

MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MAY 25, 2009 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brice, Derman, Gerrard, Hunter, Murdock, Sanders, and Wergeland
Staff: Tim Wood, Municipal Administrator; Colin Doyle, Director of Engineering; Anne Topp, Manager of Planning Services; Donna Dupas, Deputy Manager, Legislative Services; and Isobel Hoffmann, Senior Committee Clerk

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brice and Seconded by Councillor Wergeland:
“That the Minutes of the Council and the Committee of the Whole Meetings held May 11, 2009, the Special Council Meeting held May 11, 2009, be adopted.”

CARRIED

BYLAWS

PLD55
Bylaw 8987

4595 ELK LAKE DRIVE

Final Reading of the “Official Community Plan Bylaw, 2008, Amendment Bylaw 2009, No. 8987”. To amend the Royal Oak Local Area Plan to designate the remainder of the property for institutional use.

MOVED by Councillor Hunter and Seconded by Councillor Gerrard:
“That Bylaw No. 8987 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

Elk Lake Drive
Bylaw 8988

4595 ELK LAKE DRIVE

Final Reading of the “Zoning Bylaw, 2003, Amendment Bylaw 2009, No. 8988”. Rezoning from P-1 and RS-10 to P-2 for a firefighter training and practice facility.

MOVED by Councillor Derman and Seconded by Councillor Gerrard:
“That Bylaw No. 8988 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

PLD 55
Bylaw 8990

OFFICIAL COMMUNITY PLAN BYLAW – LOCAL AREA PLAN AMENDMENTS TO DESIGNATE NEW LOCAL CONNECTOR BIKE ROUTES

First Reading of the “Official Community Plan Bylaw, 2008, Amendment Bylaw 2009, No. 8990”. To amend various Local Area Plans to designate two new local connector bike routes.

MOVED by Councillor Derman and Seconded by Councillor Sanders:
“That Bylaw No. 8990 be introduced and read.”

CARRIED

RESOLUTIONS FOR ADOPTIONPQS100

Tender 04/09

TENDER 04/09 – SHELBOURNE STREET AND KNIGHT AVENUE SANITARY SEWER RELINING

Report of the Director of Finance dated May 11, 2009 recommending Tender 04/09 for the Shelbourne Street and Knight Avenue sanitary sewer relining be awarded to Mar-Tech Underground Services Ltd. in the amount of \$224,309.61.

MOVED by Councillor Brice and Seconded by Councillor Sanders:
“That Tender 04/09 for the Shelbourne Street and Knight Avenue sanitary sewer relining be awarded to Mar-Tech Underground Services Ltd. in the amount of \$224,309.61.

CARRIEDPRO 00Records Mgt.
Contract**FIRE RECORDS MANAGEMENT SERVICES CONTRACT**

Report of the Fire Chief dated May 15, 2009 recommending the proposed contract with E-Comm British Columbia for Fire Records Management be approved.

MOVED by Councillor Brice and Seconded by Councillor Murdock:
“That Council approve the proposed contract with E-Comm British Columbia for Fire Records Management Services as outlined in the report of the Fire Chief dated May 15, 2009.”

CARRIEDADM 115 (CRD)Traffic Safety
Commission
Bylaw No. 3614**CAPITAL REGIONAL DISTRICT TRAFFIC SAFETY COMMISSION – PROPOSED INCLUSION OF THE TOWN OF VIEW ROYAL AS A PARTICIPANT**

Letter from the Capital Regional District dated May 14, 2009 requesting Council give consent to the CRD adopting Bylaw 3614, “Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 3, 2009.”

MOVED by Councillor Wergeland and Seconded by Councillor Derman:
“That Council give consent to the CRD adopting Bylaw 3614 “Traffic Safety Commission Establishment Bylaw No. 1, 1990, Amendment Bylaw No. 3, 2009”.

CARRIED

Adjournment

On a motion from Councillor Brice, the meeting adjourned at 7:33 p.m.

The meeting reconvened at 10:06 pm

RECOMMENDATIONS

From the Committee of the Whole Meeting held May 25, 2009

San Raphael Cres.
Antenna
Application

1945 SAN RAFAEL CRESCENT – ANTENNA APPLICATION – KEN JONES

MOVED by Councillor Gerrard and Seconded by Councillor Murdock: “That Council rescind the March 23, 2009 motion to support the antenna application and that Industry Canada be advised that Council does not support the antenna application for 1945 San Rafael Crescent.”

**CARRIED,
with Mayor Leonard and Councillor Hunter voting against.**

MOVED by Councillor Derman and Seconded by Councillor Gerrard: “That a letter be sent to Industry Canada enclosing all minutes, correspondence and reports regarding the proposed antenna application at 1945 San Rafael Crescent and requesting that should Industry Canada approve the application, that consideration be given to the enclosed material in terms of the requirements for antenna design, siting and aesthetics.”

CARRIED

Jasmine Avenue
Removal from
Heritage Register

MOVED by Councillor Hunter and Seconded by Councillor Brice: “That the Saanich Heritage Register be amended to delete the dwelling at 811 Jasmine Avenue; that the owner be encouraged to investigate the possibility of a professional building mover purchasing the dwelling and moving it to another location or to request that materials and features of the building be salvaged for re-use or sale; and finally, prior to removal of the structure, the applicant provide exterior photographs of the dwelling to the Saanich Heritage Foundation for submission to the Saanich Archives.”

CARRIED

MOTION:

MOVED by Councillor Murdock and Seconded by Councillor Derman: “That the following meeting be closed to the public as the subject matter being discussed relates to personal information about an identifiable individual being considered for appointment.”

CARRIED

Adjournment

On a motion from Councillor Sanders, the meeting adjourned at 10:07 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

- He asked Council turn down the application.

Mr. P. Richardson, 520 Marsett Place, stated:

- As a physician specializing in radiation aspects of health, he has been asked to speak as an expert witness in this matter.
- He provided detailed statistics about the differences in energy levels between cell phones and radio antenna towers.
- He confirmed there is far less effect from an antenna than a cell phone and there are no safety aspects from the radio waves on towers.

Mr. S. Shopa, 4112 Longview Drive, stated:

- A cell tower was installed about 10 years ago on San Pedro which has caused much interference with phone lines, televisions, etc.

Mr. B. Hintz, 1910 San Rafael Crescent, stated:

- He lives three houses away and although he is aware there are no health risks, he doesn't want to look at a large tower.

Ms. D. Cook, 1949 San Rafael Crescent, stated:

- She enjoys spending time outside in her garden and on the deck and the proposed tower will completely dominate this space.
- She understands there are no health issues, but the fact remains it is an ugly, huge, industrial structure that she doesn't want to look at.
- She asked respectfully that Council reject the application.

Mr. R. Neno, 6583 Felderhof Road, Sooke, representing the Capital Region Emergency Radio Coordinators Committee, distributed a specification sheet and stated:

- The antenna mast weighs about 35 lbs and can withstand winds of up to 153 km/h.
- He has searched the internet and found there have been no damages incurred from antennas.
- If they were considered dangerous, insurance companies would ask for a rider to cover damages, but they have never asked.
- It is entirely possible to lose all communications through cell phones, land lines, radio towers, etc.
- A major earthquake could take out the fiber optic power lines from the mainland; we would need ham radio operators to contact Kamloops or other places if repeater based communications systems fail.
- He knows this is a hard decision for Council, but people have to get past the "NIMBY" attitude and recognize the antennas are necessary.
- In response to a question from Council, he estimated there were about 200+ operators and about 16 different groups in the Capital Region. The operators are not necessarily active in emergency response programmes.
- He is not sure how many towers are in the region.

Ms. J. Gaylord read a letter in opposition from Mr. W. Walsh, 4120 San Capri Terrace, noting the following:

- Large installations of this kind impose significant visual, aesthetic and property value loss on the neighbours.
- There are no meaningful neighbourhood or community benefits to compensate for these costs.
- Ham radio operators are hobbyists and while people should be able

to pursue their hobbies, they should not impose unacceptable costs on others.

- Industrial-sized ham radio installations are unacceptable in residential neighbourhoods.
- He hoped Council will take the lead in opposing this installation as at the Municipal level it is paramount that decisions reflect the needs of neighbourhoods.

Ms. J. Gaylord, 1692 Carnegie Crescent, stated:

- How many antennas do we need, particularly in one area?
- We already have an eyesore on San Pedro, which may or may not be used any more, but it is only 100 m from this proposed site.
- She questioned if such a large structure is necessary and whether there were smaller antennas that could be installed on a roof which would still be effective.
- She understands Council can only make recommendations and that Industry Canada has the jurisdiction, and this is outrageous.
- Things will not change unless municipalities send a strong message to oppose such installations – and she urged Council to do this.

Ms. J. Cook, 1949 San Rafael Crescent, stated:

- She can hear one-way radio conversations through her speakers and the TV; there is definitely interference.
- She does not want a 50' tower in full view of the backyard; it will be very overbearing and unpleasant.

Ms. M. Hintz, 1910 San Rafael Crescent, stated:

- This area now has a peaceful environment away from the city and she asked Council to reconsider their earlier decision.
- She is not against ham radio volunteers but is it necessary to have so many?
- The towers should be installed in an industrial area, not a backyard.

Mr. B. Palin, 1953 San Rafael Crescent, stated:

- Over 80% of the immediate neighbours oppose the application.
- We are at the highest point in Gordon Head and he asked whether a smaller antenna could be used and still do the job.
- There are over 1,110 operators in the entire Greater Victoria region and yet it is unknown how many have this kind of high tower which will be extremely visible.
- He is concerned that other apparatus could be added to the tower.
- The devaluation of his property is his major concern.
- We have an emergency communications network and three towers within two miles of this site; do we really need another so close?

Mr. E. Gorse, 1758 Marathon Lane, Sooke, stated:

- He operates high range communications systems in Sooke and a data system for sending messages.
- There are lots of ham operators but he does not know how many have long range systems if we have to contact Kamloops.
- In response to questions from Council, he stated it is not just the number of towers in the Greater Victoria area, it is the people who operate them, and many operators are not involved in the emergency communications programme.

- If the provincial emergency centre is inoperable, then we have to contact Kamloops, and if we don't have the ability to do this, we will be in the dark.

Mr. D. Cook, 2862 Austin Avenue, stated:

- He works for Telus and confirmed they have backup communications equipment and generators, and plans in place for emergency situations.
- We also have other emergency communications options, such as the military forces.
- If we do not have a suitable system to talk to Kamloops in an emergency, it should be taken care of – but not by volunteers.
- Antennas are ugly and add nothing to the aesthetics of a neighbourhood.

Mr. D. Hudson, 3343 University Woods, stated:

- We don't have to have a major disaster to take down cell phone communications.
- BC Ambulance has a high frequency emergency communications system which could contact Kamloops, but in a major catastrophe this may not work.
- The Military would likely be busy with other things in an emergency.
- If we do not have a redundancy plan built in, we will be in trouble.
- He is a ham operator, helps with the emergency programmes and is proud of it.

Jim Laursen, Industry Canada, 430-1230 Government Street, stated:

- Ham operators have no choice in the location of the tower, it needs to be where the radio is, and the radio is in their homes.
- Not every operator has a tower and he does not know how many towers there are in Greater Victoria.
- Until about 10 years ago, there was no issue with towers or antennas.
- It has been questioned this evening how many towers are enough; Industry Canada would like to get as many as they can.
- The towers and antennas are not a health issue and interference is not a given.
- In his 25 years experience, it is a lack of shielding in the consumer electronic equipment that results in the interference.
- Mr. Jones talked to the neighbours and the municipality at the request of Industry Canada, although he didn't have to do this because the antenna is less than 15 m high and is on the exempt list.
- 15m is an international standard from coast to coast.
- With respect to land and house prices, all information he has found shows there is no effect on their value from the proximity of radio towers.

In answer to various questions from Councillors, he stated:

- There are some options in terms of colour and some screening can be done with trees.
- Many antennas were installed before they became a public issue and unfortunately Industry Canada has no database on existing installations.

Mr. Sherman, 2829 San Rafael Crescent, stated:

- He does not like to see these antennas in residential neighbourhoods.
- We have emergency services in BC and don't need any more towers.

Deputy Fire Chief Macdonald, Emergency Programme Coordinator, in response to questions from Council, stated:

- The Saanich Emergency Programme has about 20 active volunteer amateur radio operators on the communications team.
- None of the plans in place incorporate using civilian or residential infrastructure; any deployed volunteers would use our equipment in the Emergency Operations Centre.
- With respect to civilian infrastructure and equipment being used in the event of a cataclysmic incident, amateur operators may provide a dependable backup and be a good public link, but unfortunately we don't have accurate locations for the equipment.
- The only data base we have is for amateur radio operators who are members of the local government emergency programme, and they use our equipment in an emergency.
- There are many licensed hobbyists but they do not fit into local government infrastructure planning.
- The Saanich emergency programme has access to high frequency equipment through the provincial emergency programme and organized groups of radio operators.
- In this area during an emergency, whether or not the operators are acting on behalf of the emergency programme or not, they can still convey information to and from residents, or transmit information in general.

Councillor Hunter stated:

- Municipal government has a narrow set of responsibilities and limited ability in this case.
- Council can make recommendations to the federal government and can influence mitigating factors such as colour, siting and screening.
- He suggested we send all correspondence and minutes to Industry Canada for their information.

Councillor Derman stated:

- Everyone is aware the final decision does not rest with Council.
- He does not oppose amateur ham radio operators but does not support a recommendation of support to Industry Canada.
- He has not been convinced that these towers are a critical part of emergency planning.
- He is not aware of any amateur operators who have come forward to offer assistance to local community associations in the event of an emergency and he is sure this would be a welcome addition to establish neighbourhood communication networks.
- We have enough high frequency towers to contact Kamloops or further afield in an emergency and he doubts if Ottawa would want 65 different people calling them during an emergency.
- It is obvious the neighbourhood doesn't support it.
- Council should lobby the MPs and Industry Canada on this matter.
- He is concerned about the existing policies of Industry Canada, particularly if anyone can have a 15 m tower just by applying; we could be overrun with them – and that is unacceptable.

- It is time the federal government take note of the concerns regarding the towers and whether they are a necessary part of the emergency response programme.

MOTION

MOVED by Councillor Derman and Seconded by Councillor Murdock: "That it be recommended that Council rescind the March 23, 2009 Motion to support the antenna application, and that Industry Canada be advised that Council does not support the antenna application for 1945 San Rafael Crescent."

Mayor Leonard stated:

- He does not support the motion.
- Local governments may want to have input on these applications, but the federal government has jurisdiction over communications.
- If this responsibility is given to local governments you will have a patchwork communication system.
- Applications for towers 15 m or less are exempt and will be approved by Industry Canada, and yet Mr. Jones took it upon himself to consult with neighbours, staff and Council.
- He is grateful to Mr. Jones who volunteers for the emergency programme and it is unconstitutional if we do not let him have the necessary equipment.
- It would be constructive to send all reports, minutes and correspondence to Industry Canada for them to take into consideration when looking at design, siting and aesthetics.

Councillor Gerrard stated:

- He congratulated Mr. Jones because he did not have to consult with the neighbours.
- However, he noted there will be a 48' tower in a residential area with three 27' prongs, and an antenna on top of the tower.
- The area is very open and the tower will be a large impediment to the neighbourhood and the first thing you see.
- He is astonished there is no data base or known numbers of radio towers, equipment or operators.
- There would be no problem if Mr. Jones were living in a more remote area, but this is a residential neighbourhood.
- He agreed with sending a recommendation of non-support to Industry Canada.

Councillor Brice stated:

- Neither the original motion of support nor the present motion are suitable because we do not have a role in this decision.
- The motion should simply advise Industry Canada that Council has heard the neighbourhood's concerns.
- She did concur with sharing all information with Industry Canada.

- Considering the concerns of the neighbourhood and after hearing from the Emergency Programme Coordinator, she is now less inclined to believe that this type of equipment is an integral part of the emergency preparedness programme.

Councillor Murdock stated:

- He expressed his appreciation to the emergency programme volunteers and also to Mr. Jones for bringing this to Council and allowing his neighbours to express their concerns when he didn't have to.
- He would like to have known the minimum size of tower Mr. Jones would require to meet his immediate needs, but didn't receive an answer to this question.
- The Deputy Fire Chief provided some clarity but it seems these towers are not a necessary part of the emergency infrastructure.
- He finds it difficult to support such a massive structure in a residential neighbourhood.
- Industry Canada will approve the application regardless and so it is logical that Council's recommendation reflect the majority of the residents.
- We should pursue this matter with our local MPs.

Councillor Wergeland stated:

- He was pleased to have a representative from Industry Canada at the meeting to hear the concerns of the residents.
- Although it is important to consult with the neighbours, it was misleading in this case as the application was going to be approved.
- Amateur radio operators who volunteer are an important part of the emergency programme and yet there are many more operators out there and we have no idea who or where they are, or what equipment they have.
- We need to identify the number and location of operators and towers in some way so that in the event of an emergency they can help.

**The Motion was then Put and Carried,
With Mayor Leonard and Councillor Hunter voting against.**

MOTION

MOVED by Councillor Derman and Seconded by Councillor Murdock: "That it be recommended that a letter be sent to Industry Canada enclosing all minutes, correspondence and reports regarding the proposed antenna application at 1945 San Rafael Crescent requesting that should Industry Canada approve the application, consideration be given to the enclosed material in terms of the requirements for antenna design, siting and aesthetics."

CARRIED

Leyns Road Rezoning

4577 LEYNS ROAD (A PORTION) – REZONING APPLICATION – HANNY HILMY

Report of the Director of Planning dated April 28, 2009 recommending Council approve the rezoning from RS-16 to RS-14, Development Variance Permit DVP00266, and request to waive the 10 percent perimeter road frontage requirement for proposed Lot 2, and that a portion of the property be included in the Sewer Service Area providing the owner agrees to bear the full cost of extending the infrastructure required, and that additional environmental information be provided prior to the Public Hearing.

Mr. Hanny Hilmy, owner and applicant, stated:

- Since this application was before Council the first time, he has learned how important it is to get the neighbours involved and listen to

their concerns.

- This has been an uphill battle for him for the past two years.
- The Gordon Head Residents' Association helped to facilitate the process with the neighbours and as a result of some of the concerns the application has been modified.
- The upper floor has been eliminated and the square footage reduced.
- He is willing to put covenants on the property to restrict the height and limit the total size of the house to 3,600 sq.ft., and will implement a landscape plan and a natural state covenant to protect the environment.
- It is important to note this house will be built on the footprint of the original house.
- He has submitted an arborist's report to Saanich.
- He will adhere to the Built Green Programme.
- A water management consultant was hired to improve the stormwater management system.
- The proposal meets the requirements of the Gordon Head Local Area Plan.
- The Gordon Head Residents' Association has reviewed the application and concluded there will be no reason to object to the rezoning or subdivision of the property.
- He knows there are neighbours who are still opposed and some of the submissions submitted to Council are inaccurate.
- His proposal is not harmful to the street character: the current house, which is built closer to the ocean, is not seen from the street and the proposed one-storey house is only 16'1" in height.
- The closest house to the southeast is located 200' away.
- The house plans have been revised many times and the application before Council today has been a sincere effort to try to accommodate the neighbours.
- There is a ratio of 12:2 in support for the application.
- He has done everything he can to make the application reasonable and it is in keeping with all applicable municipal guidelines.

Mr. N. Banks, designer, 1173A Portage Road, stated:

- He has shared Mr. Hilmy's frustration over the past two years in trying to get neighbours engaged in the process when they don't want to participate.
- Throughout the process, his clients have been open and approachable, but have been met in some instances with complete silence.
- The proposal before Council today bears no resemblance to the previous one and is far below what the zoning allows.
- His clients are prepared to apply further restrictions and covenants and they have considered suggestions from staff, bringing in consultants where appropriate.
- The concerns related to the history of this site will not be repeated.
- We have considered form and character, height issues, built green and sustainable concepts, stormwater management, tree protection and mitigation plans.
- He requested Council send the application, which has the support of most of the neighbours and the Community Association, to Public Hearing.

Mr. R. Fernwood, 4603 Vantreight Drive, stated:

- He has lived in the area for four years and does not support the application.
- The main problem is the amount of damage that has been caused to the site.
- The first house was built with the purpose of subdividing the property.
- The lots in this area are about 120' wide and 600' deep with most homes set well back from the ocean.
- The first house was built much closer to the water and has destroyed the views for neighbouring homes.
- This area is part of the Gordon Head Greenway; trees provide protection to the Ferndale forest. If everyone removed trees from their property as the applicant has done, there would be no forest.
- The proposed house will tower over other homes because it will sit on a rock bluff.
- The blasting must have damaged tree roots. Some of the trees on his property are over 200 years old.
- He is willing to allow Saanich to covenant his property and the trees so they are maintained and preserved as is, with no subdivision.

Ms. V. Reintjes, 4571 Leyns Road, speaking on behalf of her father, stated:

- The comments from the Gordon Head Residents' Association should not be construed as approval because they did not speak for anyone on Leyns Road.
- The proposed home may only be 16' high but it will tower over the other homes because it is on a bluff; it will be 40' higher than her father's home.
- Section 4.1 of the Gordon Head Local Area Plan notes indigenous vegetation should be protected; she is concerned about past and future damage because blasting has long term effects.
- Half of the trees on the north side of the property have died.
- The original lot should have been considered as a single family lot when Mr. Hilmy first purchased it; it should not have been subdivided as it goes against the Local Area Plan.
- The fact that 60 trees were removed in the first place does nothing to help preserve a significant environmental area and we will have continued destruction with the new house.
- Her father also agrees to impose a covenant on his property to protect the Leyns Road properties.

- Three out of six property owners on Leyns Road strongly oppose the application and she asked Council to reject it.

Ms. R. Katz, 4589 Leyns Road, stated:

- She originally was not opposed to the application but now she feels she must be true to her conscience and withdraw her approval.
- She had not seen the application as she was in hospital when she originally gave her approval.
- She would like to continue to be friends with the Hilmys but this proposal is not good for the environment and she doesn't want another house in the area.

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

- The Gordon Head Local Area Plan does not protect land use when looking at the bigger picture; we are still creating car oriented developments and losing vegetation to construct driveways.
- Leyns Road will need to be widened to 5 m, which means loss of more vegetation and it will change the character of the road.

Mr. N. Walker, 3836 Pickham Place, stated:

- Although he doesn't live on Leyns Place, Mr. Hilmy's application seems very reasonable to him.
- The previous speaker made a point about auto intensive developments: he would have thought that building a home in Colwood would be that – not a home in Gordon Head.

Councillor Gerrard stated:

- He walked the site last week and saw the relationship of the new property with the adjacent neighbours.
- The applicant is to be applauded for dropping an entire storey off the house, and even though it is at the highest point of the property a single storey is the less intrusive of the options.
- The driveway location appears to be where the original driveway was, so there will be a limited number of trees removed.

MOTION:

MOVED by Councillor Gerrard and Seconded by Councillor Hunter: "That a Public Hearing be called to consider the rezoning application for a portion of the property at 4577 Leyns Road."

Mayor Leonard stated:

- This application is difficult because it is not just this current proposal, but the issues that preceded it, which seem to be carrying forward.
- However, it must be noted that the applicant got approval and a permit from Saanich to build the first house and he removed trees within the building envelope after getting a permit.
- He is still not convinced whether it is reasonable to create a second lot for another house, but the application is worthy of a Public Hearing.
- This Council and future Councils are not going to make land use decisions as punishment for someone who took out a permit; at some point a decision has to be made on the land use itself.

Councillor Derman stated:

- The previous house was built under permit and the driveway built to Saanich specifications.
- He agreed Council needs to consider this in terms of a land use decision.
- The applicant has made many concessions for the neighbours and included "green" provisions.
- Although this may not be an ideal place for more density he congratulated the applicant for including more sensitive treatments to the property.

Councillor Sanders stated:

- At the Public Hearing, she would appreciate seeing elevation plans showing the relationship of the proposed house to the adjacent

homes.

The Motion was then Put and CARRIED

Simon Road
Rezoning

1420 SIMON ROAD – REZONING APPLICATION – MATT PYE

Report of the Director of Planning dated May 1, 2009, recommending Council approve the rezoning from A-1 to RS-18, Development Variance Permit DVP00267 and request to waive the 10 percent perimeter road frontage requirement for proposed Lot 13.

Mr. M. Pye, 1554 San Juan Road, applicant, stated:

- The proposal to create two additional lots is consistent with the Braefoot Action Plan and existing densities in the neighbourhood.
- He and his family are not developers: they are just two Gordon Head families with several children, special needs adults and foster children who plan to move the existing house to the panhandle lot on the property, and live in this while they build a new home for each of the families, then sell the original house to recover costs.
- This plan makes it a financially viable project.
- After going door to door, the biggest concerns seem to be retention of the Garry oak trees and existing hedges on the west side and the impact of surface water.
- As part of the development, drainage will be improved and any runoff captured and the existing trees and hedges will be protected.
- Three homes can be built on the property while retaining the current environmental conditions.
- He has submitted a report from an arborist suggesting measures for protection of the trees.
- The families bought the property three months ago and at the time they submitted the original application they had not thought the process through thoroughly.
- Originally, the existing house was going to be demolished, but the house is well built and it is better financially and environmentally to retain it and put it on a new foundation.

In response to a question from Council, the Planner stated:

- The change in plans to retain rather than demolish the existing house will not change anything.
- Permits for building and for moving the house will have to be obtained.
- The existing trees are to the east of the property and the house can be moved back to proposed Lot 3.

In response to a question from Councillor Derman, the applicant stated:

- He will provide a sustainability statement for the development at the Public Hearing with respect to incorporating green features into the designs.
- He will also provide concept drawings of the proposed homes.

MOTION:

**MOVED by Mayor Leonard and Seconded by Councillor Wergeland:
“That a Public Hearing be called to consider rezoning the property
at 1420 Simon Road.”**

CARRIED

Jasmine Avenue
Removal from
Heritage Inventory

811 JASMINE AVENUE – REQUEST TO REMOVE HERITAGE INVENTORIED DWELLING FROM THE SAANICH HERITAGE REGISTER

Report of the Director of Planning dated May 4, 2009 making recommendations with respect to the removal of the dwelling from the Saanich Heritage Register.

Mr. T. Banh, applicant, 811 Jasmine Avenue, in response to questions from Council confirmed:

- He has met with the Saanich Heritage Foundation.
- He will try to find a salvage company to either move or deconstruct the house.
- Photos of the house will be taken before any deconstruction occurs.

MOTION:

MOVED by Councillor Wergeland and Seconded by Councillor Brice: “That the Saanich Heritage Register be amended to delete the dwelling at 811 Jasmine Avenue; that the owner be encouraged to investigate the possibility of a professional building mover purchasing the dwelling and moving it to another location or to request that materials and features of the building be salvaged for re-use or sale; and finally, prior to removal of the structure, the applicant provide exterior photographs of the dwelling to the Saanich Heritage Foundation for submission to the Saanich Archives.”

Councillor Sanders stated:

- She is disappointed that we do not seem to get the message out to people about the value of a registered heritage home.
- If seems if it is not on title the owners are not aware of it and it is easy to let a house run down.
- However, this is not an excuse to demolish a heritage home and she cited Dodd House as an example.

The Motion was then Put and CARRIED

W. Saanich Road
XRef: EPW 65
Revision to Sewer
Service Area

4628 WEST SAANICH ROAD – RELOCATION OF THE SEWER SERVICE AREA

Report of the Manager of Underground Services dated May 5, 2009 recommending Council approve the relocation of the Sewer Service Area as outlined.

Ms. K. Mashford, 4628 West Saanich Road, stated:

- She is requesting relocation of the existing sewer service area for a new home.
- The existing home is very small and they hope to build a new 3,000 square foot, one-level house. The existing home will be demolished.

Mr. M. Mashford, 4628 West Saanich Road, stated:

- The property is 1.6 acres and rectangular in shape.
- Originally the house was going to be larger but has been reduced because it was not within the budget.
- The addition on the barn will be removed and the barn refaced to

match the house.

MOTION

MOVED by Councillor Wergeland and Seconded by Mayor Leonard: "That it be recommended that Council approve the relocation of the Sewer Service Area on Lot B, Section 9, Plan 10993, Lake District, (4628 West Saanich Road) as shown on Figure 1 in the May 5, 2009 report of the Manager of Underground Services."

CARRIED

Adjournment

On a motion from Councillor Murdock, the meeting adjourned at 10:05 pm.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK