, Section 65, Victoria District, Plan 11633 (831 Rogers Avenue).”

CARRIED

In Camera Motion **MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: “That the following Council meeting be closed to the public as the subject matter being discussed is subject to solicitor-client privilege.”**

CARRIED

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 9:18 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

- The Association urges the Planning Department and Cherry Hill Estates to ensure that there are suitable setbacks for adjacent property owners.

Mr. N. Mogensen, 3760 Crestview Road, stated:

- With all of the crises happening in the world, now is not the time to relax the urban sprawl.
- He finds it difficult to believe that Council is considering supporting the exclusion of the subject property from the ALR and hopes that Council will reconsider.

Ms. T. Lukat, 759 Westbury Road, stated:

- She remains opposed to having the subject property removed from the ALR; there is no benefit to the community by creating more housing that will likely be unaffordable to many people.
- If the property is developed it will change the nature of the community; she is also concerned that the forest will be impacted.

Mr. M. Rosen, 6075 West Saanich Road, stated:

- He is opposed to the proposed subdivision and removal of the land from the ALR.
- At the very successful neighbouring Haliburton Organic Community Farm the soil is Class 3 while the soil on the subject property is classified higher; there are many agricultural uses the owners could consider instead of developing it.
- He urges Council to reject the application.

Ms. L. Popham, 6170 Old West Saanich Road, stated:

- Saanich is a municipality that was built on farming and it is a shame that Council is recommending removal of land from the ALR in the year of its 100th Centennial Anniversary.

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

- She is still opposed to the proposed development and removal of land from the ALR.
- If Council is going to forward the application to the ALC then it should not include a resolution of support; let the experts at the ALC make the decision.
- She is also concerned that parking along Westbury will be impacted.

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

- The applicant has made some concessions and compromises with regard to the proposal but there are still some issues that he and his wife are concerned with.
- The applicant has stated that he will try to provide a 20 foot buffer between the proposed road and their bedroom windows; they want the road moved to another location.
- Putting a road next to their house will not preserve their property values; the road can be moved.

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

- He is opposed to the proposed development; the property should remain in the ALR.

Mayor Leonard stated:

- If the application goes forward to a Public Hearing he would encourage the applicant and the Planner go beyond the conceptual design and resolve the issues pertaining to the proposed road and access.

**MOTION: MOVED by Mayor Leonard and Seconded by Councillor Hunter:
“That:**

- 1. It be recommended that The application to exclude the eastern 0.59 ha portion only of Parcel A (DD 533281) of Sections 47 and 48, Lake District, Except Part in Plan 7793 (4865 Cherry Tree Bend) from the Agricultural Land Reserve be forwarded to the Agricultural Land Commission with a resolution of support, and**
- 2. A Public Hearing be called subject to receipt of a decision by the Commission to approve the exclusion application.”**

Councillor Hunter stated:

- The Planner has recommended some commitments by the applicant for consideration at the time of subdivision that are acceptable such as limiting the size of house, registration of a building scheme, buffers, and public access to the proposed natural park.
- He is happy to see that the applicant has made further concessions by reducing the proposed number of lots.
- He supports forwarding the application to the ALC for their decision.

Councillor Ngai stated:

- She supports the application going forward to the ALC but only if there is no resolution of support from Council.
- She feels that the proposed RS-12 sized lots are too large and would rather see smaller sized lots and houses so that they are more affordable.

Councillor Brownoff stated:

- She also does not support the application going forward to the ALC with a resolution of support as it gives the impression that Council has already approved the rezoning application.
- She agrees that there should be a covenant to limit house size, that the building scheme should be registered, that buffers should be provided, and that there be a public access to the proposed park.

Councillor Sanders stated:

- She agrees that the application to the ALC should not include a recommendation of support from Council.
- If the proposal does proceed to a Public Hearing she wants the issues of the roadway and a building scheme dealt with.

Councillor Brice stated:

- The decision whether or not the subject property is viable farm land should be left up to the ALC.
- Recommendation No. 3 in the Planner’s report to send the application to the ALC with a resolution of support takes a position that is based

on no new additional information coming forward regarding the viability of the land as farm land.

- She would like Council to consider an amendment to the motion which would leave the determination of the viability of the land to the ALC.

MOVED by Councillor Brice and Seconded by Councillor Gillespie: “That the motion be amended to delete the phrase *“with a resolution of support”*.”

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

Councillor Gillespie stated:

- It is important to preserve farm land but there also need to be people who are willing to farm it.
- The community will benefit by the donation of 2.9 acres of natural park.

Councillor Derman stated:

- If the application proceeds, about 85 percent of the property will remain in the ALR.
- The forested area is a second growth forest that is contiguous with other urban forests that run behind the Burial Park right up to Broadmead; there are many opportunities for trails and public enjoyment.
- The applicant has made many compromises but there are still some concerns that he hopes will be resolved at the subdivision stage.

The Main Motion as amended was then PUT and CARRIED, with Councillor Ngai voting against.

Locarno Lane
Development
Variance Permit

3975 LOCARNO LANE – DEVELOPMENT VARIANCE PERMIT AND REQUEST FOR REMOVAL OF RESTRICTIVE COVENANT – DR. THOMAS WARD AND MARLIE MANNING.

Report of the Director of Planning dated March 8, 2006 recommending the covenant be discharged and Development Variance Permit DVP2006-00002 be approved.

Dr. T. Ward, owner and applicant, 3975 Locarno Lane, stated:

- He is requesting that an existing covenant be discharged and a variance be granted for the rear yard setback in order to construct an addition on the existing house.
- There were two old outbuildings on the property that have been removed.
- The proposed addition will increase the gross floor area of the dwelling to 276.6 square metres which is still considerably less than the maximum size permitted under the current RS-12 zoning.
- He contacted neighbouring property owners and the Gordon Head Residents’ Association who were all in support of the proposal.

Mr. M. Van Weelderren, 3953 Locarno Lane, stated:

- He would like to know what the height of the proposed new addition is; he will support the proposal as long as it does not impact his house.

Dr. T. Ward stated:

- They are proposing to remove the top floor of the existing dwelling and replace it with an addition that will be about 2.6 feet higher; the rear of the property slopes so the neighbouring properties should not be impacted.

MOTION:

MOVED by Mayor Leonard and Seconded by Councillor Gillespie: “That it be recommended that Council discharge the existing covenant and approve and issue Development Variance Permit DVP2006-00002 on Amended Lot B, Section 44, Victoria District, Plan 20209 (3975 Locarno Lane).”

CARRIED

Rogers Avenue
Subdivision

831 ROGERS AVENUE – SUBDIVISION APPLICATION – TONY AND LORENE HOUSTON.

Report of the Director of Planning dated March 9, 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 2.

Mr. T. Houston, applicant and owner, 831 Rogers Avenue, was present in support of his application.

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

- On March 12, 2006 the Association wrote a letter to the Approving Officer stating they had no objection to the proposed development; since that time it has been brought to their attention by some of the residents that parking along Rogers Avenue is becoming an issue.
- The subject property has a steep driveway which could also impact parking along Rogers Avenue.
- The Association would like to see a building footprint or design plans for the proposed new dwelling.
- They would also like some assurance that the relocation of the deck/carport foundation will be a condition of the subdivision process so that no further variances will be required.

The Director of Planning stated:

- The subdivision can not be approved without the deck/carport foundation being relocated so it conforms to the layout.
- The issue of parking along Rogers Avenue can be flagged as an issue for the Approving Officer to consider at the time of subdivision.

MOTION:

MOVED by Councillor Ngai and Seconded by Councillor Brice: “That it be recommended that Council approve an exemption from the 10% road frontage requirement of the *Local Government Act* for proposed Lot 2 on Lot A, Section 65, Victoria District, Plan 11633 (831 Rogers Avenue).”

CARRIED

Cedar Avenue
Rezoning

1646 CEDAR AVENUE – REZONING APPLICATION – RON KUBEK.

Report of the Director of Planning dated March 9, 2006 recommending approval of the rezoning from RS-6 to RD-1 and Development Permit DPR2005-00018, that registration of a restrictive covenant be required prior to final reading to limit the total number of units on the site to two, and that a no-build covenant for the dogleg portion of the residual parcel be referred to the Approving Officer for consideration as part of the subdivision process.

In response to questions from Council, the Director of Engineering stated:

- The Engineering Servicing Requirements do not call for improvements along Shelbourne Street however there is a requirement to upgrade the storm drain system.
- In this case, engineering standards only require upgrades to the residential road standards irrespective of the classification of the road.

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

- The Terms of Reference for an Action Plan are being developed by the Planning Department and will address land use issues and the relationship between land use and the streetscape; pedestrian safety is an integral part of the process.

Mr. R. Kubek, on behalf of the owner, Couch Conception Inc., stated:

- The proposal is to rezone the western portion of the proposed lot in order to construct a strata-titled duplex; a variance is requested to increase the allowable floor space.
- The proposed duplex will be set back against proposed Lot A away from Shelbourne Street; there will be a shared driveway from Cedar Avenue.
- The units will be staggered slightly at the front and the building will be stepped to break up the massing and provide visual interest.
- They sent out letters with a copy of the proposed plan to the neighbouring properties; the only issues that were raised were concerns about the possibility of a four-plex, and that nothing be built on the dogleg portion of the property; they have also received letters of support from some of the neighbours.

In response to questions from Council, Mr. Kubek stated:

- They have already submitted a landscape plan to staff.
- With regard to sidewalk improvements along the Shelbourne Street frontage, it could be onerous upon the client and be seen as applying a double standard to different residential subdivisions within the Municipality; he will check with his client.

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

- The site is within the Bowker Creek Watershed area but the Servicing Requirements call for a Type II watershed which is basically a reduced stormwater application for this site.
- The easement along the frontage of the property is for the main pipe of Bowker Creek.

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

Councillor Derman stated:

- He would appreciate it if the applicant would speak to his client to see if he is willing to participate with Saanich in the improvement of the sidewalk area fronting Shelbourne Street.
- He looks forward to seeing a detailed landscape plan at the Public Hearing.

The Motion was then PUT and CARRIED

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 9:18 p.m.

.....
CHAIR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK