

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, AUGUST 20, 2007 AT 7:30 P.M.

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

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That the Minutes of the Council and Committee of the Whole Meetings held August 13, 2007, be adopted."

CARRIED

APPEALS

No. 189
West Saanich Rd.
Rezoning

5621 WEST SAANICH ROAD – REZONING APPLICATION – JIM RESLEIN

Mr. J. Reslein, applicant, 5621 West Saanich Road, stated:

- He does not think the subject property has any future agricultural value unless it is subdivided; it is all or nothing.
- The owner of the middle section of land in Todd Flats asked Michell and Galey Farms if they would be interested in farming his section and they said no unless there were improvements made including an irrigation system.
- The land can only produce marginal value crops because the agricultural land is separated from the home site and has no irrigation, power, or outbuildings to process and package high value food.
- The one acre of land and building are worth more alone than with the 24 acres of ALR land attached; that means the ALR land is a liability.
- Subdividing the ALR land and creating an additional home site will make the land an asset and make it worthy of investing in improvements.
- The land needs a dwelling, outbuildings, wells, and an irrigation system to create a viable working farm and he is willing to invest the money to make it happen.

MOVED by Councillor Brownoff and Seconded by Councillor Sanders: "That Council confirm its July 16, 2007 decision that the application to rezone Lot E, District Lot 84, Lake District, Plan VIP63062 (5621 West Saanich Road) from A-1 to A-7, not be approved."

CARRIED

No. 190
Rainbow St./
McKenzie Ave.
Rezoning

**4021 AND 4045 RAINBOW STREET AND 850 MCKENZIE AVENUE –
REZONING APPLICATION – DANIEL DOORE**

Mr. P. Chénier, president, North Quadra Land Use Protection Association, stated:

- The North Quadra Land Use Association is appealing Council's July 9, 2007 Committee of the Whole decision to forward the subject rezoning application to a Public Hearing.
- The Association feels it is premature to forward the application to a Public Hearing and he will list the major concerns the Association has; four other community members will speak as well.
- The developer's requested density of 27 units per hectare exceeds both the policies of the North Quadra Local Area Plan and the Christmas Hill Slopes Action Area Plan.
- An increased density above the adopted 12 units per hectare, and exceeding 18 units per hectare, requires significantly more public amenities.
- It is imperative to have meaningful community engagement and public consultation on where in the Municipality the proposed 8-storey condominium buildings would be acceptable.
- The Association asks Council to acquire the 23 percent of the site which is comprised of Garry oak trees as a dedicated natural park area; the developer has verbally confirmed his commitment to donate the land.
- The proposed new RM-RH zone, as it relates to the single family attached dwellings on smaller lots, exceeds the standard RS-6 zoning which will impact affordability; while Council opted to designate the four lots as RS-12 zoning, the dwellings were limited to a RS-10 zone.
- The Association is also concerned about the environmental impact of the proposed new right-in/right-out access on McKenzie Avenue; one viable option would be a right-in only access from the existing Church driveway at 850 McKenzie Avenue; the developer needs to explore the feasibility of an easement.

Mr. D. Hamilton, vice president, North Quadra Land Use Protection Association, stated:

- The Planner's report states that as part of the North Quadra Local Area Plan, they will continue to work with land owners and conservation agencies to acquire and preserve important Garry oak meadow habitat on the Hutchison lands and on the south slope of Christmas Hill.
- The Association is concerned that the Planning Department has recommended acceptance of cash-in-lieu instead of the five percent park dedication on the total site prior to the rezoning and the placement of a covenant on the applicable areas.
- In 1996 as part of the development at 4045 Rainbow Street, Council received about 20 percent of the total site as a natural park; a Cherry Tree Bend development resulted in a substantial amount of park dedication as well; why is Council now prepared to accept only five percent cash-in-lieu with the proposed development?
- The Association requests that the Public Hearing be postponed until the issue of the park dedication has been satisfactorily dealt with

Mr. S. Brygadyr, secretary, North Quadra Land Use Protection Association, stated:

- He was a member of the Christmas Hill Slope Study Group and does not wish to see the findings of the study discarded; the plan which the study established was to provide a balance of Christmas Hill preservation, while permitting residential development at a reasonable density.
- Reasonable density was deemed to be 12 units per hectare which would also include more amenities than would normally be required of a traditional single family dwelling subdivision.
- Density could be considered up to a maximum of 18 units per hectare if substantially more amenities were provided; to propose 27 units per hectare is excessive.
- The Planner's report lists a number of amenities that are proposed in support of the overall density of 27 units per hectare; some of these amenities should be part of the developer's normal responsibilities and should not be deemed as "substantially more amenities" as required by the Christmas Hill Study.
- The Planner's report also states that the proposed development would be about 700 metres from one of Saanich's significant shopping areas; he measured the distance himself, and found it to be more like 900 metres with an additional 100 metres uphill to the nearest proposed apartment buildings, and even further to the attached housing units.
- The excessive density will also mean additional vehicle traffic particularly on Rainbow Street and Blackberry Road; the subject site is not suitable for the proposed density.

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

- In initial discussions with the developer regarding the issue of park dedication, it was understood that there would be about 15 hectares; at the public meeting that was held, they were told that Saanich was not interested in acquiring the land and would take the cash-in-lieu option instead.
- There needs to be some discussion with regard to public policy and public lands; we do not have the money to acquire new land so when we are offered 17 hectares it would make sense to take it; there needs to be a policy with how we acquire land and manage it.
- The developer spoke with The Land Conservancy (TLC) and they came up with an imaginative solution of setting aside funds to deal with managing the land; one idea was the option of using sweat equity like Habitat for Humanity does when they build houses.
- The issue of suitable locations in Saanich for high rises also needs to be discussed; people want to know what the policies are so they know where high rises can be built, and what the transition zone is from the high rises to the urban villages to the existing neighbourhood.

Ms. V. Saayman, 4021 Travis Place, stated:

- She is not on the Association's executive but she still has some concerns with regard to the proposed development; 47 of the 55 residents she canvassed in the neighbourhood signed a petition stating that they also had concerns with the development, especially with the proposed density and the height of the proposed eight storey

apartment buildings.

- People also expressed concerns with traffic and pedestrian safety, and the preservation of the Garry oak trees.
- She urges Council to send the application back to Committee of the Whole for further discussion.

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

- The issue pertaining to the appropriateness of higher than four-storey buildings in our Municipality will be reviewed during the Official Community Plan (OCP) Update process which is taking place over the next several months.

Councillor Derman stated:

- He was under the impression that the Public Hearing would not be scheduled until the outstanding issues had been addressed and that could take some time.
- The Christmas Hill Slopes Action Area Plan allows for higher density but only if there is adequate public amenity to justify the extra density.
- Public amenities can be in a variety of forms and when the issue goes forward to a Public Hearing, he wants to see a thorough discussion on what amenities will be provided; the applicants will also need to provide some ironclad guarantees that those amenities will be in place.
- The proposed access from McKenzie Avenue is also an issue and needs to be resolved, as well as the amount of the park dedication.
- There are some large properties at the foot of Rainbow Street that have not been included in the proposed development; the owners are wondering what the nature of the connector to Blackberry Road will be and how it will impact their properties.
- It does not matter if the application goes forward to a Public Hearing or back to Committee of the Whole, the same issues still have to be addressed.

In response to a question from Council, the Manager of Legislative Services stated:

- In discussions with the applicant and staff, the Public Hearing will likely not take place until mid September or early October.

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:
“That Council confirm its July 9, 2007 decision that the application to rezone AM Lot 35 (DD1058271), Section 64, Victoria District, Plan 180; Lot A, Section 49, Victoria District, Plan 10398; Easterly ½ of Lot 36, Section 64, Victoria District, Plan 180 (4021 and 4045 Rainbow Street/850 McKenzie Avenue), be forwarded to a Public Hearing.”**

Councillor Brice stated:

- Many of the concerns that were expressed at the Committee of the Whole Meeting have been stated again tonight and it is likely those same concerns will surface once again at the Public Hearing.
- If the proposed development is to succeed at the Public Hearing, the applicants will need to provide answers to the issues that have been raised.
- She does not think the issues that have been raised tonight warrant

sending the application back to Committee of the Whole as no new information has been provided in the appeal.

- The Public Hearing will be scheduled once staff and the applicants have addressed all of the issues that have been raised.

Councillor Wergeland stated:

- The issue of access/egress to the proposed development needs to be addressed prior to the Public Hearing.
- He hopes that the applicants will be able to thoroughly address all of the issues that have been raised.

Councillor Gillespie stated:

- At the July 9th Committee of the Whole meeting, he voted against sending the proposed development to a Public Hearing.
- He will not support an access to the site from McKenzie Avenue; it is dangerous and will impact traffic.
- He has spoken to some of the residents adjacent to the subject property and they are concerned about what will happen to their properties in the future with regard to a connection to Rainbow Street; he has also spoken to the developer who has assured him that he will meet with the residents prior to the Public Hearing.
- He thinks holding the Public Hearing in September or October is still too early as there are many issues that need to be addressed.

Councillor Hunter stated:

- He thanks everyone for their diligent work in bringing their concerns forward to Council; there has been lots of dialogue from the community and there are many issues that still need to be addressed.
- He hopes that once the Public Hearing has been scheduled there will be ample opportunity for the public to review the new information.

The Manager of Legislative Services stated:

- The date for the Public Hearing will be decided in consultation with staff and the applicant once all of the outstanding issues have been addressed.
- It is a legal requirement to make all information available to the public in accordance with the Notice of Public Hearing; information is usually available two weeks prior to a Public Hearing being scheduled; if information is available sooner it can be released.

Councillor Sanders stated:

- She hopes that the applicant will take the opportunity to spend lots of time with the community so that the concerns that have been raised can be thoroughly addressed.

Mayor Leonard stated:

- There was no new information provided in the appeal therefore there is no requirement for it to be reconsidered at Committee of the Whole.
- The decision to send an application from Committee of the Whole to a Public Hearing is one of process and in an appeal, the applicant is not allowed to speak; if we start having two Committee of the Whole meetings before an application is forwarded to a Public Hearing it will

have severe consequences to an applicant.

- The applicant has a lot of work to do prior to the Public Hearing and staff will advise us when he is ready to proceed; the Administrator has outlined six issues that are being reviewed by staff and they will provide a report to Council and the public for the Public Hearing.
- Apparently the applicant has verbally stated to some people that he would prefer to donate land rather than it be in his ownership and covenanted; he is aware that the development cost charge for parks in this area would be more than \$400,000.
- Over the past decade the Municipality has provided millions of dollars of park at Christmas Hill and Swan Lake and there are still some parcels to be acquired around Swan Lake.

In response to a question from Council, the Administrator stated:

- The following issues are being examined by staff prior to the Public Hearing:
 1. Dedication of park versus covenant;
 2. Method of adherence to the applicant's design scheme;
 3. Incorporation of energy efficiency features;
 4. Future connection to Rainbow Street;
 5. Stormwater management; and
 6. Developer's overall commitment mechanisms (e.g. covenants/ performance security).

The Motion was then PUT and CARRIED

Bylaws

BYLAWS

No. 191
ADM40
Bylaw 8867

REPEAL BYLAW (ASKE HOLDINGS LTD. LAND USE CONTRACT BYLAW).
Final Reading of the "Repeal Bylaw, 2007 (Aske Holdings Ltd. Land Use Contract Bylaw, 1975, No. 3732), No. 8867".

MOVED by Councillor Sanders and Seconded by Councillor Derman: "That Bylaw No. 8867 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

CAPITAL REGIONAL DISTRICT ACTIVITIES

No. 192
ADM115 - CRD
CRD Activities
Adjournment

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

On a Motion from Councillor Brownoff, the meeting adjourned at 8:52 p.m.

The meeting reconvened at 9:06 p.m.

From the Committee of the Whole Meeting held August 20, 2007.

No. 193
Dysart Road
Subdivision

**4160/4162 BORDEN STREET – DEVELOPMENT VARIANCE PERMIT –
WAYNE SCOTT WALTERS AND BEVERLY JOAN HOLLAND**

**MOVED by Councillor Wergeland and Seconded by Councillor
Brownoff: “That Council approve and issue Development Variance
Permit DVP2007-00014 on Lot 4, Section 66, Victoria District, Plan
20407 (4160/4162 Borden Street).”**

CARRIED

In Camera Motion

**MOVED by Councillor Brownoff and Seconded by Councillor
Gillespie: “That the following meeting be closed to the public as the
subject matter being discussed relates to labour relations.”**

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at
9:12 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, AUGUST 20, 2007 AT 8:52 P.M.

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

Borden Street
 Development
 Variance Permit

4160/4162 BORDEN STREET – DEVELOPMENT VARIANCE PERMIT – WAYNE SCOTT WALTERS AND BEVERLY JOAN HOLLAND.

Report of the Director of Engineering dated August 1, 2007 recommending Development Variance Permit DVP2007-00014 be approved.

- In response to questions from Council, the Director of Engineering stated:
- The intent with this application is that the existing side by side duplex will be strata titled so that both sides will be under different ownership, as opposed to a suite in a dwelling where there is single ownership.
 - The recommendation for the subject property is to permit one sewer connection and one storm drain connection for both sides of the duplex.
 - The issue of inflow and infiltration (I & I) for storm or wastewater pipes and the fact that a considerable portion of I & I pipe is on private property, is one that several jurisdictions are struggling with; some municipalities have gone to a system where when a property is sold or transferred, the municipality insists on replacing the connections.

Mr. W. Walters, on behalf of he and his mother, owners and applicants, 4160 and 4162 Borden Street, stated:

- He and his mother purchased the subject property in May; it was in a state of disrepair and they are presently renovating it.
- During discussions with staff regarding the strata conversion process, they learned that according to the *Building and Plumbing Bylaw*, that they were required to supply separate sewer, drain and water services to each connection.
- Installing additional sewer services to the property will require an easement across a portion of the Lakehill School property and that could impact the existing Garry oak and fir trees; separate storm drain services will entail redoing all of the foundation drains.

Mr. P. Chenier, president, North Quadra Land Use Protection Association, stated:

- The Association supports the Development Variance Permit application.

MOTION: MOVED by Councillor Gillespie and Seconded by Councillor Brice: “That it be recommended that Council approve and issue

Development Variance Permit DVP2007-00014 on Lot 4, Section 66, Victoria District, Plan 20407 (4160/4162 Borden Street)."

CARRIED

Ventura Way
Rezoning

1885 VENTURA WAY (A PORTION) – REZONING APPLICATION – MILE ERLIC.

Report of the Director of Planning dated August 9, 2007 recommending the rezoning from RS-6 to RS-4 be approved.

Mr. T. Smollett, DFH Real Estate, 3914 Shelbourne Street, on behalf of the applicant, stated:

- The application is to rezone and create one additional lot; proposed Lot A will be 562 square metres in size, and proposed Lot B will be 503 square metres; no variances are required.
- The existing dwelling will be removed; they have concept plans for two new dwellings; the design does not allow for secondary suites.
- They have a letter from the Gordon Head Residents' Association supporting the idea of two dwellings rather than a duplex.

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

- At the Public Hearing they will provide elevations of the proposed dwellings as they relate to the adjacent properties.
- They have been in contact with the adjacent neighbour to the west and have agreed to fence along the property line and clean up the blackberries.
- They will also covenant the proposed conceptual house plans to ensure that that is what will be built on the two lots.

MOTION:

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

CARRIED

Adjournment

On a motion from Councillor, the meeting adjourned at 9:05 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK