

DISTRICT OF SAANICH
MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, JULY 22, 2013 AT 7:30 PM

Present: **Chair:** Mayor Leonard
 Council: Councillors Brice, Brownoff, Derman, Gerrard, Murdock, Sanders and Wergeland
 Staff: Carrie MacPhee, Acting Chief Administrative Officer; Sharon Hvozanski, Director of Planning; Von Bishop, Manager of Development & Municipal Facilities; Shari Holmes-Saltzman, Acting Manager of Current Planning; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That Council adopt the minutes of the July 8, 2013 Council and Committee of the Whole meetings."

CARRIED

BYLAWS

1110-30
Zoning Bylaw
Amendment

ZONING BYLAW AMENDMENT – PROPOSED EXPANSION OF "FARM MARKET" DEFINITION

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2013, No. 9229". To amend the definition of "farm market" to allow for the sale of red meat products and locally-prepared and ready-to-eat foods.

MOVED by Councillor Gerrard and Seconded by Councillor Brice: "That Bylaw No. 9229 be introduced and read."

CARRIED

2870-30
Zoning Bylaw
Amendment

ZONING BYLAW AMENDMENT – NEW ZONE P-2WL (UTILITY WOODLAND)

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2013, No. 9230". To create a new zone P-2WL with underground holding tank, underground pumping station and accessory parking as permitted use.

MOVED by Councillor Wergeland and Seconded by Councillor Brownoff: "That Bylaw No. 9230 be introduced and read."

CARRIED

2870-30
Arbutus Road

2391 AND 2435 ARBUTUS ROAD – REZONING TO P-4N AND P-2WL

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2013, No. 9231". Rezoning from RS-10, RS-12 and RS-14 to P-4N and P-2WL to secure the long term preservation of the vast majority of lands known as "Haro Woods" as a Nature Park, and to allow the installation of an underground attenuation tank.

MOVED by Councillor Derman and Seconded by Councillor Gerrard: "That Bylaw No. 9231 be introduced and read."

CARRIED

RESOLUTIONS FOR ADOPTION

1050-20
Fire Dispatch &
Communications
Services
Agreement

DISTRICT OF CENTRAL SAANICH FIRE DISPATCH AND COMMUNICATIONS SERVICES AGREEMENT RENEWAL

Report of the Fire Chief dated July 10, 2013 recommending Council authorize the renewal of the Fire Dispatch and Communications Services Agreement with the District of Central Saanich for the period of August 20, 2013 to August 19, 2018.

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Council authorize the renewal of the Fire Dispatch and Communications Services Agreement with the District of Central Saanich for the period of August 20, 2013 to August 19, 2018."

CARRIED

5370-30
Request for
Proposal 16/13

REQUEST FOR PROPOSAL 16/13 – WHEELED SOLID WASTE COLLECTION CARTS

Report of the Director of Finance dated July 16, 2013 recommending Council award Request for Proposal 16/13 for wheeled solid waste collection carts to Toter, LLC with the estimated cost of \$2,572,477 US (excluding taxes)

Councillor Derman stated:

- He has concerns about the size of the larger cart; some suppliers were not able to quote on these products because they do not provide carts in the larger size.
- Allowing splitting of the Request for Proposal (RFP) would have allowed competitive bidding; he cannot support this motion.

In response to questions from Council, the Manager of Solid Waste Services & Fleet Centre stated:

- Under the current Garbage Collection and Disposal Bylaw, collection of two 130 L containers every two weeks is allowed; the average kitchen scrap diversion is 30-35%.
- 180 L carts were developed for the pilot project; the pilot project was deemed successful in diverting 37% of refuse.
- Survey of the pilot area confirmed that the 180 L cart is a good size for families of three or more.
- The 180 L carts are used in other jurisdictions that collect garbage every second week.
- An addendum to the RFP was prepared stating that although the intent is for the municipality to award to one contractor, splitting the award would be considered if it was found to be in the municipality's best interest to do so.
- Single quotes versus splitting the RFP were evaluated and it was found that the lowest quote was the single quote.
- 31,356 cart selection cards were mailed out to residents; 12,000 have been returned with variations of sizes of carts.
- The carts can be manufactured with up to 35% recycled product based on availability.
- A local recycler has been identified to work with the municipality in disposing of the carts at the end of their lifecycle.
- Within the first three months, there will be no charge for residents to right-size their carts.
- Garbage cans currently being used will be recycled.

MOVED by Councillor Brice and Seconded by Councillor Gerrard: "That Request for Proposal 16/13 for wheeled solid waste collection carts be awarded to Toter, LLC with the estimated cost of \$2,572,477 US (excluding taxes)."

**CARRIED
with Councillors Derman, Brownoff and Sanders OPPOSED**

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 7:45 pm.

The meeting reconvened at 9:52 pm.

RECOMMENDATIONS

From the Committee of the Whole Meeting held July 22, 2013

2870-30
Del Monte Avenue

5197 DEL MONTE AVENUE – REZONING APPLICATION – SUNNYS CHARTERS LTD. (CHUCK FARRAR)

MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That the rezoning application for Lot 1, Block 4, Section 44, Lake District, Plan 1522 (5197 Del Monte Avenue) be rejected."

CARRIED

In Camera Motion

MOVED by Councillor Gerrard and Seconded by Councillor Derman: "That pursuant to Section 18 (i) and 19 (a) of the Council Procedure Bylaw, 2007, No. 8840, the following meeting be closed to the public as the subject matter being considered relate to the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and the consideration of information received and held in confidence relating to negotiations between the District and a provincial government or the federal government or both, or between a provincial government or the federal government and a third party."

CARRIED

Adjournment On a motion from Councillor Gerrard, the meeting adjourned at 9:54 pm.

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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 ON MAY 6, 2013

2710-40
Gorge Road West

398 GORGE ROAD WEST (A PORTION) – PROPOSED ACQUISITION

"That Council approve the acquisition of a portion of Lot 7, Section 13, Victoria District, Plan 4725 (398 Gorge Road West) on the terms negotiated."

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD ON APRIL 15, 2013

2710-40
Cordova Bay Road

5020 CORDOVA BAY ROAD (A PORTION) – PROPOSED ACQUISITION

"That Council approve the acquisition of a portion of Amended Lot 3 (DD2237331), Section 29, Lake District, Plan 5171 (5020 Cordova Bay Road) on the terms negotiated as outlined in the report of the Director of Engineering dated March 11, 2013."

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD ON JUNE 11, 2012

2710-40
Cherry Road

1215 CHERRY ROAD (A PORTION) – PROPOSED ACQUISITION

"That Council approve the acquisition of a portion of Strata Lot 2, Section 5, Lake District, Strata Plan VIS6389 (1215 Cherry Road), subject to the terms negotiated."

DISTRICT OF SAANICH
MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, JULY 22, 2013 AT 7:47 PM

Present: **Chair:** Councillor Murdock
 Council: Mayor Leonard and Councillors Brice, Brownoff, Derman, Gerrard, Sanders and Wergeland
 Staff: Carrie MacPhee, Acting Chief Administrative Officer; Sharon Hvozdaniski, Director of Planning; Von Bishop, Manager of Development & Municipal Facilities; Shari Holmes-Saltzman, Acting Manager of Current Planning; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

2870-30
Wilkinson Road

3925 AND 3929 WILKINSON ROAD – REZONING APPLICATION – WILKINSON VALLEY HOLDINGS INC. (DOUG MUNRO)

Reports of the Director of Planning dated June 10, 2013 and July 17, 2013 recommending Council approve the rezoning from A-1 to RS-6, RS-10, RT-2 and P-4 and Development Permit DPR00501 subject to the landscape plans being revised to include “chicane” style barriers at each end of the Pedestrian right-of-way on proposed Lot 6, for a proposed five lot residential subdivision, a four unit townhouse, and +/- 933 m² of parkland dedication; and that prior to final reading a covenant be registered requiring the proposed new single family dwellings and townhouses conform to a minimum Built Green Gold or equivalent energy efficiency building design and construction standard, and to prohibit subdivision until the areas shown as proposed park are dedicated to the Municipality; registration of a statutory right-of-way to provide for public pedestrian access over proposed Lot 6 connecting with the existing rights-of-way over 1100 Tulip Avenue and 3957 South Valley Drive. Report of the Advisory Design Panel dated September 12, 2012 recommending approval of the design.

In response to a question from Council, the Acting Manager of Current Planning stated that the design of the townhouses will be as presented and guaranteed by development permit.

In response to a question from Council, the Manager of Development & Municipal Facilities, stated

- Rain gardens on private property are not monitored by the municipality nor does the municipality provide information to residents on how to maintain rain gardens.
- There are no set standards for maintaining rain gardens.

Representing the applicant, Wilkinson Valley Holdings Inc., Mr. M. Mawson, Broadmead Planning, Mr. W. Peereboom, Victoria Design Ltd. and Mr. D. Ensing, Duane Ensing Landscape Design, presented:

- The application meets the vision of the neighbourhood as outlined within the Official Community Plan, the Carey Local Area Plan and the South Wilkinson Valley Action Plan.
- The requirement to align South Valley Drive, the pedestrian pathway, the new alignment of Peers Creek and the dedicated parkland along the eastern boundary with those already present in the north and south property boundaries, place design constraints for layout on this site.
- Extensive community consultation during the design and application process has taken place.
- There is concern that completing the connection of South Valley Drive will result in the increased speed of traffic through the neighbourhood; special attention to this issue at the site service design state may include road surface texture change and appropriate signage.
- The proposed townhouses complement the properties to the north and south in scale, size and finishes.
- The proposed landscaping plan is consistent with the neighbouring properties; plantings will consist of native and indigenous materials.
- Four rain gardens and two bioswales will collect water and outflow into the creek; dedicated parkland will be brought back to a native setting with the addition of native trees and clean up of invasive species.

In response to questions from Council, the applicant stated:

- The proposed right-of-way will connect the adjacent properties.
- Information regarding maintenance of rain gardens can be provided to the property maintenance company.

PUBLIC INPUT:

Ms. A. Rawes, 4038 South Valley Drive, on behalf of the Resident's Association of Strawberry Vale, Marigold and Glanford, stated:

- The Resident's Association is opposed to this application; the application does not conform to the South Wilkinson Valley Action Plan.
- A density bonus can be applied if 23% of the total land area in the valley is dedicated for community open space; 11.3% of this proposed property is dedicated to parkland.
- Other concerns include: crossing of the creek, increase of impermeable surfaces, impact on wildlife corridors, maintaining the rural character of the neighbourhood, and maintaining the riparian zone.

Ms. E. Greaves, 3957 South Valley Drive, on behalf of Strata VIS 6566, stated:

- The strata is concerned about the connection of rights-of-way between their strata and the proposed development; safety and security concerns will be exacerbated with the connection of the rights-of-way.
- Community safety issues relate to children using the narrow and sloping strata roadway on bicycles and skateboards.
- The extension of the pedestrian walkway following the creek is appreciated; the extension of this walkway negates the need for an extension of the rights-of-way.
- The proposed dedicated park area is not a useable park; she recommends Council eliminate the proposed pedestrian right-of-way connection.

Ms. K. Klear, 3957 South Valley Drive, on behalf of Strata VIS 6566, stated:

- The strata has major safety, security and liability concerns regarding the proposed connection of the rights-of-way; she recommends Council seriously take into consideration the elimination of the connection of the rights-of-way.

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

- The proposed development is consistent with the dwellings in the neighbourhood.
- A bridge is the only option for crossing the creek; this replicates another property to the north accessed via a constructed bridge.
- The creek restoration was started because it is a requirement of any development at this location.

Ms. S. Stallard, Swell Environmental Consulting, stated:

- The creek's plantings provide a wildlife corridor; in the future, the hope is that the creek will become a fish habitat.

In response to a question from Council, the Director of Planning stated that a Riparian Plan is required to ensure that federal and local regulations are adhered to. The Plan has been addressed in incremental stages and the Environmental Services Department has reviewed it and considers it appropriate and in compliance.

In response to a question from the public, the applicant stated that the requirement under the South Wilkinson Valley Action Plan for 23% dedicated parkland refers to the community as a whole, not one specific property.

Motion:

MOVED by Councillor Gerrard and Seconded by Councillor Wergeland: "That a Public Hearing be called to further consider the rezoning application on Lots A and B, Section 16, Victoria District, Plan 19555 (3925 and 3939 Wilkinson Road)".

Councillor Gerrard stated:

- There is a mix of residences in this neighbourhood; the creek restoration and relocation has been supported by the appropriate Ministries.
- Under the Local Government Act, the dedication of parkland is 5%; this proposed development dedicates 11.3%.
- The right-of-way is controversial and more discussion is required; he supports the motion.

Mayor Leonard stated:

- This application is consistent with the South Wilkinson Valley Action Plan; the application is predictable and thorough.
- Council needs to receive a memo outlining the public policy behind the inclusion of the statutory right-of-way in this application.

Councillor Derman stated:

- The existing restoration of Peers Creek has been exemplary; he appreciates the commitment to Built Green Gold standard of energy efficiency.
- There should be a compromise between development and conservation of valley features; the right-of-way was an attempt to allow the public to walk along the escarpment.
- He does not oppose this application going to Public Hearing.

Councillor Wergeland stated:

- The proposed dwellings are comparable within the neighbourhood; the right-of-way is contentious.
- Neighbours' concerns must be addressed.

Councillor Brice stated:

- She supports this application going to Public Hearing; the applicant is attempting to make this development compatible within the neighbourhood.
- More information is required to make a decision on the statutory right-of-way.

Councillor Sanders stated:

- She supports this application going to Public Hearing; the Community Association has raised a number of valid concerns.
- The applicant should address the neighbours' concerns at the Public Hearing.

Councillor Brownoff stated:

- She supports the application going to Public Hearing; the right-of-way was proposed to access the features of the escarpment.
- Staff needs to clarify the percentage of green space that needs to be dedicated.

- More information is required for the inclusion of the right-of-way on this property; the applicant should consider the concerns of the community and be prepared to address these concerns at the Public Hearing.

Councillor Murdock stated:

- He supports the request for additional information for the right-of-way and green space requirement.
- He thanks the Community Association and Strata Council for the thoughtful and well-researched input put forward; he encourages the applicant to consider the comments raised.

The Motion was then Put and CARRIED

2870-30

Del Monte Avenue

5197 DEL MONTE AVENUE – REZONING APPLICATION – SUNNYS CHARTERS LTD. (CHUCK FARRAR)

Report of the Director of Planning dated June 28, 2013 recommending Council approve the rezoning from A-1 to RS-12 for a proposed four lot residential subdivision; and that prior to final reading, a covenant be registered requiring the new dwellings conform to a minimum Built Green Gold or equivalent energy efficient building design and construction standard.

The applicant, Mr. C. Farrar, Sunnys Charter Ltd. on behalf of the Truswell family, stated:

- He has support from the Cordova Bay Residents Association; 180 flyers were handed out to the neighbours and an open house was held to answer questions.
- There are no variances required for the project; development would include widening of Del Monte Avenue and Walema Avenue, sidewalks connecting to the existing sidewalk on Del Monte Avenue and sidewalk dedication at the cul-de-sac on Walema Avenue.
- The applicant is committing to Built Green Gold standard of energy efficiency and permeable pavers; the trees and driveways on Del Monte Avenue will be retained.
- This development is close to parks and schools; traffic generation from this development would have negligible impact on the overall traffic.

In response to questions from Council, the applicant stated:

- Conceptual drawings are not available; the dwellings will be built to comply with RS-12 zoning.
- The two dwellings on Walema Avenue will have a covenant to limit dwelling height; a covenant will be secured for a special design of the sidewalk to accommodate the tree root zone.

PUBLIC INPUT:

Mr. S. Ball, 743 Helvetia Crescent, stated:

- This is not the area for increased densification; this area is car-dependent.
- The application should be rejected; two RS-12 lots would be appropriate in keeping with the character of the neighbourhood.
- This is a unique area and must be protected and preserved.

Ms. S. Ball, 743 Helvetia Crescent, stated:

- She is opposed to this application; she is concerned with the increased traffic.
- This is a unique area that should be preserved.

Ms. J. Klassen, 5154 Del Monte Avenue, stated:

- This is another proposed four lot subdivision in an area that should not be intensified; she is concerned that the neighbours' comments are in conflict with the Cordova Bay Residents Association and the planner's report.
- This proposed development does not comply with the Local Area Plan or the Helvetia Study; the character of the neighbourhood will not be maintained if infill is approved.
- This area is neither served by transit nor conducive to walking and is not near services; she opposes the application and suggests the applicant redesign the plans for a maximum of three lots.

Mr. R. Heppell, 5204 Polson Terrace, stated:

- He was not aware of the Open House or the plans for this development; he is concerned with the risk of flooding from current drainage issues.
- He has safety concerns about the widening of Walema Avenue; this street has high pedestrian traffic.
- The covenant on the height of the two lower dwellings would ensure that he does not lose privacy on his lot.

Mr. M. Parslow, 5205 Del Monte Avenue, stated:

- He is not opposed to this application; he is concerned about the potential size of the dwellings.
- Neighbours should work cooperatively with the developer to create a plan which adds positive value to the community.

Ms. H. Lewis, 5176 Rutli Meadows Place, stated:

- This is a unique and beautiful neighbourhood; she is concerned about development in this area.

Mr. D. Noel, 751 Helvetia Crescent, stated:

- The lot needs development; there is a traffic congestion problem in this area.
- Development needs to be managed; four lots on this property are excessive when you look at the nature of development in this area.
- Council should work with the developer to come up with a design that will meet everyone's needs.

Ms. K. Krane, 768 Helvetia Crescent, stated:

- Increased density in this area is inappropriate; this area is inaccessible to public transit.
- New homes mean more cars and traffic; she is concerned about safety at the corner of Del Monte Avenue and Helvetia Crescent.
- This application should be rejected given Saanich's desire to reduce its carbon footprint and its acknowledgement of the importance of green space.
- She would be in favour of a two lot subdivision.

Mr. G. Klassen, 5154 Del Monte Avenue, stated:

- He has concerns about safety of pedestrians in this area; more cars compound the problem.

In response to questions from the public, the applicant stated a multi-paged flyer was handed out to neighbours describing the plan and the design was posted on the Saanich website.

In response to questions from Council, the applicant stated:

- The size of the dwellings would conform to RS-12 zoning.
- There will be two driveways on Del Monte Avenue and two driveways on Walema Avenue.

Mayor Leonard stated:

- This application is consistent with the Official Community Plan, the Cordova Bay Local Area Plan and has the support of the Cordova Bay Residents Association.
- The proposed development is worthy of a Public Hearing; the applicant should reconsider the size of the dwellings and provide the building envelope specifications and the scale of the development.

Councillor Gerrard stated:

- He does not support this application going to Public Hearing; the proposed dwellings are not in context with other dwellings in the neighbourhood.
- The topography of the area will create problems with privacy; there is a long-standing problem with stormwater runoff.
- Traffic is not considered dangerous because the proposed development is located on a cul-de-sac.
- The developer should provide schematics with the content and form of the dwellings; he would consider a three lot subdivision.

Councillor Brice stated:

- This application is not ready to go forward; consideration should be given to the neighbours' concerns about the size of the dwellings and the location of the dwellings on the lots.
- The community is interested in tailoring progress in this area; properties should be considered on an individual basis and on its impact to the area.

Motion:

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That it be recommended that Council reject the rezoning application for Lot 1, Block 4, Section 44, Lake District, Plan 1522 (5197 Del Monte Avenue)."

Councillor Derman stated:

- There are concerns with maintaining neighbourhood character; change should be done in a sympathetic manner.
- The applicant did not show any willingness to consider limitations on house sizes or sensitivity to neighbours' concerns.
- This is not a good location for densification; this location is remote from services and not well served by public transit.
- There are concerns about traffic congestion; infill in this area will increase the number of vehicles.

Councillor Brownoff stated:

- She supports the motion to reject the application; she is concerned about the driveways, runoff and the impact on the neighbours below the proposed development.
- The applicant did now show a willingness to consider the size and number of dwellings on the site; she would consider a three lot subdivision.

Councillor Sanders stated:

- She supports the motion; this is a unique community.
- The proposed development is not near amenities; consideration should be given to the character of the neighbourhood.
- The applicant should consider the proposed dwelling size; the addition of four dwellings has a cumulative effect on the neighbourhood.
- The impact of the trees on the site, runoff and the locations of the dwellings need to be addressed.

Councillor Wergeland stated:

- He would encourage the applicant to consider the neighbours' concerns.
- Four lots are too many.

Councillor Murdock stated:

- He supports the motion to reject the application; some constraint on the house sizes and providing the potential design and lay out would have been a benefit to the application.
- This proposed development is not served by regular transit or near services; this will be a car-oriented development.

The Motion was then Put and CARRIED

Adjournment

On a motion from Councillor Gerrard, the meeting adjourned at 9:50 pm.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK