

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, SEPTEMBER 11, 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; 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 Wergeland and Seconded by Councillor Brownoff: "That the Minutes of the Special Council Meeting held June 10, 2006 and the Minutes of the Council and Committee of the Whole Meetings held August 14, 2006, be adopted."

CARRIED

BYLAWS

No. 288
ADM40
Bylaw 8794

DEVELOPMENT PERMIT DELEGATION AUTHORIZATION BYLAW AMENDMENT.

Final Reading of the "Development Permit Delegation Authorization Bylaw, 2005, Amendment Bylaw, 2006, No. 8794". To delegate authority to the Director of Planning for Development Permit amendments or Development Variance Permits for sign applications.

MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8794 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 289
ADM40
Bylaw 8795

WATER UTILITY BYLAW – HOUSEKEEPING AMENDMENT (IMPERIAL TO METRIC CONVERSION).

Final Reading of the "Water Utility Bylaw, 2000, Amendment Bylaw, 2006, No. 8795". To convert the water rates from imperial to metric.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: "That Bylaw No. 8795 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 290
PLD55
Bylaw 8799

5182 CORDOVA BAY ROAD (NORTHERLY PORTION)

First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw, 2006 No. 8799". To amend the Cordova Bay Local Area Plan to remove the "institutional" designation from the northerly 1840.3m² portion of Lot A, Plan 17503.

MOVED by Councillor Sanders and Seconded by Councillor Gillespie: "That Bylaw No. 8799 be introduced and read."

CARRIED

No. 291
ADM40
Bylaw 8800

5182 CORDOVA BAY ROAD (NORTHERLY PORTION)
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2006, No. 8800". Rezoning from RS-18 to RS-8.

MOVED by Councillor Wergeland and Seconded by Councillor Brownoff: "That Bylaw No. 8800 be introduced and read."

CARRIED

No. 292
PLD60
Bylaw 8796

OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT - PROPOSED RURAL SAANICH INTERFACE FIRE HAZARD DEVELOPMENT PERMIT AREA

First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw 2006, No. 8796". To Amend the Development Permit Areas Justification and Guidelines to include a new Rural Saanich Interface Fire Hazard Development Permit Area.

MOVED by Councillor Hunter and Seconded by Councillor Derman: "That Bylaw No. 8796 be introduced and read."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 293
ADM75
Meeting
Cancellation

CANCELLATION OF The SEPTEMBER 18, 2006 COUNCIL/COMMITTEE OF THE WHOLE MEETINGS

Memorandum from the Manager of Legislative Services dated September 11, 2006 recommending that in accordance with the Procedure Bylaw, the regular September 18, 2006 Council/Committee of the Whole Meetings be cancelled.

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: "That the regular Council/Committee of the Whole Meetings scheduled for September 18, 2006 be cancelled."

CARRIED

Adjournment

On a motion from Councillor Wergeland, the meeting adjourned at 7:32 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, SEPTEMBER 11, 2006 AT 7:33 P.M.

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

Pipeline Road
 Rezoning

4581 PIPELINE ROAD - REZONING APPLICATION - VININDER GILL

Report of the Director of Planning dated August 28, 2006, recommending approval of the rezoning from A-1 to RS-8, and that the controls outlined for tree/hedge preservation be referred to the Approving Officer to consider a restrictive covenant at the time of subdivision review.

Mr. V. Gill and Mr. A. Raposo, owners and applicants, 4581 Pipeline Road, stated:

- The proposal is to rezone the subject property from A-1 to RS-8 in order to create one additional lot; the adjoining properties have all been zoned RS-8.
- Because the property is triangular shaped the resulting shapes of the proposed two new lots will also be irregular although they will be consistent with the two adjoining triangular lots.
- There is no consistent dwelling height, massing or architectural style in the immediate neighbourhood but they will ensure the proposed new dwellings will be compatible with the area and the site.

In response to questions from Council, the applicants stated:

- They will provide a covenant to protect the hedge along the south side lot line of proposed Lot B as well as the two bigleaf maple trees.
- It may be possible to replace the existing fence; they will address it at the Public Hearing.
- The proposed two new dwellings will be situated toward the centre of each of the new lots so there should not be any impacts to the adjacent neighbours with regard to overshadowing.
- They will provide a concept plan showing height and massing of the proposed new dwellings at the Public Hearing, as well as additional information on the surface material they plan to use for the proposed new driveway access.
- They contacted two house moving companies with regard to moving the existing house but they were not interested in it so it will be demolished; they will try to salvage as much of the building materials as possible.
- The finished exteriors of the proposed new dwellings will be tasteful; they will be using hardi plank and natural stone.

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

- She has received several calls in the last few weeks from some of the residents in the neighborhood expressing concerns with the proposed development.

- She has spoken with the applicants and they have agreed to hold a public meeting with the neighbourhood prior to the Public Hearing to address their concerns.

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

- He would like to know how the applicants are going to address stormwater management.

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

- The subject property falls within a Type I watershed which requires stormwater treatment specified in Schedule “H” of the Engineering Specifications.
- With regard to ongoing inspections or assurance that treatment systems are functioning as they were designed, there is presently no mechanism in place in Saanich to do so; staff have investigated the possibility of sending out annual letters requesting that systems be inspected by an independent third party but it has not been implemented due to budgetary constraints.
- Treatment systems are designed and certified by professional engineers and staff reviews the designs to ensure they comply with the requirements of the Bylaw; it may be possible for staff to conduct random checks on stormwater treatment systems to ensure they are functioning as designed.

MOTION:

**MOVED by Mayor Leonard and Seconded by Councillor Derman:
“That a Public Hearing be called.”**

CARRIED

Hastings Street
Rezoning and DVP
Application

**1253 HASTINGS STREET - REZONING AND DEVELOPMENT
VARIANCE PERMIT APPLICATIONS - HOWARD AND CHERYL
SHORT**

Report of the Director of Planning dated August 28, 2006, recommending approval of the rezoning from RS-6 to RS-10 and Development Variance Permit DVP2006-00015.

Mr. K. Baker, K.B. Design, on behalf of the owners and applicants, stated:

- The subject property is L-shaped and slopes from the front of the property line to the rear; their proposal is to rezone the property from RS-6 to RS-10 and construct an addition to the existing dwelling.
- The existing dwelling is situated on a rock outcrop to the back of the lot which means that any addition to the dwelling must to be located toward the front yard area.
- The proposed addition will be stepped down the slope with two additional levels and will be constructed with a mix of exterior building materials, various window shapes and sizes, decks, and peaked dormer roofs which will reduce the perception of mass and height and add visual interest from the street.

In response to questions from Council, the owner, Mr. H. Short, stated:

- They will limit the house size to the maximum square footage allowed under RS-8 zoning.
- They have consulted with the immediate neighbours and have signatures of support from them.
- They will consider extending the existing hedge along the property

line at 1245 Hastings Street.

**MOTION: MOVED by mayor Leonard and Seconded by Councillor Gillespie:
“That a Public Hearing be called.”**

Councillor Derman stated:

- The proposed design is very attractive and makes maximum use of a difficult topography.
- He hopes that the applicants will provide suitable guarantees at the Public Hearing to restrict house size and address the issue of extending the existing hedge.

The Motion was then PUT and CARRIED

Portage Road
Request for
Inclusion in SEB

961 PORTAGE ROAD - REQUEST FOR INCLUSION IN THE SEWER ENTERPRISE BOUNDARY

Report of the Director of Engineering dated August 30, 2006, recommending Lot 6, Section 79, Victoria District, Plan 890 be approved for inclusion within the Sewer Enterprise Boundary.

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

- If the application is approved the applicant will be required to pay for the full cost of extending the sewer infrastructure required to service the lot in addition to the connection fee.
- The long term viability of the system is questionable and soil test holes revealed poor to marginal soil conditions; the existing septic field is also in close proximity to the Colquitz Creek.
- The recommendation to include the subject property in the Sewer Enterprise Boundary (SEB) is consistent with Council policies and criteria.
- In theory, if septic fields are properly maintained, they should have an indefinite lifespan although this is dependent on many factors including soil conditions; he does not know the maintenance history of the subject septic system but that could be a factor in why it has failed after only 13 years.

Ms. D. Sutherland, owner, 2104 Lorne Terrace, stated:

- She purchased the subject property approximately one year ago when the previous owner passed away.
- The tenant who lives on the property notified her in the spring because of the odor emanating from the septic field.
- It is more economical for her to pay for the cost of the sewer extension as it will cost about \$12,000 compared to \$25,000 for a new septic system.

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

- Saanich has one of the most forward thinking municipal bylaws in the country; the Urban Containment Boundary (UCB) was put in place to keep development from encroaching into rural Saanich.
- As a member of Saanich’s Environmental Advisory Committee, he objects to any move to encroach upon the UCB; so far we have managed to protect the majority of rural Saanich and keep it green.

Ms. M. Alford, 965 Portage Road, stated:

- The odor from the adjacent septic field is very offensive and there are certain times during the day when she cannot go outside because of the smell.
- She hopes the owners will resolve the problem as soon as possible and if that means extending the sewer line to their property then she supports it; it is a beautifully treed area and hopefully there will be minimal impacts to the trees.

Mr. R. Warden, 936 Lucas Avenue, stated:

- When these kinds of requests come forward to Council it would be a good idea to have the maintenance history on the septic systems so Council knows exactly what they are dealing with.

Mr. W. Fowler, 975 Portage Road, stated:

- A number of years ago there was a sewer survey conducted for the subject area; at that time there were about 35 to 40 houses.
- The cost of sewer lines for 35 houses was estimated to be several million dollars; everyone agreed that the cost was unreasonable.
- The property in question is relatively easy to sewer and can be done with a gravity feed system up to the property at 985 Portage Road; beyond that property it is mostly rock with minimal soil.
- The request for the property at 961 Portage Road to be included in the SEB involves a health issue; the property can be easily sewered and hopefully with minimal impact to the trees; he thinks it makes sense to extend the sewer line to this property.

Mayor Leonard stated:

- The owner has been forthright by stating that the cost to extend the sewer line to their property is about 50 percent less than installing a new septic system.
- With the subject property being situated so close to Colquitz Creek and the possibility of a health issue it is also a benefit to the environment to include the property in the SEB.
- The recommendation in the staff report to include the property in the SEB is consistent with Saanich policies; there is no change to the UCB – all of these properties have been within the UCB for some time.

MOTION:

**MOVED by Mayor Leonard and Seconded by Councillor Wergeland:
“That:**

- 1. The application to include Lot 6, Section 79, Victoria District, Plan 890 (961 Portage Road) within the Sewer Enterprise Boundary be approved; and**
- 2. The owner agree to bear the full cost of extending the sewer infrastructure to the property and provide the appropriate Statutory Rights of Way over 955 and 961 Portage Road for the purpose of sanitary sewer and storm drain.”**

Councillor Brownoff stated:

- Consistency is important; perhaps staff can consider how we are going to deal with these types of one-offs and whether or not only the building footprint should be included in the SEB.

The Administrator stated:

- Typically, including only the building footprint in the SEB has been applied to those properties outside of the UCB; the subject property is within the UCB so it may not be an option that can be applied to this property.

Councillor Derman stated:

- He supports including the subject property in the SEB; there are environmental concerns and the health of the waterway must be considered.

The Motion was then PUT and CARRIED

Wilkinson Road
Rezoning and DVP
Application

4293 AND 4289 WILKINSON ROAD - REZONING AND DEVELOPMENT PERMIT APPLICATIONS - CLARE WITTMAN

Report of the Director of Planning dated August 28, 2006, recommending the Carey Local Area Plan be amended to designate the site as potential multi-family, approval of the rezoning from RS-6 to RM-4 and Development Permit DPR2005-00029 subject to receipt of revised plans showing Block 3 with a habitable floor elevation of 13.7 m or higher, and that prior to final reading of the rezoning bylaw a restrictive covenant be registered to address the minimum habitable floor elevation, flooding liability, and dedication of park land prior to the issuance of any Building Permit. Report of the Advisory Design Panel dated April 26, 2006 recommending approval of the design.

Mr. R. Wittman, 4293 Wilkinson Road, stated:

- The proposal is to construct an 11-unit townhouse development in four blocks.
- The site is comprised of two long narrow lots on the south side of Wilkinson Road; they will be donating approximately 22 percent of the property at the rear of the site which straddles the Colquitz River for park land.

Ms. B. Windjack, LADR Landscape Architects, stated:

- The majority of the rear of the site is an open grassy field and that is where the Streamside Protection and Enhancement Area (SPEA) has been determined to be; presently there is no riparian vegetation.
- Each of the 11 units will have large comfortable patios as there will not be a lot of outdoor area for general use by the residents.
- There will be a landscape buffer along Wilkinson Road; the majority of the screening will be on their property but there will also be some boulevard trees.
- At the edge of the SPEA there will be a concrete rail fence which will delineate the proposed parkland dedication; at the west edge of the property there will be an access to the future continuation of the Colquitz River Park.
- The development will be edged with a mix of fences and hedges so the property will be well buffered; the riparian zone at the rear of the

- property and the SPEA will be planted with native plants.
- The site slopes from the north to the south all the way to the Colquitz River so they will be using a combination of permeable pavers, aqua pavers, asphalt, and unit pavers on sand as part of their stormwater management.
 - The flows across the site will all go into landscape areas; there will be disconnected rain leaders from Blocks 1, 2 and 3 which will go into the landscaped areas; the rain leaders for Block 4 will be piped into landscaped areas.

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

- The sidewalk along the road frontage should be inbound and not as it is shown on the plans.
- If you are going to build a park and a trail, people will want to use it; putting in a gate will control the access otherwise people will just make their own access.

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

- Three of the existing buildings on the property will be moved; the fourth building will be demolished.
- There has been some discussion with regard to traffic entering and exiting the subject property; the road dedication will help address traffic issues.

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

- The right-of-way is quite restricted although we will receive additional dedication through development; a separated sidewalk will be constructed along the frontage but they will consider whether there is an opportunity for a different stormwater treatment.

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

- He congratulates the applicants for their proposed development; it is the kind of infill the municipality needs.

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

- He would like to know if the proposed trail through the park land dedication will run through the SPEA.
- The Servicing Requirements call for concrete curb and gutters; if there were cut-outs in the curbs it would help deal with runoff.

MOTION:

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

Councillor Derman stated:

- The proposed development is a suitable use of land and has the potential to have some very good stormwater treatment capabilities built into it.
- The addition of the proposed park land and gradual rehabilitation of the Colquitz Creek bank is of considerable value as well.

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

- The road width proposed for this section of Wilkinson Road is 9.6 metres which will include two travel lanes and a bicycle lane in each

direction; it is their preference not to restrict turn movements but they will monitor it and if it is an issue, they will implement the necessary restrictions.

Councillor Brownoff stated:

- She is happy that the applicant will provide a covenant to protect the vegetation along Wilkinson Road.
- The proposed development will be a positive addition to the neighbourhood and the separated sidewalk will help improve the pedestrian environment.

The Motion was then PUT and CARRIED

ADM40
Housekeeping
Amendment –
Definition of Lot
Width

ZONING AND SUBDIVISION BYLAWS HOUSEKEEPING AMENDMENT - DEFINITION OF LOT WIDTH

Report of the Director of Planning dated August 18, 2006, recommending the Zoning and Subdivision bylaws be amended as outlined in order to ensure that lot width is interpreted consistently in all circumstances.

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

- The Association supports the proposed amendment to the definition.

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

- The Association is pleased to support the proposed amendment to the definition.
- He would like to know if this is the only sort of questionable practice that violates the intent of the zoning bylaw and if this is the only unknown problem that is known to us.
- In Council’s discussions, they should think about having a clause or a rider similar to Revenue Canada which is: if you find a tax loophole it does not exist.
- The wording should say: there is an intent in this bylaw and we all know what it is and if you want to get creative with it, sorry, you are not allowed to surprise the residents of Saanich by coming up with creative solutions to the intent of our bylaws.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That a Public Hearing be called.”

CARRIED

Adjournment On a motion from Councillor Wergeland, the meeting adjourned at 9:00 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

