

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, FEBRUARY 2, 2009 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Brownoff, Derman, Gerrard, Hunter, Murdock, Sanders, and Wergeland
Staff: Tim Wood, Administrator; Colin Doyle, Director of Engineering; Carrie MacPhee, Manager of Legislative Services; Anne Topp, Manager of Community Planning; and Shirley Leggett, Senior Committee Clerk

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brownoff and Seconded by Councillor Gerrard: "That the Minutes of the Council and the Committee of the Whole Meetings held January 26, 2009, be adopted."

CARRIED

BYLAWS

ADM40
Bylaw 8973

ANIMALS BYLAW – HOUSEKEEPING AMENDMENT

Final Reading of the "Animals Bylaw, 2004, Amendment Bylaw, 2009, No. 8973". To amend the definitions of "Aggressive Dog", "Dangerous Dog" and "Domestic Animal" and amend Section 10.

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 8973 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

ADM90
Council Meetings

FEBRUARY 9, 2009 COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS

Memorandum from the Manager of Legislative Services dated February 2, 2009 requesting Council cancel the February 9, 2009 Council and Committee of the Whole Meetings as the items originally scheduled have been delayed at the request of the applicants.

MOVED by Councillor Derman and Seconded by Councillor Hunter: "That the February 9, 2009 Council and Committee of the Whole Meetings be cancelled."

CARRIED

Adjournment On a motion from Councillor Sanders, the meeting adjourned at 7:32 p.m.
The meeting reconvened at 8:38 p.m.

Recommendations **RECOMMENDATIONS**

From the Committee of the Whole Meeting held February 2, 2009

Mayor Leonard declared, pursuant to Section 85 of the Council Procedure Bylaw, that he is an Instructor at the University of Victoria, and therefore will not be taking part in the discussion of the development variance permit. Mayor Leonard then left the meeting at 8:38 p.m. Councillor Wergeland assumed the Chair.

Finnerty Road
Development
Variance Permit
Amendment

**3800 FINNERTY ROAD (UNIVERSITY OF VICTORIA) – DEVELOPMENT
VARIANCE PERMIT AMENDMENT – CEI ARCHITECTURE PLANNING
INTERIORS**

**MOVED by Councillor Gerrard and Seconded by Councillor Brownoff:
“That Council rescind Development Variance Permit No. DVP2007-
00005 on Lot 1, Sections 31, 44, 45, 71 and 72, Victoria District, Plan
VIP57957 (3800 Finnerty Road).”**

CARRIED

**MOVED by Councillor Gerrard and Seconded by Councillor Brownoff:
That Council approve and issue Development Variance Permit No.
DVP2008-00019 on Lot 1, Sections 31, 44, 45, 71 and 72, Victoria
District, Plan VIP57957 (3800 Finnerty Road).”**

CARRIED

Mayor Leonard returned to the meeting at 8:39 p.m.

In Camera Motion

**MOVED by Councillor Sanders and Seconded by Councillor Brice:
“That the following meeting be closed to the public as the subject
matter being discussed relates to the proposed acquisition of land
and/or improvements, and to labour relations.”**

CARRIED

Adjournment

On a motion from Councillor Brownoff, 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 FEBRUARY 2, 2009

MEMORANDUM OF SETTLEMENT, IAFF LOCAL 967, COLLECTIVE AGREEMENT

"That Council approve the Memorandum of Settlement between the International Association of Fire Fighters, Local 967 and the District of Saanich dated Tuesday, January 27, 2009, and enter into a new collective agreement for the period January 1, 2007 to December 31, 2009."

CARRIED

generated by the proposed dwelling at 955 Portage Road; in order to deal with any stormwater runoff from the adjacent property at 961 Portage Road it would likely need its own separate system.

- The ivy will be removed from both properties.

Ms. M. Alford, 965 Portage Road, stated:

- She is concerned with the proposed location of the driveway access to the garage and would like to know how wide the driveway will be.
- She is also concerned about the health and integrity of the existing Fir trees at the bottom of 961 Portage Road and would like some assurance that due care will be taken to preserve them.
- There will likely be heavy trucks and machinery using the proposed driveway access during the construction of the new dwelling which could impact the root zones of the existing trees.

Mr. G. Blogg, president, P.I.S.C.E.S., stated:

- The executive has reviewed and supports the proposal and asks that the landscape maintenance concept plan be included as part of the applicant's development permit plan.
- They have some concerns with the rationale to locate a portion of the driveway access on the adjacent 961 Portage Road which will result in the loss of trees in order to accommodate the driveway; they request the applicant reconsider the location of the driveway.

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

- He is concerned with the impacts to Saanich's urban forest as it aids in the reduction of greenhouse gases.
- Instead of securing an easement for the 25 metre wide strip of land adjacent to the Colquitz River this would be an opportune time for Saanich to acquire it and add it to the P-4 Parkland which is adjacent.

Ms. K. Fisher, 906 Arundel Drive, stated:

- She is opposed to the proposed maintenance area which will extend up to five metres into the 25 metre setback adjacent to the inlet; the Gorge is an important waterway and listed as one of Saanich's environmentally significant areas; the Portage Road Development Permit Area Guidelines are in place to protect the habitat.
- The rationale for the maintenance area is to discourage non-native species from encroaching into the proposed lawn area and act as a buffer; although there are a lot of non-native invasive species in the buffer area there are also a number of mature Dogwood shrubs, large ferns, and salal.
- She would like to know what kind of native vegetation the applicant proposes to plant along the buffer zone.

In response to questions and comments, Mr. Sutherland stated:

- The proposed driveway access will be three metres wide; the topography of the property at 955 Portage Road slopes toward a rock bluff and then drops steeply down to the proposed building site.
- The rationale for locating a portion of the driveway on the adjacent property at 961 Portage Road is to skirt the bluff; this will also avoid the removal of about 12 trees on 955 Portage Road that are in very good condition.

- In order to create a driveway entirely on 955 Portage Road, the slope of the land would be much steeper than is allowed by code, and would involve a significant amount of blasting which would likely impact the neighbouring trees; the arborist suggested the proposed location of the driveway.
- A graded switchback to accommodate the proposed driveway entirely on 955 Portage Road was investigated; however it would still involve significant excavation to achieve the needed gradient.
- The intent of the maintenance area is to act as a recovery area as it has already been disturbed by the excavation for the sewer installation.
- There should not be any need for heavy vehicles or machinery to use the proposed driveway as they will be able access the proposed building site via the existing trail that was used for the construction of the sewer line.
- The proposed list of native species was submitted to the Planning Department and will form part of the development permit.
- He will plant additional trees to replace some of the trees that will be removed; he will also undertake the enhancements that will minimize future impacts and address the Guidelines as outlined in the Planner's report.

Councillor Gerrard stated:

- The driveway easement over 961 Portage Road is possible because the applicant owns that property as well as the subject property, however the applicant could sell it and a prospective purchaser may want the driveway easement removed; there is no documentation to back up the applicant's claim that he cannot reposition the location of the proposed driveway.
- He would like to see further consideration of the application postponed so that there can be more discussion.

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

- The proposed driveway access will be located entirely on private property which means the Engineering Department would not normally be involved; the applicant is required to ensure the driveway grades adhere to the Engineering Standards which is 15 percent.

Councillor Derman stated:

- He has some concerns with the proposed maintenance area; the Guidelines are meant to maximize the retention or re-establishment of natural vegetation and he does not feel that a lawn fits that criteria; he would like the applicant to consider restoring the area using more natural vegetation.

Councillor Sanders stated:

- The subject property is very large and there are several locations where a new dwelling could be constructed.
- She is concerned that a portion of the proposed driveway will be located on the adjacent property; she would like to see an Engineering report that outlines other suitable locations for the new house and driveway.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Gerrard: “That consideration of the Development Permit application for 955 Portage Road be postponed, and the applicant be requested to reconsider the location of the driveway and the vegetation proposed for the maintenance area.”

Councillor Wergeland stated:

- Relocating a portion of the proposed driveway onto the adjacent property will impact fewer existing trees.
- He appreciates the planning that has gone into the preservation of the existing trees and vegetation, and the expense involved to remove the invasive species and replant new trees.
- He has difficulty supporting the motion to postpone the application.

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

Mayor Leonard declared, pursuant to Section 85 of the Council Procedure Bylaw, that he is an Instructor at the University of Victoria and therefore will not be taking part in the discussion of the development variance permit. Mayor Leonard then left the meeting at 8:12 p.m.

Finnerty Road
Development
Variance Permit
Amendment

3800 FINNERTY ROAD (UNIVERSITY OF VICTORIA) – DEVELOPMENT VARIANCE PERMIT AMENDMENT – CEI ARCHITECTURE PLANNING INTERIORS

Report of the Director of Planning dated January 16, 2009 recommending Development Variance Permits DVP2007-00005 be rescinded and DVP2008-00019 be approved.

Mr. J. Alders, CEI Architecture Planning Interiors, applicant, stated:

- In 2007 the University of Victoria was granted a Development Variance Permit to allow for the construction of the Support Services Building with a building height of 10.9 metres.
- As a result of a post construction survey of the building, the portion of the wood canopy that allows sunlight into the interior gallery is .59 metres higher than was approved by Council; the remainder of the roof is below the permitted Zoning Bylaw height.

MOTION: MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That it be recommended that Council rescind Development Variance Permit No. DVP2007-00005 on Lot 1, Sections 31, 44, 45, 71 and 72, Victoria District, Plan VIP57957 (3800 Finnerty Road).”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: That it be recommended that Council approve and issue Development Variance Permit No. DVP2008-00019 on Lot 1, Sections 31, 44, 45, 71 and 72, Victoria District, Plan VIP57957 (3800 Finnerty Road).”

Councillor Brice stated:

- She will reluctantly support the Development Variance Permit Amendment application as it only pertains to a small portion of the canopy and will not impact any adjacent residents.

Councillor Derman stated:

- The subject building is in the middle of the University campus and there are other higher buildings around it.

Councillor Murdock stated:

- He agrees that there are other taller buildings on campus and that no adjacent residents will be impacted; when Council approves a development permit they expect that the construction will conform to the grounds on which the permit was issued.

Councillor Brownoff stated:

- She supports the application; it is only the canopy which permits light into the foyer that is over height and there are other higher buildings around the subject building.

Councillor Wergeland stated:

- He supports the amended Development Variance Permit.

The Motion was then PUT and CARRIED

 Mayor Leonard returned to the meeting at 8:17 p.m.

PLD55
 Local Area Plan
 Amendment

LOCAL AREA PLAN AMENDMENT TO DESIGNATE NEW LOCAL CONNECTOR BIKE ROUTES

Report of the Director of Planning dated January 20, 2009 recommending the Local Bike Connector Routes described be endorsed and the Local Area Plan Maps identified be amended; and that the north-south local connector paralleling Pat Bay Highway be named "Douglas Trail" for identification and sign purposes.

The Manager of Community Planning stated:

- There was an error in the Planning report and the north-south local connector paralleling Pat Bay Highway should actually be named "Douglas Connector" and not "Douglas Trail".
- There have been several discussions with regard to the various connector routes through the Bicycle and Pedestrian Mobility Advisory Committee.

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

- He questions why the route shown on Map 10.3 – Bicycle Facilities in the Planner's report is different from the route that Council approved at a Public Hearing in 2005.
- He also questions why the Planner's report indicates that identifying and designating local connector routes in Local Area Plans is the first step in obtaining funding, when Saanich's website indicates that Saanich does not put any funding towards connector routes; the Public Hearing would also be an opportune time to update other

aspects of the Local Area Plan.

- Some of the routes are quite rigorous and hilly and not mapped out in a linear fashion.

MOTION:

MOVED by Councillor Brownoff and Seconded by Councillor Murdock: “That a Public Hearing be called to further consider endorsing the Local Bike Connector Routes and incorporating them into the Local Area Plans, as outlined in the January 20, 2009 report of the Director of Planning.”

Councillor Brownoff stated:

- Some members on the Bicycle and Pedestrian Mobility Advisory Committee actually went out and rode the proposed routes in order to figure out which routes would be the least onerous.
- Local connectors are usually designed within existing infrastructure; in this case there are portions of the connector routes that had to be negotiated with the Ministry of Transportation.
- This is a great opportunity to formalize the proposed local connectors which create cycling environments for the average person to explore Saanich.

Councillor Derman stated:

- He is happy to support forwarding the proposed amendments to a Public Hearing; any changes to improve cycling are beneficial.
- He agrees that some of the proposed routes are not particularly suitable for cycling because of the changes in elevation; it would be helpful to have a map that shows contours and then design cycling routes based on those contours.

Councillor Murdock stated:

- He supports forwarding the amendments to a Public Hearing.
- This is an opportunity to move towards identifying all of our major cycling routes through Saanich’s Geographic Information System (GIS) system and website; perhaps published materials could also be distributed through venues such as Bike to Work Week.

Councillor Sanders stated:

- She congratulates the Bicycle and Pedestrian Mobility Advisory Committee for all of their work and supports the proposed amendments proceeding to a Public Hearing.
- She would like to see some signage that makes people aware of the location of the cycling routes throughout the Municipality.

The Motion was then PUT and CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 8:37 p.m.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK