

MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, JULY 7, 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; Carrie MacPhee, Manager of Legislative Services; Anne Topp, Manager, Community Planning; Von Bishop, Manager, Development & Municipal Facilities 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 June 23, 2008, and the Special Council and Committee of the Whole Meetings held June 24, 2008, be adopted."**

**CARRIED**

**BYLAWS**

No. 175  
ADM40  
Bylaw 8941

**PAWNBROKERS AND SECOND HAND DEALERS BYLAW – HOUSEKEEPING AMENDMENT**

Three Readings of the "Pawnbrokers and Second Hand Dealers Bylaw, 1983, Amendment Bylaw, 2008, No. 8941". Housekeeping amendment to delete Section 10 and amend Section 17.

**MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8941 be introduced and read."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8941 be read a second time."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8941 be now passed."**

**CARRIED**

No. 176  
Kent Road  
Bylaw 8942

**652 KENT ROAD (A PORTION)**

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2008, No. 8942". Rezoning from RS-6 to RS-2.

**MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: "That Bylaw No. 8942 be introduced and read."**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

No. 17  
PQS100  
 Tender 26/08

**TENDER 26/08 – BOX CULVERTS AND ACCESSORIES**

Report of the Director of Purchasing dated July 2, 2008 recommending Tender 26/08 for box culverts and accessories be awarded to Lombard Pre-Cast Limited Partnership in the amount of \$310,270.24.

**MOVED by Councillor Brice and Seconded by Councillor Sanders: “That Tender 26/08 for box culverts and accessories be awarded to Lombard Pre-Cast Limited Partnership in the amount of \$310,270.24.”**

**CARRIED**

No. 178  
ADM95  
 2008 Government  
 Elections

**2008 LOCAL GOVERNMENT ELECTIONS**

Report of the Manager of Legislative Services dated June 23, 2008 making recommendations further to the 2008 local government elections.

**MOVED by Councillor Brownoff and Seconded by Councillor Sanders: “That Council:**

- 1. Appoint Carrie MacPhee and Donna Dupas as Chief and Deputy Chief Election Officers respectively for the purposes of conducting the 2008 local government elections;**
- 2. Approve an amendment to the Election Procedures Bylaw to authorize electronic publication of nomination papers and campaign financing disclosure statements on Saanich’s website; and**
- 3. Endorse past practice and direct that an informal vote for CRD Director be included on the 2008 ballot for Council’s reference in making appointments, under the premise that the Mayor is to be automatically appointed.”**

Councillor Derman stated:

- It is recommended in the report of the Manager of Legislative Services that the current provision of two (2) nominators per candidate remain unchanged.
- The new legislation now allows for local governments with a population of 5,000 or more to set the minimum number of qualified nominators at 10 or 25.
- There have been past situations where a number of candidates have been “nuisance” candidates; typically they do not attend All Candidates meetings or campaign, but their names appear on the ballot which can potentially be confusing for voters.
- He suggests that Council revise the procedure to increase the number of nominators per candidates from two (2) to ten (10).

**MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Section 2 of the motion be amended to add an authorization for the minimum number of qualified nominators for each candidate to be increased from two (2) to ten (10).”**

Councillor Gillespie stated:

- He does not think there is an issue with continuing the practice of requiring two nominators per candidate so he will not support increasing the number to 10; the low percentage of voter turnout is a disgrace but it has nothing to do with the number of candidate nominators.

Councillor Brownoff stated:

- She does not think "nuisance" candidates are an issue in Saanich, however, she will support increasing the number of qualified nominators.

Councillor Brice stated:

- She does not support the proposed amendment to the number of qualified nominators.

Councillor Wergeland stated:

- He feels that increasing the number of qualified nominators will give more credibility to candidates.

Councillor Ngai stated:

- Nominators need to be verified to ensure they meet the qualifications so it does not matter whether the requirement is two or ten; increasing the number just means more work for staff.

**The Amendment was then PUT and CARRIED, with Mayor Leonard and Councillors Brice, Gillespie and Ngai voting against.**

**The Main Motion as Amended was then PUT and CARRIED**

No. 179  
ADM90  
Council Meetings

**JULY 14, 2008 COUNCIL/COMMITTEE OF THE WHOLE MEETINGS**

Memorandum from the Manager of Legislative Services dated June 30, 2008 requesting Council cancel the July 14, 2008 Council and Committee of the Whole Meetings.

**MOVED by Councillor Ngai and Seconded by Councillor Brice: "That the July 14, 2008 Council and Committee of the Whole Meetings be cancelled."**

**CARRIED**

**RECOMMENDATIONS FROM COMMITTEES**

*From the Capital Region Emergency Service Telecommunications (CREST) Incorporated Annual General Meeting held May 21, 2008.*

No. 180  
ADM115 – CREST  
Cost Sharing

**CREST MEMBERS AGREEMENT – COST SHARING FORMULA**

Report from the Municipal Solicitor dated June 25, 2008 recommending that Council ratify the amendment to Schedule ‘C’ of the CREST Member’s Agreement.

**MOVED by Councillor Brice and Seconded by Councillor Hunter: “That Council ratify the amendment to Schedule ‘C’ of the CREST Member’s Agreement as outlined in the attachment to the report of the Municipal Solicitor dated June 25, 2008.”**

**CARRIED**

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 7:40 p.m. p.m.

The Meeting reconvened at 10:20 p.m.

Recommendations

**RECOMMENDATIONS**

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

No. 181  
Del Monte Ave.  
Development  
Variance Permit

**5081 DEL MONTE AVENUE – DEVELOPMENT VARIANCE PERMIT – DAVID SCHMIDT**

**MOVED by Councillor Wergeland and Seconded by Councillor Brownoff: “That Council approve and issue Development Variance Permit DVP2008-00011 on Lot B, Section 46, Lake District, Plan VIP52889 (5081 Del Monte Avenue).”**

**CARRIED**

No. 182  
Cumberland Road  
Subdivision  
Application

**3833 CUMBERLAND ROAD – SUBDIVISION APPLICATION – RYAN AND ROWENA O’NEILL**

**MOVED by Councillor Ngai and Seconded by Councillor Gillespie: “That:**

- 1. Council approve an exemption from the 10 percent road frontage requirement of the Local Government Act for proposed Lot B of a subdivision of Lot 6, Block 2, Section 32, Victoria District, Plan 4988 (3833 Cumberland Road).**
- 2. The Approving Officer be requested to consider suitable covenant controls during the subdivision process to require:**
  - a) That the design, siting, size and exterior finish for the dwelling on proposed Lot B is consistent with the plans presented to Council;**

- b) The applicant to plant, protect and maintain a number of existing trees and replace the ones removed as shown on proposed covenant area site plan;
- c) The applicant to maintain two off-street parking spaces as shown on the concept plan; and
- d) The prevention of the erection of fences and hedges along the property lines of both lots.”

**CARRIED,**

with Councillor Sanders voting against.

No. 183  
Douglas Street  
Remedial Action  
Order

**4145 DOUGLAS STREET – REMEDIAL ACTION ORDER**

**MOVED by Councillor Derman and Seconded by Councillor Hunter:**  
“That Council pass the following resolution imposing remedial action requirements:

1. Council hereby declares the unlicensed vehicles, vehicle parts, and accumulated items and materials stored outside on the lands described as Lot 4, Section 65, Plan 13539, Victoria District, having a street address of 4145 Douglas Street, (herein called “the lands”) to be a nuisance pursuant to Sections 72 and 74(1)(d) of the *Community Charter* 2003 SBC.c.26;
2. The Council hereby directs Ana and Ivan Arbanas (herein called “the owners of the lands”) to undertake the following actions within sixty (60) days from the date on which notice of this order is served upon the owner of the lands:
  - a) Remove from the property any refuse, scrap, disused items or junk. Sort other items and materials into neat piles or stacks, relocating to areas of the property that are out of site, as much as possible, from the roadway. Relocate all home occupation masonry business materials and equipment that are stored outside to the inside of an enclosed building on the property.
  - b) Remove from the property the unlicensed vehicle stored in the front yard or, relocate it to the rear yard as the bylaw allows. Also, enclose in a building any vehicle parts.
  - c) Remove the large unfinished wooden structure, constructed without a building permit and located in the front driveway from the property.
3. If the owner of the lands fails to comply with the requirements of Section 2, the Municipality may through its employees, agents, or contractors, enter upon the lands and carry out the work described in Section 2 at the expense of the owner pursuant to Section 17 of the *Community Charter*.”

**CARRIED**

*From the Council Meeting held July 7, 2008*

No. 184  
ADM40/ADM95  
Elections  
Procedure Bylaw

**ELECTIONS PROCEDURE BYLAW**

Three Readings of the "Elections Procedures Bylaw, 1993, Amendment Bylaw, 2008, No. 8943. To amend Bylaw No. 7164 being the Elections Procedures Bylaw.

**MOVED by Councillor Brownoff and Seconded by Councillor Hunter:**  
**"That Bylaw No. 8943 be introduced and read."**

**CARRIED**

**MOVED by Councillor Brownoff and Seconded by Councillor Hunter:**  
**"That Bylaw No. 8943 be read a second time."**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:** "That Bylaw 8943 be amended to increase the minimum number of qualified nominators for each candidate from two (2) to ten (10)."

**CARRIED,**

**with Mayor Leonard and Councillors Brice, Gillespie and Ngai voting against.**

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:**  
**"That Bylaw No. 8943 be now passed."**

**CARRIED**

Adjournment

On a motion from Councillor Gillespie, the meeting adjourned at 10:22 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, JULY 7, 2008 AT 7:41 P.M.**

Present:

**Chair:** Councillor Gillespie  
**Council:** Mayor Leonard and Councillors Brice, Brownoff, Derman, Hunter,

**Staff:** Ngai, Sanders and Wergeland  
 Tim Wood, Administrator; Carrie MacPhee, Manager of Legislative Services; Anne Topp, Manager, Community Planning; Von Bishop, Manager, Development & Municipal Facilities; and Shirley Leggett, Senior Committee Clerk.

Blenkinsop Road/  
 EPW65  
 Sewer Service Area

**4575 BLENKINSOP ROAD (A PORTION) – INCLUSION IN THE SEWER SERVICE AREA**

Report of the Manager of Underground Services dated June 9, 2008 further to a request from the Vancouver Island Health Authority dated May 7, 2008, recommending subject to the owner registering a covenant on the property limiting development of the land to the level of the current facility, that the building footprints on the Seven Oaks property be included in the Sewer Service Area.

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

- Council could amend the Zoning Bylaw in order to add a clause specific to the P3 Zone that refers to restrictive covenants placed on the subject property.

Mr. J. Murphy, vice president, Operations and Support, Vancouver Island Health Authority (VIHA) stated:

- They have not explored some of the newer technology with respect to septic systems, however, they are aware that it is extremely costly versus upgrading the current system or connecting to the Saanich sewer system; to upgrade and maintain the current system, it would cost four times as much as it would to connect to the sewer system.
- With respect to placing restrictive covenants on the property, maintaining flexibility of their properties and facilities is very important; they base their service delivery plans and five year strategic plan on what the health care needs are going to be; beyond five years the accuracy of those plans decreases as it is difficult to predict what the health care needs of our community will be, or where the service delivery models should be located in our communities.
- He requests that their application to connect to the sewer system be approved but that the restrictive covenant be set aside in terms of use of the facility in the future, or, perhaps some kind of modification that would allow only health services to be provided from the facility.

In response to questions from Council, Mr. C. Rhodes, Corporate Director, Facilities Management, VIHA, stated:

- The facility serves approximately 38 residents and is comprised of a number of small house-like structures; there are probably three toilets in each of the houses and a number of sinks.

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

- A rural atmosphere is considered to be advantageous to the patients that reside at the Seven Oaks facility; he is not aware of any private sector organization in Canada who provides the types of services that VIHA provide to their patients in that facility.
- The cost to rebuild and modify the current septic system is estimated

to about \$1.25 million dollars with an approximate life cycle of 25 years; it would be about \$350,000 to connect to the municipal sewer system which includes the projected service charges.

**MOTION:**

**Moved by Councillor Wergeland and Seconded by Councillor Ngai: “That subject to the owner registering a covenant on the property limiting development of the land to the level of the current facility, the application to include the building footprints on the Seven Oaks property on Parcel D of Pt 1 and 2, Section 7, Plan 746, Lake District, (4575 Blenskinsop Road) within the Sewer Service Area be approved.”**

Councillor Derman stated:

- He would like to see an amendment to the zoning bylaw with respect to the P3 Zone as suggested in the correspondence from the Blenkinsop Valley Community Association.
- He understands that VIHA wants to have flexibility but they could sell the property; this is a substantial piece of property outside the Urban Containment Boundary.

**Moved by Councillor Derman and Seconded by Councillor Brownoff: “That the motion be amended to require a note be added to the P3 Zone to indicate that a restrictive covenant has been placed on this property, and further that a Public Hearing be held if required.”**

Councillor Hunter stated:

- He does not see any issues with the subject facility being located in a rural area; he supports the application.

Councillor Brice stated:

- She supports the proposed amendment to the Zoning Bylaw and feels that the applicant’s request to connect to the sewer system is reasonable.
- She is very supportive of the program that the Seven Oaks facility provides.

Councillor Sanders stated:

- She supports the proposed amendment; she is comfortable with the idea of there being flexibility with regard to the use of the facility.
- She also supports a restrictive covenant with respect to the existing building footprints; with a covenant in place it will give direction to future Councils if there are to be any changes.

Councillor Brownoff stated:

- The subject property is a gem in the Blenkinsop Valley; this is a special situation and as long as there are some controls in place she will support the application; however, she will not be supportive of expanding the sewer system along Blenkinsop Road to other property owners because of financial considerations.

Councillor Wergeland stated:

- He supports the proposed amendment to the Zoning Bylaw.

Councillor Gillespie stated:

- Health issues need to be taken into consideration; VIHA has maintained the current system as best they could and it makes fiscal sense to connect to the municipal sewer system.

**The Amendment was CARRIED**

**The Main Motion as Amended was then PUT and CARRIED**

Del Monte Avenue  
Development  
Variance Permit

**5081 DEL MONTE AVENUE – DEVELOPMENT VARIANCE PERMIT – DAVID SCHMIDT**

Report of the Director of Planning dated June 13, 2008 recommending approval of Development Variance Permit DVP2008-00011.

Mr. D. Boot, Consultant, Studio DB3, on behalf of the owners/applicants, stated:

- In 2006 the previous owners were granted conditional approval to subdivide the subject property and create one additional panhandle lot under the current zoning; it is the intention of the present owners to complete the subdivision and construct a new house for themselves on proposed Lot 2.
- The property is approximately 30,000 square feet in size but due to tree preservation and topographical constraints such as the steep ravine slope, they are requesting rear yard setbacks for proposed Lot 2 to address the limited building site, and to retain the existing second storey deck on the dwelling on proposed Lot 1.
- The subject property is connected to municipal sewer on Del Monte Avenue so no trees will be removed; they would like to transplant some of the fruit trees that are currently in the rear portion of the property to further enhance the property.
- The owners consulted with the neighbours with regard to their proposal and the two adjacent neighbours are supportive.
- They plan to construct a single storey ranch design with a below grade basement which they feel will fit in quite well with the existing neighbourhood; the attached garage will extend into the required rear yard setback and therefore require a variance.

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

- Proposed Lots 1 and 2 have adjoining rear lot lines by definition; there likely will not be enough room to locate a hedge along the lot line and that is why they are proposing to construct a fence instead.

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

- The Servicing Requirements require that Del Monte Avenue fronting the proposed subdivision be widened to residential standards complete with concrete curb and gutter; he urges Council to consider alternative methods for stormwater management.

**MOTION:                   MOVED by Councillor Derman and Seconded by Councillor Brice: “That it be recommended that Council approve and issue Development Variance Permit DVP2008-00011 on Lot B, Section 46, Lake District, Plan VIP52889 (5081 Del Monte Avenue).”**

Councillor Derman stated:

- The existing deck on the dwelling on proposed Lot 1 is a considerable amenity for the existing dwelling and it would be a shame to remove it.
- If Council is agreeable, he would like the Approving Officer to be aware that the proposed dwelling should be built substantially as shown to Council.

Councillor Hunter stated:

- The proposed subdivision is an appropriate development for the area; he agrees that the Approving Officer should take into consideration the plans presented to Council.

**The Motion was then PUT and CARRIED**

Cumberland Road  
Subdivision

**3833 CUMBERLAND ROAD – SUBDIVISION APPLICATION – RYAN AND ROWENA O’NEILL**

Supplementary report of the Director of Planning dated June 18, 2008 recommending proposed Lot 2 be exempted from the statutory requirements to provide a minimum 10 percent perimeter road frontage under Section 944(2) of the *Local Government Act*, and that the Approving Officer be requested to consider suitable covenant controls during the subdivision process to require the items outlined.

Mr. R. O’Neill, applicant, 3833 Cumberland Road, stated:

- At the February 25, 2009 Committee of the Whole Meeting, Council postponed further consideration of their subdivision application and asked that they provide additional information on a number of issues.
- As a result of meetings with staff and the neighbours, they are willing to commit to nine covenants to restrict the height, size and design of the dwelling on proposed Lot B; maintain two off-street parking spaces per lot in addition to the enclosed parking; protect the Ponderosa pine tree located along the proposed driveway to Lot B; plant, protect and maintain a number of existing and replacement trees; and not erect any fences or hedges along the property lines of both proposed lots.
- The reduced building envelope means an increase in greenspace; to reduce the impact of the proposed new driveway on their neighbour to the south they will plant some screening.
- They will be incorporating an urban forest plan into their landscape design; this will increase food for potential wildlife while providing connectivity to the surrounding urban forest.
- An extensive environmental impact assessment report concluded that there are no rare plants, sensitive ecosystems, or evidence that the property is being used as a wildlife corridor.
- A shadow study was conducted which concluded that the impact to the adjacent neighbours was minimal and full solar access occurs

from March to September.

- They intend to participate in the Green Building program utilizing solar power, water conservation, and sound insulation practices.
- The proposed building envelope requires the removal of three of the 11 existing trees; they intend to plant seven replacement trees.
- They have held 13 formal meetings and 29 informal meetings to discuss their proposal; they have received 32 signatures in support.

In response to questions from Council, Mr. O'Neill stated:

- The proposed gross floor area of the new dwelling is 3,185 square feet; they are proposing a covenant to restrict the height to 55.5 metres geodetic although the height will likely only be 55.3 metres geodetic.

Ms. J. Waelti-Walters, 3831 Cumberland Road, stated:

- While she appreciates the efforts of the applicants she cannot support the proposed development.
- There are already two other panhandle subdivisions on Cumberland Road one of which runs along the south side of her property; both of the new driveways for the proposed subdivision will run along the north side of her property which means her property will be sandwiched between five households.
- The proposed new dwelling will result in a loss of greenspace and privacy and impact wildlife and birds.

Ms. J. McKay, 3837 Cumberland Road, stated:

- She and her husband are concerned that their privacy will be impacted by the proposed subdivision as the height of the proposed new dwelling could overshadow their house; they are not convinced that the results of the various studies that have been undertaken are accurate.
- They would prefer that the applicants either reduce the height and massing of the new dwelling or that it be sited further to the south of the property; they also have some concerns with the trees on the north side of the property.

Mr. B. Emmett, 1231 Palmer Road, stated:

- In the supplemental report from the Planning Department there are two consultant's reports that deal with potential impacts to urban forest values; one of the reports indicates there is no wildlife habitat present at the subject site nor any evidence that the property is being used as a movement corridor for wildlife, and the other report states that the trees and vegetation on the subject and adjacent properties provide important connectivity for wildlife.
- Neither of the two reports provides an analysis of the cumulative impact of subdivision development within or adjacent to the identified privately held greenbelt; if all of the lots along Cumberland Road were subdivided there would be no urban forest values left to consider even if each subdivision provided the generous degree of mitigation offered by the applicants.
- Although the proposed new dwelling meets zoning requirements for this area, it is still approximately 15 percent larger on a square footage basis than other houses in the neighbourhood; while the character and design of the proposed new dwelling appears to suit

the neighbourhood, the form and building mass does not.

- With regard to the proposed covenant pertaining to the height of the new dwelling, perhaps the wording should be: *“the height of the highest roof will not exceed the height of the roof of the closest neighbour at 3837 Cumberland Road by more than 0.8 metres measured relative to geodetic datum”*.

Mr. V. Smith, designer for the applicants, stated:

- Under the existing zoning the applicant is permitted to construct a dwelling with a building height of 24.7 feet from the existing natural grade; they are proposing to reduce that height by six feet to 18.75 feet which is the geodetic elevation of 55.3 metres; the proposed covenant states no higher than 55.5 metres geodetic to allow for any minor adjustments which is still well below what is permitted under the existing zoning.

In response to questions from Council, Mr. O'Neill stated:

- In order to reduce the height of the proposed new dwelling they will excavate deeper into the slope so that the house is situated lower in the ground; this means the new dwelling will be within .83 metres higher than the adjacent dwelling; they were able to verify the difference in height between the two dwellings by conducting a balloon test.

Ms. A. McLeisch, 3945 Grandis Place, stated:

- She and her husband live in a ranch style home; three new dwellings have been constructed behind their property but they have not been impacted at all; the wildlife in the neighbourhood does not appear to have been impacted either.
- They feel the new development has been a welcome addition to their neighbourhood.

Mr. J. Mannall-Fretwell, 1235-B Palmer Road, stated:

- He is very impressed by the consultation process the applicants have undertaken and appreciates the many telephone calls and meetings that have taken place.
- The adjacent neighbours at 3829 Cumberland Road were not able to attend tonight's meeting but he is aware that they have some concerns with the proposed development with respect to the replacement of the wood stave storm pipes.
- While the neighbourhood is not opposed to the property being developed per se, some of the neighbours have suggested other alternatives such as reducing the size of the proposed new dwelling, moving its location, or renovating the existing dwelling thus preserving the greenspace; one of the neighbours offered to lease the greenspace and someone else offered to purchase it.
- He has concerns that the proposed new dwelling will impact his privacy and that some of the existing trees will be removed; preserving the urban forest is important.

Ms. C. O'Brien, 1205 Palmer Road, stated:

- She has lived in her present location since 1976.
- She participated in the Official Community Plan and the Local Area Plan process for the area in the early 1980's; at the time Saanich

Planning staff proposed to create 22 lots where the subject greenspace is located but the property owners in the area did not support that idea but they supported single family infill housing in character with the existing neighbourhood.

- The people who have spoken against this proposal either live in an infill lot or their property was subdivided prior to them living there.

Ms. K. Sherman, 3835 Cumberland Road, stated:

- The applicants have done a terrific job involving the neighbourhood in the planning process and have been very thorough sharing their plans.
- The applicants are very respectful of the neighbourhood and the environment, and appreciate the park-like setting of the area; they have no wish to cause any impacts to the neighbours or wildlife in the area.

Mr. A. Law, 1205 Palmer Road, stated:

- He has lived in his present location for the past 32 years; he supports the proposed subdivision and is happy to see that the applicants wish to remain in the area and raise their children.
- The only concern he has pertains to the wood stave replacement and the equipment that will be used; he hopes the construction will be done quickly.

Mr. P. Korby, 1206 Judge Place, stated:

- He supports the proposed development; the applicants have been very diligent working with the neighbours and he is confident they will do everything they have committed to.
- He thinks the applicants should be able to construct a fence around their yard to protect their young children; there are many off-leash dogs in the neighbourhood and there have been a number of incidents.
- If the wood stave storm pipes are nearing the end of their life expectancy, perhaps their replacement could be done on a cost sharing basis instead of the applicant paying the full cost.

Mr. K. Whitcroft, Quadra Cedar Hill Community Association, stated:

- The report from the applicant's engineer with respect to foundation perimeter drain systems states that a separate groundwater collection system connected directly to the municipal drain should be provided; this means an increase in net flow off the land.
- The requirement for infill development under the Official Community Plan indicates that continuous urban forest cover should not be removed; climate change can be attributed in part to the loss of urban forests.
- Having water flow through pipes is not sustainable; the best way to naturally deal with stormwater is through a stream with a floodplain.

Mayor Leonard stated:

- The applicants have provided significant information and have been quite forthcoming with the covenants they are proposing.
- He thinks that having a height restriction of 55.5 metres geodetic makes sense rather than basing a measurement on the neighbor's

property; the adjacent property does not have any restrictions on it and the height of the house could be increased to the maximum allowed under the current zoning.

- The proposed covenants are significant and none of the other lots in the area are so restricted; asking the applicants to do more would be unreasonable.
- He supports the proposed subdivision.

**MOTION:**

**MOVED by Mayor Leonard and Seconded by Councillor Ngai: "That it be recommended that:**

- 1. Council approve an exemption from the 10 percent road frontage requirement of the Local Government Act for proposed Lot B of a subdivision of Lot 6, Block 2, Section 32, Victoria District, Plan 4988 (3833 Cumberland Road).**
- 2. The Approving Officer be requested to consider suitable covenant controls during the subdivision process to require:**
  - a) That the design, siting, size and exterior finish for the dwelling on proposed Lot B is consistent with the plans presented to Council;**
  - b) The applicant to plant, protect and maintain a number of existing trees and replace the ones removed as shown on proposed covenant area site plan;**
  - c) The applicant to maintain two off-street parking spaces as shown on the concept plan; and**
  - d) The prevention of the erection of fences and hedges along the property lines of both lots."**

Councillor Ngai stated:

- The applicants have addressed all of the issues that were raised at the February Committee of the Whole Meeting and they are willing to commit to more than what was asked of them; other panhandle lots in the area do not have the restrictions that the applicants are proposing.
- While she can understand that some of the neighbours are upset about losing some of the greenspace in their neighbourhood, it is a privately owned piece of property and Playfair Park is close by for them to enjoy.
- She supports infill housing and is happy to hear that a young family wants to remain in the area.

Councillor Wergeland stated:

- Urban forests are very important to the environment; infill developments can have impacts to both the environment and the neighbourhood.
- Other lots in the area were created by subdivision and they do not have the extensive restrictions that the applicants are proposing.
- The applicants have indicated what measures they are prepared to take to mitigate any impacts to create a sustainable development; he supports the application.

Councillor Brice stated:

- There is no question that the subject area is a beautiful part of Saanich; the applicants have made considerable effort to reduce the size and height of the proposed new dwelling and mitigate any impacts.
- She supports the proposed subdivision.

Councillor Derman stated:

- He supports the application and compliments the applicants for the measures they have taken to mitigate any impacts to the neighbours and the environment; it is a good location for infill development as it is close to amenities and transit.
- He encourages engineering to make use of technology such as pipe bursting technology if the new storm pipes have to go through the treed areas; he does not want to see any trees removed so that the pipe can be replaced.
- Council needs to consider the impact of panhandle lots on the urban forest; this area has a very substantial urban forest and we need to look at what we intend to see happen in that area in its totality and how it will be preserved.

Councillor Sanders stated:

- She congratulates the applicants for their comprehensive consultation process.
- She is very familiar with the neighbourhood as she grew up in the area; she remembers when the creek was open before it was enclosed and the 1980's proposal to subdivide the properties to create lots which the neighbours subsequently did not support.
- There appears to be some conflicting information between the two reports from the consultants with regard to whether or not the property is used as a wildlife corridor.
- There are some people with large properties who are placing covenants on their properties so that they cannot be subdivided at any time in the future; this is their way of preserving our urban forests.
- She is concerned with the neighbour to the south and the fact that the driveway for the proposed subdivision will run along the property line, and with the discrepancies in the information with respect to the size and height of the proposed new dwelling.
- She does not support the application.

Councillor Brownoff stated:

- Although the applicants have reduced the size of the proposed dwelling she would have preferred it to be even smaller.
- A lot by lot approval process for infill development is not the best way to proceed; there needs to be a comprehensive plan and a planning policy with respect to urban forests; trees are very important to the environment and to climate change.
- She has some concerns with regard to the replacement of the wood stave pipes and hopes it will not result in any tree loss.
- She supports the proposed subdivision and hopes that any impacts during construction will be minimal.

Councillor Gillespie stated:

- He compliments the applicants for their consultation process and the covenants they are proposing.
- The Gordon Head area used to be largely berry farms; there are more trees in the area now than there was 60 years ago because people are planting them as they subdivide their properties.
- He supports the proposal.

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

Douglas Street  
Remedial Action  
Order

**4145 DOUGLAS STREET – REMEDIAL ACTION ORDER**

Report of the Manager of Inspection Services dated June 13, 2008 recommending Council pass a resolution imposing remedial action requirements pursuant to Sections 72 and 74 of the *Community Charter* directing the owners to remove from the property all refuse, scrap, disused items and the non permitted accessory building and enclose on the property all home occupation business equipment and materials.

Mr. J. Bedard, 721 Lily Avenue, stated:

- The son does not live in the house; he just receives his mail at that address.
- The son's parents live in Chemainus but they are not able to access the property.

**MOTION:**

**MOVED by Mayor Leonard and Seconded by Councillor Brice:**  
**“That it be recommended that Council pass the following resolution imposing remedial action requirements:**

1. **Council hereby declares the unlicensed vehicles, vehicle parts, and accumulated items and materials stored outside on the lands described as Lot 4, Section 65, Plan 13539, Victoria District, having a street address of 4145 Douglas Street, (herein called “the lands”) to be a nuisance pursuant to Sections 72 and 74(1)(d) of the *Community Charter* 2003 SBC.c.26;**
2. **The Council hereby directs Ana and Ivan Arbanas (herein called “the owners of the lands”) to undertake the following actions within sixty (60) days from the date on which notice of this order is served upon the owner of the lands:**
  - a) **Remove from the property any refuse, scrap, disused items or junk. Sort other items and materials into neat piles or stacks, relocating to areas of the property that are out of site, as much as possible, from the roadway. Relocate all home occupation masonry business materials and equipment that are stored outside to the inside of an enclosed building on the property.**
  - b) **Remove from the property the unlicensed vehicle stored in the front yard or, relocate it to the rear yard as the bylaw allows. Also, enclose in a building any vehicle parts.**
  - c) **Remove the large unfinished wooden structure, constructed without a building permit and located in the front driveway**

from the property.

- 3. **If the owner of the lands fails to comply with the requirements of Section 2, the Municipality may through its employees, agents, or contractors, enter upon the lands and carry out the work described in Section 2 at the expense of the owner pursuant to Section 17 of the *Community Charter*.”**

**CARRIED**

Balmacarra Road  
EPW65  
Sewer Service Area

**4588 BALMACARRA ROAD – INCLUSION IN THE SEWER SERVICE AREA**

Report of the Director of Engineering dated June 19, 2008 further to a request from R. Midgley dated June 9, 2008, recommending 4588 Balmacarra Road be included in the Sewer Service Area.

Mr. R. Midgley, owner, 4588 Balmacarra Road, stated:

- He and his wife have lived in their present location for the past 40 years; there have been ongoing problems with the septic system for a number of years.
- There are no issues with the septic tank which gets routinely pumped, however, the septic field has failed three times as the soil is largely comprised of clay.
- The Vancouver Island Health Authority (VIHA) has looked at the septic system and have recommended that their property be connected to the Saanich sewer system.

**MOTION:**

**Moved by Councillor Derman and Seconded by Councillor Brice: “That the application to include Lot B, Section 84, Plan 42525, Victoria District (4588 Balmacarra Road) in the Sewer Service Area be approved.”**

**CARRIED**

Spring Road/  
ADM40  
Water Service Area

**4835 SPRING ROAD – INCLUSION IN THE WATER SERVICE AREA**

Report of the Manager of Underground Services dated June 26, 2008 further to a request from Penny Vieweg and Jodi Eves dated June 3, 2008, recommending 4835 Spring Road be included in the Water Service Area.

Mr. and Ms. Vieweg, 4835 Spring Road, stated:

- The subject property is five acres in size and they wish to construct a barn so that they can raise various animals such as goats and chickens.
- The existing well is not capable of servicing the entire property; the water is very hard and corrosive.

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

- They have not considered having water trucked in and then storing it in tanks.
- They do not have a business plan for their farm; their daughter and two grandchildren live with them and they would like to be more self-sustaining on their own property.

**MOTION: Moved by Councillor Ngai and Seconded by Councillor Wergeland: "That the application to include Lot 2, Section 104, Lake District, Plan VIP52549 (4835 Spring Road) in the Water Service Area be approved."**

Councillor Brownoff stated:

- She will not support the application; she believes there are other alternatives for providing water to the property.
- In Alberta, farmers in rural areas have water trucked in and stored in tanks.
- There are policies with respect to rural Saanich; people choose to live in rural areas because of the large sized properties.
- If the application is approved it could set a precedent for other properties in the area.

Councillor Sanders stated:

- She does not support the application; she feels that the farming venture came after the request for inclusion in the Water Service Area; she may have supported it if the owners had a business plan for their farm.
- There are many people who have wells on much bigger properties and they do not have any issues with water supply.
- She agrees that approving this application could set a precedent for other property owners in rural areas.

Councillor Wergeland stated:

- He supports the application; the water line is just across the road from the subject property so it makes sense to include the property in the Water Service Area.

Councillor Hunter stated:

- He will not support the application; there are no health issues associated with the subject property.
- It would be a different situation if the Water Service Area boundary was changed then other property owners would have the same opportunity for connection to municipal water; he does not support these one-off applications; the owners knew what they were getting when they purchased the property.

Councillor Ngai stated:

- She thinks it makes sense to include the subject property in the Water Service Area as the water line is just across the road.
- Council just discussed the impacts of increasing our carbon input; trucking water in to the property would not make sense at all.
- The applicants do not have a grand scheme or a business plan, they just want to be self sufficient; she will support their application.

Councillor Brice stated:

- The Saanich General Plan supports minor expansions of the Water Service Area in rural Saanich where expansions are in keeping with the Regional Growth Strategy.
- She supports the application.

Councillor Gillespie stated:

- He supports the application.

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

Blenkinsop Road/  
EPW65  
Sewer Service Area

**4540 BLENKINSOP ROAD (A PORTION) – INCLUSION IN THE SEWER SERVICE AREA**

Supplemental report of the Manager of Underground Services dated June 27, 2008 further to a letter from Cumming Design dated April 30, 2008, recommending Council rescind their February 4, 2008 motion to approve inclusion of the easterly portion of 4540 Blenkinsop Road in the Sewer Service Area, and that Council include in the Sewer Service Area the proposed building site as shown and dimensioned on the plans from Cumming Design.

Ms. T. Cumming, Cumming Design, on behalf of the property owner, stated:

- She has been assisting Mr. Charity with the drawings for the proposed new dwelling.

**MOTION:**

**Moved by Councillor Derman and Seconded by Councillor Wergeland: “That Council rescind their February 4, 2008 motion to approve 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.**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Wergeland: “That Council approve inclusion of the proposed building site on East Pt. of Lot 1, Section 7, Plan 11724, Lake District (4540 Blenkinsop Road), as shown and dimensioned on the plans from Cummings Design, in the Sewer Service Area.”**

**CARRIED**

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 10:20 p.m.

.....  
CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK