

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, MARCH 6, 2006 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brice, Derman, Gillespie, Hunter, Ngai, Sanders and Wergeland  
**Staff:** Tim Wood, Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Dwayne Halldorson, Manager, Underground Services; Margaret Trottier, Deputy Municipal Clerk; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter: "That the Minutes of the Council and Committee of the Whole Meetings held February 27, 2006, be adopted."**

**CARRIED**

**BYLAWS**

No. 71  
ADM40  
Bylaw 8736

**4853 CHERRY TREE BEND.**

Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8736". Rezoning from A-1 to P-7.

**MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8736 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 72  
ADM40  
Bylaw 8718

**PARKS RESERVATION BYLAW.**

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

**MOVED by Councillor Brice and Seconded by Councillor Ngai: "That Bylaw No. 8718 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 73  
ADM40  
Bylaw 8733

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

Final Reading 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 Sanders: "That Bylaw No. 8733 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 74  
ADM40/  
XRef: PKA35  
Bylaw 8731

**PARKS MANAGEMENT AND CONTROL BYLAW AMENDMENT.**

Final Reading 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 Wergeland and Seconded by Councillor Brice:**  
**"That Bylaw No. 8731 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 75  
ADM40  
Bylaw 8740

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

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

**MOVED by Councillor Sanders and Seconded by Councillor Ngai:**  
**"That Bylaw No. 8740 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 76  
ADM40  
Bylaw 8749

**EMERGENCY PROGRAM BYLAW AMENDMENT.**

First Three Readings of the "Emergency Program Bylaw, 2001, Amendment Bylaw, 2006, No. 8749". To process a number of housekeeping amendments.

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter:**  
**"That Bylaw No. 8749 be introduced and read."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter:**  
**"That Bylaw No. 8749 be read a second time."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Hunter:**  
**"That Bylaw No. 8749 be now passed."**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 77  
ADM40  
Bylaw 8742

**FALSE ALARM BYLAW.**

Joint report of the Fire Chief and Chief Constable dated February 17, 2006 recommending Council repeal Burglar Alarm Bylaw No. 7102 and approve False Alarm Bylaw 8742.

**MOVED by Councillor Ngai and Seconded by Councillor Hunter:** "That the proposed False Alarm Bylaw, 2006, No. 8742, which also repeals Burglar Alarm Bylaw, 1993, No. 7102, be processed to Council for adoption."

**CARRIED**

**COMMITTEE RECOMMENDATIONS**

*From the Environmental Advisory Committee Meeting held February 16, 2006*

No. 78  
PLD40  
Draft Streamside  
Development  
Permit Area

**DRAFT STREAMSIDE DEVELOPMENT PERMIT AREA**

Memorandum from the Environmental Advisory Committee dated February 28, 2006 and Memorandum and draft Streamside Development Permit Area (SDPA) dated February 15, 2006 from the Manager of Environmental Services recommending Council endorse the SDPA and forward it to a Public Hearing.

**MOVED by Councillor Brice and Seconded by Councillor Derman:  
“That the Streamside Development Permit Area be endorsed by  
Council and forwarded to a Public Hearing.”**

**CARRIED**

Adjournment

On a motion from Councillor Brice, the meeting adjourned at 7:42 p.m.

.....  
MAYOR

I hereby certify these Minutes are accurate.

.....  
MUNICIPAL CLERK



Haliburton Organic Community Farm remain in the ALR.

- CE Jones & Associates conducted a more detailed “soils and agricultural capabilities assessment” of the land which concluded that 75 percent of the proposed development area has limitations to its agricultural capabilities that severely restrict or prohibit the range of potential agricultural production.
- They submitted a “bundled” application which included removal from the ALR, inclusion in the Urban Containment Boundary (UCB) and Sewer Enterprise Boundary (SEB), and a rezoning and subdivision application to ensure that all input from neighbours, the Community Association and Municipal staff was considered.
- Thurber Environmental Consultants conducted an environmental assessment of the property and concluded that the majority of environmentally sensitive plant communities would be retained in the proposed development.
- Municipal staff has not defined major versus minor inclusions to the UCB; the Cordova Bay Association has stated they will only accept less than four lots as a minor inclusion to the UCB.
- Their proposed seven lot subdivision is in line with the average sized subdivisions that have been included in the UCB since 1980.

In response to questions from Council, Mr. B. Story stated:

- He will attach the building scheme for the proposed development to the subdivision application and present it at the Public Hearing.
- The project arborist has made recommendations with regard to the retention of as many significant trees and tree groupings as possible within proposed building envelopes.
- They feel that it is important to know exactly what is being sent to the ALC and they will not know that until the Public Hearing has been held.
- Before their application is forwarded to the ALC they would like to know if Council is going to support their proposed subdivision.
- They do not have any plans at this time for the property that will remain in the ALR; it cannot be developed because it does not flow by gravity into the sewer system.

In response to questions from Council, Mr. D. Bottrell, Dogwood Tree Services, project arborist, stated:

- The approach they are going to take with this particular property is similar to what they applied to the Mattick’s Wood development; they won a tree preservation award in Saanich for that site.
- With an even-aged second growth stand like what is found on the subject property, tree preservation of individual trees is very difficult to achieve; they have prepared an inventory which outlines from pre-construction to post-construction how they will mitigate damage to trees as well as preserve trees throughout the entire site.
- When the design of each of the proposed dwellings has been finalized they will be on site to determine if any tree roots will be impacted by the proposed foundations; the foundations can then be altered to preserve the trees.

Mr. R. Stonebanks, president, Cordova Bay Association, stated:

- The Association feels that the proposed seven lot subdivision should

be considered a major expansion to the Urban Containment Boundary; they urge Council to reject the proposal and consider a subdivision of fewer than four lots as outlined in Option B of the Planner's report.

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

- He is opposed to the proposed subdivision; it could set a precedent and have future negative impacts on ALR lands.
- Traffic will likely increase.

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

- She is opposed to the proposed development; it will impact traffic and the environment.
- Her property borders the northeast boundary line of the proposed subdivision; the applicant is proposing a six metre buffer zone between neighbouring properties except for the strip on her side which will only be three metres; the proposed road into the development will be situated close to their bedroom windows.
- She would support the property being developed into three hobby farms; that way it would retain the rural nature of the area.

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

- She is opposed to the proposed development as the property is outside the UCB and the SEB; the Local Area Plan only allows for minor changes and she does not consider a seven lot subdivision to be a minor change.
- Traffic along Westbury and Haliburton Roads will likely increase and trees will be impacted.
- The soil on the subject property is Class 2 and 3 which makes it suitable for farming; the soil at the Haliburton Organic Community Farm is Class 3.

Ms. J. Gaylord, on behalf of the Gordon Head Residents' Association, stated:

- There has not been any definition on what constitutes major or minor changes to the UCB; Council's decision on the subject development could set a precedent for future rezoning applications; the Association does not consider a seven lot development to be a minor change to the UCB.
- With the Gordon Point Estates development there were assurances that the majority of the trees would be preserved; that did not happen.
- The six metre wide buffer zones the applicant is proposing are not sufficient.

Mr. R. Hodder, 4923 Lemaire Place, stated:

- He supports the proposed subdivision; the development will provide an opportunity to construct trails linking to the Broadmead area which will provide safer walking routes.

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

- There needs to be clarification of major and minor changes to the Urban Containment Boundary.
- The Association will support Option B outlined in the Planner's report

for a three lot subdivision.

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

- He is opposed to the proposed development; the land should remain in the ALR.
- The property is outside the UCB and SEB; any development larger than three lots should be considered a major expansion to the UCB.
- Traffic along Westbury and Haliburton Roads will be increased.

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

- The Association met several times with the applicant but could not reach a compromise on the size of the proposed development; the applicant would not agree to a three or four lot subdivision.
- If the rezoning is approved it will set a precedent for what is considered a minor change to the UCB.
- The Association hopes that Council will not support the application in its present form.

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

- The Association does not support the proposed development; a seven lot subdivision cannot be considered a minor expansion to the UCB.
- The entire piece of property should be considered a sensitive area as it contains a second growth forest.
- He thinks there are alternate ways to deal with the property: Saanich could partner with the CRD and purchase the property and create a park and greenspace; the remainder of the property could be sold to the Royal Oak Burial Park.

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

- He is disappointed that the Cordova Bay Association is not supportive of the proposed development.
- He thinks the proposed seven lot subdivision is a good development and is not too large an expansion to the UCB.
- The developer is being generous by donating land for parkland and trails and he supports the proposal.

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

- She is opposed to the proposed development; it is a major change to the UCB and traffic will be impacted.
- The applicant has not been willing to reduce the size of the proposed development despite the neighbours' concerns.
- There are no guarantees that the trees will be preserved or that the owners will not sell the property if their proposal is approved.
- She would rather see the entire property farmed even if all the trees are removed.

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

- He is opposed to the proposed subdivision; the applicant has not been willing to compromise and has been very confrontational with the neighbourhood.
- The neighbourhood is concerned that the applicant will not undertake what he commits to.

Mr. R. Zimmerman, on behalf of the Sea to Sea Greenbelt Society, stated:

- There are concerns that if a portion of the property is removed from the ALR then the remaining portion could also be removed sometime in the future.
- The amount of land that the applicant is requesting to have removed from the ALR is not insignificant; their Society is against piecemeal withdrawals from the ALR and piecemeal inclusions in the UCB.
- The soils on the subject land are classified as prime agricultural land.

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

- The Association believes that Policy 5.1 of the Cordova Bay Local Area Plan will be jeopardized if Option A outlined in the Planner's report is endorsed.
- The Association will support Option B - less than four lots - as outlined in the Planner's report as it represents the best scenario.
- They would also like the applicant to be required to provide a restrictive covenant on house size prior to a Public Hearing.

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

- She owns 12 acres of property and is very successful with farming four acres of it; the remaining eight acres is second growth forest.
- The viability of the subject land as a farm should not be in question.
- She hopes that Council members will continue to support the ALR.

In response to questions from Council, Mr. B. Story stated:

- He has not given any consideration to the Planning Department's option of a three or four lot subdivision.
- He does not feel that three lots are reasonable although he will consider something less than seven lots.
- He is willing to meet with the Planning Department and the community in order to consider a smaller subdivision.
- If the proposal is not approved, he and his wife will move onto the property and then reassess the situation and what they will do with the property.

Councillor Hunter stated:

- Although he does not support a seven lot subdivision there are some components of the proposed development that he likes.
- Adequate buffering is essential in order to ensure the neighbours' privacy will not be impacted.
- Perhaps there could be some assurances that the remainder of the property will remain in the ALR.
- He hopes the applicant will consider fewer lots.

Councillor Gillespie stated:

- He thinks the application should be forwarded to the Agricultural Land Commission for their review before it goes to a Public Hearing; there also needs to be a definition for major and minor changes to the UCB.
- It is important to preserve farm land but there also needs to be people who are willing to farm it.
- He supports the proposed stormwater management system the

applicant is proposing; adequate buffers are important.

- The applicant is also offering to donate parkland to the community.

Councillor Derman stated:

- If the rezoning is approved before it goes to the ALC for their review it could set a precedent; there is a process to follow and that is how this application should proceed.
- There is a perception in the community that if the proposed development is not approved then the applicant will cut down all of the trees.

Councillor Brice stated:

- There appears to be a question of whether or not the subject land is viable farmland.
- Unless the applicant and neighbours can agree on some compromises, she cannot see it coming to a favorable conclusion.

Councillor Sanders stated:

- She is very disappointed there has not been more consultation with the neighbourhood to arrive at a favorable compromise.
- She thinks the application should be forwarded to the ALC for their decision on whether or not the land is viable farmland.

Councillor Ngai stated:

- She does not support sending the rezoning application forward to a Public Hearing before the ALC has had an opportunity to review it.
- If the application is sent to the ALC then the applicant would have the opportunity to work with the neighbours to find a win/win solution.
- If the subdivision proceeds, she would prefer to see smaller sized lots with smaller, more affordable priced homes.

Mayor Leonard stated:

- If the north/south property line of the Haliburton Organic Community Farm that backs onto the neighbouring houses on Westbury Road were extended to the south and through the subject property, he would consider it to be a minor amendment to the UCB.
- Having an ALR exclusion extend further to the west is inconsistent with the decision that was made with regard to the Haliburton Farm.
- It is not about the number of lots, it is about the land use decision and where the boundary line is going to be drawn.
- A number of Council members have concerns with holding a Public Hearing and then forwarding the application to the ALC; if a compromise or new proposal comes forward and has broader Council and community support, then sending it to the ALC and then to a Public Hearing should not be a concern to the applicant.
- He would prefer that staff have a mandate to meet with the applicant and have a focused discussion to come up with other options by the end of March.

**MOTION:**

**MOVED by Mayor Leonard and Seconded by Councillor Sanders:  
“That consideration of the rezoning application for 4865 Cherry Tree Bend be postponed and:**

1. **Planning Department staff be requested to meet with the applicant to discuss a reduction in the number of proposed new lots and proceeding with the Agricultural Land Reserve application prior to a Public Hearing respecting the rezoning application; and**
2. **That the matter be scheduled for further consideration by Council by the end of March.”**

**CARRIED**

Claremont Avenue  
Rezoning

**783 CLAREMONT AVENUE – REZONING APPLICATION – MIKE SISKA, P. ENG.**

Report of the Director of Planning dated February 20, 2006 recommending approval of the rezoning from A-1 and M-5 to RS-8 and RS-12.

Mr. M. Siska, P. Eng., applicant, stated:

- The development of the subject property began in 1987 with Stage I of the Claremont Poultry property; the proposed development will be Stage V.
- Stage V is a 1.1 hectare parcel located at the southeast corner of the Claremont Avenue and La Quinta intersection; the site is split zoned.
- They plan to rezone the property from A-1 and M-5 to RS-8 and RS-12 and create a 13-lot subdivision with single family dwellings.
- The north-westerly portion of the site is developed with a food processing and distribution plant that is still operational; the majority of the remaining portion has been cleared with a cluster of trees near the easterly portion of the property.
- All of the proposed lots will be oriented so that no established views will be impacted nor will the proposed new houses create any overshadowing or loss of privacy to neighbouring houses.
- They are proposing to construct a new five metre-wide walkway that will connect the easterly end of the new cul-de-sac with an existing walkway between 4982 and 4986 Del Monte Avenue.
- The trees on proposed Lot 13 have been looked at by an arborist and a covenant will be registered to preserve them.
- They will be restricting the size of dwellings on the proposed RS-12 zoned lots to a gross floor area of 465 square metres; this will be compatible with existing houses in the surrounding area.
- They met with the Cordova Bay Association to discuss the proposal and they had no objections to it.

Mr. R. McNeil, McNeil Designs, stated:

- He was the designer on title for Stage IV of the development and will be the designer for Stage V as well; this will provide some continuity between the two phases.
- In the first phase it is difficult to distinguish between the RS-12 zoned lots and the RS-8 zoned lots because they are different shapes so the road frontages are similar in size; this makes the appearance of the houses more uniform.
- In Stage V the lots will be primarily zoned RS-8 with only three pie-shaped RS-12 zoned lots situated in the cul-de-sac; these lots will not have a big frontage so they will not look out of character from the RS-8 zoned lots.
- The building heights and massing will all appear to be the same; the

topography of the three RS-12 zoned lots slopes downwards at the rear of the lots so the proposed houses will have entry level basements.

- They will control the size of the side yards so the houses will be well spaced out.

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

- The Association met with the applicant and voted to not object to the proposed subdivision.
- The applicant agreed to register a covenant against the title of the property to protect two large Fir trees fronting proposed Lot 13.

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

- They will register a covenant to restrict house size to a maximum of 5,000 square feet on the three RS-12 zoned lots.
- They will provide a statutory building scheme showing the building footprints at the Public Hearing.
- With the nature of the topography, the houses will be stepped but still overlook the houses below on Del Monte Avenue; he will provide elevations in relationship to the houses on Del Monte Avenue at the Public Hearing.

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

**CARRIED**

Adjournment                    On a motion from Councillor Hunter, the meeting adjourned at 10:15 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK