

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, FEBRUARY 12, 2007 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; Colin Doyle, Director of Engineering; Anne Topp, Manager of Community Planning; Carrie M. MacPhee, Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk.

**PUBLIC HEARING**

No. 40  
Bylaw 8834  
Broadway Street

**“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2007, NO. 8834”**

**PROPOSED TWO LOT RESIDENTIAL SUBDIVISION ON BROADWAY STREET**

To rezone a portion of Lot 1, Section 82, Victoria District, Plan 10530 (**518 BROADWAY STREET**) from zone RS-6 (Single Family Dwelling – minimum lot size 560 m<sup>2</sup>) to zone RS-4 (Single Family Dwelling – minimum lot size 460 m<sup>2</sup>) for a proposed two lot residential subdivision. A **DEVELOPMENT VARIANCE PERMIT** applicable to the above lands will also be considered to increase the maximum dwelling height from 7.5 m to 9.29 m, to increase the maximum single face height from 7.5 m to 8.60 m and to increase the amount of allowable floor space located in a non-basement area from 80% to 88% for proposed Lot A of the subdivision.

The Notice of Public Hearing; the reports of the Director of Planning dated October 6, 2006 and January 4, 2007 recommending approval of the rezoning and Development Variance Permit; and, a letter in support subject to parking considerations, were introduced.

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

- Staff would not normally restrict parking along a street without some evidence that there are issues or problems.
- In this case, the servicing requirement to widen the portion of the road fronting the proposed subdivision is simply to accommodate two-way traffic; if there are ongoing parking issues then staff can evaluate the situation.

**APPLICANT:**

Ms. L. Holden, owner and applicant, 518 Broadway Street, stated:

- She met with the president of the Strawberry Vale Residents' Association to discuss the proposed development and some members visited the site; the Association does not have any issues or concerns with the proposal.
- She also met with the immediate neighbours; the owners of 527 Broadway Street expressed some concerns with off-street parking.
- They will be providing on-site parking for six vehicles with the possibility of additional parking parallel to the driveway.
- The owner of the property below them at 4087 Carey Road has an

ongoing issue with stormwater runoff from their property and they will be addressing that by installing perimeter drains and storm drain connections when the property is developed.

Mr. R. McNeil, McNeil Building Designs Limited, on behalf of the applicants/owners, stated:

- The proposal is to rezone the subject property and create one additional lot.
- The property has a steeply sloping topography so there were considerable design constraints involved; the grade of the lot is so far below the road level that constructing a dwelling that is relatively compatible with neighbouring houses will require a number of variances.
- They are requesting variances for maximum dwelling height, maximum single face height, and relaxation of the non-basement floor area from 80 percent to 88 percent.
- The proposed dwelling will be two storeys in height but because of the steep grade of the property it will only look like a bungalow with a walk-out basement.
- The requested variances should not impact the views or privacy of the neighbouring properties; the appearance of the proposed dwelling will fit in with the existing streetscape.
- There will be parking for two vehicles in the garage and additional parking for four vehicles in the driveway.

**PUBLIC INPUT:**

Mr. L. Aguado, 4087 Carey Road, stated:

- His property is situated directly below the subject property.
- He is concerned that the proposed development will have a huge impact on his property; the dynamics of his property will be changed and his privacy will be impacted.

Mr. T. Balshaw, 531 Broadway Street, stated:

- He has lived in his present location for the past 47 years.
- Broadway Street is a relatively narrow road and his property is located along the portion of the road where there is a sharp bend.
- He is not aware of any serious vehicle accidents occurring over the past 47 years as drivers who are familiar with the area know to slow down as they approach the sharp bend.
- He is concerned that widening the portion of the road fronting the proposed subdivision will encourage drivers to increase their speed; the sharp bend in the road helps calm traffic.

Mr. P. Sandeman-Allen, 515 Broadway Street, stated:

- His property is situated right at the sharp bend in the road across from the subject property.
- If the road is widened fronting the proposed development it may help address traffic issues.
- He thinks the proposed subdivision will be a benefit to the neighbourhood; the property will be tidied up and his view will likely be improved.

**APPLICANT’S RESPONSE:**

Ms. L. Holden stated:

- There is a 20 foot high hedge between the subject property and the property below them; she does not think the proposed new dwelling will be visible from the property at 4087 Carey Road.
- She agrees that widening the road fronting the development will help with traffic issues.

**MOTION:**

**MOVED by Councillor Gillespie and Seconded by Councillor Wergeland: “That the application to rezone from RS-6 to RS-6 and RS-4 be approved.”**

**CARRIED**

No. 41  
Bylaw 8834  
Broadway Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2006, NO. 8834”  
Second, and Third Readings.

**MOVED by Councillor Gillespie and Seconded by Councillor Wergeland: “That Bylaw No. 8834 be read a second time.”**

**CARRIED**

**MOVED by Councillor Gillespie and Seconded by Councillor Wergeland: “That Bylaw No. 8834 be now passed.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Wergeland: “That it be recommended that Council approve and issue Development Variance Permit No. DVP2006-00022 on Lot 1, Section 82, Victoria District, Plan 10530 (518 Broadway Street).”**

**CARRIED**

Minutes

**ADOPTION OF MINUTES**

**MOVED by Councillor Hunter and Seconded by Councillor Sanders: “That the Minutes of the Council and Committee of the Whole Meetings held February 5, 2007, be adopted.”**

**CARRIED**

**BYLAWS**

No. 42  
ADM40  
Bylaw 8838

**REPEAL BYLAW (SPECIAL EVENTS COMMITTEE BYLAW).**  
Final Reading of the “Repeal Bylaw, 2007 (Special Events Committee Bylaw, 1973, No. 3439), No. 8838”.

**MOVED by Councillor Wergeland and Seconded by Councillor Brice: “That Bylaw No. 8838 be adopted by Council and the Seal of the Corporation be attached thereto.”**

**CARRIED**

No. 43  
ADM40  
Bylaw 8840

**COUNCIL PROCEDURE BYLAW.**

Final Reading of the "Council Procedure Bylaw, 2007, No. 8840". To include housekeeping amendments and consolidate Bylaw 8540.

**MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: "That Bylaw No. 8840 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

No. 44  
ADM40  
Bylaw 8836

**SUBDIVISION BYLAW AMENDMENT – HARMONIZATION WITH SANITARY SEWER BYLAW.**

First Three Readings of the "Subdivision Bylaw, 1995, Amendment Bylaw, 2007, No. 8836". To replace the phrase "sewer enterprise area" with "sewer service area".

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8836 be introduced and read."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8836 be read a second time."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8836 be now passed."**

**CARRIED**

No. 45  
PLD60  
Bylaw 8839

**REPEAL BYLAW (CERTAIN SEWER BYLAWS).**

First Three Readings of the "Repeal Bylaw, 2007 (Various Sewer Bylaws Adopted Between 1920 and 2006), No. 8839". To repeal Sewer Bylaws no longer required or that are now incorporated as part of the Sanitary Sewer Bylaw.

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8839 be introduced and read."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8839 be read a second time."**

**CARRIED**

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8839 be now passed."**

**CARRIED**

**RECOMMENDATIONS FROM COMMITTEES**

*From the Public Safety and Emergency Planning Committee Meeting held January 24, 2007.*

No. 46  
ADM40  
Fireworks Bylaw

### **FIREWORKS BYLAW**

Report from the Chair of the Public Safety and Emergency Planning Committee dated February 5, 2007, comparing the Saanich, Colwood/Langford and Abbotsford fireworks bylaws, and a recommendation from the January 24, 2007 Committee meeting that staff bring forward a report outlining the Colwood/Langford bylaw to Committee of the Whole for public input.

Report from Councillor Derman dated February 7, 2007 recommending Council write a letter to the Solicitor General of BC supporting the efforts of the BC Association of Chiefs of Police to institute a province wide ban of the sale and use of fireworks, that Council forward a motion to the Union of British Columbia Municipalities (UBCM) requesting their support, and that Saanich implement a ban and seek the cooperation of other regional jurisdictions.

Mayor Leonard stated:

- The intent is that staff will prepare a more comprehensive report based on the overview from the Public Safety and Emergency Planning Committee meeting and that it will be considered at a Committee of the Whole meeting to ensure public input.

Councillor Derman stated:

- Given the work that the Public Safety and Emergency Planning Committee have done on the fireworks issue, Recommendation No. 3 in his February 7, 2007 report is essentially superfluous but he would still like Council to consider Recommendation Nos. 1 and 2.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:  
"That:**

- 1. Council write a letter to the Solicitor General of BC supporting the efforts of the BC Association of Chiefs of Police to institute a province wide ban on the sale and use of fireworks and urging him to reconsider his opposition to a province wide ban. Furthermore, it should be noted in the letter that the Association of Chiefs' initiative provides for the exception of "controlled environments" where a display is conducted by a "properly trained individual" and that such exceptions are supportable pending suitable definition of "controlled environments" and "properly trained individuals; and**
- 2. Council forward a motion to the Union of British Columbia Municipalities (UBCM) requesting their support on a province wide ban on fireworks as described in Recommendation No. 1."**

Councillor Derman stated:

- There is always an issue of how to manage enforcement especially if there is a neighbouring jurisdiction that sells fireworks.
- The best scenario to ensure that public safety will be respected is to have a province wide regulation.
- The Solicitor General of BC indicated his opposition to instituting a province wide ban when the BC Association of Chiefs of Police put

forward their initiative but he could change his position if he is made aware of the number of groups throughout the province who support a very controlled use of fireworks.

- It is also desirable to forward a motion to UBCM requesting their support.

Councillor Hunter stated:

- He is only prepared to support Recommendation No. 2; as a Municipality we are in a position to make recommendations to the UBCM where it can then be debated and decided whether or not to forward it to the provincial government.

Councillor Wergeland stated:

- He agrees that forwarding this issue to the UBCM is the way to proceed.

Councillor Brownoff stated:

- Writing the Solicitor General of BC and asking him to support the BC Association of Chiefs of Police recommendation to institute a province wide ban is a positive way to proceed; other municipalities are requesting his support as well.
- She also supports a motion going forward to the UBCM because these types of motions have more impact on senior levels of government.

Councillor Brice stated:

- We all agree that we want to ban or severely limit the sale and use of fireworks but we need to decide the logical next step to take.
- If we are firm on Saanich's position based on what our community wants we can then urge senior levels of government to consider a province wide ban.
- Recommendation No. 1 may be premature at this time especially if we want to deal with this issue at a future Committee of the Whole meeting; she would prefer to hold Recommendation Nos. 1 and 2 in abeyance until Saanich's policy on fireworks is determined.

Mayor Leonard stated:

- He agrees with Councillor Brice; he is expecting a full Council Chamber when the fireworks issue is dealt with at Committee of the Whole.
- It may be necessary to hold a special meeting on a Tuesday night based on the amount of correspondence we have received; vendors will also likely want to attend.
- We can postpone further consideration of Councillor Derman's report, forward the report from the Public Safety and Emergency Planning Committee along with the staff report to Committee of the Whole, and then based on the outcome of that meeting, vote on the recommendations in Councillor Derman's report at a future Council meeting.
- Staff wants to have the new fireworks bylaw adopted by May or June so that vendors are aware of the new regulations prior to ordering their stock for Halloween.

Councillor Derman stated:

- He is comfortable with postponing further consideration of

Recommendation Nos. 1 and 2 until after the Committee of the Whole Meeting has been held.

**MOVED by Councillor Derman and Seconded by Councillor Brice:** “That further consideration of the motion pertaining to a provincial fireworks ban be postponed until after the Committee of the Whole Meeting has been held to hear public input on a proposed bylaw.”

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:** “That staff bring forward a report which outlines the Colwood/Langford fireworks bylaw to Committee of the Whole for public input.”

**CARRIED**

*From the Finance and Personnel Standing Committee Meeting held February 7, 2007.*

No. 48  
FIN45  
 Core Capital  
 Projects

**EARLY APPROVALS – 2007 CORE CAPITAL PROJECTS/GOLF COURSE CLUBHOUSE AND PRO-SHOP REPAIRS AND RENOVATIONS**

Memorandum from the Director of Finance dated February 7, 2007 with a recommendation from the Finance and Personnel Standing Committee meeting held February 7, 2007 to approve the Early Approval for 2007 Core Capital project budgets as outlined in the January 25, 2007 report of the Director of Finance, and that the renovations for the Cedar Hill Golf Course Clubhouse and Pro Shop be approved with the transfer of \$125,000 from the Golf Course Reserve Fund for the capital work.

**MOVED by Councillor Ngai and Seconded by Councillor Brownoff:** “That:

- a) Council give early expenditure approval for the following core capital projects:

**2007 Water Capital Budget**

1. Browning Street (North Dairy Rd. to McRae Ave.)	\$155,000
2. Oceanview Road	\$ 80,000
3. Feltham Road (Cedar Hill Rd. to Shelbourne St.)	\$150,000
4. Residential Water Meters	\$ 40,000
5. Detailed Design - Water Capital Projects	\$ 65,000
6. Miscellaneous Water Main Replacements	\$ 50,000

**2007 Roads Capital Budget**

1. North Quadra Neighborhood TMP Traffic Calming	\$200,000
2. Traffic Signals	\$ 83,500
3. Poplar Ave./Pear St. Realignment	\$126,000

**2007 Storm Drain Capital Budget**

1. Miscellaneous Minor Drain Improvements	\$ 50,000
2. Wood Stave Replacement Program	\$200,000
3. Kingsley Place Drain Replacement	\$182,000

**2007 Sewer Capital Budget**

1. Portage Sewer Lift Station Upgrade	\$ 95,000
2. Townley Trunk (Kingsley Lift Station)	\$250,000
3. SCADA System Upgrade	\$450,000
4. Miscellaneous Sewer Projects	\$ 70,000
5. No Corrode Service Replacement	\$ 50,000

**2007 Parks Capital Budget**

1. Playground Structures	\$125,000
2. Sport Field Sewer System Repairs/Replacement	<u>\$ 60,000</u>

**TOTAL** **\$2,481,500**

b) The renovations to the Clubhouse and Pro Shop at Cedar Hill Golf Course be approved with the transfer of \$125,000 from the Golf Course Reserve Fund for the capital work.”

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

*From the Finance and Personnel Standing Committee Meeting held February 7, 2007.*

No. 49  
ADM60  
Police Services Agreement

**OAK BAY/SAANICH POLICE SERVICES AGREEMENT**

Recommendation from the Saanich Police Board meeting of February 6, 2007 that Council approve the Oak Bay/Saanich Police Services Agreement as outlined for a five year term ending December 31, 2011.

**MOVED by Councillor Ngai and Seconded by Councillor Brice: “That Council approve the Oak Bay/Saanich Police Services Agreement as outlined for a five year term ending December 31, 2011.”**

**CARRIED**

Adjournment

On a Motion from Councillor Gillespie, the meeting adjourned at 8:43 p.m.

The meeting reconvened at 8:44 p.m.

*From the Committee of the Whole Meeting held February 12, 2007*

No. 50  
PLD45  
Heritage Action Plan

**PROPOSED HERITAGE ACTION PLAN**

**MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: “That Council endorse the Saanich Heritage Action Plan and that the Action Plan be incorporated as Appendix “G” of the Heritage Management Plan, 1999.”**

**CARRIED**

In Camera Motion     **MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That the following Council meeting be closed to the public as the subject matter being discussed relates to personal information about identifiable individuals who hold positions as employees and officers of the District.”**

**CARRIED**

Adjournment            On a motion from Councillor Gillespie, the meeting adjourned at 8:45 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, FEBRUARY 12, 2007 AT 8:18 P.M.

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

PLD40  
 Heritage Action  
 Plan

**PROPOSED HERITAGE ACTION PLAN.**

Report of the Director of Planning dated January 29, 2007 recommending Council endorse the Saanich Heritage Action Plan and that the Action Plan be incorporated as Appendix G of the Heritage Management Plan, 1999.

In response to questions from Council, the Planner stated:

- Under Goal 1: Protecting Existing Resources - Objective A(3): *"Formulate a disaster plan within the overall framework of the Corporate Master Emergency Plan"*; this initiative applies only to archives.
- Under Goal 3: Promote Heritage Awareness - E(1): *"Investigate opportunities for workshops, courses, and/or presentations promoting cultural awareness"*; it can be expanded to include *"forums"*; the Heritage Foundation is planning to send out letters to homeowners on the Heritage Register promoting the benefits of designating their dwellings.
- Under Goal 2: Strengthen Heritage Resource Inventory - A(2): *"Review the options presented in Section 5.0 West Saanich Road Case Study of the 1999 Saanich Heritage Management Plan"*; this is the Action Plan that was identified for a conservation area along West Saanich Road.
- Under Goal 2: Strengthen Heritage Resource Inventory - C(1): *"Establish an oral history program that captures important aspects of Saanich history"*; this initiative was given a "Medium" priority based on the work plan of the archives.

Mr. B. Shuya, president, Saanich Heritage Foundation, stated:

- He would like to commend the Planner for her work on the Saanich Heritage Action Plan.
- The Planner attended two Foundation meetings and members were given the opportunity to review two prior drafts of the Action Plan; some members attended the Open House that was held in January.
- The Heritage Foundation supports the Heritage Action Plan and hopes that Council will adopt it.
- The goals of the Action Plan are stated in the document: Protect Existing Resources, Strengthen Heritage Resource Inventory, and Promote Heritage Awareness; he urges Council to consider alternative development options as opposed to demolition of existing structures; there are incentives such as heritage designation and

heritage revitalization agreements.

- He hopes that the adoption of the Heritage Action Plan will be an instrument to further protect Saanich's heritage and our Heritage Register, and that it will foster and strengthen heritage awareness in Saanich.

Mr. D. Rebneris, 520 Beaver Lake Road, stated:

- He congratulates staff for their work on the Heritage Action Plan.
- During the Centennial Celebrations he helped work on some of the projects and events and made good use of the Archives; any protection or strengthening of that resource is a benefit to the community.

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

- He supports the Heritage Action Plan and hopes that Council will adopt it.
- We need to leave future generations with the knowledge of where we came from.

**MOTION:**

**MOVED by Councillor Brownoff and Seconded by Councillor Sanders: "That it be recommended that Council endorse the Saanich Heritage Action Plan and that the Action Plan be incorporated as Appendix "G" of the Heritage Management Plan, 1999."**

Councillor Brownoff stated:

- She congratulates staff on the Heritage Action Plan; there are a number of worthwhile initiatives in the document and she supports it.
- According to the publication entitled "Municipal World", research shows that heritage designation does not have a negative effect on property values and in many cases, the opposite is true.
- The publication also states that heritage laws in Canada were drafted after we signed the Venice Charter in the 1960's and that we accepted an obligation concerning the world's common heritage.

Councillor Wergeland stated:

- He thanks staff for their work on the Action Plan and appreciates the comments of the Heritage Foundation.

Councillor Sanders stated:

- She is very impressed with the Heritage Action Plan and compliments Planning staff on the document and how it captures the spirit of heritage.
- The document references the *Local Government Act* which is a tool that we need to use more often and understand how it applies to heritage.
- The document also references the strong role of the Saanich Heritage Foundation; it is very important that when issues pertaining to development are forwarded to the Foundation for their comment that we value their input.
- It is also important that we take into consideration the tenuous location of our Archives and the value of the materials that are housed there; it would be nice if there was more of a public area in

the Archives Department for people doing research.

Councillor Gillespie stated:

- He agrees that an oral history of Saanich is very important; it was the farming community that built Saanich and we need to record their histories before it is lost; the Pioneer Tea that was held during our Centennial Year was a great opportunity for seniors to share their stories.

Councillor Derman stated:

- He thanks Planning staff for their work on the Heritage Action Plan; it is going to be a very important document for heritage and its preservation; we also need to preserve the oral history of Saanich.
- It is also very important that we establish a minimum maintenance bylaw so that we do not have more situations of demolition by neglect.

**The Motion was then PUT and CARRIED**

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 8:42 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK