

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, JANUARY 28, 2008 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; Russ Fuoco, Director of Planning; Colin Doyle, Director of Engineering; Margaret Trottier, Deputy Municipal Clerk; and Shirley Leggett, Senior Committee Clerk.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Wergeland and Seconded by Councillor Brice: "That the Minutes of the Council and Committee of the Whole Meetings held January 14, 2008, be adopted."

CARRIED

BYLAWS

No. 13
Douglas Street
Bylaw 8888

3447 AND 3555 DOUGLAS STREET/SAANICH ROAD
Final Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2007, No. 8888". Rezoning from C-3 to C-3L.

MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: "That Bylaw No. 8888 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 14
ADM40
Bylaw 8902

POLICE SERVICES FEES BYLAW.
Final Reading of the "Police Services Fees Bylaw, 2008, No. 8902". To impose fees for providing copies of police records.

MOVED by Councillor Hunter and Seconded by Councillor Gillespie: "That Bylaw No. 8902 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 15
ADM40/Carey Rd.
Bylaw 8899

HOUSING AGREEMENT AUTHORIZATION BYLAW (CAREY ROAD)
Three Readings of the "Housing Agreement Authorization Bylaw (Carey Road), 2008, No. 8899". To authorize entering into a housing agreement for property at 3912 and 3914 Carey Road.

MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That Bylaw No. 8899 be introduced and read."

CARRIED

MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That Bylaw No. 8899 be read a second time."

CARRIED

Councillor Brownoff stated:

- At the December Public Hearing, the applicants stated they would contribute \$20,000 to the Regional Housing Trust Fund, however, it is not reflected in the housing agreement; she would like some assurance

from staff that the applicants will follow through with that commitment.

MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That Bylaw No. 8899 be now passed."

CARRIED

No. 16
Burke Street
Bylaw 8900

REPEAL BYLAW (HERITAGE DESIGNATION BYLAW – 751 BURKE STREET)

Three Readings 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 Gillespie: "That Bylaw No. 8900 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8900 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8900 be now passed."

CARRIED

No. 17
PLD55
Bylaw 8905

ROYAL OAK LOCAL AREA PLAN AMENDMENT – POLICY 9.5

First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw, 2008, No. 8905". To amend Policy 9.5 of the Royal Oak Local Area Plan to allow for consideration of smaller infill lots in the Viewmont neighbourhood.

MOVED by Councillor Ngai and Seconded by Councillor Brice: "That Bylaw No. 8905 be introduced and read."

CARRIED

No. 18
Mann Avenue
Bylaw 8906

746 MANN AVENUE

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2008, No. 8906". Rezoning from RS-8 to RS-6.

MOVED by Councillor Brice and Seconded by Councillor Ngai: "That Bylaw No. 8906 be introduced and read."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 19
ADM115 – UBCM
Membership Dues

UNION OF BC MUNICIPALITIES 2008 MEMBERSHIP DUES

Invoice from the Union of BC Municipalities requesting payment of annual membership dues in the amount of \$16,241.43.

MOVED by Councillor Brice and Seconded by Councillor Hunter: "That Council authorize the payment of \$16,241.43 to the Union of British Columbia Municipalities for the 2008 Annual Dues."

CARRIED

RECOMMENDATIONS FROM COMMITTEES

From the Finance and Personnel Standing Committee Meeting held January 16, 2008

No. 20
 FIN45
 Core Capital
 Projects

EARLY APPROVALS – 2008 CORE CAPITAL PROJECTS

Report from the Director of Finance dated January 14, 2008 with a recommendation from the Finance and Personnel Standing Committee meeting held January 16, 2008 to approve the Early Approval for 2008 Core Capital project budgets as outlined in the report of the Director of Finance.

MOVED by Councillor Gillespie and Seconded by Councillor Hunter:
“That Council give early expenditure approval for the following core capital projects:

2008 Water Capital Budget - \$370,000 (11% of Core Capital Budget)

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|---|-----------|
| 1. Lauder Road (Cadboro Bay Rd. to Arbutus Rd.) | \$145,000 |
| 2. Residential Water Meters | \$ 40,000 |
| 3. Detailed Design - Water Capital Projects | \$ 85,000 |
| 4. Miscellaneous Water Main Replacements | \$100,000 |

2008 Roads Capital Budget - \$300,000 (17% of Core Capital Budget)

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|--|-----------|
| 1. North Quadra Neighborhood Traffic Calming (Phase 3) | \$100,000 |
| 2. Small Roads Projects | \$ 50,000 |
| 3. Richmond Rd./Poplar Ave. Sidewalk (SE Corner) | \$ 30,000 |
| 4. Traffic Signal Materials | \$120,000 |

2008 Drains Capital Budget - \$432,000 (20% of Core Capital Budget)

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|--|-----------|
| 1. Service Street Replacement | \$ 48,000 |
| 2. Wascana Street Drain Replacement | \$134,000 |
| 3. Detailed Design – 2008 Wood Stave Replacement | \$100,000 |
| 4. Shelbourne/Mt. Doug Creek Wood Stave Assessment | \$ 80,000 |
| 5. Miscellaneous Drain Improvements | \$ 70,000 |

2008 Sewer Capital Budget - \$875,000 (20% of Core Capital Budget)

- | | |
|---|-----------|
| 1. Murray Drive | \$250,000 |
| 2. Maplewood Rd. (3281 Maplewood to Oakmount Rd.) | \$225,000 |
| 3. Lift Station Water Kiosks | \$ 50,000 |
| 4. Miscellaneous Sewer Main Replacements | \$100,000 |
| 5. No Corrode Service Replacements | \$250,000 |

2008 Parks Capital Budget – 369,000 (68% of Core Capital Budget)

- | | |
|---|------------------|
| 1. Playground Structures (Beckwith Park) | \$125,000 |
| 2. Sport Field Sewer System Repairs/Replacement | \$ 74,000 |
| 3. Park Upgrade (Outerbridge Park) | \$ 45,000 |
| 4. Park Upgrade (Layritz Park Power Line) | <u>\$125,000</u> |

TOTAL	<u>\$2,346,000</u>
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Councillor Wergeland stated:

- He would like to have clarification from staff on the proposed expenditure for the replacement and upgrading of playground structures at Beckwith Park; the equipment is fairly new.

The Motion was then PUT and CARRIED

Adjournment On a motion from Councillor Hunter, the meeting adjourned at 7:36 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, JANUARY 28, 2008 AT 7:37 P.M.

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

Pipeline Road
 ALR Appeal

4621 PIPELINE ROAD – AGRICULTURAL LAND RESERVE APPEAL (EXCLUSION) – SHAWN MCLAUGHLIN

Report of the Director of Planning dated January 3, 2008 recommending the application be forwarded to the Agricultural Land Commission with a resolution to support the exclusion, and the applicants be advised that the parcel remains outside of the Urban Containment Boundary, cannot be further subdivided or developed, and applications to undertake this are not supported by Official Community Plan and Local Area Plan policies.

Mr. S. McLaughlin, applicant and owner, 4621 Pipeline Road, stated:

- His parents purchased the property in 1949; he has lived there for the past 50 years and will continue to do so in the future.
- The purpose of his application is not for development reasons.
- The property is about .75 acres in size and it is too small to farm or to be classified as farm status for tax purposes, and the soil is not agriculturally viable.
- The application to exclude the property from the ALR will not change the appearance of the property.

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

- The soil on his property has not been analyzed.
- So far he has paid about \$2,000 in application fees and associated costs; it is difficult to imagine what that cost would be if he were to apply in 10 years to have the property excluded from the ALR.
- He has no immediate plans to develop the property but hopes that at some point in the future, the Urban Containment Boundary (UCB) will be expanded to include his property so that he can build a house.
- In terms of financing, banks differentiate between ALR land and non-ALR land.

Ms. G. Pearson, 521 Caselton Place, stated:

- The applicant has not really stated what the reason is for wanting to remove the subject property from the ALR; perhaps he intends to apply to rezone the property at some point so that it can be subdivided.

- There has been a lot of development in the area over the past few years and she does not want to see any more properties subdivided.

Ms. L. Popham, 6170 Oldfield Road, stated:

- Council has been supportive of local farms and local food production and she hopes that their support will continue.
- She does not support the recommendation to exclude the subject property from the ALR.
- The soil classification of the subject property is no reason for exclusion from the ALR as most of the agricultural land on the Saanich Peninsula has the same classification.
- She would like to have clarification on why the soil is classed as 3X as she understands that the “X” indicates extreme circumstances and there is only moderate circumstances with Class 3.
- It is not reasonable to exclude ALR land just because it is surrounded by development; the farm would benefit by having a built-in customer base.

Mr. P. Gerrard, president, Gorge Tillicum Community Association, stated:

- Past and present Council members have always been supportive of protecting the Urban Containment Boundary and the ALR and he hopes that they will continue to do so by rejecting the subject application.
- The applicant has not presented any compelling reasons for Council to approve the application to exclude the property from the ALR.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Sanders: “That the application to exclude Lot 2, Section 108, Lake District, Plan 34756 (4621 Pipeline Road) from the Agricultural Land Reserve not be forwarded to the Agricultural Land Commission.”

Councillor Derman stated:

- The applicant’s only justification to remove the property from the ALR is that he hopes that at some point in the future, the UCB will be expanded to include this property so that it can be developed.
- Recently the provincial government indicated that there would be a review of the assessment process to see how potential farmland areas could be treated more equitably; the subject property could become more viable for farming.
- Class 3 soils are commonly farmed in Saanich and we need to preserve agricultural land.

Councillor Brice stated:

- She does not support removing the subject property from the ALR.
- It is regrettable that the applicant has incurred considerable expense with his application to exclude the property, but Council has always maintained its position on preserving the UCB and regards agricultural land as extremely important; the Official Community Plan (OCP) does not support any development in this area.
- There is no rationale to support the application; she cannot envision at any time that the UCB will not be respected by present and future

Councils.

Councillor Sanders stated:

- Saanich has a reputation for holding fast to the UCB and there is an expectation from the community that Council will continue to do so.
- The OCP and Local Area Plan policies do not support the rezoning or subdivision of lands outside the UCB and she does not anticipate that changing.
- The applicant has not had the soil on his property analyzed so it is difficult to determine its viability; she does not see any reason to exclude the property from the ALR.

Councillor Hunter stated:

- There are no compelling reasons to exclude the subject property from the ALR; he does not anticipate any amendments to the OCP or Local Area Plan policies that would allow the property to be rezoned and subdivided.
- The neighbours are not supportive of the application.

Councillor Wergeland stated:

- Years ago the subject property was part of a larger parcel that was designated as ALR and then subdivided to allow the owners to create a homesite from the remainder of the parcel; now it is an isolated property outside the UCB and surrounded by development.
- He does not anticipate the UCB changing and the applicant has not presented any compelling reasons for Council to approve the removal of the property from the ALR.

Councillor Gillespie stated:

- He does not support the application to exclude the property from the ALR.

Councillor Brownoff stated:

- We need to preserve ALR lands; perhaps the applicant could explore the idea of having someone else farm the land for him.

The Motion was then PUT and CARRIED

Watson Street
Rezoning

1979 WATSON STREET (A PORTION) – REZONING APPLICATION – MARTIN KORS

Report of the Director of Planning dated January 10, 2008 recommending approval of the rezoning from RS-6 to RS-4.

Ms. D. Kors, Kors Development Services Inc., on behalf of the applicant, stated:

- The proposal is to rezone a portion of the currently RS-6 zoned property to RS-4 and create one additional lot; the existing dwelling on proposed Lot A will be retained.
- They met with the Camosun Community Association, contacted neighbourhood residents, and held a community meeting in November, 2007.
- Some of the concerns that were raised at the meeting pertained to

- siting, size, character, drainage, trees, and the existing dwelling.
- The proposed new dwelling will have a larger setback adjacent to the property to the east and a smaller setback adjacent to the existing dwelling; the front setback for the new house will also be increased to ensure that any shadowing/shading from it will be on the north side of the property.
- The proposed zoning of RS-4 will restrict the size of the new dwelling to 2,750 square feet which is smaller than adjacent dwellings; no variances are required.
- The property slopes away from the road so the impact of the proposed new dwelling will be minimal; they will also be maintaining the existing screening at the edges of the property.
- They have agreed to a covenant that will ensure that the Approving Officer has control over the form and character of the proposed new dwelling; this will provide some assurance to the neighbourhood that the new dwelling will be compatible with other houses on the street.
- They have a detailed engineered design that proposes rain gardens in the front of the property; a geotechnical report indicates that there is more than adequate percolation in the rear portion of the property to ensure that drainage is adequately addressed.
- They have consulted with an arborist; the three existing Garry oak trees will be preserved and their root zones will not be impacted by the construction of the new dwelling, or by the rain garden and the infiltration pits; they will be incorporating the arborist's recommendations in the final design prior to the subdivision stage.
- They appreciate the assistance and feedback they received from the neighbours and the Community Association and feel that it has resulted in a design that preserves privacy and is in character with the rest of the neighbourhood.

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

- They will consult with staff about providing a more detailed design plan at the Public Hearing.
- They will also review the streetscape plan with regard to the height of the proposed new dwelling in relationship to the adjacent neighbour.

Mr. D. Ross, on behalf of the Camosun Community Association, stated:

- At the community meeting concerns were raised with regard to the form and character of the proposed new dwelling and the lack of specific design details.
- They would like to see a restrictive covenant that addresses massing, siting, and form and character.
- The neighbours agree with the concept of the proposed new dwelling but want to have more specific design details at the Public Hearing.
- The subject property is within the Bowker Creek Watershed therefore it is important that there be a minimal increase of runoff into the Creek; the proposed development should also adhere to Schedule H of the Subdivision Bylaw.
- The Association supports the proposed development.

Mr. M. Thomas, 1982 Watson Street, stated:

- He and his wife live across the street from the proposed development; they have some concerns with infill development and with the aesthetics of the proposal.
- They hope that the proposed subdivision will not detract from the character of the neighbourhood; perhaps it would be better to remove the existing dwelling and subdivide the property into two equal sized parcels.

Ms. P. Kostek, 3020 Foul Bay Road, stated:

- Her property is located adjacent to the east side of the subject property.
- She and other residents are concerned that the property could be sold before the present owners develop it, and that there would be no guarantees as to the massing or form and character of the proposed new dwelling.
- On January 4, 2008 some of the residents on Watson and Cochrane Streets met and were in unanimous agreement of a restrictive covenant to address their concerns.
- She also has concerns with regard to the impact of the proposed rain gardens on the root zones of the existing Garry oak trees.

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

- As a member of the Bowker Creek Watershed Initiative, he appreciates the measures the applicants have outlined to address the protection of the watershed and minimize impacts.
- The Bowker Creek Watershed should be reclassified as a Type 2 watershed.

MOTION:

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

Councillor Sanders stated:

- At the Public Hearing she would like to have more details on a restrictive covenant that addresses form and character; the Camosun area has had great success on other RS-4 zoned infill developments that have been compatible with established neighborhoods.
- She is happy with the measures the applicants are prepared to take with regard to water retention and drainage.

Councillor Derman stated:

- He supports the proposed development; it is close to existing services and retail areas, transit and schools.
- At the Public Hearing he would like the applicants to provide as much detail as possible, on the design of the proposed new dwelling.
- One of the photos showing the concept of a particular design may be suitable for the neighbourhood but he does not think the two photos depicting houses with double garages would fit in.
- Type 2 watersheds need the most care and rehabilitation; it should be our goal to improve the health of all our watersheds.

Councillor Wergeland stated:

- It is sometimes difficult to visualize what an infill development will look like in an established area; most times it fits in quite nicely.
- This is a case where the applicant is not going to develop the subject property; when a person purchases a piece of property it is nice if they can go ahead and build their ideal house without being constrained on every design aspect of it.
- He agrees that form and character, and height of the proposed new dwelling should be taken into consideration; he hopes there will still be some leeway for the new homeowners to build a house that fits their needs.
- The proposed development will be close to amenities and he supports it.

Councillor Hunter stated:

- He would expect that at the Public Hearing, the applicants and the neighbourhood will be in agreement with their expectations.

Councillor Brownoff stated:

- She does not think the photos showing houses with double garages will fit in with the neighbourhood; it is an older established neighbourhood with interesting architecture.
- It is important for the applicant to provide specific details at the Public Hearing on the form and character of the proposed new dwelling and she is supportive of a covenant; the neighbourhood needs to be assured that the character of the street will not be negatively impacted.
- At the Public Hearing she would also like more information on the existing trees and some assurance that the proposed rain gardens and water runoff will not impact them.

The Motion was then PUT and CARRIED

In Camera Motion

**MOVED by Councillor Gillespie and Seconded by Councillor Hunter:
“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, consideration of information received and held in confidence relating to negotiations between levels of government and a third party, and labour relations.”**

CARRIED

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 8:20 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK