

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 7, 2007 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 MacPhee, Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: "That the Minutes of the Council and Committee of the Whole Meetings held April 23, 2007, and the Minutes of the Special Committee of the Whole Meetings held April 17 and April 24, 2007, be adopted."

CARRIED

Bylaws **BYLAWS**

No. 96 **TRUCK ROUTE BYLAW AMENDMENT.**

ADM40
Bylaw 8847

Three Readings of the "Truck Route Bylaw, 1989, Amendment Bylaw, 2007, No. 8847". To include Interurban Road between West Saanich Road and Burnside Road West as a designated truck route.

Councillor Derman stated:

- In light of the number of written concerns that have been received from members of the public regarding amending the Truck Route Bylaw it may be a good idea to refer it to a future Committee of the Whole Meeting so that the public has an opportunity to verbally address Council.

Mayor Leonard stated:

- It may be more appropriate to refer it back to the Administrative Traffic Committee for further discussion and if they still wish to proceed with its recommendation, the matter can be considered at a Committee of the Whole Meeting.

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That the Truck Route Bylaw Amendment be referred back to the Administrative Traffic Committee for further review, and if the Committee still wishes to proceed with its recommendation, the matter be considered at a future Committee of the Whole Meeting to allow for public input."

Councillor Gillespie stated:

- There could be further issues with traffic once the development of the Pacific Sports Institute is completed so that has to be taken into consideration as well.

Councillor Brownoff stated:

- Consideration of including Interurban Road in the Truck Route Bylaw should be linked to other road improvements in the area, as well as upgrades to the Wilkinson Road/Interurban Road intersection.

The Motion was then PUT and CARRIED

No. 97
ADM40 - Treasury
Bylaw 8850

FINANCIAL PLAN BYLAW (2007 – 2011).

Three Readings of the “Financial Plan Bylaw, 2007, No. 8850”. To establish the five year financial plan for 2007 – 2011.

**MOVED by Councillor Derman and Seconded by Councillor Brice:
“That Bylaw No. 8850 be introduced and read.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Brice:
“That Bylaw No. 8850 be read a second time.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Brice:
“That Bylaw No. 8850 be now passed.”**

CARRIED

No. 98
ADM40 - Treasury
Bylaw 8851

**SANITARY SEWER BYLAW AMENDMENT (SCHEDULE F –
TRANSITIONAL SEWER SERVICE AREA CHARGES).**

Three Readings of the “Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2007, No. 8851”. To amend Schedule F (Transitional Sewer Service Area Charges).

**MOVED by Councillor Hunter and Seconded by Councillor Ngai:
“That Bylaw No. 8851 be introduced and read.”**

CARRIED

**MOVED by Councillor Hunter and Seconded by Councillor Ngai: “That
Bylaw No. 8851 be read a second time.”**

CARRIED

**MOVED by Councillor Hunter and Seconded by Councillor Ngai: “That
Bylaw No. 8851 be now passed.”**

CARRIED

No. 99
ADM40 - Treasury
Bylaw 8852

GARBAGE COLLECTION AND DISPOSAL BYLAW AMENDMENT.
Three Readings of the "Garbage Collection and Disposal Bylaw, 2005, Amendment Bylaw, 2007, No. 8852". To increase the annual rate from \$118.50 to \$122.60.

MOVED by Councillor Ngai and Seconded by Councillor Sanders:
"That Bylaw No. 8852 be introduced and read."

CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Sanders:
"That Bylaw No. 8852 be read a second time."

CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Sanders:
"That Bylaw No. 8852 be now passed."

CARRIED

No. 100
ADM40 - Treasury
Bylaw 8853

TAX BYLAW.
Three Readings of the "Tax Bylaw, 2007, No. 8853". To establish the tax rates for 2007.

MOVED by Councillor Derman and Seconded by Councillor Sanders:
"That Bylaw No. 8853 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Sanders:
"That Bylaw No. 8853 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Sanders:
"That Bylaw No. 8853 be now passed."

CARRIED

No. 101
Wilkinson Road
Bylaw 8848

3885 WILKINSON ROAD.
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8848". Rezoning from A-1 to RS-6, RS-10 and P-4.

MOVED by Councillor Sanders and Seconded by Councillor Ngai:
"That Bylaw No. 8848 be introduced and read."

CARRIED

No. 102
Ralph Street
Bylaw 8849

638 RALPH STREET.
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8849". Rezoning from RS-6 to RS-2.

MOVED by Councillor Hunter and Seconded by Councillor Brice:
"That Bylaw No. 8849 be introduced and read."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 103
PQS100
Tender 09/07

TENDER 09/07 – COLD ASPHALT MILLING.

Report of the Director of Purchasing dated April 24, 2007 recommending Tender 09/07 for cold asphalt milling be awarded to Capital City Paving in the amount of \$271,996.

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That Tender No. 09/07 for cold asphalt milling be awarded to Capital City Paving in the amount of \$271,996.”

CARRIED

No. 104
PQS100
Tender 10/07

TENDER 10/07 – ASPHALT PAVING WORKS.

Report of the Director of Purchasing dated April 25, 2007 recommending Tender 10/07 for asphalt paving works be awarded to Capital City Paving in the amount of \$657,796.25.

MOVED by Councillor Brice and Seconded by Councillor Gillespie: “That Tender No. 10/07 for asphalt paving works be awarded to Capital City Paving in the amount of \$657,796.25.”

CARRIED

RECOMMENDATIONS FROM COMMITTEES

From the Special Committee of the Whole Meeting held April 24, 2007.

No. 105
FIN105
Social Service
Grants

2007 SOCIAL SERVICE GRANTS

MOVED by Councillor Brownoff and Seconded by Councillor Gillespie: “That Council approve the following 2007 Social Services grants:

- **Community Social Planning Council of Greater Victoria** **\$19,462**
- **Greater Victoria Volunteer Society** **\$11,518**
- **NEED Crisis & Information Line** **\$23,035**
- **St. John Ambulance** **\$ 2,684”**

CARRIED

No. 105
FIN105
Community Grants

2007 COMMUNITY GRANTS

**MOVED by Councillor Derman and Seconded by Councillor Brownoff:
“That Council approve the following 2007 Community Grants:**

- **Permissive Tax Exempt Property Sewer Charges** **\$8,500**
- **Saanich Neighbourhood Place** **\$9,100**
- **Tourism Victoria – Hotel Tax** **\$103,900**
- **City of Victoria – Save On Foods Arena** **\$122,000**
- **BC SPCA Wild ARC** **\$1,500**
- **Bike to Work Week Victoria** **\$3,500**
- **Capital Bike and Walk** **\$2,170**
- **City of Victoria (Canada Day)** **\$1,000**
- **Easter Seals 24 Hour Relay** **\$2,800**
- **Glendale Gardens** **\$155,800**
- **Gorge Tillicum Community Association** **\$5,000**
- **Greater Victoria Chamber of Commerce
(Greater Victoria Economic Development Agency)** **\$20,000**
- **Goward House Society** **\$6,000**
- **Greater Victoria Film Commission** **\$35,700**
- **Haliburton Organic Farm** **\$5,000**
- **Maritime Museum of BC Society** **\$19,000**
- **Saanich Heritage Foundation** **\$36,000**
- **Saanich Volunteer Services Society** **\$38,000**
- **North and South Agricultural Society** **\$500**
- **Tourism Victoria** **\$36,000**
- **Vancouver Island Advanced Technology Centre** **\$5,200**
- **Victoria Hospice and Palliative Care Foundation** **\$3,735”**

CARRIED

 Councillor Brice declared, pursuant to Section 84 of the Council Procedure Bylaw, that she is not entitled to participate in the discussion of the Community grant application for the Silver Threads Service as she is employed by the organization. Councillor Brice then left the meeting at 7:35 p.m.

No. 107
FIN105
Silver Threads

2007 COMMUNITY GRANTS – SILVER THREADS

**MOVED by Councillor Derman and Seconded by Councillor Sanders:
“That Council approve A Community Grant to the Silver Threads in
the amount of \$43,595.”**

CARRIED

 Councillor Brice returned to the meeting at 7:36 p.m.

No. 108
FIN105
 Community Social
 Planning Council

2007 COMMUNITY GRANT - COMMUNITY SOCIAL PLANNING COUNCIL

MOVED by Councillor Hunter and Seconded by Councillor Ngai: “That \$5,000 be earmarked towards the Quality of Life Challenge, and that the Community Social Planning Council provide information to the Healthy Saanich Advisory Committee on what funding has been provided by Victoria, Oak Bay and Esquimalt prior to the Committee making a recommendation to Council for funding.”

CARRIED

No. 109
FIN105
 Saanich Legacy
 Foundation

2007 COMMUNITY GRANT - SAANICH LEGACY FOUNDATION

MOVED by Councillor Gillespie and Seconded by Councillor Ngai: “That Council approve a Community Grant to the Saanich Community Legacy Foundation in the amount of \$5,000 and that the organization be advised that Council would like them to move towards self-sustainability.”

CARRIED

No. 110
FIN105
 Swan Lake
 Christmas Hill
 Nature Sanctuary

2007 CONTRACT WITH SWAN LAKE CHRISTMAS HILL NATURE SANCTUARY

MOVED by Councillor Hunter and Seconded by Councillor Brice: “That Council approve the 2007 Swan Lake Christmas Hill Nature Sanctuary Contract in the amount of \$251,828.”

CARRIED

No. 111
FIN105
 Community
 Association
 Operating Grants

2007 COMMUNITY ASSOCIATION OPERATING GRANTS

MOVED by Councillor Derman and Seconded by Councillor Brownoff: “That Council approve the following 2007 Community Association Operating Grants:

- **Blenkinsop Valley Community Association** **\$1,000**
- **Broadmead Area Residents’ Association** **\$1,000**
- **Cadboro Bay Residents’ Association** **\$1,000**
- **Camosun Community Association** **\$1,000**
- **Cordova Bay Association** **\$1,000**
- **Falaise Community Association** **\$1,000**
- **Friends of Mount Douglas Park** **\$1,000**
- **Gordon Head Residents’ Association** **\$1,500**
- **Gorge Tillicum Community Association** **\$1,500**
- **Mt. Tolmie Community Association** **\$1,000**
- **North Quadra Land Use Protection Association** **\$1,000**
- **P.I.S.C.E.S.** **\$1,000**
- **Prospect Lake and District Community Association** **\$1,000**
- **Quadra Cedar Hill Community Association** **\$1,500**
- **Rithet’s Bog Conservation Society** **\$1,000**
- **Royal Oak Community Association** **\$1,000**
- **Strawberry Vale Residents’ Association** **\$1,500”**

CARRIED

Adjournment On a Motion from Councillor Gillespie, the meeting adjourned at 7:37 p.m.
The meeting reconvened at 8:28 p.m.

From the Committee of the Whole Meeting held May 7, 2007

No. 107
Torquay Drive
Subdivision
Application

4385 TORQUAY DRIVE – SUBDIVISION APPLICATION – BRIAN TOWN

MOVED by Councillor Derman and Seconded by Councillor Brownoff:
That Council approve an exemption from the 10 percent road frontage
requirement of the *Local Government Act* for proposed Lot D of a four
lot subdivision of the Remainder of Lot 2, Section 84, Victoria District,
Plan 25409, Except that Part in Plan VIP65802 (4385 Torquay Drive)."
CARRIED

No. 108
ADM40
Bylaw 8854

SIGN BYLAW, 2006, AMENDMENT BYLAW, 2007, NO. 8854
First Three Readings of the "Sign Bylaw, 2006, Amendment Bylaw, 2007,
No. 8854". To amend Sign Bylaw No. 8789.

MOVED by Councillor Brownoff and Seconded by Councillor Ngai:
"That Bylaw No. 8854 be introduced and read."
CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Ngai:
"That Bylaw No. 8854 be read a second time."
CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Ngai:
"That Bylaw No. 8854 be now passed."
CARRIED

No. 109
ADM40
Bylaw 8855

TICKET BYLAW, 2001, AMENDMENT BYLAW, 2007, NO. 8855
First Three Readings of the "Ticket Bylaw, 2001, Amendment Bylaw, 2007,
No. 8855". To amend Ticket Bylaw No. 8217.

MOVED by Councillor Ngai and Seconded by Councillor Gillespie:
"That Bylaw No. 8855 be introduced and read."
CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Gillespie:
"That Bylaw No. 8855 be read a second time."
CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Gillespie:
"That Bylaw No. 8855 be now passed."
CARRIED

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 8:29 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, MAY 7, 2007 AT 7:38 P.M.

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

Torquay Drive
Subdivision
Application

4385 TORQUAY DRIVE – SUBDIVISION APPLICATION – BRIAN TOWN.

Report of the Director of Planning dated April 13, 2007 recommending proposed Lot D be exempted from the statutory requirement to provide a minimum 10 percent perimeter road frontage under Section 944(2) of the *Local Government Act*.

Mr. B. Town, applicant, stated:

- The subject property is approximately 34,000 square feet in size and is the remnant of a family farm.
- Years ago when they subdivided the original parcel and created the townhouse development at the rear of the subject property, they provided an access agreement so that the townhouse driveway could be used to access the subject parcel.
- This proposal is to subdivide the remainder of the property and create four lots; the existing dwelling on proposed Lot C will be removed.
- The Planning Department has asked that the number of driveways be minimized; he plans to take advantage of the townhouse driveway which borders proposed Lot A to access that lot.
- There are numerous invasive non-native plants and overgrown fruit trees that will be removed; new landscaping will be planted.

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

- Only proposed Lot A will be accessed from the townhouse driveway; the garage will be located at the rear of the lot; the other three lots will be accessed from Torquay Drive.
- The site requires underground servicing as well as water retention systems so it may be difficult to accommodate a shared access to the proposed panhandle lot but he will consider it.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Brice: That it be recommended that Council approve an exemption from the 10 percent road frontage requirement of the *Local Government Act* for proposed Lot D of a four lot subdivision of the Remainder of Lot 2, Section 84, Victoria District, Plan 25409, Except that Part in Plan VIP65802 (4385 Torquay Drive)."

CARRIED

West Saanich Rd.
Request to Remove
Tree

4496 WEST SAANICH ROAD – REQUEST TO REMOVE SEQUOIA TREE.

Report of the Director of Parks and Recreation dated April 23, 2007 further to a letter from George Ghinis dated January 29, 2007, recommending Council support the retention of the sequoia at 4496 West Saanich Road and continue with annual monitoring for the next three years as per the original Arborist report.

Mr. G. Ghinis, owner and applicant, 4496 West Saanich Road, stated:

- The staff report states that the Sequoia tree on his property is approximately one metre in diameter; it is actually about 2.5 metres in diameter and the main trunk splits into two part way up the tree.
- In 2005 the property behind him on Viewmont Avenue was re-developed and Saanich installed an underground service at the rear of his property to service the new development.
- According to the Arborist's reports pertaining to the Viewmont Avenue development, excavation work was not supposed to take place around the Sequoia tree unless it was supervised by an arborist; that requirement was not adhered to and significant damage was done to three of the main roots on the west side of the tree.
- He received a written response from Saanich five months after he expressed concerns with the health of the tree; Saanich contacted the same arborist that had previously inspected the tree and another inspection was undertaken.
- He met with the Parks and Public Works Managers regarding the tree inspection and was advised that the Arborist recommended a monitoring program.
- Monthly inspection reports indicate that there have been no changes in the health of the tree other than some typical foliage discoloration although he thinks the tree is dying because the branches are turning brown.

Councillor Gillespie stated:

- The Arborist's report recommended that supervision was required when working around the Sequoia tree; that did not happen and the roots were damaged.
- There is a similar sized Sequoia tree on the property at St. Luke's Church and the new growth on the tips of the branches is bright green; there is no discoloration.
- There were nine Sequoia trees in the Royal Oak area and for some reason only the subject tree is remaining.
- He is concerned with the health of the tree and would like to know who would be liable should it fall down in a storm; the root zone has already been compromised and Saanich has been made aware of that fact.

Mayor Leonard stated:

- It has been years since a tree issue has come forward to Council because citizens are advised that Council defers to the expertise of its staff and arborists.
- When there is a dispute, the applicant has the option of hiring an independent arborist which is what has happened in this case.

Councillor Brice stated:

- The advice from the professionals is that the Sequoia tree has endured some extreme circumstances and that it should be monitored.
- She would also like more information with regard to liability once this type of issue has been brought to Council's attention.

The Municipal Solicitor stated:

- If the subject tree falls down and causes some damage or injuries someone, the Municipality will likely be sued; the letter from the owner's insurance agent is indicating that is the course of action they will pursue.
- In some cases a tree can fall during a storm and that is considered an Act of God; in that case, neither the Municipality nor the owner of the tree is responsible.
- In this case, the owner of the tree has raised the issue of the tree's health and stability; if the tree comes down and the scientific investigation that has been undertaken was carried out properly, there would be no liability or negligence on Saanich's part.
- If the tree fails for a reason which has been raised by the owner and either our staff or the independent consultant missed it, then there is the possibility of liability.

Councillor Derman stated:

- It is unfortunate that an error was made and the tree was damaged; hopefully that kind of situation will not happen again.
- The Sequoia tree is a signature tree in the Royal Oak area and the Arborist's report indicates that it could recover over the next few years.
- He agrees that we should continue with a monitoring program especially during winter wind storms; hopefully that will give the owner some assurance.

Councillor Sanders stated:

- The Arborist's report notes that the subject Sequoia tree is one of only a few growing in the region and it is considered to be a signature tree on West Saanich Road; she is reluctant to see it removed.
- According to the professionals who are monitoring the condition of the tree, there has been no change over the past six months and it could fully recover over the next few years.
- If Saanich continues with regular monitoring of the tree then due diligence has been done.

Councillor Hunter stated:

- He supports the retention of the Sequoia tree; the monitoring program should be continued with documentation and photographs of the tree and the owner kept apprised.

Councillor Brownoff stated:

- The subject Sequoia tree is beautiful and considered to be a signature tree in the Royal Oak area and in Victoria as well.
- Saanich has a protocol they follow when dealing with tree issues and

- Council has confidence with staff’s knowledge and expertise.
- The monitoring reports from the Arborist indicate there has been no change in the condition of the tree over the past six months and she trusts their professional opinion.

Councillor Gillespie stated:

- It is a shame that proper supervision was not carried out when excavation work was being done close to the tree; roots were damaged and the tips of the branches are turning brown.
- He is concerned with liability issues should the tree eventually fail.
- He will not support retention of the tree.

Councillor Ngai stated:

- She supports retention of the Sequoia tree; we should let the professionals decide how often the tree should be monitored.

The Administrator stated:

- He suggests that the tree be monitored quarterly the first year, semi annually the second year, annually the third year, and during extreme weather events.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Hunter:
“That:

- 1. Council support the retention of the Sequoia tree at 4496 West Saanich Road;**
- 2. Monitoring of the tree continue for the next three years as follows:**
 - a) Quarterly inspections during the first year;**
 - b) Semi-annual inspections during the second year;**
 - c) Annual inspection during the third year; and**
 - d) Inspections during extreme weather events.”**

CARRIED,

with Councillor Gillespie voting against.

ADM40
 Bylaw 8789

SIGN BYLAW – HOUSEKEEPING AMENDMENTS.

Report of the Director of Planning dated April 27, 2007 recommending the proposed amendments to the Sign Bylaw 8789 be approved.

MOTION:

MOVED by Councillor Brice and Seconded by Councillor Derman:
“That Council approve the proposed amendments to Sign Bylaw No. 8789 as outlined in the April 27, 2007 report of the Director of Planning.”

CARRIED

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 8:27 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK