

SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, MARCH 24, 2009 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
 Council: Councillors Brice, Brownoff, Derman, Gerrard, Hunter, Murdock (7:32 p.m.), Sanders (7:31 p.m.) and Wergeland.
 Staff: N. Findlow, Supervisor of Local Area Planning; J. Bains, Development Coordinator; and A. Park, Senior Committee Clerk

PUBLIC HEARING

Bylaw No. 8978
Prospect Lake Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2009, NO. 8978”

PROPOSED NATURAL PARK ON PROSPECT LAKE ROAD

To rezone Lot 4, Section 95, Lake District, Plan 2463, except part in Plan 28290 (**4315 PROSPECT LAKE ROAD**) from Zone A-1 (Rural) and Zone A-4 (Rural) to Zone P-4N (Natural Park) in order to reserve the land for park.

The Notice of Public Hearing; the report from the Director of Planning dated February 16, 2009 recommending approval of the rezoning; one letter from a resident expressing support for the park along with concerns about traffic on Prospect Lake Road, were introduced.

APPLICANT:

The District of Saanich.

PUBLIC INPUT:

Mr. R. Bugslag, 4325 Prospect Lake Road, stated:

- His property is between the proposed park and Calvert Park to the north.
- Visitors assume they can access the proposed park through his property and this creates liability and trespass issues for him.
- He is concerned that his right to apply to subdivide his property in future may be affected if his property is surrounded by parkland and he would appreciate assurance that this is not the case.
- He is submitting his concerns in writing for a response.

MOTION:

MOVED by Councillor Derman and Seconded by Councillor Wergeland:

- “1) That the application to rezone from A-1 and A-4 to P-4N be approved; and
- 2) That the Parks Reservation Bylaw be amended to include this park.”

Councillor Wergeland stated:

- The issues raised with respect to trespass, liability and property rights must be addressed and the Council kept informed.

Councillor Derman stated:

- He would like to thank the family for the generous gift of this property.

Councillor Gerrard stated:

- It is important to ensure that a neighbour's property rights are not affected by the creation of this park.

The Motion was then Put and CARRIED.

Bylaw No. 8978
Prospect Lake Road

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2009, NO. 8978"
Second, Third and Final Readings.

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8978 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8978 be now passed."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 8978 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

Bylaw No. 8979
Mt. Douglas Cross Road

PROPOSED SEVEN LOT RESIDENTIAL SUBDIVISION ON MT. DOUGLAS CROSS ROAD

To rezone Lot 13, Section 54, Victoria District, Plan 4574 (**1520 MT. DOUGLAS CROSS ROAD**) from Zone RS-18 (Single Family Dwelling - minimum lot size 2 ha) to Zone RS-10 (Single Family Dwelling – minimum lot size 780m²) for the purpose of subdivision to create six additional lots for single family dwelling use. A **DEVELOPMENT VARIANCE PERMIT** will also be considered to vary the width of proposed Lots 2 and 3 from 20.0 metres to 19.67 metres and to vary the rear yard setback for proposed Lot 1 from 7.5 metres to 4.5 metres in order to accommodate tree protection covenants. Council will also consider including the property within the Sewer Service Area.

The Notice of Public Hearing; the report from the Director of Planning dated January 29, 2009 recommending approval of the rezoning and the Development Variance Permit and also recommending that the property be included in the Sewer Service Area; a letter dated February 20, 2009 from the Gordon Head Residents' Association stating they have no objection to the rezoning; an arborist's report dated October 8, 2008 from Talbot & Mackenzie, Consulting Arborists; a letter dated March 24, 2009 from the applicant explaining the energy efficiency goals for the development, providing four visitor parking spaces and offering a contribution of \$1000 per lot to the Saanich Affordable Housing fund, were introduced.

In response to questions from the Council, the Supervisor of Local Area Planning and the Development Coordinator stated:

- If the house on proposed Lot 7 were reoriented, its driveway from Lynnfield Crescent could be shorter.

- The area shown for road dedication across proposed Lot 7 could be maintained in its natural state.
- The applicant has redesigned the drainage system so that Lots 3 to 6 will be connected to the Mercer Street main and Lots 1 & 2 to the Mt. Douglas Cross Road main.
- Each lot will have its own stormwater detention and treatment.
- The proposed footpath from Lynnfield Crescent to Mercer Place is a requirement of subdivision approval; it will be 2 metres wide with a four foot high chain link fence.

APPLICANT:

Mr. B. Kang, 4041 Braefoot Road, in response to questions from the Council, stated:

- He has submitted a letter outlining seven energy efficiency features to be included in the development, advising that four visitor parking spaces will be provided in the cul-de-sac turnaround and offering \$1000 per lot to the Saanich Affordable Housing fund.
- He is willing to guarantee these commitments through a covenant.
- The bus pass proposal will apply to each householder for one year.

PUBLIC INPUT:

Mr. R. Boyd, 4173 Lynnfield Crescent, stated:

- He is opposed to any extension of Lynnfield Crescent to join Mt. Douglas Cross Road.
- The driveway for proposed Lot 7 will affect the boulevard tree in front of his home.
- The new pathway will be located 1.5 metres from the windows of his home thus affecting his property value and privacy.
- He would prefer such paths be designed to fit entirely within the new developments rather than inserted within existing homes.

Ms. P. Keenan, 4182 Lynnfield Crescent, stated:

- She is opposed to any future extension of Lynnfield Crescent.
- She is opposed to the path as it will negatively affect the homes and families on Lynnfield Crescent and Lynnfield Place.

Mr. F. Stephenson, 1504 Lynnfield Place, stated:

- He is concerned about the users of the proposed footpath since this section of Mt. Douglas Cross Road is not presently at a standard to safely accommodate more pedestrians and bicycles.

Mr. D. Chambers, 4317 Blenkinsop Road, stated:

- The property at 1516 Mt. Douglas Cross Road is also under consideration for rezoning and removal from the Agricultural Land Reserve.
- Agricultural land continues to be eroded; food production would be a better use of these lands.

APPLICANTS RESPONSE:

Mr. B. Kang, stated:

- He is willing to contribute \$2500. per lot to the Saanich Affordable Housing fund.
- He will consider reorienting and relocating the house on proposed Lot 7 further west so that trees #141, #142, and #143 on the preliminary plan of subdivision may be preserved and more privacy given to the neighbour on Lynnfield Crescent.

STAFF RESPONSE:

The Supervisor of Local Area Planning and the Development Coordinator stated:

- Tree #462 in front of 4173 Lynnfield Crescent has been approved for removal by the Parks Department in order to accommodate the extension of sewer and drain service; the developer will be charged for a replacement tree which will be planted close to the original location.
- Saanich's Official Community Plan supports pathways for pedestrian connectivity through neighbourhoods; they are a servicing requirement for approval of subdivisions.
- Consultation with neighbours on the design and screening of the pathway will take place.
- The green building features proposed by the applicant have become standard features in new homes today; should a higher standard of green features be desired, then a covenant would be appropriate.

MOVED by Councillor Brownoff and Seconded by Councillor Gerrard:

- “ 1) That the application to rezone from RS-18 to RS-10 be approved;
and
2) That the application to include the property in the Sewer Service Area be approved.”**

Councillor Brownoff stated:

- It is the understanding of Council that the applicant is willing to reposition the house on proposed Lot 7, thereby preserving several trees, providing more privacy to the neighbouring property on Lynnfield Crescent and allowing for a shorter driveway to the new house; and that the design and any screening of the proposed pathway will take place after consultation between the applicant, Saanich staff and the neighbouring residents.
- Also, a replacement tree is necessary in front of 4173 Lynnfield Crescent.
- Limiting the size of the house on proposed Lot 1 is also an option for the Approving Officer to consider.
- Covenants are appropriate to secure the commitments made by the applicant.

Councillor Derman stated:

- The applicant has agreed to covenant certain energy conservation features; however, building to a higher standard of energy efficiency is encouraged.

Councillor Sanders stated:

- Covenants under consideration should also include the visitor parking spaces.

Councillor Gerrard stated:

- He would prefer that only one house be built on proposed Lot 7 and that a smaller sized home be required on proposed Lot 1.

Councillor Brice stated:

- The Gordon Head Residents' Association has no objection to this application.
- She expects neighbours to be consulted in the design of the footpath.

Councillor Wergeland stated:

- This project will complete the cul-de-sac on Mercer Place.
- The applicant's commitment to contributing \$2500 per lot to the Saanich Affordable Housing fund is appreciated.

Councillor Murdock stated:

- The applicant has agreed to the covenants proposed.
- The requirement for a footpath is consistent with the Official Community Plan's goal of pedestrian mobility but the privacy of residents must also be taken into consideration.

Mayor Leonard stated:

- Final approval of this subdivision rests with the Approving Officer; the commitments made by the applicant and the suggestions made by Council will be provided for his consideration.
- The residents of Lynnfield Crescent may wish to advise Council and staff in writing of their concerns regarding an extension of Lynnfield Crescent to Mt. Douglas Cross Road and offering to work with staff on the design of the proposed pathway.

The Motion was then Put and CARRIED.

Bylaw No. 8979
Mt. Douglas Cross
Road

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2009, NO. 8979"

Second, Third and Final Readings

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That Bylaw No. 8979 be read a second time."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That Bylaw No. 8979 be now passed."

CARRIED

MOVED by Councillor Brownoff and seconded by Councillor Wergeland: "That Bylaw No. 8979 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That Council approve and issue Development Variance Permit DVP2008-00017 on Lot 13, Section 54, Victoria District, Plan 4574 (1520 Mt. Douglas Cross Road)."

CARRIED

Bylaw No. 8981
Sewer Service Area

SANITARY SEWER SERVICE AREA AMENDMENT – 1520 MT. DOUGLAS CROSS ROAD

Sanitary Sewer Bylaw, 2006, Amendment Bylaw , 2009, No. 8981
First, Second and Third Readings

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That Bylaw No. 8981 be introduced and read."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That Bylaw No. 8981 be read a second time."

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That Bylaw No. 8981 be now passed."

CARRIED

Bylaw No. 8980
Thunderbird Place

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2009, NO. 8980"

PROPOSED FIVE LOT RESIDENTIAL SUBDIVISION ON THUNDERBIRD PLACE

To rezone Lot 5, Section 29, Lake District, Plan 20588 (**4961 THUNDERBIRD PLACE**) from Zone RS-18 (Single Family Dwelling – minimum lot size 2 ha) to Zone RS-12 (Single Family Dwelling - minimum lot size 930m²) for the purpose of subdivision to create four additional lots for single family dwelling use. A **DEVELOPMENT VARIANCE PERMIT** for proposed Lot 2 will also be considered to vary the front yard setback from 7.5 metres to 3.5 metres, the rear yard setback from 10.5 metres to 8.6 metres and the lot depth from 27.5 metres to 26.6 metres.

The Notice of Public Hearing; the report from the Director of Planning dated February 18, 2009 recommending approval of the rezoning and the Development Variance Permit; a report from the Director of Engineering dated March 10, 2009 on servicing requirements; a letter dated March 17, 2009 from CN Ryzuk & Associates, providing a geotechnical review of the site; an arborist’s report dated March 13, 2009 from Talbot & Mackenzie, Consulting Arborists; a summary provided by the applicant of the covenants proposed for the development; letters from the Cordova Bay Association stating no objection to the application; and nine letters from residents, were introduced.

APPLICANT:

Mr. R. Tinney, Tinney & Associates, stated:

- They will work with the Engineering Department and provide mountable curbs and streetlights in accordance with the Director’s report.

- They have submitted a further report from their consulting arborists, Talbot and Mackenzie, confirming that the tree retention plan is achievable.
- They have submitted a report from their consulting engineering firm, CN Ryzuk & Associates, regarding the site soils and stability as requested by Council.
- They will provide covenants regarding house size, house design, house location, tree retention, house heights on proposed Lots 1 and 2, and fencing as outlined in his written submission.
- Native plant recovery is planned.

In response to questions from the Council, the applicant stated:

- They do not propose a covenant for Built Green standards.
- They have not discussed raingardens or swales with staff.
- The home proposed on the steep slope of Lot 2 would be similar to those on Cordova Bay Ridge which vary from one to three storeys between front and rear.
- Final designs for any of the proposed homes must to be submitted for approval by Tinney and Associates; he will ensure compliance with the covenants and he will let the Approving Officer ensure green building initiatives are achieved.
- They were not aware of any requirement for a contribution to the Saanich Affordable Housing fund but will consider it as the development proceeds.

PUBLIC INPUT:

Mr. D. Buchanan, 828 Haliburton Road stated:

- The irregular shape of the lot at 4955 Thunderbird Place could be corrected during this development approval process.
- Dense urban forests close to neighbourhoods can occasionally result in the fire devastation seen in Kelowna and Australia.
- The steep hill on Haliburton Road is unsuited for trucks; appropriate road signage is requested.

MOTION:

**MOVED by Councillor Wergeland and Seconded by Councillor Brice:
“That the application to rezone from RS-18 to RS-12 be approved.”**

Councillor Wergeland stated:

- A policy to govern contributions to the Saanich Affordable Housing fund is needed.

Councillor Derman stated:

- Built Green construction standards should no longer be considered a hardship by developers.
- He would encourage the applicant to work with the Engineering Department to design for stormwater management in a non-traditional way.

Councillor Sanders stated:

- She would request the Engineering Department to consider installation of “No truck traffic” signs due to the steep slope on Haliburton Road.

- The applicant and purchasers of the proposed lots must ensure compliance with covenants.

Councillor Brownoff stated:

- It is important that the commitments made by the applicant are carried out.
- She supports Council bringing forward a Community Energy Plan which would include standards for energy efficiency in home and office construction.

Councillor Murdock stated:

- It is important that the District of Saanich is consistent in the application of green building standards and the requirement for affordable housing trust fund contributions.
- This will be a car-oriented development.

Councillor Gerrard stated:

- The Cordova Bay Association has no objection to the application.

Mayor Leonard stated:

- The applicant has agreed to the servicing requirements and to at least the minimum green building standards through the subdivision process.
- Covenants are appropriate in such cases where construction may not take place for some time.
- He would support bringing forward a Community Energy Plan.

The Motion was then Put and CARRIED.

Bylaw No. 8980
Thunderbird Place

ZONING BYLAW, 2003, AMENDMENT BYLAW, 2009, NO. 8980
Second, Third and Final Readings

**MOVED by Councillor Wergeland and Seconded by Councillor Brice:
“That Bylaw No. 8980 be read a second time.”**

CARRIED

**MOVED by Councillor Wergeland and Seconded by Councillor Brice:
“That Bylaw No. 8980 be now passed.”**

CARRIED

**MOVED by Councillor Wergeland and Seconded by Councillor Brice:
“That Bylaw No. 8980 be adopted by Council and the Seal of the Corporation be attached thereto.”**

CARRIED

**MOVED by Councillor Wergeland and Seconded by Councillor Brice:
“THAT Council approve and issue Development Variance Permit DVP00268 on Lot 5, Section 29, Lake District, Plan 20588 (4961 Thunderbird Place).”**

CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 9.25 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK