

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, APRIL 14, 2008 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Gillespie, Hunter, Ngai (8:05 p.m.), and 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 Gillespie: "That the Minutes of the Council and Committee of the Whole Meetings held April 7, 2008, and the Special Committee of the Whole Meetings held April 1 and April 8, 2008, be adopted."

CARRIED

APPEALS

No. 69
Burnside Rd. West
Remedial Action
Order

1534 BURNSIDE ROAD WEST – REMEDIAL ACTION ORDER

Mr. J. Samaroden, The Law Centre, on behalf of the owner, stated:

- Mrs. Carswell has lived on the subject property for the past 37 years; she wishes to comply with Saanich's bylaws, however, she lacks the physical and financial means to clean up the property herself as she is 74 years old.
- When the house burned down to the foundation in 2005 it was uninsured; subsequently it was rebuilt but now Mrs. Carswell has a mortgage of \$1,100 per month which she pays from her \$1,500 a month pension.
- Some of the debris that is on the property was dumped there after the fire by other property owners in the neighbourhood.
- Mrs. Carswell's sons and grandsons have been spending most weekends cleaning up the property and recently hauled four truck loads of debris to the landfill; a couple of the uninsured vehicles are being restored and will be insured once the repairs are completed.
- The property owners are requesting that Council extend the timeline in the Remedial Action Order to give them until the end of June 2008 to clean up the rear portion of the property which is the most visible from adjacent properties and until the end of October 2008 to clean up the entire property.
- They are also proposing that if the first deadline is not met then remedial action may be commenced on the entire property with two weeks notice anytime after July 15, 2008.

In response to questions from Council, the Bylaw Enforcement Officer stated:

- Staff recently visited the subject property and noticed that some progress has been made toward the clean up of the property.

- Staff have been dealing with issues associated with this particular property since 2005.

MOVED by Councillor Derman and Seconded by Councillor Brice:
“That Council rescind the March 10, 2008 remedial action order and pass the following resolution imposing remedial action requirements with a revised timeline:

- 1. Council hereby declares the unlicensed vehicles, vehicle parts, wood, metals, plastics, dilapidated equipment, appliances, fixtures, rubbish, and household refuse stored outside on the lands described as Lot 2, Section 9, Esquimalt District, Plan 6791, having a street address of 1534 Burnside Road West, (herein called “the lands”) to be a nuisance pursuant to Section 74(1)(d) of the *Community Charter* 2003 SBC.c.26;**
- 2. The Council hereby directs Phyllis Ruth Carswell and Margaret Elaine Carswell (herein called “the owners of the lands”) to remove the wood debris, metals, plastics, rubbish, and household refuse currently stored on the back half of the lands, as shown on the attached aerial photograph (Herein called “the back half of the lands”) and to remove or place within a building all fixtures, appliances, dilapidated equipment, unlicensed vehicles, and vehicle parts currently on the back half of the lands, and to neatly stack all lumber and firewood which is intended for use on the property. This work is to be completed by June 30, 2008;**
- 3. The Council hereby directs the owners of the lands to remove the wood debris, metals, plastics, rubbish, and household refuse currently stored on the remainder of the lands and to remove or place within a building all fixtures, appliances, dilapidated equipment, unlicensed vehicles, and vehicle parts currently on the remainder of the lands, and to neatly stack all lumber and firewood which is intended for use on the property. This work is to be completed by October 31, 2008; and**
- 4. If the owner of the lands fails to comply with the requirements of Sections 2 and 3, the Municipality may through its employees, agents, or contractors, enter upon the lands and carry out the work described in Sections 2 and 3 at the expense of the owner pursuant to Section 17 of the *Community Charter*.”**

Councillor Derman stated:

- The owners of the subject property have demonstrated that there is a hardship however they have also shown good faith toward their attempts to clean up the property.

Councillor Hunter stated:

- He supports giving the family another opportunity to clean up the property and hopes that the issue will continue to be monitored by the Law Centre.

Councillor Brice stated:

- The request for an extension to the timeline for cleaning up the subject property is reasonable and she will support it; it will provide the owners with one more chance to comply with Saanich's bylaw.
- She hopes that the situation will continue to be monitored.

Councillor Brownoff stated:

- The issues have been ongoing since 2005; she is willing to support the extended timelines but will not support any further extensions.

The Motion was then PUT and CARRIED

BYLAWS

No. 70
ADM40
Bylaw 8917

STREETS AND TRAFFIC REGULATION BYLAW AMENDMENT – PARKING FINES AND PENALTIES

Final Reading of the "Streets and Traffic Regulation Bylaw, 2002, Amendment Bylaw, 2008, No. 8917". To increase the parking fines and voluntary penalty amounts for parking offences.

MOVED by Councillor Hunter and Seconded by Councillor Brice: "That Bylaw No. 8917 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 71
ADM40
Bylaw 8918

TICKET BYLAW AMENDMENT – STREETS AND TRAFFIC REGULATION BYLAW

Final Reading of the "Ticket Bylaw, 2001, Amendment Bylaw, 2008, No. 8918". To increase the ticket fine for parking offences under the Streets and Traffic Regulation Bylaw.

MOVED by Councillor Gillespie and Seconded by Councillor Wergeland: "That Bylaw No. 8918 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 72
ADM40
Bylaw 8913

COUNCIL PROCEDURE BYLAW – AMENDMENTS TO SECTIONS ON SCHEDULING OF MEETINGS AND APPEALS.

Three Readings of the "Council Procedure Bylaw, 2007, Amendment Bylaw, 2008, No. 8913". To amend Sections 11 (b), 55 and 56.

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8913 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8913 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8913 be now passed."

CARRIED

RECOMMENDATIONS FROM COMMITTEES

From the Special Committee of the Whole Meeting held April 8, 2008

No. 73
Rainbow Street
Road Frontage
Requirement

4021 RAINBOW STREET – WAIVER OF 10% PERIMETER ROAD FRONTAGE REQUIREMENT

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: “That Council approve an exemption from the statutory requirement to provide a minimum 10 percent perimeter road frontage under Section 944(2) of the Local Government Act for Remainder of Amended Lot 35, Plan 180 (4021 Rainbow Street).”

CARRIED

In Camera Motion:

MOVED by Councillor Hunter and Seconded by Councillor Sanders: “That the following meeting be closed to the public as the subject matter being discussed relates to the proposed acquisition of land and/or improvements, and to personal information about identifiable individuals being considered for appointment.”

CARRIED

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 7:44 p.m.

.....
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, APRIL 14, 2008 AT 7:46 P.M.

Present: **Chair:** Councillor Gillespie
 Council: Mayor Leonard and Councillors Brice, Brownoff, Derman, Hunter, Ngai (8:05 p.m.), 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.

Blenkinsop Road
Amendment to
Restrictive
Covenant re
Lighting

**4239 BLENKINSOP ROAD (BLENKINSOP VALLEY DRIVING RANGE)
– AMENDMENT TO COVENANT RESTRICTING LIGHTING OF
DRIVING RANGE.**

Report of the Director of Planning dated March 5, 2008 further to a letter from Wong & Doerksen dated February 14, 2008, recommending the covenant be amended to permit the use of night time lighting during the months from September to March inclusive up to 9:00 p.m., provided the night time illumination conforms to modern “green” standards as indicated on plans and specifications prepared by Musco Lighting dated December 12, 2007 and January 8, 2008.

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

- According to the terms of the restrictive covenant, night time lighting was not permitted after the year 2000 so technically any lighting that is currently illuminating the driving range is contrary to the covenant.
- “Green” lighting standards are illustrated in the applicants’ application to amend the Restrictive Covenant; he does not believe there is a certified green standard for lighting.

Ms. A. Mayr, Manager of the Blenkinsop Valley Driving Range and family representative, stated:

- The information contained in the proposed plans and specifications is quite comprehensive and she is prepared to respond to any questions with regard to their application.

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

- Musco Lighting has installed similar lighting systems in various parks throughout the Saanich and Victoria areas so they did not feel it was necessary to install any demonstration lighting at the driving range.
- A representative from Musco Lighting is not present at the meeting tonight as they would have to travel from Calgary; however, they are aware that the application is being considered by Council.
- Musco Lighting has guaranteed that there will be no illumination spillover outside of the subject property; before the proposal was accepted, the Musco Lighting representative came to Victoria and undertook a property assessment to ensure that the neighbours who are presently impacted by the outdoor lighting will not be affected by the proposed lighting system.
- When she did an internet search for information on “green” lighting standards there were hundreds of companies whose names came up; basically the standard is not to have any sky glow.

Councillor Wergeland stated:

- It may be appropriate to postpone further consideration of the application until more comprehensive information on the proposed "green" lighting standards has been provided.

MOTION:

Moved by Councillor Wergeland and Seconded by Councillor Brownoff: "That further consideration of the application of Austia Holdings to amend Restrictive Covenant EF118443 be postponed to allow the applicant the opportunity to provide additional information on the proposed lighting system."

Councillor Brownoff stated:

- She agrees that more detailed information on the proposed lighting system should be provided; it would also be beneficial for the Musco Lighting representative to be available to respond to any questions.
- In order for the neighbours to evaluate the proposed lighting it would be helpful if some demonstration lighting was temporarily installed for a period of time and then the neighbours could see if they would be impacted; this course of action was previously taken at a different golf course in Saanich and it proved to be beneficial.

Councillor Hunter stated:

- He supports postponing further consideration of the application and agrees these kinds of application should be treated consistently.

Councillor Derman stated:

- We need to have some assurance on performance standards for the proposed lighting and more detailed information from the contractor on what modern "green" lighting standards are.
- He supports postponing the application.

The Motion was PUT and CARRIED

Bethune Avenue
Proposed Heritage
Designation

3466 BETHUNE AVENUE – PROPOSED DESIGNATION OF THE DWELLING AS A MUNICIPAL HERITAGE SITE.

Report of the Director of Planning dated April 1, 2008 recommending Council designate the dwelling at 3466 Bethune Avenue as a municipal heritage site.

Ms. N. McBain, owner and applicant, 3466 Bethune Avenue, stated:

- The subject dwelling is an Arts and Crafts style with an overhanging façade over front and back porches and white stone columns; it still retains its heritage colors of brown and beige with red door and stained glass windows.
- Inside the house are ten foot high ceilings, plate rails, picture windows, hardwood floors, era lighting, a claw foot bathtub, and a scullery off the kitchen.
- After she purchased the dwelling she lived in it for eight years; presently the house is rented out.
- An elderly gentleman who had lived in the house with his family when he was a young boy visited the house and told her the reason

that one of the stained glass windows in the door is a different color is because his brother shot it out with a peashooter.

- He also said that the master bedroom was constructed in 1925 as an addition, and that the wood came from a renovation on the old Jubilee Hospital morgue where his father had worked.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Sanders: "That a Public Hearing be called."

CARRIED

Fairburn Drive
Rezoning

1837 FAIRBURN DRIVE – REZONING APPLICATION – FOCUS CORPORATION (DAVE SMITH).

Report of the Director of Planning dated April 1, 2008 recommending the rezoning from P-1 to RS-6 and RD-1 (Option 2) and Development Variance Permit DVP2007-00022 be approved, and that final reading be withheld pending registration of a covenant requiring the dedication of a minimum park area of 2,890 m² in the south-east quadrant prior to or concurrent with the subdivision of the lands. Recommendation from the Parks, Trails and Recreation Advisory Committee that the former Fairburn School property retain its current zoning in order to preserve the open space.

Mr. D. Smith, Focus Corporation, applicant, stated:

- Mamic Development Ltd. purchased the subject property from School District No. 61 in 2007 and the old Fairburn Elementary School is now under the ownership of the Montessori School group; the issue being considered tonight is the future land use for the remainder of the school site.
- Meetings were held with the Gordon Head Residents' Association and Friends of Fairburn; various options were presented at an Open House in 2007, and as a result of public input a second Open House was held in February 2008 to discuss the single family proposal.
- 77 percent of respondents preferred the single family dwelling option as opposed to the higher density option in the form of apartments and townhouses which would also have resulted in up to 50 percent park space; the current proposal will retain the existing Garry oak trees and result in about ten percent of the site as park space.
- The Planning Department has now provided recommendations to support the plan labeled "Option 2" in their report; the owners are not entirely in favor of those recommendations and would like Council to consider reverting back to either of the two previously submitted layouts.
- Their first choice remains the "Original Layout" of 20 single family detached dwelling lots based on RS-6 zoning and that is what the majority of resident groups supported in principle; the owners were prepared to proceed with the "As Proposed" layout even though it was not endorsed by the resident groups.
- They feel that for an infill development, these two layouts provide a fair amount of park dedication, that saving the school building was a sustainable approach to the overall development, and that private greenspace has been retained.

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

- They are prepared to proceed with Option 2 if that is Council's direction.
- Mamic Development Ltd. is a build green certified company and they will be registering a building scheme on the property that will include sustainable principles in the house designs; they are prepared to register covenants to that effect.
- The existing playground equipment will remain with proposed Option 2; if they revert back to one of the other options, then the developer will either relocate the equipment or provide new equipment in the proposed park.
- They initially presented three different options to the public: 20 single family dwelling lots; a mix of 11 single family lots and 18 townhouses; or apartment style buildings.
- The existing trees will be retained in all of the options because they are located in the proposed park area; there are three other oak trees that are located elsewhere within the development and they will be protected with a tree preservation covenant.

Ms. L. Travers, Chair, Friends of Fairburn, stated:

- Our public schools are a legacy for future generations and school districts should not be forced to sell them because of inadequate levels of provincial funding.
- The sale of Fairburn School was not the result of an open transparent public consultation process; she had to file a Freedom of Information request in order to confirm that a formal meeting was never held to change the real estate status of the Fairburn property from lease to sale; the sale violated the School Board's 2003 promise that schools slated for closure would not be sold.
- The Fairburn neighbourhood was not able to fairly make its case about the importance and options for protecting the subject playing field.
- The Friends of Fairburn want the Municipality, the Capital Regional District, and School District 61, to purchase the Fairburn field from Mamic Development Ltd. so it can continue as a neighbourhood greenspace.

Ms. K. Norman, 4031 Loyola Street, on behalf of the Friends of Fairburn, stated:

- The Committee appreciates the time and courtesy shown to them by the developers.
- She has lived in her present location for the past 30 years; her children attended Fairburn Elementary School.
- The Fairburn area has a density of about 77 percent which is the highest density in all of Gordon Head; they are surrounded by multi-family dwellings, retirement developments, townhouses, condominiums, apartment buildings, and the new Tuscany Village.
- The Fairburn area does not need any more density; it needs to have playing fields for unorganized sports and for other types of activities for present and future generations.

A resident of 3969 Panther Street stated:

- She lives in a townhouse complex which consists of 200 to 300 units.
- She has three children and all of them play at the Fairburn play field; it is a greenspace that is easily accessible to them as they have no other greenspace of their own.

Her son read a letter on behalf of his sister in support of the field and stated:

- He practices basketball at the school and many other people frequently walk their dogs and play baseball and other games; he hopes the field will remain the way it is.

Mr. C. Maltsby, 1815 Fairburn Drive, stated:

- He is heartened by the Parks, Trails and Recreation Advisory Committee's recommendation to retain the current zoning on the subject property in order to preserve the open space.
- The play field is important to his family and they are grateful that Mamic Development Ltd. has not fenced it off to prevent residents from accessing it.
- They are happy to see that the Montessori School has purchased the old Fairburn School and that it continues to be used for educational purposes.
- However, the Montessori School catchment area extends to Sidney and the Western Communities so there about 100 vehicles that arrive each morning and park for a few minutes so the parents can walk their children into the school.
- The school is situated on a bend in the road and the speed limit is 30 km/hour, however, the majority of drivers exceed that speed; drivers also use Fairburn Drive as a shortcut to Gordon Head Road and Feltham Road.
- There is a parking area in front of the Fairburn School field which can accommodate approximately 12 vehicles; in the proposal, this area will be eliminated so that will further impact the issue of parking.

Mr. R. Mills, 1848 Fairburn Drive, stated:

- He purchased his property 10 years ago and chose the location because it was close to the Fairburn Elementary School and his children could attend; there were also lots of children in the neighbourhood who used the school's field to play in and parents were able to walk their children to school each day.
- Now that the school has become a Montessori School it means the children who attend have to be driven to the school because they all live in different areas; this has impacted traffic and parking in the neighbourhood.
- He is disappointed in the process and the lack of accountability; this is the public's first opportunity to provide input before the subject property is rezoned; he does not support the proposal and hopes the current zoning of P-1 on the play field will not be changed.

Mr. J. Anderson, member of the Parks, Trails and Recreation Advisory Committee (PTR), stated:

- The Committee values the greenspace in our community and

- recommends that Council takes steps to maintain it.
- The proposal presented a number of dwellings with one right-of-way for pedestrians and one small park; the correspondence from the Gordon Head Residents' Association and the recommendation in the Planner's report indicates that this is not adequate.
- If the proposed subdivision proceeds, then more public open space must be preserved; proposed Option 2 in the Planner's Report shows an increase in the park dedication but the residents do not feel that it is enough.
- If the subject property is developed there is a cost to the developer to provide an amenity back to the public and it is up to Council to get as much as possible.

Ms. J. Vanderveen, on behalf of L.A.N.D.S. (Let's Agree Not to Dispose of Schools), stated:

- There will be no end to the sell-off of public schools unless we set a limit; the Ministry of Education is telling school districts that they must bring money to the table in order to move up the priority list for capital projects.
- Many of the schools were built in the 1960's and 1970's and now need to be upgraded and replaced but instead the school district is being forced to sell the school lands in order to keep other schools in decent repair.
- There may currently be a decrease in school enrollment but it is not significant enough for 200 of the 1700 schools located throughout the Province to be closed by the end of 2008.
- Council needs to send a message to the Province that they are willing to protect public school lands.

Mr. B. Norman, 4031 Loyola Street, stated:

- He and his family have lived in their present location which is adjacent to the Fairburn field since 1980; over the years the field has been used for a number of activities and by a multitude of people including his family.
- It was extremely disappointing to learn that Fairburn Elementary School had been sold to a developer without any opportunity for the public to provide input.
- He urges Council to consider leaving the current zoning on the school field as is, and consider viable ways of funding the purchase of the property to ensure it remains a playing field for the neighbourhood.
- The loss of the field will result in an increase in traffic and noise, and an irreversible alteration of the character of the Fairburn neighbourhood.

Mr. Z. Henderson, Pinewood Estates, 3969 Panther Street, stated:

- One of his children walks across the Fairburn field everyday to get to school and his other children have played basketball and used the playground for years.
- One of the fields has already been closed off from the public; the Montessori School has put up a chain link fence around it and locked the gate.

- They are also concerned with the fate of the playground area and equipment which is surrounded by huge Garry oak trees; the trees' root zones could be impacted by the heavy machinery during the construction of the proposed development and increase in impermeable surfaces; the property borders the Bowker Creek and Douglas Creek Watersheds which could also be impacted.
- The community needs to have more public greenspace; he does not support rezoning the subject property.

Mr. A. Kofsky, Saanich resident, stated:

- He does not support the proposal to rezone the subject property; there is a need to conserve our institutional lands for the future.
- These spaces define what our neighborhoods are all about and provide a community focus for increased population and growth.
- Once institutional lands are rezoned for residential use it becomes virtually impossible to ever replace them or buy them back; there are other housing options available which do not require us to go to the extreme measure of rezoning this institutional space.
- The review of the Official Community Plan (OCP) includes examining various planning measures which would encourage the more efficient use of existing housing stock; this could make up for the housing being proposed.
- The proposal is for a residential development taking over a space dedicated for community use such as schools and public assembly; he thinks it is inappropriate to consider rezoning the subject property, and that further consideration should be postponed until the OCP review is completed.

Ms. S. Hart, 1812 Fairhurst Avenue, stated:

- She and her family have lived in their current location for the past eight years; her children used to attend Fairburn Elementary School but since its closure, she now has to drive them to their new school.
- The Fairburn field is a great space for the neighbourhood to use and enjoy with its lovely Garry oak trees.
- If the community loses the use of this multi-use play field they will have to drive to get to another greenspace.

Ms. C. Norman, 4020 Grange Road, stated:

- She and her family moved to the subject area in 1980; she attended Fairburn Elementary School and spent many years playing in the field; the potential loss of the school field will have a huge impact on everyone in the area.
- Schools are closing at an alarming rate; she has 14 month old twins and she worries about how these closures will impact them in the future.

Ms. B. Love stated:

- She grew up in the subject neighbourhood and now attends the University; the Fairburn field is a great place to play.
- It is important to save the field otherwise there is no other greenspace for the residents in the area to use; it should be preserved for future generations.

Mr. L. Taal, 4020 Grange Road, stated:

- If the community loses the Fairburn field his children's grandparents who live in the subject area will not have a greenspace they can walk to when they baby-sit.
- The Gordon Head area is bounded by roads that have a lot of traffic and the only other field that is accessible is Blair field which is extremely small.
- Future generations will need places to play so it is important to preserve our greenspace.

Ms. J. Gaylord, 1692 Carnegie Crescent, stated:

- Before Council even considers rezoning the subject property they need to explore every possible avenue to return this land to public ownership.
- Setting up something like a community land trust that people could be encouraged to donate to or leave their estate to is just one long term idea.
- There is very little informal greenspace left in the Fairburn area; Lambrick Park is already over developed for organized sports.
- Food security is extremely important and should be taken into consideration for retaining the subject property as greenspace; with global warming and oil depletion both food and oil prices are rising.
- Once the land is rezoned and developed all options are gone; there will be no opportunity for a community garden, a future school, or the ongoing greenspace.

Ms. B. Lamplugh, 1830 Fairburn Drive, stated:

- She wishes that everyone could see how frequently the Fairburn field is used; there are always children playing and various activities going on.
- She hopes the field will remain as it is, but if the property is rezoned and developed, the proposed walkway should be extended from the school so that it will be safer and easier for people to use.
- On Sundays the Montessori School is used as a church which generates a constant stream of traffic; if parking in front of the field is eliminated then traffic and parking in the area will be further impacted.

A resident of Pinewood Estates stated:

- She moved to the area in 2000 to attend the University; she is well aware of density because she used to live in family housing.
- Both of her children have grown up in the area and she is on the Parent Advisory Committee for Mount Douglas School.
- It is not fair to deprive our children of greenspace and places to play.

Mr. B. Gaylord, 1692 Carnegie Crescent, stated:

- Children these days do not have the same opportunities as when he grew up many years ago.
- There is no doubt that everyone here tonight wants to make a difference and this is a great opportunity for us to preserve the greenspace for future generations.

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

- If the property is rezoned and developed it will result in the entire site being removed as public land from the parks inventory.
- He believes there is a policy of five hectares of park per 1,000 people in Saanich; densification means we should actually get increased parkland area not less.
- Tree Canada has worked with many schools to turn vacant fields into more of a greenspace; the subject site is a great location and borders Bowker Creek; with offsite stormwater management done on the site it could then become a wildlife habitat or a community garden.

Mr. M. Marson, president, Gordon Head Residents' Association, stated:

- The Association was shocked when they discovered that the School District had sold the Fairburn School property without any public consultation whatsoever.
- Subsequently they engaged in a course of action to work with the community and the developer; they undertook two surveys, and attended public open houses.
- The majority of residents want to retain the subject land for public use; the Association does not support or agree with the recommendation in the Planner's report to permit multi-use family dwellings on the property.

Mr. C. Brown, 2248 Edgelow Street, stated:

- He wants the subject property to remain as it is and hopes that Council will not approve the rezoning of the land.

Mr. C. Darby, 1802 Fairburn Drive, stated:

- He has lived in his present location for the past 18 years and has been able to walk through the Fairburn School property to get to work.
- He does not support the rezoning of the property and loss of greenspace; there has been lots of new development in the Gordon Head area but no new parks have been created.
- He hopes that Council will proceed carefully before any decisions are made.

In response to questions and comments, Mr. D. Smith stated:

- Mamic Development Ltd. recognizes that affordable housing is a concern in the region and they are prepared to contribute \$5,000 per lot towards Saanich's affordable housing fund as requested.
- In regard to the traffic generated along Fairburn Drive, they are only proposing up to four dwellings units on that street; all of the other residences will exit via Laval Avenue which is already a collector status road.
- Frontage improvements will take place along both Laval Avenue and Fairburn Drive.
- The Montessori School has a loop driveway that goes through their site and they will have to recognize that there could be some improvements required by them to keep the traffic off the street when children are being picked up and dropped off for school.

- In their discussions with the Friends of Fairburn last summer, they indicated they would be willing to consider an offer for the purchase of the property before they applied for rezoning; in the last six months there has been no further discussions with the Friends of Fairburn in this regard.
- No one has mentioned the Mount Douglas School greenspace; it is only across the street from the subject property and is even larger than the Fairburn site.
- They will provide a separated sidewalk on the internal road so there will be some separation; it will be lighted for security and safety reasons, and the trail will connect up to Fairburn Drive.

Mayor Leonard stated:

- We need to focus on whether or not leaving the property zoned P-1 is in the public's best interest because of the type of development that could take place; we also need to recognize the recommendation that came from the Parks, Trails and Recreation Advisory Committee (PTR).
- The proposed zoning has met with the least amount of resistance from the public; RS-6 zoning reflects similar single family dwellings in the area and the proposed RD-1 duplex zone introduces some affordability and density.
- He thinks the park dedication should be much larger than what is proposed in Option 2; the park could extend further into proposed Lots 15, 14, and potentially up to Lot 13 to the proposed public walkway.
- This is not the proper venue to negotiate a larger park dedication with the property owner but he is giving notice that that is his expectation.
- He does not feel the application is ready to proceed to a Public Hearing until the park dedication has been resolved and suggests that further discussion be postponed; he asks Council to give direction to the Lands Commissioner to discuss what sort of a neighbourhood park can be achieved.

Councillor Brownoff stated:

- She appreciates the proposed expanded park in Option 2 in the Planner's report but she agrees that the park should be expanded even more.
- The P-1 Zone is an issue and the neighbourhood could end up with a development they do not want in their area.
- She agrees that the application is not ready to proceed to a Public Hearing; there needs to be more negotiation.

Councillor Hunter stated:

- It is obvious from the PTR's recommendation that they feel the subject property should remain zoned P-1.
- The Parks and Recreation Master Plan and the Parks Priority Study includes 50 percent of school ground property in the calculation of community open space; he agrees that before the application proceeds to a Public Hearing the issue of dedicated parkland should be resolved.

Councillor Ngai stated:

- She likes a development with mixed housing and supports the proposed RD-1 as it means younger families have an opportunity for affordable housing; however, she also supports as much greenspace as possible.

Councillor Wergeland stated:

- Open spaces are needed not only for children but for the entire community.
- There are future school sites that may be coming up for sale and he recommends that Council send a letter to the Provincial government and a resolution to the Union of BC Municipalities (UBCM), requesting that when a school district deems a school site surplus, that the Province authorize the school district to offer the land to the respective municipality at a cost of one dollar.
- We need to change the way we develop land; we need to create more density and more greenspace and this could mean a trade off for the community.
- He supports postponing further consideration of the rezoning application.

Councillor Derman stated:

- He plans to bring to Council a recommendation to the UBCM regarding the provincial government addressing capital funding for school districts.
- Schools are more than a place of education; they are part of the community fabric and when they are disposed of, the community should have an opportunity for input.
- When we develop and densify areas we have to plan for complete communities; we cannot look at applications in isolation; this is what has happened to the subject area over a long period of time and the result is density without amenity.
- The subject property is P-1 which is Assembly Zone and that could become a private assembly zone exclusive to those who own it; the objective is to regain as much public land as possible and that will take some negotiation.
- He supports postponing further discussion in order to accomplish the best outcome for the community.

Councillor Brice stated:

- The subject property is too important for us to not give it very careful consideration; she agrees that the proposed park dedication area has to be increased significantly.
- It is regrettable that the developer has concluded the sale of the Montessori School property; it forecloses perhaps a couple of options that might have been able to be achieved with some more flexibility.
- She supports the suggestion to postpone further consideration and that staff work with the developer to see what might find favor with the community and be supported by Council.

Councillor Sanders stated:

- She supports postponing the application; there is a lot of multi-family

housing in the subject area and it would be nice if the proposed park area could be expanded to accommodate those families; we also need to look at what kind of a park would best suit the neighbourhood.

MOTION: MOVED by Mayor Leonard and Seconded by Councillor Derman: “That further consideration of the rezoning application for 1837 Fairburn Drive be postponed so that the Municipality can explore a larger park through negotiations with the property owner.”

Councillor Brownoff stated:

- As one of Saanich’s School Board liaison representatives, she is aware that there will be more school closures.
- Perhaps staff could look at the Cowichan Valley Regional District bylaws and see if there are ways to address the issue; community uses are going to be impacted.
- As part of the motion perhaps we could ask staff to see what can be done with respect to zoning specific around school lands.

Mayor Leonard stated:

- Rather than add to the motion, perhaps we could give direction to staff to explore the new legislation that was brought in and review the Cowichan Valley Regional District bylaws.

Councillor Gillespie stated:

- It is disturbing to hear that 200 schools will be closed throughout the Province by the end of 2008; it is not right that the school districts are acting as real estate agents.
- We need to let the Province know that municipalities want to have control of the title of school lands; if we do not stand firm then the sale of school lands will just continue.
- He will not support the proposed motion based on principle.

The Motion was then PUT and CARRIED, with Councillor Gillespie voting against.

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 10:42 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK