

DISTRICT OF SAANICH
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, JULY 21, 2015 AT 7:00 P.M.

Present: **Chair:** Mayor Atwell
 Council: Councillors Brice, Derman, Haynes, Plant, Sanders, and Wergeland
 Staff: C. MacPhee, Director of Legislative Services, J. Matanowitsch,
 Manager of Current Planning; D. Dupas, Legislative Manager, J.
 Bains, Development Coordinator, and P. Masse, Senior Committee
 Clerk

PUBLIC HEARING

6840-20
Elk / Beaver Lake
Regional Park

"OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW,
2015, NO. 9342"

**PROPOSED AMENDMENTS TO THE OFFICIAL COMMUNITY PLAN
AND RURAL SAANICH LOCAL AREA PLAN**

To amend the Sewer Service Area Policies contained in the Official Community Plan and in the Rural Saanich Local Area Plan to allow consideration of expansions to the Sewer Service Area for public facilities or parks, where there would be a significant community benefit. This amendment will allow consideration of an application for inclusion of two sites at Elk / Beaver Lake Regional Park in the Sewer Service Area in order to construct new washroom facilities.

The Clerk introduced the following:

- Notice of Public Hearing; and
- Report from the Director of Engineering dated September 24, 2013 and report from the Director of Planning dated April 23, 2015, the latter recommending as follows:
 - That Official Community Plan Policy 4.2.10.13 be amended to state "Consider extending the Sewer Service Area outside the Urban Containment Boundary only as a means to resolve a current health problem if no reasonable alternative is feasible or, for public facilities or parks, where there would be a significant community benefit";
 - That Rural Saanich Local Area Plan Policy 11.1. be amended to state "Do not consider extending the Sewer Service Area outside the Urban Containment Boundary except to resolve a current health problem if no reasonable alternative is feasible or, for public facilities or parks, where there would be a significant community benefit"; and
 - That the proposed washroom sites in Elk / Beaver Lake Park at Beaver Beach and the Old Filter Bed be included in the Sewer Service Area.
- One letter from a resident.

APPLICANT:

J. Ward, Capital Regional District, Parks & Environmental Services Division, Manager of the Planning Resource Management and Development Group stated:

- The proposal is to provide a wastewater connection to the Saanich sanitary sewer line in order to service two new washroom facilities at Beaver Beach and the Old Filter Bed.

B. Martin, Capital Regional District, Parks & Environmental Services Division, Project Engineer, stated:

- Although a specific tie-in location has not yet been determined, two potential routes have been analyzed, both of which would incorporate a low pressure pump system with minimal impact to the environment.

PUBLIC INPUT:

Nil

COUNCIL DELIBERATIONS:

Motion:

MOVED by Councillor Brice and Seconded by Councillor Wergeland That:

1. **“Official Community Plan Policy 4.2.10.13 be amended to state “Consider extending the Sewer Service Area outside the Urban Containment Boundary only as a means to resolve a current health problem if no reasonable alternative is feasible or, for public facilities or parks, where there would be a significant community benefit”;**
2. **Rural Saanich Local Area Plan Policy 11.1 be amended to state “Do not consider extending the Sewer Service Area outside the Urban Containment Boundary except to resolve a current health problem if no reasonable alternative is feasible or, for public facilities or parks, where there would be a significant community benefit”;** and
3. **The proposed washroom sites in Elk / Beaver Lake Regional Park at Beaver Beach and the Old Filter Bed be included in the Sewer Service Area.”**

Councillor Brice stated:

- This project has been before Council on several occasions and the Capital Regional District (CRD) has held a public information session.
- Compostable toilets were considered; however, they were deemed impractical due to the volume of people who use the park.

Councillor Derman stated:

- This project is a long overdue upgrade to the facilities in this park.
- The proposal has received broad support from the community.

In response to a question from Council, B. Martin, CRD, stated:

- The CRD and Saanich Engineering staff have not yet determined the preferred tie-in location; forecasts regarding use and flow need to be analyzed.

- A development proposed at the westerly connection on Elk Lake Drive has shown some capacity issues which needs to be considered.
- From a technical and risk point of view, both routing options are plausible.

Councillor Plant stated:

- A routing to Elk Lake Drive is preferable to ensure there would be no impact on the creek or existing tree roots.

Councillor Haynes stated:

- This is a well-used park; improvements to the facilities will be appreciated by the community.

The Motion was then Put and CARRIED

6840-20
Elk / Beaver Lake
Regional Park

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2015, NO. 9342”
Second and Third Readings

**MOVED by Councillor Derman and Seconded by Councillor Brice:
“That Bylaw No. 9342 be read a second time.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Brice:
“That Bylaw No. 9342 be now passed.”**

CARRIED

2870-30
Mt. Douglas Cross
Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2015, NO. 9343”
PROPOSED REZONING FOR A RESIDENTIAL SUBDIVISION ON MT. DOUGLAS CROSS ROAD

To rezone Lot 1, Section 54, Victoria District, Plan 5369, **(1516 MT. DOUGLAS CROSS ROAD)** from Zone RS-18 (Single Family Dwelling) to Zone RS-10 (Single Family Dwelling) for the purpose of subdivision in order to create 14 bare land strata lots and two fee simple lots for single family dwelling use. A **DEVELOPMENT VARIANCE PERMIT** will be considered to allow variances for relaxation of lot depth. A **COVENANT** will be considered to further regulate the use of the lands and buildings. An application to exclude the parcel from the **AGRICULTURAL LAND RESERVE** and a request to include the lands in the **SEWER SERVICE AREA** will also be considered.

The Clerk introduced the following:

- Notice of Public Hearing;
- Reports from the Director of Planning dated June 8, 2015 and June 15, 2015, the latter recommending as follows:
 - that the rezoning from RS-18 to RS-10 and the Development Variance Permit be approved;
 - that the application to include the property in the Sewer Service Area be approved;

- that Final Reading of the Zoning Amendment and Sewer Service Area Bylaws and ratification of the Development Variance Permit be withheld pending Agricultural Land Commission (ALC) exclusion of the site from the Agricultural Land Reserve (ALR) and registration of a covenant to secure the following:
 - Minimum BUILT GREEN® Gold or equivalent energy and environmental performance standards;
 - \$100,000 to Saanich for trail improvements in Mount Douglas Parks; and
 - Registration of a building scheme with guidelines pertaining to the size, location and design of dwellings; and
- That Council provide comments and recommendations further to the ALR application and provide staff with direction as to when it wishes the application and all pertinent documentation be forwarded to the ALC.
- Letter from the applicant dated July 2, 2015.
- Three letters from the Gordon Head Residents' Association commenting on the application.
- Thirteen letters from residents.

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

- After a bylaw has received Third Reading, Council may receive no further input or information from the applicant or the public. However, this requirement does not prohibit staff from confirming with Council that outstanding requirements for Final Reading have been met, such as Ministry of Transportation approval, covenant registration, or, as in this case, an application to the ALC.

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

- Owners of lands within the ALR have the right to farm; therefore, removal of trees for the purposes of farming is permitted. Owners of ALR land are not required to fence protected areas.

APPLICANT:

R. Tinney, Tinney and Associates Land Planning, stated:

- Two previous subdivision proposals for the subject property were rejected by Council and resulted in the owners opting to farm the land.
- Neighbours were not happy with the farming option chosen by the owners which resulted in a third application being filed.
- Council agreed to deviate from its usual procedure by dealing with the rezoning proposal prior to forwarding the exclusion application to the ALC.
- EDPA considerations were undertaken and analyzed; the subject property is not a sensitive ecosystem.
- The agrologist reports continue to state the subject property is not suitable for land-based agriculture.
- The Garry oak inventory has been reduced from 163 to 153; some were impacted by the cattle and some died of natural causes.
- Visitor parking will be located on both sides of the strata road.

- Solar ready capabilities have not been formally included in the building scheme; however, the designer will work with owners to move in that direction.
- The house sizes will range from 235m² – 280m².
- An educational reference manual will be given to all property owners detailing the location, maintenance and protection of the seven fenced and covenanted Garry oak areas.
- Due to limited visitor parking, the relatively small strata road and the smaller design of the homes, secondary suites will not be permitted. This will be embedded into the building scheme and will be registered by covenant.
- The cash contribution toward Mt. Doug Park will be managed and administered by the Gordon Head Residents' Association in conjunction with the Parks Department.

In response to questions from Council, the applicant stated:

- The property has many Garry oak trees present; however, it has not been deemed a sensitive ecosystem.
- 70 Garry oak trees will be added to the covenanted areas on the property, which will bring the total to over 220 Garry oak trees.

PUBLIC INPUT:

R. Boyd, Lynnfield Crescent, stated:

- This proposal can be seen as an improvement to the neighbourhood due to the smaller house size and the protection of the Garry oaks.
- Future development in the area could result in an influx of on-street parking. The covenant restricting secondary suites should apply to the two fee-simple lots as well.

M. Vukobrat, Mercer Place, stated:

- A petition was submitted with 365 signatures in support of the proposal.
- The land owner has no land costs; therefore, houses do not need to be big in order for a profit to be realized. The lots are relatively large within the scale of the neighbourhood. If this proposal is not approved a cattle farm could be reinstated.

K. Sketchley, No Address Given, stated:

- The ALC has made it clear the property should be removed from the ALR. He would like this proposal to be approved with no more delays.

L. Lea, Cedarglen Road, stated:

- The proposal is supportable due to the larger lots, smaller homes, retention and protection of Garry oaks and the \$100,000 contribution for the maintenance and enhancement of Mt. Doug Park.

B. Loucks, Glendenning Road, stated:

- When issues that are contrary to the goals of the OCP arise through development proposals, Council should obtain independent, expert opinion rather than relying on opinions obtained by the applicant.
- A neighbourhood source of locally grown food is a great asset.

- The removal of the subject property from the ALR cannot be justified because Panama Flats is now included in the ALR as it does not increase farm land in the region. ALR lands need to be protected.
- N. Oddy, Mt. Douglas Cross Road, stated:
- Neighbourhood residents want the subdivision to go forward.
- T. Lea, Cedarglen Road, stated:
- He supports this subdivision proposal.
- C. Cranston, Lynnfield Crescent, stated:
- She supports this subdivision proposal.
- E. Hannan, Glendenning Road, stated:
- The subdivision should not be approved based on fears that the land could be reinstated as a cattle feed lot. The proposed subdivision is too large.
- R. Travers, President, Gordon Head Residents' Association, stated:
- The Resident's Association is in support of this proposal and has indicated this to Council on several occasions.
- D. Alberg, West Island Highway, Qualicum Beach, and an owner of the subject property, stated:
- Extensive analysis of the land by many professionals has taken place and it has been deemed not suitable for farming.
- P. Vukobrat, Mercer Place, stated:
- The property belongs to the owners and if the lands remain in the ALR they can do what they like, including operating a cattle feed lot.
 - On-street parking will not be an issue in the subdivision due to the width of the strata road. It will be a beautiful subdivision.
- M. Ritchie, Lynnfield Crescent, stated:
She is in strong support of the proposed subdivision. The land is not good agricultural land.

APPLICANT'S RESPONSE:

- R. Tinney, Tinney and Associates Land Planning, stated:
- The building scheme and covenants extend to the two fee-simple lots, including the restriction of secondary suites.
 - The Lynnfield Crescent extension will be a public right-of-way, not a strata road and visitor parking will be available on either side of that extension.
- J. Gye, Gye & Associates Ltd., stated:
- 64 trees will be retained without disturbance, 34 will incur some impact through the development of the property; all best practices will be in place to minimize that disturbance. 70+ trees will be added to the Garry oak protected areas.

COUNCIL DELIBERATIONS:**MOTION**

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That:

- 1. a) The application to rezone from Zone RS-18 (Single Family Dwelling) to Zone RS-10 (Single Family Dwelling) be approved;**
- b) The application to include the property in the Sewer Service Area be approved; and**
- c) Final Reading of the Zoning Amendment and Sewer Service Area Bylaws and ratification of the Development Variance Permit be withheld pending ALC exclusion of the site from the ALR and registration of a covenant to secure the following:**
 - Minimum BUILT GREEN® Gold or equivalent energy and environmental performance standards;**
 - \$100,000 to Saanich for trail improvements in Mount Douglas Park; and**
 - Registration of a building scheme with guidelines pertaining to the size, location and design of dwellings."**

Councillor Derman stated:

- He is a long-time advocate of protecting ALR lands; however, this is a different and difficult situation.
- A Local Area Plan has identified the subject property as a development property for a long time.
- Enhancing the agricultural capabilities of the property would be a very expensive proposition.
- Under Right to Farm legislation, the existing stand of Garry oaks could be destroyed or damaged.
- The proposed subdivision has been well thought out and exceptional measures have been taken to protect and maintain the Garry oaks.
- He appreciates the commitment to BUILT GREEN® Gold and the encouragement of solar ready homes.

Councillor Wergeland stated:

- His concerns are related to the large natural state covenant areas; difficulties may arise with someone other than the owner being responsible for maintaining those areas.
- This process has been difficult for all and he is pleased to move forward.

Councillor Brice stated:

- She respects the ALR as well as the ALC. If the ALC approves the exclusion application, they are indicating the land is not viable for farming.
- The subdivision layout and plans are commendable; the time and effort that has gone into this will result in a benefit to the community.

Councillor Haynes stated:

- He appreciates the protection of the Garry oaks and the encouragement of solar ready homes.

- He fully supports agricultural lands that produce food; however, he does not believe the subject property is suitable for soil-based agriculture. The impact of animal-based agriculture has proven undesirable to the residents.

Councillor Sanders stated:

- The Local Area Plan recognizes the land as developable.
- She appreciates the provisions of the building scheme and covenants.
- There are too many lots, but the smaller house size and restricting secondary suites will decrease the impact to the neighbourhood.
- There will be parking challenges and issues related to the natural area requirements.

Councillor Plant stated:

- He would like to see all development proposals consider solar ready homes going forward.
- The community contribution should be put to use in the southwest corner of Mount Douglas Park and Council should have input on that.
- He hopes this is the last time that land is removed from the ALR without a reciprocal amount of land being added; it is a principle worth upholding.

Mayor Atwell stated:

- He is in favour of the application as it is in the best interest of the property owner, the neighbourhood and the community; it is well-supported by public opinion as well as science.
- The Local Area Plan identified the property for exclusion from the ALR, which indicates the OCP also supports the exclusion.

The Motion was then Put and CARRIED

2870-30
Mt. Douglas Cross
Road

ZONING BYLAW, 2003, AMENDMENT BYLAW, 2015, NO. 9343”
Second and Third Readings

**MOVED by Councillor Derman and Seconded by Councillor Haynes:
“That Bylaw No. 9343 be read a second time.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor
Wergeland: “That Bylaw No. 9343 be now passed.”**

CARRIED

**MOVED by Councillor Haynes and Seconded by Councillor Wergeland:
“That it be recommended that Council approve and issue Development
Variance Permit DVP00357 on Lot 1, Section 54, Victoria District, Plan
5369, (1516 Mount Douglas Cross Road)”.**

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Haynes:
“That staff be directed to forward the Agricultural Land Reserve application for the exclusion of Lot 1, Section 54, Victoria District, Plan 5369, (1516 Mount Douglas Cross Road), to the Agricultural Land Commission”.

CARRIED

In Camera Motion: MOVED by Councillor Haynes and Seconded by Councillor Wergeland:
“That pursuant to Sections 90 (1) (e) of the *Community Charter*, the following meeting be closed to the public as the subject matter being considered relates to the acquisition of land or improvements.

CARRIED

MOVED by Councillor Plant and Seconded by Councillor Haynes:
“That the In Camera meeting be convened in Committee Room #2 following a five minute recess”.

CARRIED

Adjournment On a motion from Councillor Plant, the meeting adjourned at 8:55 pm.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK