

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, FEBRUARY 4, 2008 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Ngai, Sanders and Wergeland
Staff: Tim Wood, Administrator; 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 Derman:
“That the Minutes of the Council and Committee of the Whole Meetings held January 28, 2008, be adopted.”

CARRIED

BYLAWS

No. 21
Burke Street
Bylaw 8900

REPEAL BYLAW (HERITAGE DESIGNATION BYLAW – 751 BURKE STREET).

Final Reading of the “Repeal Bylaw, 2008 (Heritage Designation Bylaw, 1989, No. 6370), No. 8900”. To remove the heritage designation of the dwelling at 751 Burke Street.

MOVED by Councillor Derman and Seconded by Councillor Brownoff:
“That Bylaw No. 8900 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

No. 22
ADM40
Bylaw 8909

REPEAL BYLAW (LOCAL COURT OF REVISION OATH BYLAW).

Three Readings of the “Repeal Bylaw, 2008 (Local Court of Revision Oath Bylaw, 2002, No. 8314), No. 8909”.

MOVED by Councillor Ngai and Seconded by Councillor Brice: “That Bylaw No. 8909 be introduced and read.”

CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Brice: “That Bylaw No. 8909 be read a second time.”

CARRIED

MOVED by Councillor Ngai and Seconded by Councillor Brice: “That Bylaw No. 8909 be now passed.”

CARRIED

RESOLUTIONS FOR ADOPTION

No. 23
ADM90
Bylaw 8900

SPECIAL COMMITTEE OF THE WHOLE (FINANCIAL PLAN) MEETING – APRIL 21, 2008.

Memorandum from the Manager of Legislative Services dated January 30, 2008 requesting Council cancel the regular April 21, 2008 Council and Committee of the Whole Meetings so that a Special Committee of the Whole (Financial Plan) Meeting may be held.

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: “That Council cancel the regular April 21, 2008 Council and Committee of the Whole Meetings.”

CARRIED

No. 24
ADM65
Conference
Registration Fees

“BUILDING A SAFER COMMUNITY” CONFERENCE – RICHMOND

Memorandum dated February 4, 2008 from the Administrative Assistant to the Mayor requesting authorization for payment of registration fees and expenses further to Mayor Leonard’s attendance at the Conference in Richmond, February 28th and 29th, 2008.

MOVED by Councillor Derman and Seconded by Councillor Brice: “That Council approve registration fees and expenses for Mayor Leonard to attend the “Building a Safer Community” Conference in Richmond on February 28 and 29, 2008.”

CARRIED

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 7:32 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, FEBRUARY 4, 2008 AT 7:33 P.M.

Present:

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

Grange Road/
XRef: EPW65
Proposed Inclusion
in Sewer Service
Area

4075 GRANGE ROAD – PROPOSED INCLUSION IN THE SEWER SERVICE AREA.

Report of the Director of Engineering dated January 22, 2008 further to a letter from Larry and Lydia MacDonnell dated November 20, 2007, recommending the application to include 4075 Grange Road in the Sewer Service Area be approved.

Mr. L. MacDonnell, applicant, 4075 Grange Road, was present in support of his application.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Brownoff: “That the application to include Lot 42, Block 19, Section 12, Plan 1393, Lake District (4075 Grange Road) within the Sewer Service Area be approved.”

CARRIED

Blenkinsop Road/
XRef: EPW65
Proposed Inclusion
in Sewer Service
Area

4540 BLENKINSOP ROAD – PROPOSED INCLUSION IN THE SEWER SERVICE AREA.

Report of the Manager of Underground Services dated January 21, 2008 further to a letter from Don Charity dated January 7, 2008, recommending the application to include 4540 Blenkinsop Road in the Sewer Service Area be approved.

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

- Several years ago the Planning Department established a practice to include only the building envelope when the sewer enterprise boundary was to be extended outside the Urban Containment Boundary; apparently this has created some difficulties and staff have since had discussions with the Municipal Solicitor who has suggested that this is not the best way to limit the potential for future development.
- The Solicitor has suggested that in cases where we want to limit the development potential beyond the current zoning regulations, that a restrictive covenant be considered.
- With this particular application, the current zoning will not allow for subdivision or additional development and that is why staff is recommending that the entire property be included within the Sewer Service Area.
- It is staffs' understanding that the septic field has failed on occasion; the subject area is characterized by the same soil conditions and geology of the Pearce Creek area which means it may be difficult or impossible, to have a viable, long term, on-site septic system.

Mr. D. Charity, applicant, 4540 Blenkinsop Road, stated:

- The letter from the Vancouver Island Health Authority (VIHA) indicates that the current soil conditions will not support a long-term viable septic system.
- The subject property and the adjacent properties are located in the lowest part of the Blenkinsop Valley and even during the summer months the ground is saturated because of underground streams that emanate from Mt. Douglas.
- The ground is not as wet since 4550 and 4560 Blenkinsop Road were connected to the municipal sewer system.
- The subject property is one of the last properties on Blenkinsop Road that is not connected to the municipal sewer system; he has lived there for the past 20 years and every year there are problems with the septic system.

Mr. B. Loucks, on behalf of the Blenkinsop Valley Community Association, stated:

- The Association is concerned that no objective evidence has been presented to support the claim that the current septic system is failing.
- It is the Municipality's policy to consider extending the sewer service area outside the Urban Containment Boundary only as a means to resolve a current health issue and no information has been provided to support that.
- It is not the Association's intention to discredit the applicant or the

application but they are concerned with the general process.

Mayor Leonard stated:

- Perhaps it would be reasonable to consider including just the eastern portion of the subject property in the Sewer Service Area and not the entire property.
- We have established a precedent with previous applications by including just the building envelope in order to distinguish between a service issue and a density issue; he would prefer to compromise by including only the eastern portion of the subject property in the Sewer Service Area and having a future "In Camera" discussion with the Municipal Solicitor.

MOTION:

**MOVED by Mayor Leonard and Seconded by Councillor Brice:
"That:**

- 1. Inclusion of the easterly portion only of East Pt. of Lot 1, Section 7, Plan 11724, Lake District (4540 Blenkinsop Road) within the Sewer Service Area be approved; and**
- 2. Council have an "In Camera" discussion with the Municipal Solicitor concerning inclusion in the Sewer Service Area of properties that are outside the Urban Containment Boundary."**

Councillor Derman stated:

- He agrees that Council needs to receive legal advice from the Municipal Solicitor as to how to approach these matters in the future; the subject property happens to be a smaller property and cannot be subdivided but that may not be the case with larger properties.
- He hopes that staff will suggest to VIHA that they provide more specific information with regard to an actual health issue that exists with a particular application.

Councillor Brownoff stated:

- She supports the motion; she was also comfortable with the past practice of just approving service to the building envelope; it is important to treat all residents the same when these kinds of applications come forward.
- She thought the letter from VIHA pertaining to the subject application was lax with regard to the public health issue associated with the existing septic system; perhaps staff should ask VIHA to provide more specific details with future applications.

The Motion was then PUT and CARRIED

In Camera Motion **MOVED by Councillor Derman and Seconded by Councillor Brice:**
“That the following meeting be closed to the public as the subject
matter being discussed relates to personal information about
identifiable individuals being considered for appointments and to
labour relations.”

CARRIED

Adjournment On a motion from Councillor Sanders, the meeting adjourned at 7:50 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK