

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

Present: **Chair:** Mayor Leonard  
**Council:** Councillors 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; 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 December 17, 2007, be adopted."**

**CARRIED**

**BYLAWS**

No. 1  
Mt. Douglas X Rd.  
Bylaw 8901

**1560 MT. DOUGLAS CROSS ROAD – HERITAGE DESIGNATION.**  
First Reading of the "Heritage Designation Bylaw, 2008 (1560 Mount Douglas Cross Road), No. 8901". To designate the dwelling as a municipal heritage property.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That Bylaw No. 8901 be introduced and read."**

**CARRIED**

No. 2  
PLD55  
Bylaw 8893

**OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2008, NO. 8893**  
First Reading of the "Official Community Plan Bylaw, 1993, Amendment Bylaw, 2008, No. 8893" (Rural Saanich Local Area Plan). To amend Bylaw No. 7044 being the "Official Community Plan Bylaw, 1993".

**MOVED by Councillor Gillespie and Seconded by Councillor Brownoff: "That Bylaw No. 8893 be introduced and read."**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 3  
ADM115 – CRD/  
XRef: PLD40  
Use of Plastic  
Shopping Bags

**EXCESSIVE USE OF PLASTIC SHOPPING BAGS.**  
Report from Councillor Derman dated December 31, 2007 recommending Council ask its representatives on the Capital Regional District Board to introduce and support initiatives at the regional board aimed at curtailing the excessive use of plastic shopping bags in the region; 100 letters of support submitted by Lana Popham.

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That Council ask its representatives on the Capital Regional District Board to introduce and support initiatives at the regional board aimed at curtailing the excessive use of plastic shopping bags in the region."**

Councillor Derman stated:

- Billions of plastic bags make their way to landfills each year where they take up space, slowly degrade, and reduce landfill longevity; plastic bags also pollute the environment and waterways.
- Production of bags is most often petroleum based which is a wasteful use of what will become an increasingly scarce resource; their production also contributes negatively to the issue of climate change.
- Many jurisdictions have recognized the desirability of preventing excessive plastic shopping bag use and are implementing policies to encourage people to use reusable shopping bags in place of plastic; these policies include a variety of bans or the imposition of taxes.
- In some countries where a tax for the purchase of each plastic bag has been implemented, plastic bag use has been reduced by 90 percent; if the Capital Regional District introduced such a tax, the proceeds could be directed to a number of environmental initiatives.
- Saanich has been recognized as a leader in environmental issues and is well placed to lead a regional effort to curtail the excessive use of plastic shopping bags in our region.

Councillor Sanders stated:

- The Environmental Advisory Committee discussed the issue of disposing of plastic bags at their April and June 2007 meetings, in response to concerns from the public regarding plastic bags and batteries.
- The Committee felt that the issue of plastic bags should be included in the provincial government's "responsible core" legislation and that Saanich did not have the authority to alter provincial legislation.
- It was also the consensus of the Committee that the issue of disposable plastic bags should not be dealt with in isolation but at a regional level.
- The public needs to be educated so that they use biodegradable or reusable bags instead of plastic bags; there also need to be an opportunity to work with the business community so that they can take steps to address the issue.
- This is an opportunity to deal with the issue and she supports the recommendation.

Councillor Brownoff stated:

- The issue of using plastic bags has been talked about for a number of years and it continues to be in the forefront.
- In 2004, CRD Directors Cubberley and Fleming requested staff to contact the Ministry regarding the development and implementation of a "plastic bag return it to retail program" and to see if it could be a regional legislation; the Ministry responded that regional districts did not have the authority to mandate such a program; now is the time to approach Ministry staff again.
- Staff conducted a grocery chain survey which confirmed that all local grocery food store chains have a plastic bag collection program in place; a total of 20 grocery stores estimated that they use 25 million plastic bags per year.
- There was also a resolution sent to the Federation of Canadian Municipalities asking that a tax be added to plastic shopping bags

however the resolution did not pass at the annual convention.

- She would like to know if the Municipality has a policy with regard to using plastic garbage bags at Municipal facilities and if the bags are compostable.
- She supports the proposed recommendation; it is going to take businesses and all of us individually to make a change.

The Administrator responded:

- It is anticipated that by the end of 2008, all plastic bags used in garbage receptacles at Municipal facilities will be biodegradable; the cost is comparable to what is presently being used.
- So far staff has not been able to find a biodegradable bag that is strong enough to be used in the large garbage cans but they are continuing to explore what is available.

Councillor Hunter stated:

- There is no question that Council will support the motion on the floor with regard to eliminating plastic shopping bags; anyone who has travelled the world knows that in many other countries they dealt with this issue years ago.
- He has a concern about the process by which this item has come forward as he believes it deviates from Council's adopted committee structure.
- The Planning, Transportation, and Economic Development Advisory Committee and the Environmental Advisory Committee have been dealing with the issue of plastic shopping bags, and he would have expected the item to come forward through one or both of those committees.
- We need to respect the committee structure and have items come through the proper committees.

Councillor Wergeland stated:

- The issue initially came forward to the PTED Committee and members felt that it did not fit the committee's mandate so it was directed to the Environmental Advisory Committee for their consideration; he agrees that advisory committees should deal with issues that pertain to that particular committee.
- It is important to give the industry and the community an opportunity to move ahead and be more environmentally aware; major grocery stores such as Thrifty Foods, Country Grocer, and Great Canadian Super Store are all using biodegradable shopping bags.

**The Motion was then PUT and CARRIED**

Adjournment

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

The Meeting reconvened at 9:54 p.m.

*From the Committee of the Whole Meeting held January 7, 2008*

Recommendations **RECOMMENDATIONS**

No. 4 **4810 PROSPECT LAKE ROAD – DEVELOPMENT VARIANCE PERMIT –**  
Prospect Lake Rd. **PETER DOSANJH AND MICHELLE ARDIEL**

Development  
Variance Permit **MOVED by Councillor Gillespie and Seconded by Councillor Brownoff:**  
**“That Council approve and issue Development Variance Permit DVP2007-**  
**00023 on Parcel A of Sections 134, 135, and 136, Lake District, except**  
**part in Plan 36547 (4810 Prospect Lake Road).”**

**CARRIED**

In Camera Motion **MOVED by Councillor and Seconded by Councillor: “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 appointment.”**

**CARRIED**

Adjournment On a motion from Councillor Hunter, the meeting adjourned at  
9:55 p.m.

.....  
MAYOR

I hereby certify these Minutes are accurate.

.....  
MUNICIPAL CLERK

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, JANUARY 7, 2007 AT 7:51 P.M.**

Present: **Chair:** Councillor Sanders  
**Council:** Mayor Leonard and Councillors, Brownoff, Derman, Gillespie, Hunter, Ngai, and Wergeland  
**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.

Prospect Lake Road **4810 PROSPECT LAKE ROAD – DEVELOPMENT VARIANCE PERMIT**  
Development **– PETER DOSANJH AND MICHELLE ARDIEL.**  
Variance Permit Report of the Director of Planning dated December 6, 2007 recommending approval of Development Variance Permit DVP2007-00023.

- Ms. M. Ardiel, applicant, 4810 Prospect Lake Road, stated:
- The subject property is approximately 16 acres in size and is a steeply sloping, forested site.
  - In July 2006 they were issued a building permit to construct a two-storey single family dwelling with a crawlspace and flat roof; construction began in the spring of 2007 and the house is presently at the lock-up stage with the roof and windows installed, and the exterior ready for siding.
  - During an inspection in September 2007, they were advised that the house had not been constructed in accordance with the approved plans and that the wall on the east facing, down-slope side of the house was too high; subsequently a Stop Work Order was issued.
  - They are requesting a Development Variance Permit to relax the permitted height from 6.5 metres to 7.9 metres and the single face height from 6.5 metres to 9.1 metres.
  - The subject house overlooks the rooftops of the houses along the waterfront side of Prospect Lake and does not impact any other properties.
  - The Planning Department supports the proposed variances and the Prospect Lake Community Association does not have any issues with it.
  - The lengthy delay in the construction of the house has caused significant hardship for them and they hope that Council will approve their application.

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

- They are not planning to remove any more of the existing trees.

The applicant’s builder stated:

- The natural grade of the property is steep.
- The Engineering Department would not allow them to put in sloped

footings for the foundation so the site had to be blasted; this resulted in a natural basement instead of the proposed crawlspace.

- The overall height of the house has not changed.

**MOTION:**

**MOVED by Councillor Ngai and Seconded by Councillor Brownoff: "That it be recommended that Council approve and issue Development Variance Permit DVP2007-00023 on Parcel A of Sections 134, 135, and 136, Lake District, except part in Plan 36547 (4810 Prospect Lake Road)."**

Councillor Derman stated:

- He is happy to support the Development Variance Permit application.
- The house is not visible from the road because of the steep slope to the property and the trees surrounding it; the overall height of the dwelling has not changed.

Councillor Brownoff stated:

- The fact that the house was not constructed strictly in accordance with the approved building plans was not intentional.
- When the vegetation fills in around the house in the spring the lower level will likely not be visible at all.
- She supports the Development Variance Permit application.

Councillor Sanders stated:

- The house is not visible from the road and it does not impact any other properties.
- She supports the application.

**The Motion was then PUT and CARRIED**

Gordon Head Road  
Rezoning

**4246 GORDON HEAD ROAD (A PORTION) – REZONING APPLICATION – JIM D. CONDON, NORAND INDUSTRIES INC.**

Report of the Director of Planning dated December 20, 2007 recommending approval of the rezoning from RS-12 to RS-10 and Development Variance Permit DVP2007-00017.

Mr. J. Condon, Norand Industries Inc., owner and applicant, stated:

- The proposal is to rezone to RS-10 and create eight additional lots for single family dwelling use.
- Six of the lots will be strata lots along a common road with access from Corniche Place, and three lots will be fee simple with frontages along Gordon Head Road.
- He has had several onsite meetings with staff from the Environment Section and the Parks Division to discuss the existing vegetation; it was decided that none of the trees on the site were worthy of retention and that covenants were not viable.
- He will implement a tree replacement program in the strata portion of the proposed development for the trees that will be removed by the construction of the new road; the replacement trees will be deciduous and he will follow the recommended list from Saanich Parks.

- Further removal of any trees will be restricted by a section of the statutory building scheme to be registered against each title.
- It is the opinion of the Parks Department that the existing Arbutus trees are unhealthy, although there is one on proposed Strata Lot 1 that is healthy but it is in the middle of the proposed new road.
- He is requesting two variances for proposed Strata Lot 4 to reduce the lot depth and to reduce the front yard setback; the lot is irregular in shape due to the turnaround of the common access road.
- He is also requesting a variance to reduce the front yard setback for a portion of proposed Strata Lot 6; this is due to the dedicated turnaround which is a requirement of the *Land Titles Act* to provide access to the neighbouring property to the north at 4258 Gordon Head Road for a possible future subdivision; he attempted to purchase a portion of the adjacent panhandle property so that it could be incorporated into the strata which would have eliminated the turnaround area, but the owner wished to retain the property.
- The pedestrian pathway that is proposed to extend east from the turnaround at the end of the common access road to Gordon Head Road is a concern to the residents of Corniche Place; however, it will provide a more direct route to Arbutus Cove Park.
- Many of the residents on Wenman Drive and along the west side of Gordon Head have requested a pedestrian operated crosswalk across Gordon Head Road; the crosswalk will be an asset to the community.
- Speeding along Gordon Head Road is also a concern to the residents; the installation of advanced warning signs of the crosswalk and the Arbutus Cove Lane intersection will hopefully slow traffic.
- He intends to provide a turnaround area within each of proposed Lots 7, 8, and 9 in order to address concerns with vehicles backing out onto to Gordon Head Road; the widening of Gordon Head Road and clearing of the brush from the boulevard will also improve site lines for the driveways and the crosswalk.
- He attempted to combine two of the driveways but as a result of meetings with the Parks Division it was decided it would be better to have three separate driveways so that fewer trees would be impacted.
- The existing dwelling which is listed on the Saanich Heritage Inventory has been lived in for the past 100 years without any restoration or internal modifications; he is planning to move the house further back from Gordon Head Road within the proposed building envelope of Lot 8 so that it lines up better with the other houses along Gordon Head Road; it will have a new basement and foundation and possibly an opportunity for the construction of matching garage adjacent to it.
- He intends to find a qualified purchaser who will undertake the restoration of the house and will also encourage them to apply to the Heritage Foundation for heritage designation and the opportunity of obtaining restoration grants.

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

- At the Public Hearing he will provide a plan indicating where the

driveways will be located as well as a tree retention and replacement plan.

- He has had many discussions with the owner of 4258 Gordon Head Road with regard to the future development of her property; he has constructed 500 feet of fencing at the cost of about \$20,000 in order to give the owner security from the proposed development and for aesthetic purposes.

Mr. W. Benson, Strata president, 1956 Arbutus Cove Lane, stated:

- They are not opposed to the proposed development; the applicant has undertaken other developments in the area which they feel have enhanced their property.
- They have concerns with the intersection of Arbutus Cove Lane and Gordon Head Road and hope that improvements will be made to it; it is a dangerous intersection and there have been several accidents in the past few years and three additional driveways accessing onto Gordon Head Road will further impact it.

Dr. S. Misra, 4258 Gordon Head Road, stated:

- She is the owner of the panhandle lot that is adjacent to the subject property; some of the concerns she had have already been addressed.
- She has had several discussions with the developer over the past few months and they talked about the idea of discarding the long panhandle driveway and having a common access to both properties however they were not able to come to an agreement.
- The proposed new road into the strata will be parallel to her property; she would like to have some kind of a buffer so that she is not impacted by noise, and would like to have the existing trees along the property line retained.
- She would also like to have an emergency access from the proposed road to her house; the new fence along the long steep driveway to her property makes it very difficult for larger vehicles to access her house.

In response to a question from Council, Dr. Misra stated:

- She would be happy with either an emergency access or an easement over the road; the developer indicated that her long narrow driveway was not needed for the proposed development.

Ms. J. Wenman, 2144 Wenman Drive, stated:

- She is in favor of a crosswalk being constructed at the entrance of Arbutus Cove Lane.
- The proposed pathway will be beneficial to the residents in the area and the residents along the south side of Wenman Drive are also in favor of it.
- She is concerned that there will be three separate driveways accessing onto Gordon Head Road which is already not very safe.
- She is also concerned to hear that some of the existing Arbutus trees that appear to be healthy will not be retained; she would like to know if they can be moved to another location.
- She also thinks there is a Garry oak tree on the property and

wonders if it can be retained; she is not in favor of replacing significant trees with common deciduous trees.

- She supports the proposed development and hopes that the new houses will be constructed to be as environmentally friendly as possible; it would be nice to see some affordable housing.

Ms. P. Wirtanen, 2006 Corniche Place, stated:

- There are six homes on Corniche Place and four of the owners have signed a petition in opposition to the proposed pedestrian footpath.
- They feel that a long, unlit pathway leading to Arbutus Cove could create problems of vandalism and other types of illegal activity; it could also result in excessive noise and garbage on their properties.
- They also feel that a crosswalk in the proposed location could be dangerous as traffic along that portion of the road moves quickly.
- It is also felt that access to Gordon Head Road is more than adequate via Wenman Drive and there is an existing footpath from Dron Place to San Juan Avenue.
- They also have concerns that on-street parking will end up on Corniche Place.

Mr. D. Wirtanen, 2006 Corniche Place, stated:

- The proposed unlit pedestrian pathway leading down to the beach would be out of the view of the public so it would be difficult to monitor the activities taking place especially at night.
- The pathway would not be a route that children would use to get to school.

**MOTION:**

**MOVED by Councillor Gillespie and Seconded by Councillor Ngai:  
"That a Public Hearing be called."**

Councillor Derman stated:

- He supports the application going forward to a Public Hearing.
- At the Public Hearing he looks forward to seeing the tree retention/replacement plan; it would be nice to replace Arbutus trees with Arbutus trees and not common deciduous trees.
- He hopes that staff will take into consideration the comments from the residents regarding the proposed pedestrian footpath and provide more information at the Public Hearing on whether or not they feel the path is still justified.
- He hopes the applicant will speak to the adjacent neighbour at 4258 Gordon Head Road and see if the panhandle access to her property can be eliminated if an alternate access is provided to her property.
- He would also like to have more information at the Public Hearing with regard to parking.

Councillor Wergeland stated:

- The concerns the residents on Corniche Place have with regard to the proposed footpath are valid.
- The owner of 4258 Gordon Head Road indicated that she was willing to do away with the panhandle access to her property if an alternate access could be agreed upon; he would like to hear from staff on

how that issue could be addressed.

Councillor Hunter stated:

- The applicant has benefited from other developments in the subject community and has been able to work with residents to resolve some of their concerns; if the residents can come to an agreement with regard to the proposed pathway he would like to know if it would be possible for it to have lighting.

Councillor Brownoff stated:

- She supports the application proceeding to a Public Hearing.
- At the Public Hearing she looks forward to having more information on the tree replacement/retention plan, and what energy efficient measures will be incorporated into the proposed new houses.
- She agrees that it would be nice to replace Arbutus trees with Arbutus trees and not with deciduous trees.
- She understands the residents concerns with regard to the pedestrian pathway; she sees the access as an opportunity for an alternate route to a different neighbourhood.
- The Servicing Requirements state that the pedestrian pathway will be maintained by the owners of the properties in the development as opposed to Municipal staff; at the Public Hearing she would like to have further clarification on that and would like to know if the required fencing will be constructed of chainlink.
- At the Public Hearing she would also like staff to explain the rationale for the location of the proposed crosswalk at Arbutus Cove and Gordon Head Road.

Councillor Sanders stated:

- The owner of 4258 Gordon Head Road stated that she would like the existing trees between her property and the common property access be maintained; she would like to see that included in the tree retention plan at the Public Hearing.

**The Motion was then PUT and CARRIED**

D'Arcy Lane  
Rezoning

**1123 D'ARCY LANE – REZONING APPLICATION – BRAD CUNNIN  
LAND SURVEYOR.**

Reconsideration of the report of the Director of Planning dated October 2, 2007 recommending approval of the rezoning from RS-18 to RS-12.

Mr. B. Cunnin, Brad Cunnin Land Surveyor, applicant, stated:

- The proposed rezoning and subdivision represents good land use, policy implementation that is consistent with the wishes of the majority of the residents of Cordova Bay, and is a positive step in preserving some of the character and amenity of D'Arcy Lane.
- They are offering covenants with respect to the size, height and location of the proposed new dwellings and are restricting the access point from D'Arcy Lane to its current location.
- The proposed subdivision will create suitably sized lots for the area; the average size of the two lots they are hoping to create is just over

- 11,000 square feet and other lots in the area range in size from 9,000 to 25,000 square feet.
- The proposed waterfront lot will still be one of the widest waterfront lots in Cordova Bay at 100 feet.
  - The proposed rezoning will create two homesites that are relatively level, easily accessed, and simple to build on; no new road construction will be necessary.
  - They met again with the Cordova Bay Community Association and some of the neighbours to review the application and discuss the concerns that were raised at the previous Council meeting; the Association confirmed once again that they have no objection to the proposal with the covenants as presented.
  - Under the current zoning a very large house could be built on the subject property and the height and placement of it could impact the neighbours more than if the property was rezoned and two smaller dwellings were constructed.
  - The geotechnical setback was not developed strictly to provide a maximum building envelope but to preserve most of the privacy and the views of the house to the south at 4879 Cordova Bay Road.
  - They have made a sincere effort to mitigate the concerns of the neighbours and ask that they be treated fairly and consistently.

In response to question from Council, Mr. Cunnin stated:

- He will consult with his clients to see if they are prepared to provide detailed concept plans for the two proposed dwellings at the Public Hearing.
- It is their intention to retain all of the existing trees fronting the property along D'Arcy Lane.

Mr. L. Watson, owner, 1123 D'Arcy Lane, stated:

- He and his wife have been working on the rezoning proposal for the past two years and have made every effort to try to satisfy everyone.
- They have met with the neighbours, made five presentations to the Cordova Bay Community Association, and amended their plans in February 2007; the Association has no objections to the proposal.
- He and his wife appreciate the greenspace and character of D'Arcy Lane and it is their intention to preserve it as much as possible.
- D'Arcy Lane will not need to be widened or a turnaround constructed in order to accommodate the proposed subdivision; the size and height of the houses for proposed Lots A and B will be restricted.
- He and his wife want to replace the existing dwelling with a new house for them to live in so that they can continue to enjoy living in the Cordova Bay area.

Mr. J. Smith, 1123 D'Arcy Lane, stated:

- He is the father of Lucy Smith and resides with her and her husband at the subject address; he is a retired professional engineer and has been assisting them with their rezoning application.
- He has reviewed the Cordova Bay Local Area Plan, the criteria and procedures pertaining to the rezoning process, and any precedents that have been established with previous rezoning applications in the immediate area.

- Years ago the minimum lot size throughout Cordova Bay was increased to two hectares in order to temporarily freeze small lot subdivisions because of pollution problems resulting from the use of septic tanks in an area with poor soil absorption capabilities; the existing RS-18 Zone in parts of Cordova Bay is a remnant of this development freeze.
- There have been several other properties in the Cordova Bay area that have been subdivided in the past and those properties were of a similar size to the subject property.
- The proposed rezoning and subdivision complies with the Cordova Bay Local Area Plan, requires no variances, is acceptable to the Cordova Bay Community Association, and will result in one additional building lot in the Cordova Bay area.

Mr. J. Taylor, 1101 D'Arcy Lane, stated:

- He has not heard any new information that would change his mind about being opposed to the proposed development.
- The actual total site area of the property appears to be difficult for the developer to determine; the original 2 lot bare land strata proposal stated that the property was 1865 square metres in size and the revised 2 lot fee simple subdivision proposal indicates the property is 2030 square metres in size.
- The steep slope of the waterfront portion of proposed Lot B and the area it actually represents is being included in the calculations which is debatable; the driveway easement which is included as part of proposed Lot A in order to service Lot B gives Lot B the appearance of a panhandle lot which goes against RS-12 regulations.

In response to a question from Council, Mr. Taylor stated:

- He would prefer to see one large house built on the subject property rather than have it rezoned to accommodate two houses.

Ms. M. Fraser, 1111 D'Arcy Lane, stated:

- She owns the adjacent property to the west and has lived there for the past 27 years.
- The residents were assured by the applicants that the existing trees and vegetation would be preserved however the arborist is recommending that one Fir tree and one Cedar tree be removed.
- She is opposed to increasing the turnaround at the end of D'Arcy Lane as it will impact the park-like feel of the Lane and likely be used as a parking area even if No Parking signs are posted.
- The easement across proposed Lot A to access Lot B means that the actual square footage of proposed Lot A is much smaller than what the applicants have indicated.
- She is concerned that if the proposed rezoning is approved it will set a precedent for other properties in the area resulting in an increased density.
- In 1997 she and her late husband purchased a portion of the subject property from the then owner to ensure that no additional houses would be constructed between the two properties; she is not happy that a rezoning application is being considered for the subject property.

Ms. M. Acker, 4877 Cordova Bay Road, stated:

- She and her husband's property is located to the southwest of they subject property and they have lived in that location for the past 20 years; one of the reasons they purchased their property was because of the size of the large lots.
- If the subject property is developed she believes that they will completely lose their view and that the value of their property will be impacted; traffic will also be impacted.
- The fact that the applicants are including the portion of the property that steeply slopes down to the water as part of the lot size calculations is ridiculous.
- The Cordova Bay Community Association may have indicated they do not have any objections to the proposal but that does not mean it is compatible with the neighbourhood.

Ms. C. Strong, 4879 Cordova Bay Road, stated:

- Her property is located to the immediate south of the subject property and she remains opposed to the proposed development.
- She does not think the proposal meets the objectives of the Cordova Bay Local Area Plan as it will result in a high density development in an area of large lots; the only way the applicant can subdivide and create two lots is by including the waterfront bank of the property which is approximately 23 percent of the lot area.
- The developable area is further reduced by the geotechnical setback line from the top of the bank on the east side; this may be permitted as part of the calculations but it does not reflect the reality of the land that is buildable.
- A precedent has already been set in the area when other property owners were permitted to subdivide their properties and others could also apply do so in the future.
- The applicant has not provided any concept plans for the proposed two new dwellings so there are no assurances of what will actually be built.
- If the rezoning application is approved, she requests that covenants be registered to restrict decks or cantilevers from protruding to the east and south, that no accessory buildings be permitted in the rear setback area, and that the offered covenants to restrict size and height be part of the approval; her views and property values should not be impacted at the expense of someone else benefiting.

Mr. W. Burns, 4877 Cordova Bay Road, stated:

- He and his wife's property is located to the southwest of the subject property and it is a panhandle lot.
- They are concerned that two trees will be removed even though they were assured that none would be; parking along D'Arcy Lane will also likely increase and the applicant has not taken that into consideration.
- Even though the Local Area Plan states that consideration should be given to the impact of established views, it is likely that the neighbours' views will be impacted if the proposal is approved.
- They would prefer to see one large house built on the subject

property rather than have the property rezoned and subdivided so that two houses can be built.

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

- Engineering is not requiring any road improvements for D'Arcy Lane; it is a small road with very little traffic volumes and there is no potential for further extension beyond this point; there is a pump station at the end of the road which they do not want to disturb.

Councillor Gillespie stated:

- Some of the residents are concerned with the fact that no design plans for the proposed two new dwellings have been provided and that the issue of parking has not been addressed.

**MOTION:**

**MOVED by Councillor Gillespie and Seconded by Councillor Derman: "That a Public Hearing be called subject to the applicant providing design plans for the proposed two new dwellings and additional information with regard to parking."**

Councillor Derman stated:

- The proposed subdivision is a controversial issue for many residents in the neighbourhood.
- The proposed easement is an attempt by the applicant to retain the character of D'Arcy Lane.
- The Cordova Community Association does not have any objections to the proposed subdivision and it meets the policies of the Local Area Plan.
- The subject property is a very valuable piece of waterfront property and if the owners decided to sell it, a new owner could build one extremely large house under the current zoning which could impact neighbours more than if two smaller houses were built.
- He supports sending the application to a Public Hearing and wants to see detailed design plans attached to the property titles so that the neighbourhood can be assured of what will actually be built.

Councillor Wergeland stated:

- He can understand the concerns of the neighbourhood; however, when people purchase property they want to build a house that is going to meet their family's needs.
- He supports the application proceeding to a Public Hearing but he wants to see concept plans for the two new dwellings.

Councillor Hunter stated:

- He compares the subject property with the size and character of the other five waterfront properties in the immediate area and the established views.
- The Community Association may have indicated they did not have any objections to the proposal but it just means they took a neutral position and neither opposed or supported it.
- He has not heard any of the neighbours say they support the proposed development.

Mayor Leonard stated:

- Staff has done a thorough job with the comprehensive information contained in the report.
- Although the size of the two proposed lots may comply with the minimum lot area requirement based on the Local Area Plan, the proposal is not compatible with the character of the rest of the neighbourhood.

Councillor Brownoff stated:

- The size of proposed Lots A and B may comply with the Local Area Plan but when you actually see the property and the steep slope down to the ocean, the property is not suitable for subdividing into two parcels.
- If the subject property is rezoned and subdivided it will be different from the other waterfront lots in the immediate area.
- She does not support the application going forward to a Public Hearing.

Councillor Ngai stated:

- She supports the application proceeding to a Public Hearing; it meets the criteria of the Local Area Plan; sometimes change means a change to the character of a neighbourhood.
- The rezoning application should be judged on its own merits as should any other future subdivision applications for the area.
- The proposed subdivision is a creative way to provide infill housing.

Councillor Sanders stated:

- She does not support the application going forward to a Public Hearing and does not think concept plans for the proposed two new dwellings will help convince her to change her mind.
- The neighbours have indicated they do not support the proposed subdivision and would rather see one large house built on the subject property.
- She agrees that while the proposed lot sizes may meet the criteria of the Local Area Plan, the subdivision does not meet the character of the neighbourhood.

**The Motion was then PUT and CARRIED, With Councillor Brownoff, Hunter and Sanders voting against.**

Adjournment

On a motion from Mayor Leonard, the meeting adjourned at 9:55 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK