

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, JUNE 16, 2008 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Gillespie, Hunter, Sanders and Wergeland
Staff: Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Carrie MacPhee, Manager of Legislative Services; Von Bishop, Manager, Development & Municipal Facilities; Donna Dupas, Deputy 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 June 9, 2008, be adopted."

CARRIED

BYLAWS

No. 155
ADM40
Bylaw 8934

OFFICERS AND SENIOR EMPLOYEES BYLAW – HOUSEKEEPING AMENDMENT

Final Reading of the "Officers and Senior Employees Bylaw, 2005, Amendment Bylaw, 2008, No. 8934". To reflect changes in titles for the Deputy Manager of Legislative Services/Deputy Municipal Clerk and the Manager of Revenue Services.

MOVED by Councillor Gillespie and Seconded by Councillor Brice: "That Bylaw No. 8934 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

No. 156
ADM40
Bylaw 8936

PAWNBROKERS AND SECOND HAND DEALERS BYLAW – HOUSEKEEPING AMENDMENT

Three Readings of the "Pawnbrokers and Second Hand Dealers Bylaw, 1983, Amendment Bylaw, 2008, No. 8936". Housekeeping amendment to remove the obligation on pawnbrokers to physically deliver reports to the Police on a daily basis.

MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8936 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8936 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Hunter: "That Bylaw No. 8936 be now passed."

CARRIED

No. 157
Richmond Road
Bylaw 8937

3514 RICHMOND ROAD
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2008, No. 8937". Rezoning from RS-6 to RD-1.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: "That Bylaw No. 8937 be introduced and read."

CARRIED

No. 158
ADM40
Bylaw 8938

ZONING BYLAW AMENDMENT – NEW ZONE A-1RV (RURAL – RECREATIONAL VEHICLE STORAGE)
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2008, No. 8938". To create a new zone A-1RV (rural – recreational vehicle storage).

MOVED by Councillor Sanders and Seconded by Councillor Brice: "That Bylaw No. 8938 be introduced and read."

CARRIED

No. 159
Burnside Rd. West
Bylaw 8939

1880 AND 1894 BURNSIDE ROAD WEST (A PORTION)
First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2008, No. 8939". Rezoning from A-1 to A-1RV.

MOVED by Councillor Wergeland and Seconded by Councillor Gillespie: "That Bylaw No. 8939 be introduced and read."

CARRIED

No. 160
PLD60
Bylaw 8940

OFFICIAL COMMUNITY PLAN (2008)
First Reading of the "Official Community Plan Bylaw, 2008, No. 8940". To adopt a new Official Community Plan.

MOVED by Councillor Wergeland and Seconded by Councillor Sanders: "That Bylaw No. 8940 be introduced and read."

CARRIED

RESOLUTIONS FOR ADOPTION

No. 161
PRO00
Tower Crane
Rescue Service

TOWER CRANE RESCUE SERVICE OUTSIDE OF SAANICH
Report of the Fire Chief dated June 6, 2008 recommending Council authorize an agreement to provide an integrated tower crane rescue to construction sites within the City of Colwood and the Town of View Royal.

MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That Council authorize an agreement between Saanich, Victoria, Colwood and View Royal to provide an integrated tower crane rescue to construction sites within the City of Colwood and the Town of View Royal."

CARRIED

RECOMMENDATIONS FROM COMMITTEES

From the Environmental Advisory Committee Meeting held May 27, 2008

No. 162
ADM115 - UBCM
Battery Recycling

BATTERY RECYCLING – UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM) RESOLUTION

Recommendation from the Environmental Advisory Committee Meeting held May 27, 2008 recommending that Council send a resolution to the UBCM encouraging the provincial government to implement a system for recycling batteries that is universally accessible and convenient for the public.

Councillor Sanders stated:

- The heavy metals in batteries have been deemed to be a toxic substance under the Canadian Environmental Protection Act and are classified as hazardous household waste under BC’s Environmental Management Act which precludes them from being included in the curbside recycle program.
- Only about two percent of Canadians recycle batteries and the remainder is disposed of in the solid waste stream; it is estimated that by 2010 nearly 500 million batteries will be discarded.
- It is hoped that by sending the proposed motion to the UBCM that they will implement a provincial wide program.

MOVED by Councillor Sanders and Seconded by Councillor Hunter: “That Council send a resolution to the Union of British Columbia Municipalities for consideration at the 2008 Annual Convention encouraging the provincial government to implement a system for recycling batteries that is universally accessible and convenient for the public.”

CARRIED

From the Environmental Advisory Committee Meeting held April 22, 2008

No. 163
ADM115 - UBCM
Pesticide
Reduction

PESTICIDE REDUCTION – UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM) RESOLUTION

Recommendation from the Environmental Advisory Committee Meeting held April 22, 2008 recommending that Council send a resolution to the UBCM encouraging the provincial government to reduce the number of pesticide products available to the public and calling on the government to make the same request of all the provinces and the federal government.

MOVED by Councillor Sanders and Seconded by Councillor Brice: “That Council send a resolution to the Union of British Columbia Municipalities for consideration at the 2008 Annual Convention encouraging the provincial government to reduce the number of pesticide products available to the public and calling on the government to make the same request of all the provinces and the federal government.”

Councillor Sanders stated:

- Exposure to pesticides can cause health problems, impact aquatic organisms and wildlife, etc.
- The majority of today’s pesticides are less persistent than those used in the past but the effects of them still remain in the environment; many communities are exploring alternative methods to pesticide use.
- It is important to recognize that not all pests cause damage and that some of them are necessary in gardens.
- It is hopeful that by sending a resolution to the UBCM for their consideration, they will be able to encourage the provincial government to reduce the availability of pesticides to the public in BC and other provinces as well.

Councillor Brownoff stated:

- A study that was undertaken using a mixture of pesticides to determine the impacts to fish in an urban river in south Surrey, showed that when juvenile rainbow trout were exposed to the chemicals, 20 percent of fish lost their sense of smell which is how they differentiate between their siblings and predators, and how they imprint their stream so they can return to spawn.
- She would like to see some language in the proposed resolution that mentions the impacts on urban streams from pesticide runoff into stormwater.

The Motion was then PUT and CARRIED

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

The Meeting reconvened at 8:39 p.m.

From the Committee of the Whole Meeting held June 16, 2008

Recommendations **RECOMMENDATIONS**

No. 164 **3501 SAANICH ROAD – DEVELOPMENT PERMIT – DAVID AND**
Saanich Road **JONATHAN VENTURES LTD.**

Development **Moved by Councillor Gillespie and Seconded by Councillor Brownoff:**
Permit **“That Council approve and issue Development Variance Permit**
DVP2008-00008 on Lot 1, Section 7, Victoria District, Plan VIP80801
(3501 Saanich Road).”

CARRIED

In Camera Motion **MOVED by Councillor Brice and Seconded by Councillor Brownoff:**
“That the following meeting be closed to the public as the subject
matter being discussed relates to the potential acquisition of lands
and/or improvements, to litigation affecting the District, and to the
provision of advice that is subject to solicitor-client privilege.”

CARRIED

Adjournment On a motion from Councillor Gillespie, the meeting adjourned at 8:40 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD JUNE 16, 2008.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That Council approve the following recommendation as outlined in the June 10, 2008 report of the Director of Parks and Recreation:

- 1 a) Should the original gymnasium remain, the District of Saanich will negotiate an agreement with School District No. 63 (Saanich) based on the following:**
 - i) The District of Saanich will assume overall responsibility for all costs of capital improvements to allow the original gymnasium to be an ongoing community facility including exterior walls, washroom facilities, building services, sewer and storm drainage, seismic upgrading, building code improvements, road and parking improvements, fees and taxes;***
 - ii) The District of Saanich agrees to ensure that the new parking facilities and road works will be in accordance with current Saanich bylaws and in agreement with the school district that these services do not impair school needs during school days or evenings;***
 - iii) The District of Saanich will assume overall responsibility for the costs of the building operation, requirements for life safety and property and liability insurance;***
 - iv) The District of Saanich will assume overall responsibility for the operation of the original gymnasium as a community facility with school access during school hours to be in accordance with the current joint use agreement;***

- v) *The District of Saanich will assume overall responsibility to ensure that the original gymnasium building is maintained at an appropriate level to be a good neighbour to a middle school and surrounding neighbours;*
 - vi) *The District of Saanich waives any development cost charges resulting from the retention of the original gymnasium; and*
 - vii) *The Agreement shall permit the District of Saanich to assign its rights and obligations under the Agreement to another organization and the School District understands that the District of Saanich will not enter into an agreement until it has secured a Sub-Agreement with another organization to carry out the District of Saanich obligations.*
- b) Further to (vii), confirmation of funding sources for the project by the Society will be required prior to agreement negotiations. It is anticipated that funding confirmation will be determined by December 2008.
 - c) The agreement will also recognize that the School District forgoes compensation for the encumbrance of the School District property in exchange for school daytime access to the gym in accordance with the current joint use agreement.
 - d) Saanich will also work with the School District to process its subdivision application with required approvals prior to a final decision on the original gymnasium. The application is scheduled for Council's consideration June 24 2008.
2. The District of Saanich requires the Saanich West Community Centre Society to provide documentation showing legally enforceable commitments for non-repayable grants and donations for at least \$2,184,000. Should the Society dispute the funding goal, they must secure a design consultant to complete a project design with enough detail for a quantity survey to be completed. The design will require approval of the District of Saanich and the School District. Saanich will consider amending the funding goal based on the outcome of the quantity survey. The Society must demonstrate funding commitments by December 2008. Upon confirmation of secured funding, the District of Saanich will negotiate an agreement with the Society for the reconstruction and operation for the original gymnasium at Royal Oak Middle School.

CARRIED

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, JUNE 16, 2008 AT 7:41 P.M.

Present: **Chair:** Councillor Hunter
Council: Mayor Leonard and Councillors Brice, Brownoff, Derman, Gillespie, Sanders and Wergeland
Staff: Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning; Carrie MacPhee, Manager of Legislative Services; Von Bishop, Manager, Development & Municipal Facilities; Donna Dupas, Deputy Manager of Legislative Services; and Shirley Leggett, Senior Committee Clerk.

Saanich Road
 Development
 Variance Permit

3501 SAANICH ROAD – DEVELOPMENT VARIANCE PERMIT – DAVID AND JONATHAN VENTURES LTD.

Report of the Director of Planning dated May 26, 2008 recommending approval of Development Variance Permit DVP2008-00008, rezoning of the area identified as proposed Lot “B” on the plan of subdivision of Plan VIP80801 from C-2 to C-4, and Development Permit Amendments DPA2008-00024 and DPA2008-00025.

MOTION: **Moved by Councillor Derman and Seconded by Councillor Gillespie: “That:**

1. **It be recommended that Council approve and issue Development Variance Permit DVP2008-00008 on Lot 1, Section 7, Victoria District, Plan VIP80801 (3501 Saanich Road); and**
2. **A Public Hearing be called to consider the rezoning and Development Permit amendments.”**

CARRIED

Queenswood Drive
 Subdivision,
 Development
 Variance Permit and
 Sewer Service
 Extension

2685 QUEENSWOOD DRIVE – SUBDIVISION, DEVELOPMENT VARIANCE PERMIT AND SEWER SERVICE AREA EXTENSION – D’ARCY BOULTON

Report of the Director of Planning dated May 27, 2008 recommending proposed Lot 1 be exempted from the statutory requirement to provide a minimum 10 percent perimeter road frontage under Section 944(2) of the *Local Government Act*, that Development Variance Permit DVP2007-00007 be approved, and that the property be included in the Sewer Service Area providing the owner agrees to bear the full cost of extending the infrastructure required to service the proposed lots.

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

- The standard practice for posting subdivision signage is to post it where the property fronts; in this case the property fronts on Robin Street.
- The applicant submitted a tree plan; the proposed variance is justified by the attempt to reduce the impact on significant trees.

Mr. D. Boulton, applicant, 2685 Queenswood Drive, stated:

- The proposal is to subdivide and create one additional panhandle lot; he is proposing to dedicate a portion of the subject property to a natural state covenant which will connect to the covenanted area on the adjacent parcel at 2683 Queenswood Drive.
- He has spoken with the Cadboro Bay Residents’ Association regarding the proposal and they are supportive of it.
- The subject parcel is 1.5 acres in size and the topography of the

property is suitable for a one lot subdivision; the proposal is in keeping with the Local Area Plan.

- He has an agreement with his neighbour at 2670 MacDonald Drive East for a right-of-way to facilitate the installation of the sanitary sewer system for the proposed development.
- He and his wife wish to remain in the area and once the construction of the new house across the street from them has been completed they will decide which one of the proposed lots they will retain for themselves; their five year plan is to remain in the existing cottage.
- Robin Street is a beautiful narrow lane and he hopes that there will be some way to retain the country feel to it by not doing any unnecessary upgrades to it; the residents want to keep the road as quiet and private as possible.
- In February 2007 he took out a permit to remove trees in order to accommodate a new driveway and the trees that will be impacted are indicated on the permit; five trees have already been removed.

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

- In order to install the sewer system and minimize any impacts to the existing trees, it is likely that an arborist will need to be on site once the work commences.
- Eventually the existing cottage and driveway will be removed; they intend to fence the front portion of the property so there will be one shared driveway to access both proposed lots; it is their intention to construct a new driveway even if their subdivision application is not approved.
- He would like to work with staff to create some ponds and a bog, and maintain some of the stormwater on site to reuse it; he is aware of drainage issues downstream from his property and he has spoken to the Engineering Department on how to deal with it.

Mr. E. Barker, 2658 MacDonald Drive East, stated:

- He and his wife have been residents of the area for the past 27 years; they are not opposed to the proposed subdivision, however, they are concerned with stormwater runoff from the site.
- Any drainage water from the subject property is supposed to end up in the drainage course adjacent to their property; however, the drainage course is under pressure and heavily loaded; their lot is in a low area and when there are heavy rains, runoff water flows across their property to MacDonald Drive.
- They support any runoff water from the subject property going into an underground pipe and not into a ditch.

Ms. I. Stewart, president, Cadboro Bay Residents' Association, stated:

- The applicants made a presentation to the Association about two years ago with a previous president; however, this is the first time she has seen the proposed subdivision proposal.
- The proposal falls within the Local Area Plan and the Association supported it in principle at the time, however, there are still some concerns with drainage.
- The Association also has some concerns with other subdivision proposals in the area and the number of trees that may be impacted.

Mr. M. Faulkner, 2695 Queenswood Drive, stated:

- He and his wife purchased their property which abuts Robin Street in 1995 because of the ambience and relative privacy of the area.
- Their property will be impacted by the proposed subdivision especially if Robin Street is widened with a shoulder and turnaround area; these improvements are required just to service the two proposed lots and possibly the other lot owned by the applicants on Queenswood Drive.
- They are also concerned with the additional traffic that will go past their house to access the proposed new lots, and with the loss of some of the existing trees and shrubbery that affords them their privacy.
- He would like to know why the road improvements will be done by a private contractor and not by Saanich; he is concerned that tree roots will be impacted.

The Manager of Development and Municipal Facilities, stated:

- The proposed road works will be constructed by the applicant's contractor; the design of the road is the bare minimum required under the Building Code where access to a building is six metres wide with four metres of asphalt and one meter of gravel on either side.
- The road design was done in consultation with environmental staff and is meant to meander in the road allowance to avoid as many trees as possible and to create a couple of areas where vehicles can safely pass each other; the proposed turnaround area is not a full circle but a hammerhead turnaround.

Ms. M. Matson-Moore, 2620 Queenswood Drive, stated:

- She would like to see the rural atmosphere of the neighbourhood preserved; she is concerned that widening Robin Street will impact the ambience.

In response to questions from Council, the Manager of Development and Municipal Facilities, stated:

- There is no storm sewer on MacDonald Drive; the applicant will be required to construct an enclosed storm drain system designed to carry all of the runoff from his property through to the property at 2670 MacDonald Drive East, along MacDonald Drive, and then through a right-of-way to an existing sewer on Sequoia Place; there will also be a requirement for on-site detention as part of the servicing requirements.
- The onus is on the applicant to prove to Saanich that the manner in which he intends to manage stormwater detention and disposal will meet the engineering servicing requirements.

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

- He had a meeting with engineering staff last week and it may be possible to manage the stormwater using other methods such as creating some ponds and a bog, and perhaps siphoning some of the runoff from the subject property down Robin Street.
- It would be more environmentally friendly to retain Robin Street as a gravel road as it would aid in stormwater infiltration.
- He does not want to spend \$20,000 on a study to determine alternative methods to deal with stormwater if Saanich has already

decided that it should be enclosed.

- He will have an arborist on site if there is going to be issues with existing trees once the road works commence.

Councillor Brice stated:

- She believes the applicant is sincere about wanting to accomplish a development that will be good for the neighbourhood.
- Given the fact that applicant has no immediate plans to proceed with the proposal, she feels that it is premature at this time to approve the application.
- The applicant should meet further with the community and provide a detailed written plan so that Council can consider the proposal with a greater sense of confidence particularly with regard to stormwater detention and the country lane ambience.

Councillor Wergeland stated:

- Issues pertaining to stormwater management, tree retention, road width, etc. are all issues that staff will deal with and determine if they meet Saanich's criteria.
- He is not sure that postponing consideration of the application will be beneficial.

Mayor Leonard stated:

- He agrees that further consideration of the application should be postponed; the applicant needs to outline in writing exactly what he is proposing so that Council knows what they are considering.
- Because Robin Street extends to the rear of 2680 MacDonald Road East, it becomes a legal right-of-way subject to servicing requirements.
- He thinks the applicant should have a written agreement with the owners of 2680 MacDonald Road East stating that they, and all people who have access to the right-of-way, would be agreeable to having a less than standard road access for the time being.
- He would like staff to pursue the idea of the applicant being required to provide a bond that would pay for future upgrades to the road if required.

MOTION:

Moved by Mayor Leonard and Seconded by Councillor Brice: "That consideration of the subdivision, Development Variance Permit, and Sewer Service Area extension application for 2685 Queenswood Drive be postponed, and the applicant be requested to provide detailed information on tree retention, stormwater management, and road improvements and access."

Councillor Brownoff stated:

- She has a lot of concerns with the proposed development; the proposal requires a 10 percent road frontage waiver to provide access to the proposed additional lot.
- In order to achieve the subdivision an underground storm drain has to be created; there are impacts to existing trees, blasting will be required, and the applicant intends to remove the existing driveway and cottage and construct a new dwelling at a later date.
- She will support postponing further consideration of the application

even though she does not support the 10 percent waiver; the applicant needs to provide more details on the proposal before she will support it.

Councillor Derman stated:

- He supports postponing further consideration of the application.
- We should be looking for opportunities for infiltration of stormwater; the present way of handling stormwater is destructive to the receiving environment and to any watercourses that stormwater gets funneled into; it is not a natural system and it needs to be changed.
- It does not make sense to put a hard surface on Robin Street when there is an opportunity to use it for stormwater infiltration.
- Council needs to examine the entire Queenswood area; it is a unique area and we need to determine what we expect to happen there in the future in terms of development.

Councillor Sanders stated:

- She will support postponing consideration of the application but she would be more comfortable with not approving it.
- She thinks the proposal is premature, poorly prepared, and not in context with the neighbourhood; the notification process was inadequate as the location of the signage was not obvious; the Community Association has had very little communication with the applicants.
- We need to take into consideration how important our urban forests are with respect to climate change.
- She will not support the proposed development until a detailed plan comes forward; Council needs to see a tree retention plan and details on stormwater management.
- There is also the possibility that the other lot on Queenswood Drive that is owned by the applicants could be accessed by Robin Street and that needs to be taken into consideration as well.

The Motion was then PUT and CARRIED

Adjournment

On a motion from Mayor Leonard, the meeting adjourned at 8:40 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK