



AGENDA

For the Council Meeting to be Held
In the Council Chambers
Saanich Municipal Hall, 770 Vernon Avenue,
MONDAY, MAY 9, 2016, 7:00 P.M.

A. DELEGATIONS

P. 3

1. **Victoria Airport Authority – Presentation of the annual update.**

B. ADOPTION OF MINUTES

1. Council Meeting held May 2, 2016
2. Committee of the Whole Meeting held May 2, 2016

C. BYLAWS FOR FINAL READING

1. **FINANCIAL PLAN BYLAW (2016-2020)**
Final reading of the "Financial Plan Bylaw, 2016, No. 9377". To establish the five year financial plan for 2016-2020.
2. **TAX BYLAW**
Final reading of the "Tax Bylaw, 2016, No. 9378". To establish the tax rates for 2016.
3. **CRD ONSITE SEWAGE SYSTEMS SERVICE PARCEL TAX AMENDMENT BYLAW**
Final reading of the "CRD Onsite Sewage Systems Service Parcel Tax Bylaw, 2008, Amendment Bylaw, 2016, No. 9379". To establish the parcel tax rate for 2016.

D. PUBLIC INPUT (ON BUSINESS ITEMS E, F, G & H)

E. BYLAWS FOR THREE READINGS

1. **40 LURLINE AVENUE – REZONING TO RD-1**
P. 4 Second and third readings of "Zoning Bylaw, 2003, Amendment Bylaw, 2016, No. 9352". To rezone from Zone RS-6 (Single Family Dwelling) to Zone RD-1 (Two Family Dwelling) to expand a legal non-conforming duplex.

F. RESOLUTIONS FOR ADOPTION

1. **DRAFT TERMS OF REFERENCE – ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA) REVIEW**
P. 70 From the Council Meeting held April 25, 2016, report of the Director of Planning dated April 18, 2016 recommending that Council endorse the draft Terms of Reference with direction for any changes and that Council give direction to the desired level of public engagement.

G. RECOMMENDATIONS FROM COMMITTEES

1. **MCKENZIE INTERCHANGE**
P. 191 Recommendation from the March 17, 2016 Bicycle and Pedestrian Mobility Advisory Committee meeting that:
 - 1) The proposed option for the McKenzie/Highway No. 1 interchange provided by the Ministry of Transportation and Infrastructure is contrary to the Regional Growth Strategy and does not promote alternative travel; and
 - 2) Council write a letter to the Ministry of Transportation and Infrastructure recommending that the option presented by Mr. Rob Wickson receive the same level of consideration and evaluation by the ministry as those options brought forward by the ministry itself.

2. **MCKENZIE INTERCHANGE**
P. 198 Recommendation from the April 27, 2016 Parks, Trail and Recreation Advisory Committee meeting that Council direct staff to work with the Ministry of Transportation and Infrastructure so that the McKenzie Road Interchange Project will result in substantial improvements to the Cuthbert Holmes Park environment and surrounding environment in accordance with the 2015 Cuthbert Holmes Park Management Plan.

H. REPORTS FROM MEMBERS OF COUNCIL

1. **PROVINCIAL AND MUNICIPAL FRAMEWORKS FOR THE RIDE-SOURCING ECONOMY**
P. 203 Report from Councillor Haynes dated April 22, 2016 recommending that Council write a letter to Minister Fassbender in support of the Provincial review of the ride-sourcing economy and advising that the District looks forward to participating in the consultation process.

* * * Adjournment * * *

AGENDA

For the Committee of the Whole Meeting

**** IMMEDIATELY FOLLOWING ****

The Council Meeting in the Council Chambers

1. **3940 QUADRA STREET – DEVELOPMENT PERMIT AMENDMENT**
P. 218 Report of the Director of Planning dated April 18, 2016 recommending that Council approve Development Permit Amendment DPA00858 to remove the existing wooden entrance vestibule and replace it with a new steel and glass vestibule at the Keg Restaurant building on Quadra Street.
2. **4027 RAINBOW STREET – DEVELOPMENT PERMIT AMENDMENT**
P. 228 Report of the Director of Planning dated April 18, 2016 recommending that Council approve Development Permit Amendment DPA00861 to construct a second entrance to the underground parking for the proposed south condo building at Rainbow Hill and to construct a new driveway access to the site from Rainbow Street.

* * * Adjournment * * *

“IN CAMERA” COUNCIL MEETING IMMEDIATELY FOLLOWS

cncl Maya 11b

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Legislative Division
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Mayor
Councillors
Administrator
Council
Administrator
Media

Application to Appear as a Delegation

The personal information you provide on this form is collected under s. 26(c) of the FOIPPA and will be used for the purpose of processing your application to appear as a delegation before Saanich Council. The application will form part of the meeting's agenda and will be published on the website. Your personal telephone number and e-mail address will not be released except in accordance with the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of your personal information may be referred to the Saanich FOI Team, 770 Vernon Ave, Victoria, BC, V8X 2W7 or by telephone at 250-475-1775.

General Information

Name of Person or Organization Victoria Airport Authority

Meeting Date Requested

09	05	2016
Day	Month	Year

 Application must be submitted by 12:00 noon at least 10 days prior to the meeting date.

Contact Information

Name of Contact Person (if other than name above) Melinda Orlowski

Telephone Number 250-953-7501

E-mail melinda.orlowski@victoriaairport.com

Presentation Information

Please be specific and attach additional information if required. Maximum presentation time is 10 minutes.

Topic of Discussion
Please describe the topic of your presentation
Presentation to Council from the Victoria Airport Authority

I have attached background materials Yes No Printed background information should be submitted for distribution with the agenda, or bring 13 copies to the meeting.

Audio/Visual Presentation Yes No Presentation materials need to be submitted by noon on the Friday before the meeting and tested on Saanich equipment.

For Office Use

Delegation for Meeting: May 9, 2016

Refer to Committee: _____

Refer to Department: _____ Direct Action: _____ Response: _____

Going to PH : November 17, 2015

287030 Lurline

The Corporation of the District of Saanich



Director of Engineering: ✓
Council Staff Site: ✓
Applicant: ✓
Community Assoc: ✓

Supplemental Report

To: Mayor and Council
From: Sharon Hvozdanski, Director of Planning
Date: October 5, 2015
Subject: Development Permit and Rezoning Application
File: DPR00593; REZ00551 • 40 Lurline Avenue

BACKGROUND

At the Committee of the Whole meeting held on July 6, 2015, Council considered an application to rezone the subject property from the RS-6 (Single Family Dwelling) Zone to the RD-1 (Two-Family Dwelling) Zone to expand a legal non-conforming duplex.

A number of comments and concerns were raised at the meeting including:

1. Commitment to EnerGuide 82 or equivalent energy efficiency;
2. Design of the proposed dwelling, driveway, parking spaces, and green spaces; and
3. Privacy of the neighbours.

The applicant has responded to these items with additional information and commitments, which form the subject of this Supplemental Report. The staff recommendation has been adjusted accordingly.

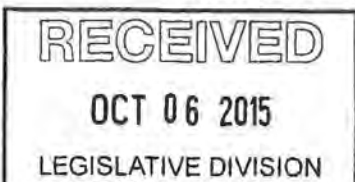
ADDITIONAL INFORMATION

The applicant provided a letter on September 1, 2015 outlining their response to the concerns of Council, which is summarized as follows:

1. **Commitment to EnerGuide 82 or equivalent energy efficiency**
The applicant has confirmed that they will commit to build to EnerGuide 82 or an equivalent energy efficiency. This commitment will be secured by covenant.
2. **Dwelling design, driveway, parking spaces, and green spaces**
The applicant notes that the proposed dwelling was designed to be distinctly different from, but still compatible with the existing dwelling and states that colours, materials, and features are similar to the existing dwelling. A sloped, rather than flat roof was chosen to avoid poor drainage and snowload issues, and also to provide the desired high open living space.

The Zoning Bylaw requires that two-family dwellings provide two parking spaces per dwelling unit, and that these be provided on site. The plans as submitted show the required number of spaces are provided on the property. The driveway would consist of two strips of turfstone leading to a turfstone paving area beside the proposed addition and is designed to

CM
E. 1



PH (A)

minimize impervious surfaces.

The applicant also notes that there is greenspace provided for both dwellings. The existing dwelling has greenspace both in front of the dwelling, and to the rear on the east side of the proposed dwelling. Changes to windows along the frontage of the proposed addition (see Item 3, Privacy, below) will enhance the private enjoyment of the patio and greenspace along the east side of the property. The proposed addition will have access to the rear lawn and west side yard beyond the proposed driveway.

3. Privacy of Neighbours

Windows along the east façade of the proposed addition were to be 36" high. In response to concerns by the neighbour and Council, the applicant has reduced these to 24" in height, and notes that the bottom sill of these windows would now be 6'-0" above the floor. Additional window area has been added to the north and west elevations to provide more light.

To further accommodate concerns regarding privacy, the applicant notes there is an existing 5'0" high fence and 9'0" high section of bamboo that serves as a privacy screen between this property and 32/34 Lurline Avenue to the east, but to improve this further they are proposing to plant 7'0" to 8'0" high Leyland cypress in lieu of the existing bamboo.

The proposed new addition is one storey in height and located further from the east property line than the existing portion of the dwelling, which would serve to minimize shadowing of the adjacent parcel to the east. The proposed addition is designed with a sloping roof that slopes down towards the east, further minimizing overshadowing.

Shadow diagrams submitted by the applicant (attached) indicate that, though there is some overshadowing, this occurs later in the day and is primarily caused by the existing dwelling. In the summer months afternoon shadowing occurs due to a large tree located at 54 Lurline Avenue.

SUMMARY

The applicant is proposing to rezone from the RS-6 (Single Family Dwelling) Zone to the RD-1 (Two-Family Dwelling) Zone to expand a legal-non conforming duplex. The existing building would be retained. The first dwelling unit would be expanded by taking over the entire existing building. The second dwelling unit would be constructed to the rear. Variances are requested for lot width and interior side yard setback for the existing portion of the dwelling.

The applicant has responded to concerns regarding level of energy efficiency in the proposed new dwelling, as well as design of the proposed dwelling, driveway, parking spaces, and green spaces and potential privacy impacts on the neighbours.

RECOMMENDATION

- a) That the application to rezone from RS-6 (Single Family Dwelling) Zone to RD-1 (Two Family Dwelling) Zone be approved.
- b) That Development Permit DPR00593 be approved.
- c) That Final Reading of the Zoning Bylaw and ratification of the Development Permit be withheld pending registration of a Restrictive Covenant to secure:
 - Decommissioning one of the existing two kitchens; and
 - The proposed addition is constructed to an EnerGuide 82 or equivalent energy efficient standard, inclusion of heat pumps and pre-ducting for solar.

Report prepared by: 

 Chuck Bell, Planner

Report reviewed by: 

 Sharon Hvozdzanski, Director of Planning

CWB/ads
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cc: Andy Laidlaw, Administrator
 Graham Barbour, Manager, Inspection Services

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning


 Andy Laidlaw, Administrator

2870-30 Lurline

C/W July 6/15



The Corporation of the District of Saanich

Council
Administrator
Media

May
Councilors
Administrator
Com. Assoc. Jun 26/15
Applicant Jun 23/15
JH

Report

To: Mayor and Council
From: Sharon Hvozdanski, Director of Planning
Date: June 10, 2015
Subject: Development Permit and Rezoning Application
File: DPR00593; REZ00551 • 40 Lurline Avenue

PROJECT DETAILS

Project Proposal: Application to rezone from RS-6 (Single Family Dwelling) Zone to RD-1 (Two-Family Dwelling) Zone to expand a legal non-conforming "up-down" duplex. Variances are requested for lot width and interior side yard setback.

Address: 40 Lurline Avenue

Legal Description: Lot 9, Block 1, Section 81, Victoria District, Plan 1006

Owner: Kevin Dunmore
Barbara-Jean Dunmore

Applicant: Kevin Dunmore
Barbara-Jean Dunmore

Parcel Size: 775.9 m²

Existing Use of Parcel: Single Family Dwelling

Existing Use of Adjacent Parcels: North: RS-6 (Single Family Dwelling)
South: RS-6 (Single Family Dwelling)
East: RD-1 (Two-Family Dwelling)
West: RS-6 (Single Family Dwelling)

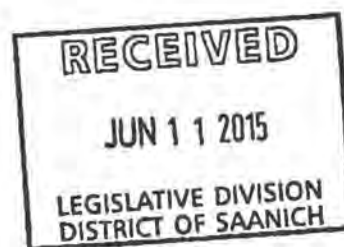
Current Zoning: RS-6 (Single Family Dwelling Zone)

Minimum Lot Size: 560 m²

Proposed Zoning: RD-1

Local Area Plan: Tillicum

LAP Designation: General Residential



Community Assn: Gorge Tillicum Community Association • Referral sent August 20, 2014 • Response dated September 2, 2014 received indicating no objection to the proposal.

PROPOSAL

The applicant is proposing to rezone from RS-6 (Single Family Dwelling) Zone to RD-1 (Two Family Dwelling) Zone to expand a legal-non conforming "up-down" duplex. The existing building would be retained. The first dwelling unit would be expanded by taking over the entire existing building. The second dwelling unit would be constructed to the rear (see proposed addition). Variances are requested for lot width and interior side yard setback for the existing portion of the dwelling.



Figure 1: Site Plan (from plans by Holli Benjamin Horticulture)

PLANNING POLICY

Official Community Plan (2008)

4.2.1.1 "Support and implement the eight strategic initiatives of the Regional Growth Strategy, namely: Keep urban settlement compact, Protect the integrity of rural communities; Protect regional green and blue space; Manage natural resources and the environment sustainably; Build complete communities; Improve housing affordability; Increase transportation choice; and Strengthen the regional economy."

4.2.1.18 "Encourage new development to achieve higher energy and environmental performance through programmes such as "Built Green", LEED or similar accreditation systems."

4.2.4.3 "Support the following building types and uses in Neighbourhoods:

- single family dwellings;
- duplexes, tri-plexes, and four-plexes;
- townhouses ;
- low-rise residential (up to 4 storeys); and
- mixed-use (commercial/residential) (up to 4 storeys)."

5.1.2.3 "Evaluate zoning applications for two-family dwellings on the basis of neighbourhood context, lot size, building scale and design, access and parking."

5.1.2.4 "Two-family dwellings lots should be 1.3 times the minimum area of the largest adjacent single family dwelling zone. However, where a local area plan policy supports a zone with a minimum lot area that is smaller than the existing minimum lot area, then the local area plan policy shall apply for the purpose of calculating the minimum area for a two-family dwelling lot."

Tillicum Local Area Plan (2000)

7.1 "Protect and retain the stability and character of Tillicum by maintaining single family as the predominant residential land use."

There is no specific policy with respect to two-family dwellings in the Tillicum Local Area Plan, which defers to the Official Community Plan. The Local Area Plan states that "Two-family dwellings can provide a more efficient use of a limited land resource, and well-designed units with adequate off-street parking can be compatible with single family dwellings"; the Plan also notes the importance of neighbourhood context, the quality of the proposal, and community support for two-family development.

Development Permit Area Guidelines

The development proposal is subject to the Saanich General Development Permit Area. Relevant guidelines include retaining existing trees where practical, minimizing impervious cover, respecting neighbourhood character, and architectural design that is contemporary and authentic.

DISCUSSION



Figure 2: Context Map

Neighbourhood Context

The property is located within the Gorge Tillicum Neighbourhood, and within 200 m of the edge of the Uptown major "Centre". The 775.9 m² site is located on the north side of Lurline Avenue, between Wascana Street and Harriet Road (see Figure 2). Rudd Park is approximately 250 m to the southeast, and Hampton Park is approximately 390 m to the west. Tillicum Elementary School is less than 1 km away.



Figure 3: Existing Streetscape Elevation



Figure 4: Proposed Streetscape Elevation (from plans by Cumming Design)

Land Use

Surrounding properties are predominantly RS-6 zoned single family dwellings, however there

are several RD-1 zoned two family dwellings in the vicinity. The OCP envisions residential infill on a limited scale in existing neighbourhoods, and Policy 4.2.4.3 refers to duplexes as a supportable building type and land use in neighbourhoods.

The existing dwelling, built in 1954, is recognized as a legal non-conforming "up-down" duplex. However, the legal non-conforming status does not permit the expansion of the duplex. A rezoning would be required to construct the proposed addition.

Policy 5.1.2.4 of the OCP requires that two-family dwellings lots be 1.3 times the minimum area of the largest adjacent single family dwelling zone. In this case the largest adjacent single family dwelling zone is the RS-6 zone, with a minimum lot size of 560 m²; 1.3 times this figure would be 728 m². The subject property has a lot area of 775.9 m², and as such meets the lot area requirement.

Site and Building Design

The subject property is approximately 50.91 m deep and 15.24 m wide, and is similar to properties on either side as well as ones across the street. The relatively deep lot lends itself to the proposed front-back duplex design.

The existing dwelling was built in 1954, and was built in a modern style, with flat walls terminating in a flat roof hidden behind a low parapet. The existing building appears well maintained and the stucco exterior is painted a warm grey. Window and door trim is painted black, and accents are provided by the doors themselves, with a red upper door and a toffee-coloured lower door, both of which face Lurline Avenue.

The proposed addition would sit behind the existing dwelling and, being only one storey in height, would be somewhat hidden from the street (see Figure 4). The change to the existing streetscape would therefore be minimal. The proposed addition would be clad in grey stucco to match the existing building, with accent walls clad in vertical corrugated metal siding and red stucco. The proposed black and white trim would also match the existing trim. The low sloping roof would also be metal, which would complement the proposed metal accent siding.

The expansion of this non-conforming legal duplex would allow for an improvement to the housing stock without significantly impacting the neighbourhood character. The design of the unit behind the existing building greatly assists in the integration of the expanded duplex in the neighbourhood.

The proposed expansion of the existing duplex would require the removal of one of the two kitchens in the existing dwelling, keeping the total number of dwelling units on the property to two. The decommissioning of one of the existing kitchens should be secured by covenant.

Proposed landscaping would include extensive plantings in the rear yard. No trees would be removed with this proposal. New trees would be comprised of one serviceberry tree and seven yellow cedars. There is an existing crabapple tree in the front yard which would be retained. With the new addition, an alcove space with patio and trellice would be introduced on the east side to provide private outdoor space for the front unit. Large patio doors at the rear of the new addition would open out into the rear yard to provide access to the backyard for that unit.

Parking for the existing dwelling is provided by an extensive gravel driveway at the front of the property. Additional parking in a tandem arrangement is proposed for the addition further into

the site, accessed by two parallel paving strips to minimize impervious surfaces. The new parking area would be paved in turf stone, which would also help to reduce impermeable surfaces.

Requested Variances

A Zoning Bylaw variance is requested to acknowledge and legalize the interior side lot line setback of the existing building. The Zoning Bylaw requires a minimum setback to the interior side lot line of 3.0 m; the existing portion of the building has a setback on the east side of 1.09 m, a deficiency of 1.91 m. The proposed new portion of the building would be fully compliant with the setback requirements of the Zoning Bylaw. As the existing building has been in its current location for 60 years, the requested variance would result in no change to the existing streetscape, and the proposed variance is supportable.

The applicant is also requesting a variance for lot width. The minimum lot width for an RD-1 zoned lot under the Zoning Bylaw is either 20 m or 1.3 times the minimum lot width of the largest adjacent single family zone, whichever is greater. In this case the largest adjacent single family zone is the RS-6 zone with a minimum width of 16 m; 1.3 times this would result in a minimum width of 20.8 m. The subject property has a lot width of 15.24 m, resulting in a requested variance of 5.56 m. Given that; there are other RD-1 zoned properties in the vicinity with this same lot width, the duplex is legal non-conforming, the existing streetscape pattern would be retained, and that the proposed front-back configuration would be less impacted by this reduced width, the requested variance can be supported.

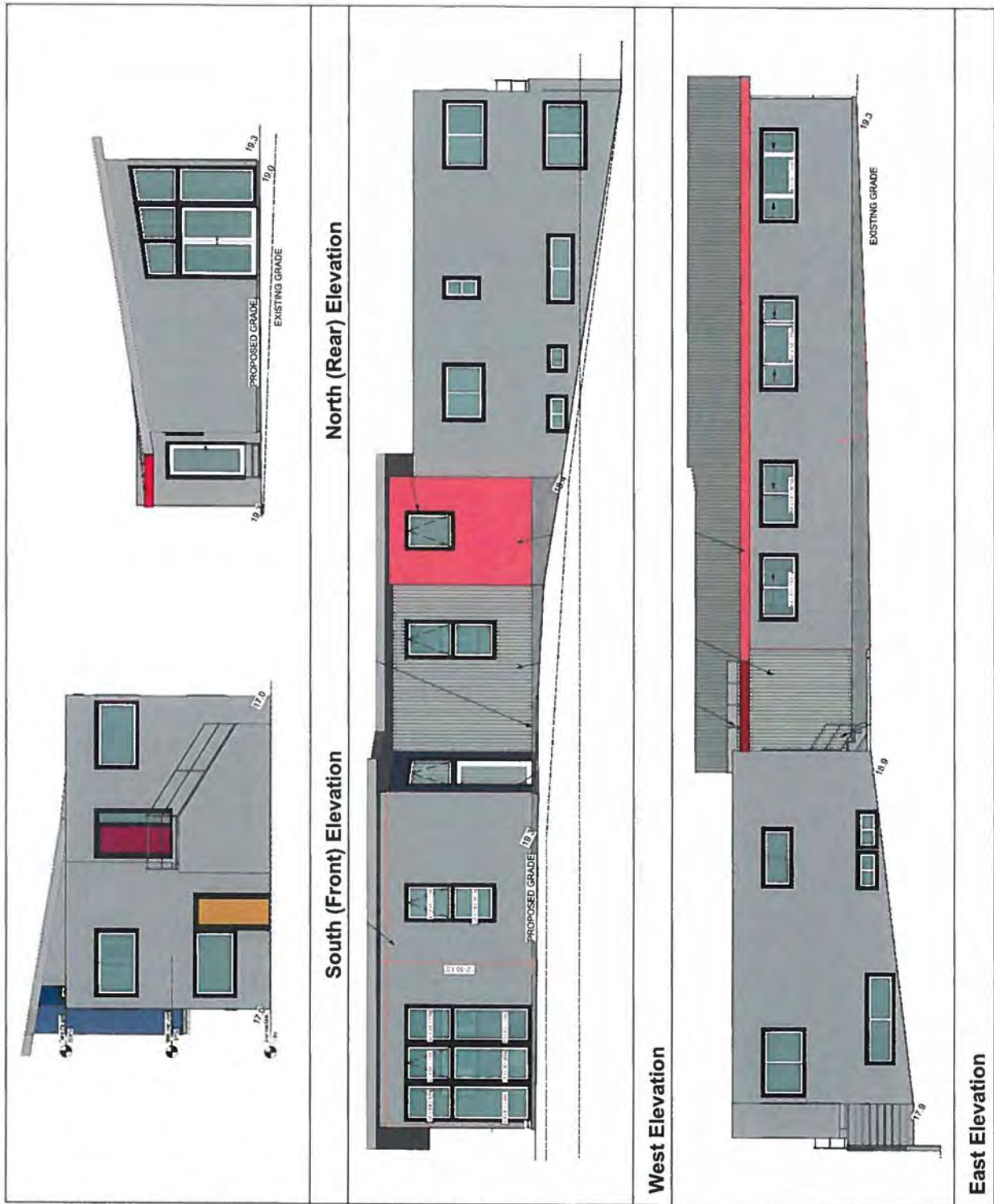


Figure 5: Proposed Building Elevations (from plans by Cumming Design)

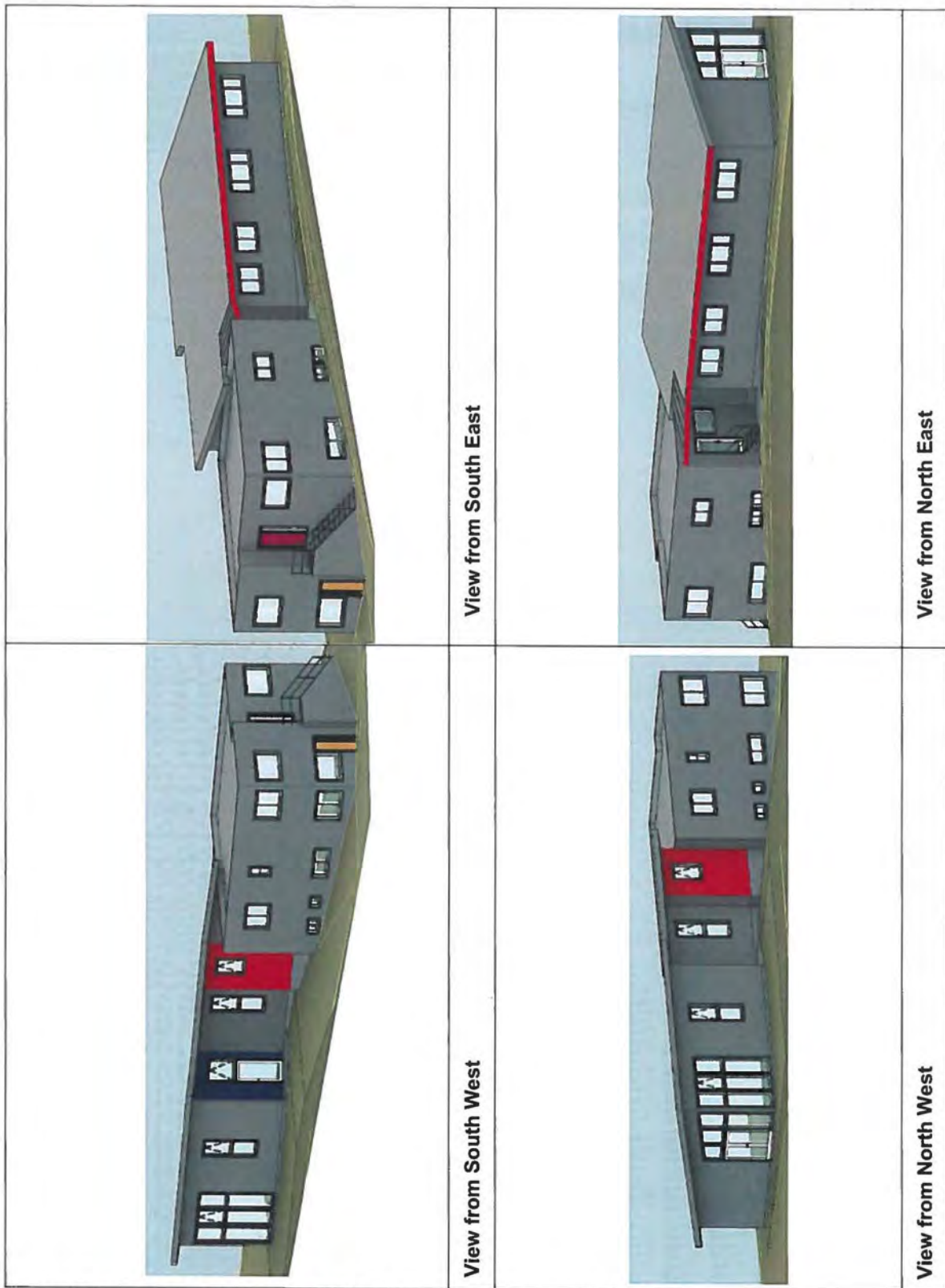


Figure 6: Proposed Building Rendering (from plans by Cumming Design)

Environment

The proposal would result in an increase in impervious surface areas from 11% to 25% of the site. The applicant is proposing to minimize impervious surfaces through the use of turf stone pavers.

The development is within the Type II watershed area which requires stormwater storage, oil/grit separator or grass swale and sediment basin. The applicant is proposing to divert rainwater runoff from the roof into the soft landscaping, which would incorporate bio swales and drought-tolerant plant species.

No trees are proposed to be removed and new trees would be planted, which would help improve the Urban Forest and preserve the carbon sink.

Sustainable development practices will be followed and the applicant has committed that construction of the addition will meet the EnerGuide 80 or equivalent level of energy efficiency, and states that City Green Solutions has carried out an EnerGuide Assessment of the proposed addition. Sustainable items would include the use of recycled or reclaimed materials where appropriate and a split duct heat pump for heating and cooling. The applicant has indicated that they would be willing to incorporate pre-ducting for future solar as part of the house design.

CLIMATE CHANGE AND SUSTAINABILITY**Policy Context**

The Official Community Plan (OCP) adopted in 2008 highlights the importance of climate change and sustainability. The OCP is broadly broken down into the pillars of sustainability including environmental integrity, social well-being and economic vibrancy. Climate change is addressed under the environmental integrity section of the OCP and through Saanich's Climate Action Plan.

Climate change is generally addressed through mitigation strategies and adaptation strategies. Climate change mitigation strategies involve actions designed to reduce the emissions of greenhouse gases, primarily carbon dioxide from combustion, while climate change adaptation involves making adjustments and preparing for observed or expected climate change, to moderate harm and to take advantage of new opportunities.

The following is a summary of the Climate Change and Sustainability features and issues related to the proposed development.

Climate Change

This section includes the specific features of a proposal related to mitigation and adaptation strategies. Considerations include: 1) Project location and site resilience; 2) Energy and the built environment; 3) Sustainable transportation; 4) Food security, and 5) Waste diversion.

The proposed development includes the following considerations related to mitigation and adaptation:

- The subject property is within 200 m of the edge of the Uptown major "Centre", where a broad range of commercial and personal services are provided, employment opportunities exist, and where the majority of future residential and commercial growth is to be focused per the Official Community Plan. The site is also conveniently located within 400 m of two parks and less than 1000 m to Tillicum Elementary School. As a rough measure, in general a walking distance between 400 - 800 m is considered optimal in encouraging an average person to walk to a service or access public transit, instead of driving to their destination,

although health, weather and the purpose of the trip all play a role in a person choosing a particular travel mode;

- The subject property is located in close proximity to public transit, and is within walking distance (900 m) to the Uptown Exchange which has 6 bus routes, as well as closer, additional bus routes along Douglas Street. Route Nos. 21 & 22 run along Burnside Road West with a stop roughly within 600 m walking distance from the property, and the closest route is No. 26 which runs along Boleskine Road with the nearest stop approximately 260 m away with an average frequency during weekdays of 22 minutes;
- The site is convenient to the Pat Bay and Trans-Canada highways, as well as the Galloping Goose Regional trail, providing quick access to other areas in the Region;
- Sidewalk and cycling infrastructure exists for the most part in this area, improving walking and cycling conditions between the subject site and the Uptown and Tillicum major "Centres", Tillicum Elementary School, Rudd and Hampton Parks, and G.R. Pearkes Community Recreation Centre. Improvements can still be made to further support and encourage walking and cycling locally and in the Region;
- The proposal is an in-fill development located within the Urban Containment Boundary and Sewer Service Area, that is able to use existing roads and infrastructure to service the development;
- The proposed development includes sufficient area suitable for backyard gardening;
- Long term plans call for a community garden in each Local Planning Area;
- The site has good access to grocery stores selling a broad range of goods, including local produce;
- Sustainable development practices will be followed and the applicant has committed that construction of the addition will meet the EnerGuide 80 or equivalent level of energy efficiency, and states that City Green Solutions has carried out an EnerGuide Assessment of the proposed addition. Sustainable items would include the use of recycled or reclaimed materials where appropriate and a split duct heat pump for heating and cooling;
- The applicant has indicated that they would be willing to incorporate pre-ducting for future solar as part of the house design; and
- The waste created by demolition of the existing structures will be diverted from landfilling by recycling where possible.

Sustainability

Environmental Integrity

This section includes the specific features of a proposal and how it impacts the natural environment. Considerations include: 1) Land disturbance; 2) Nature conservation; and 3) Protecting water resources.

The proposed development includes the following considerations related to the natural environment:

- The proposal is a compact, infill development in an already urbanized area without putting pressures onto environmentally sensitive areas or undisturbed lands;
- Maintaining and expanding the tree cover would protect the Urban Forest and preserve the carbon sink, as well as the buffering capacity of the natural environment. As part of this proposal, there would be an increase in the number of on-site trees;
- The proposed development includes rainwater collection to be used for irrigation purposes;
- Permeable surfacing would be used for the driveway and parking areas to minimize the amount of impervious area; and
- The proposal includes sustainable stormwater management practices and includes rain gardens.

Social Well-being

This section includes the specific features of a proposal and how it impacts the social well-being of our community. Considerations include: 1) Housing diversity; 2) Human-scale pedestrian oriented developments; and 3) Community features.

The proposed development includes the following considerations related to social well-being:

- The proposal would improve the existing housing stock and the expansion would be done in such a manner as to have minimal impact on the character and streetscape of the area;
- A range of outdoor, community and recreation opportunities are available within reasonable walking/cycling distance: Tillicum Elementary School is located less than 1 km from the site, nearby parks include Rudd and Hampton, and the Galloping Goose Regional Trail is 500 m to the east; and
- The residential design incorporates outdoor areas that are suitable for active and passive activity. Private, semi-private and public spaces have been accommodated for within the overall design of the development, allowing for solitude as well as opportunities for public and neighbour interaction.

Economic Vibrancy

This section includes the specific features of a proposal and how it impacts the economic vibrancy of our community. Considerations include: 1) Employment; 2) Building local economy; and 3) Long-term resiliency.

The proposed development includes the following considerations related to economic vibrancy:

- During the construction phase the applicants would rely on local building suppliers and tradesmen for the development to help support the local economy;
- The development would create short-term jobs during the construction period and result in a net increase in the property tax base;
- Home based businesses would be permissible in this development; and
- The development would site additional residential units within the commercial catchment/employment area for the businesses and services located within the Uptown and Tillicum major "Centres".

Consultation

Community Association

Prior to making the application, the applicant contacted the Gorge Tillicum Community Association (GTCA). The Chair of the GTCA Land Use Committee met with the applicants on site to discuss the application. The applicant also contacted adjacent neighbours to show them proposed plans and discuss the application.

The Planning Department referred the application to the Gorge Tillicum Community Association (GTCA). The GTCA responded in a letter indicated no objection to the application.

Advisory Design Panel

The Advisory Design Panel considered the application as Case # 2014/012. The Panel recommended that the design be accepted subject to the following conditions:

- That the applicants develop a patio area in the alcove area on the east side of the duplex using different materials and landscaping; and

- That the entranceway to the rear unit be enhanced with an impervious stoop.

The applicant responded with revised drawings and has addressed the Panel's comments as follows:

- A patio area has been added to the alcove area on the east side of the duplex using permeable pavers. The patio area is also covered by a pergola with adjacent existing and new soft-scape materials; and
- A no-step landing has been added at the entrance to the new unit using permeable pavers. The entrance and landing would be covered by the roof overhang.

SUMMARY

The applicant is proposing to rezone from RS-6 (Single Family Dwelling) Zone to RD-1 (Two-Family Dwelling) Zone to expand a legal-non conforming "up-down" duplex. The existing building would be retained. The first dwelling unit would be expanded by taking over the entire existing building. The second dwelling unit would be constructed to the rear. Variances are requested for lot width and interior side yard setback for the existing portion of the dwelling.

The proposal complies with Official Community Plan policy 4.2.4.3 which supports a range of housing types within established neighbourhoods.

The existing dwelling was built in 1954, and was built in a modern style, with flat walls terminating in a flat roof hidden behind a low parapet. The existing building appears well maintained and the stucco exterior is painted a warm grey. Window and door trim is painted black, and accents are provided by the doors themselves, with a red upper door and a toffee-coloured lower door, both of which face Lurline Avenue.

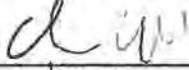
The proposed addition would sit behind the existing dwelling and, being only one storey in height, would be somewhat hidden from the street. The change to the existing streetscape would therefore be minimal. The proposed addition would be clad in grey stucco to match the existing building, with accent walls clad in vertical corrugated metal siding and red stucco. The proposed black and white trim would also match the existing trim. The low sloping roof would also be metal, which would complement the proposed metal accent siding.

Sustainable development practices would be followed and the applicant has committed that construction of the addition will meet the EnerGuide 80 or equivalent level of energy efficiency, and states that City Green Solutions has carried out an EnerGuide Assessment of the proposed addition. Sustainable items would include the use of recycled or reclaimed materials where appropriate and a split duct heat pump for heating and cooling. The applicant has indicated that they would be willing to incorporate pre-ducting for future solar as part of the house design.

The expansion of this non-conforming legal duplex would allow for an improvement to the housing stock without significantly impacting the neighbourhood character. The design of the unit behind the existing building greatly assists in the integration of the expanded duplex in the neighbourhood.

RECOMMENDATION

1. That the application to rezone from RS-6 (Single Family Dwelling) Zone to RD-1 (Two Family Dwelling) Zone be approved.
2. That Development Permit DPR00593 be approved.
3. That Final Reading of the Zoning Bylaw and ratification of the Development Permit be withheld pending registration of a Restrictive Covenant to secure:
 - Decommissioning one of the existing two kitchens; and
 - The proposed addition is constructed to an EnerGuide 80 or equivalent energy efficient standard, inclusion of heat pumps and pre-ducting for solar.

Report prepared by: 

 Chuck Bell, Planner

Report reviewed by: 

 Sharda Hvozdzanski, Director of Planning

CWB/sd
 H:\TEMPEST\PROSPERO\ATTACHMENTS\DPR\DPR00593\CWB_RPT_40 LURLINE_21 AUG 2014_DRAFT.DOC

cc: Andy Laidlaw, Administrator
 Graham Barbour, Manager, Inspection Services

ADMINISTRATOR'S COMMENTS:

I recommend that a Public Hearing be called.


 for Andy Laidlaw, Administrator

DISTRICT OF SAANICH

DPR00593

DEVELOPMENT PERMIT

**TO: Kevin John Dunmore
Barbara-Jean Dunmore
40 Lurline Avenue
Victoria, BC V8Z 1H4**

(herein called "the Owner")

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit applies to the lands known and described as:

Lot 9, Block 1, Section 81, Victoria District, Plan 1006

40 Lurline Avenue

(herein called "the lands")

3. This Development Permit further regulates the development of the lands as follows:
 - (a) By varying the provisions of the Zoning Bylaw 2003, Section 301.4 (a) (iii) to permit the existing portion of the dwelling to have an interior side yard setback on the east side of 1.91 m (3.0 m required);
 - (b) By varying the provisions of the Zoning Bylaw 2003, Section 301.6 (a) to permit a lot width of 15.24 m (20.8 m required); and
 - (c) By supplementing the provisions of the Zoning Bylaw 2003, to require the buildings and lands to be constructed and developed in accordance with the plans prepared by Cumming Design and the landscape plan prepared by Holli Benjamin Horticulture received January 12, 2015 copies of which are attached to and form part of this permit.
4. The Owner shall substantially start the development within 24 months from the date of issuance of the Permit, in default of which the Municipality may at its option upon 10 days prior written notice to the Owner terminate this Permit and the Permit shall be null and void and of no further force or effect.
5. Notwithstanding Clause 4, construction of driveways and parking areas, and delineation of parking spaces shall be completed prior to the issuance of an Occupancy Permit.
6. (a) Prior to issuance of a Building Permit, the Owner shall provide to the Municipality security by cash, certified cheque, or an irrevocable letter of credit in the amount of \$14,280.00 to guarantee the performance of the requirements of this Permit respecting landscaping.

- (b) The owner must obtain from the contractor a minimum one-year warranty on landscaping works, and the warranty must be transferable to subsequent owners of the property within the warranty period. The warranty must include provision for a further one-year warranty on materials planted to replace failed plant materials.
 - (c) Any protective fencing of trees or covenant areas must be constructed, installed and signed according to the specifications in Appendix X.
 - (d) No site activity shall take place prior to the installation of any required tree of covenant fencing and the posting of "WARNING – Habitat Protection Area" signs. The applicant must submit to the Planning Department a photograph(s) showing the installed fencing and signs. Damage to or moving of, any protective fencing will result in an immediate stop work order and constitute a \$1,000 penalty.
 - (e) The landscaping requirements of this Permit shall be completed within four months of the date of issuance of the Certificate of Occupancy for the development, in default of which the Municipality may enter upon the lands, through its employees or agents, and complete, correct or repair the landscaping works at the cost of the Owner and may apply the security, interest at the rate payable by the Municipality for prepaid taxes.
 - (f) In the event that any tree identified for retention is destroyed, removed or fatally injured, a replacement tree shall be planted in the same location by the Owner in accordance with the replacement guidelines as specified within the Saanich Tree and Vegetation Retention, Relocation and Replacement Guidelines. The replacement tree shall be planted within 30 days of notice from the Municipality in default of which the Municipality may enter upon the lands and carry out the works and may apply the security provided herein in payment of the cost of the works. For the purpose of this section, existing trees identified for retention and new trees planted in accordance with the landscape plan attached to and forming part of this permit shall be deemed to be "trees to be retained".
7. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in her absence, the Manager of Community Planning.
8. Notwithstanding the provisions of Section 7 of this Permit the following changes will be permitted and not require an amendment to this Permit:
- (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.
 - (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with the Director of Planning, or Manager of Community Planning in her absence.

- (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit.
9. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors and assigns as the case may be or their successors in title to the land.
10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE

_____ DAY OF _____ 20 _____

ISSUED THIS _____ DAY OF _____ 20 _____

Municipal Clerk

APPENDIX X

PROTECTIVE FENCING FOR TREES AND COVENANT AREAS

Protective fencing around trees and covenant areas is an important requirement in eliminating or minimizing damage to habitat in a development site.

Prior to any activities taking place on a development site, the applicant must submit a photo showing installed fencing and “WARNING – Habitat Protection Area” signs to the Planning Department.

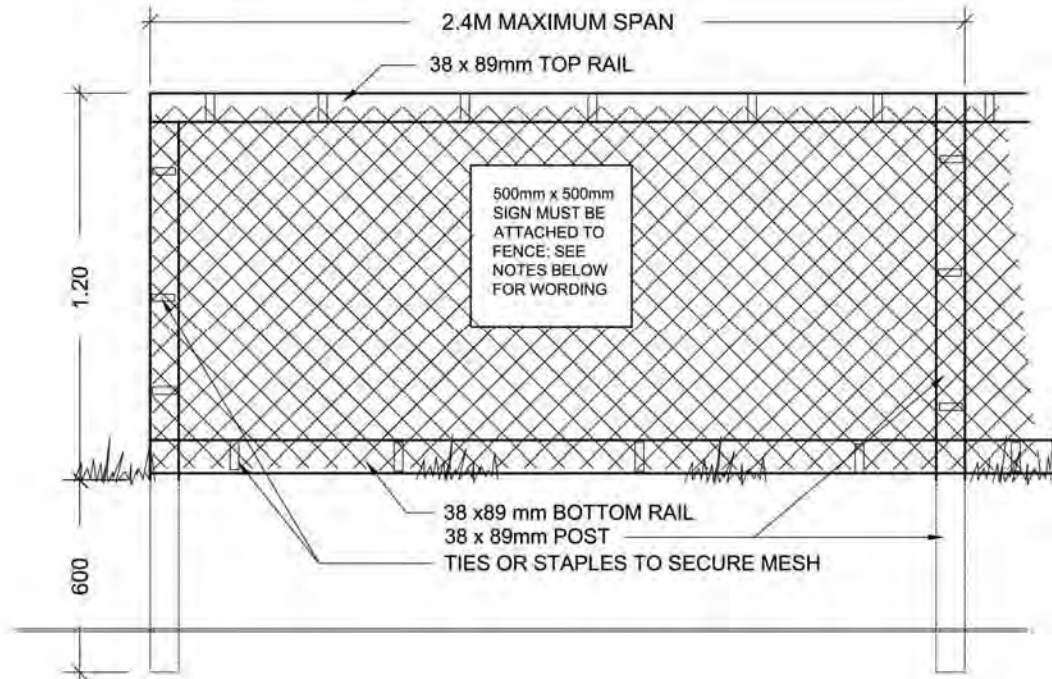
Specifications:

- Must be constructed using 2” by 4” wood framing and supports, or modular metal fencing
- Robust and solidly staked in the ground
- Snow fencing to be affixed to the frame using zip-ties or galvanized staples
- Must have a “WARNING – HABITAT PROTECTION AREA” sign affixed on every fence face or at least every 10 linear metres



Note: Damage to, or moving of, protective fencing will result in a stop work order and a \$1,000 penalty.





TREE PROTECTION FENCING

NOTES:

1. FENCE WILL BE CONSTRUCTED USING 38 X 89 mm (2"X4") WOOD FRAME: TOP, BOTTOM AND POSTS. *
USE ORANGE SNOW-FENCING MESH AND SECURE TO THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING WORDING:
WARNING-HABITAT PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE FACE OR AT LEAST EVERY 10 LINEAR METRES.

* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED



DETAIL NAME:

TREE PROTECTION FENCING

DATE:	March/08
DRAWN:	DM
APP'D:	RR
SCALE:	N.T.S.



ENGINEERING
Development

Memo

To: Planning Department
From: Jagtar Bains
Date: September 8, 2014
Subject: Servicing Requirements for the Proposed Development

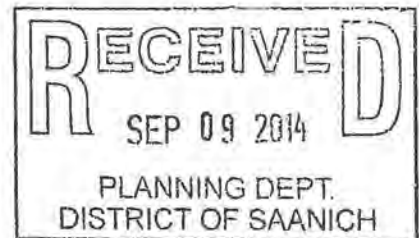
PROJECT: TO REZONE FROM RS-6 (SINGLE FAMILY DWELLING) ZONE TO RD-1 (TWO FAMILY DWELLING) ZONE TO CONSTRUCT A DUPLEX.

SITE ADDRESS: 40 LURLINE AVE
PID: 001-553-348
LEGAL: LOT 9 BLOCK 1 SECTION 81 VICTORIA LAND DISTRICT
DEV. SERVICING FILE: SVS01908
PROJECT NO: PRJ2014-00497

The above noted application for rezoning & Development Permit has been circulated to the Engineering Department for comment. A list of servicing requirements has been attached on the following page(s). To allow Council to deal effectively with this application, we would appreciate confirmation, prior to the Public Hearing, that the applicant agrees to complete the servicing requirements. Should there be any disagreement with any of these requirements, it should be discussed with the undersigned prior to the Public Hearing.

Jagtar Bains
DEVELOPMENT COORDINATOR

**ENTERED
IN CASE**



cc: Von Bishop, MANAGER OF DEVELOPMENT

General Information on Development Servicing

Servicing requirements are stated at this time for the applicant's information. The requirements must be met prior to building permit issuance, including consolidation or subdivision, payments and/or deposits.

Services which must be installed by a developer must be designed by a Professional Engineer hired by the developer and installed under the Engineer's supervision. The design must be approved prior to building permit issuance. The approval process may take up to 30 working days of staff time to complete circulations and request revisions of the Engineer. Certain circumstances can lengthen the approval process.

A Financial sheet is issued with the design drawing which will state:

- 1) The estimated cost of developer installed servicing plus 20% which must be deposited.
- 2) The estimated cost of Municipal installed servicing which must be paid.
- 3) The Development Cost Charges payable.
- 4) Any special conditions which must be met.

This information is not intended to be a complete guide to development procedures. A more complete listing may be found in Section 2 of the Engineering Specifications, Schedule H to Bylaw 7452 (Subdivision Bylaw).

Development Servicing Requirements

Development File: SVS01908
Civic Address: 40 LURLINE AVE
Page: 1

Date: Sep 8, 2014

Drain

1. STORM WATER MANAGEMENT MUST BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW. THIS SUBDIVISION/DEVELOPMENT IS WITHIN TYPE 1 WATERSHED AREA WHICH REQUIRES STORM WATER STORAGE, CONSTRUCTION OF WETLAND OR TREATMENT TRAIN AND SEDIMENT BASIN. FOR FURTHER DETAILS, REFER TO SECTION 3.5.16, STORM WATER MANAGEMENT AND EROSION CONTROL OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW. STORM WATER MANAGEMENT MUST BE PROVIDED FOR BOTH THE EXISTING AND PROPOSED BUILDINGS AND DRIVEWAYS. A CONCEPTUAL PLAN MUST BE PROVIDED.
2. SUBSEQUENT DRAIN CONNECTION WILL BE REQUIRED FOR PROPOSED UNIT.
3. THE EXISTING CONNECTION IS TO BE PROVIDED WITH AN INSPECTION CHAMBER.

Gen

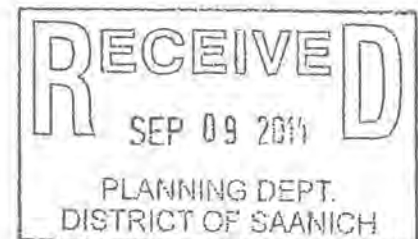
1. THE BUILDING IS REQUIRED TO COMPLY WITH THE 2012 BC BUILDING CODE AND MUNICIPAL BYLAWS. BUILDING AND PLUMBING PERMITS WILL BE REQUIRED FOR ALL WORKS.

Sewer

1. SUBSEQUENT SEWER CONNECTION WILL BE REQUIRED FOR PROPOSED UNIT.
2. THE EXISTING CONNECTION IS TO BE PROVIDED WITH AN INSPECTION CHAMBER.

Water

1. THE EXISTING 13 MM WATER SERVICE MUST BE UPGRADED TO 19 MM.
2. A NEW WATER SERVICE IS REQUIRED FOR PROPOSED UNIT.



District Of Saanich / Development Permit Application - Part 2

Item 3. Additional Information - Sustainability Statement

The following details provide information with respect to the Development Permit Application, Sustainability Statement for the proposed addition

Environmental Indicators

- Proposed addition design conserves existing trees
- Landscaping design incorporates new trees, native shrubs and maintains existing grades
- Design incorporates established green building standards and quality building materials to reduce the environmental load
- Landscaping design improves environmental performance with additional trees and shrubs, native plants and diversion of rainwater into the soils
- Increase in impermeable surface is limited to proposed addition footprint
- Permeable turfstone paving will be used for the driveway and parking areas
- Potable water irrigation is reduced using drought tolerant plant species and diversion of rainwater into the soft landscaping
- Low flow faucets & showerheads, dual flush toilets, water efficient appliances
- Recycled or reclaimed materials will be used where appropriate in the construction to reduce waste generation and resources
- Kitchen design will promote recycling and durable materials will be used to prolong lifespan
- Selection of non off-gassing materials, low VOC paints, no carpets and formaldehyde free products
- No wood burning fireplace
- Incorporate established green building standards in construction in order to achieve EnerGuide 80 certification City Green Solutions has carried out an Energuid Assessment of the proposed addition
- Windows designed for summer shading and winter solar gain with low e glazing materials
- Split duct heat pump for heating and cooling to reduce energy use

Social Indicators

- Discussions with neighbours, the Community Association have been documented and are included with this submission
- Minimises overall footprint and land use consumption
- Provides density close to amenities
- Quality architectural design, exterior finishes and landscaping
- Efficient use of land and existing infrastructure, retail, community services & public transport
- Accessible to parks, recreation and green/open spaces
- Increases supply of affordable housing
- Includes Adaptable Housing Features
- Close to public transport and Galloping Goose Trail cycling infrastructure
- Close to retail, school, recreation, business, employment & service centers

Economic Indicators

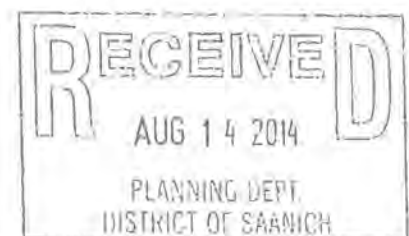
- Construction will use local suppliers, contractors & workers
- The assessed value of the property will increase and contribute to Saanich's tax base
- Uses existing municipal infrastructure and services
- Overall design provides long term cost savings for energy, water and maintenance costs



District Of Saanich / Development Permit Application - Part 2

Item 3. Additional Information – Landscape Cost Estimate, Tree Inventory & Tree Preservation Plan

- See attached Holli Benjamin Horticulture Estimate for Services.
- Please note the comments regarding the Arborist Report, Tree Inventory and Tree Protection Plan which are not required as there are no trees that will be affected by the development proposal.





DEVELOPMENT PERMIT APPLICATION STORMWATER MANAGEMENT STATEMENT

Parcel Address: 38-40 LURLONE AVENUE

Applicant: KEVIN & BARBARA JEAN DUNMORE

Date: _____

Contact Person: KEVIN DUNMORE

Telephone: [REDACTED]

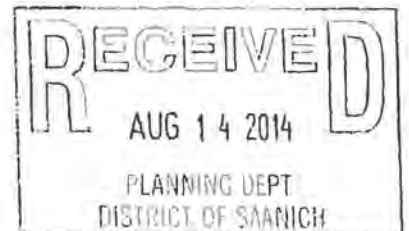
Storm water management is reviewed as part of the Development Permit Review process. Applications are required to meet:

1. The Engineering Specifications detailed in Section 3.5.16 of Schedule "H" of the Subdivision Bylaw, 7452; and
2. The intent of the Development Permit guidelines:
 - a) Development Permit Areas #1, 2, 3, 6, through 15, 17, 18, 20, 21, 22, 23
 - The total impervious cover of the site should minimize impact on the receiving aquatic environment. Consideration should be given to reducing impervious cover through reduction in building footprint and paved areas.
 - Storm water runoff controls should replicate the natural runoff regime. The controls could include on-site infiltration, storage in ponds or constructed wetlands, sand filtration and creative road/curb configurations.

b) Development Permit Area #27

Maintain pre-development hydrological characteristics should by the following means:

- minimize impervious surfaces.
- return the storm water runoff from impervious surfaces of the development to natural hydrologic pathways in the ground to the extent reasonably permitted by site conditions, and treat, store and slowly release the remainder per the specifications of Schedule H to the Subdivision Bylaw.
- minimize alteration of the contours of the land outside the areas approved for buildings, structures and site accesses by minimizing the deposit of fill and removal of soil, and
- minimize the removal of native trees outside the areas approved for buildings, structures and site accesses.



Keeping in mind the requirements of Schedule "H", describe how your storm water management concept will meet the intent of the relevant development permit guidelines. Provide details on types of treatment systems that will be used, considering the following questions.

- a) Will there be an increase or decrease in impervious area compared to existing conditions?
- b) What percentage of the site will be impervious cover compared to existing conditions?
- c) How will impervious surface area be minimized (e.g. minimizing paved area and building footprints, pervious paving, green roofing, absorbent landscaping)?
- d) How will the proposed system detain and regulate flows and improve storm water quality (e.g. infiltration systems, engineered wetlands, bioswales)?
- e) If the intent of the guideline cannot be met, explain why.

Use additional pages if necessary. Attach plans if available; detailed engineering plans will be required as part of the Building Permit process.

NOTE: Meeting the Development Permit guidelines and issuance of a Development Permit does not relieve the requirements of Schedule "H" of the Subdivision Bylaw.

a) THE TOTAL LG AREA IS 776 M² WITH A CURRENT IMPERVIOUS AREA OF 90M², THE PROPOSED ADDITION WILL HAVE 111M² OF IMPERVIOUS AREA.

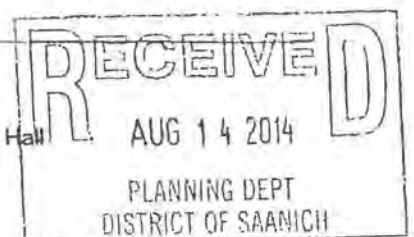
b) IMPERVIOUS SURFACES WILL COVER 26% OF SITE COMPARED TO 12% OF SITE CURRENTLY.

c) ONLY THE PROPOSED ADDITION FOOTPRINT WILL INCREASE THE IMPERVIOUS AREA. PERVIOUS TURFSTONE PAVING WILL BE USED FOR THE DRIVEWAY & PARKING AREAS. ABSORBANT LANDSCAPING DESIGN WILL USE RAINWATER FROM THE PROPOSED ADDITION ROOF.

d) THE USE OF AN ABSORBANT LANDSCAPING DESIGN WHICH INCORPORATES A SWALE WITH PERVIOUS PLANTING TO REGULATE AND ALLOW INFILTRATION OF ROOF RAINWATER FROM THE PROPOSED ADDITION.

e) WE FEEL THE INTENT OF THE GUIDELINE IS MET BY THE ABOVE PROPOSAL.

If you require clarification, please contact:
The District of Saanich • Planning Department • 3rd Floor • Municipal Hall
770 Vernon Avenue • Victoria • BC • V8X 2W7
Tel: 250.475.5471 or 250.475.5473



28-70-50 Lurline



Memo

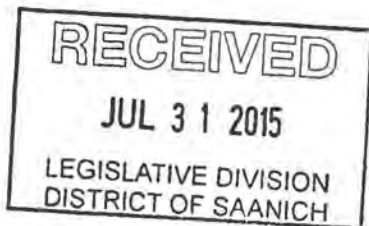
To: Donna Dupas
From: Jagtar Bains
Date: July 31, 2015
Subject: Fourth Reading for Development Application

SITE ADDRESS: **40 LURLINE AVE** DEVELOPMENT SERV. FILE: **SVS01908**
PID: **001-553-348**
PROJECT: **TO REZONE FROM RS-6 (SINGLE FAMILY DWELLING) ZONE TO RD-1 (TWO FAMILY DWELLING) ZONE TO CONSTRUCT A DUPLEX.**

For the purposes of final reading of the Zoning By-law for the above property, this will confirm that we have received a letter of intent from the applicant (copy attached) to complete the engineering requirements as noted in our letter to the applicant.

A handwritten signature in blue ink, appearing to read "Jagtar Bains", with a long horizontal flourish extending to the right.

Jagtar Bains
DEVELOPMENT COORDINATOR



Jagtar Bains, Development Coordinator
Saanich Engineering, Development
District of Saanich
770 Vernon Avenue
Victoria BC V8X 2W7

Kevin & Barbara Jean Dunmore
40 Lurline Avenue
Victoria BC V8Z 1H4

July 29, 2014

Dear Jagtar,

Re: Development Permit & Rezoning Application
FILE: DPR00593; REZ00551 – 40 LURLINE AVENUE

Further to Saanich Legislative Services letter dated Jul 07/15, received Jul 20/15 Re: File 28770-30/Lurline Avenue which asks we contact you regarding our written commitment to complete the servicing requirements for the above referenced development.

Kevin Dunmore discussed this briefly with you on July 23/15 when he met Chuck Bell at the Saanich Planning Department.

Please accept this letter as our written commitment to complete the servicing requirement for our development per your attached Saanich Engineering, Development Memo dated Sep 08/14.

Please contact Kevin Dunmore, if you have any questions at 250-896-0315 or by email at: 247kid@gmail.com

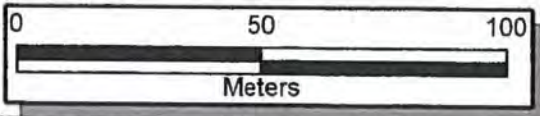
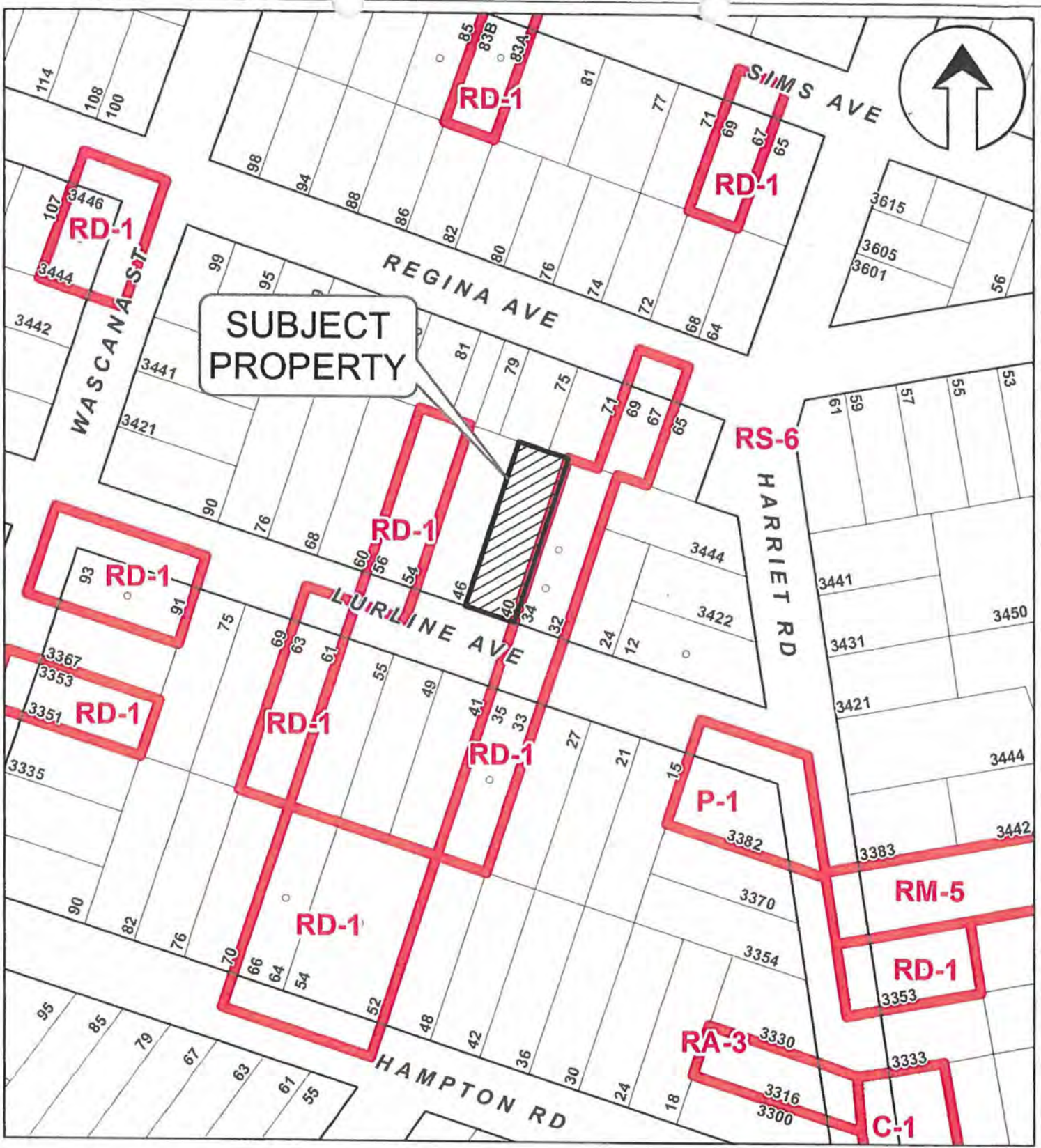
Yours truly,



Kevin & Barbara Jean Dunmore

Attachments:
Saanich Legislative Services Letter dated Jul 07/15
Saanich Engineering, Development Memo dated Sep 08/14

SUBJECT
PROPERTY



District of Saanich
Planning Dept.
Aug. 19, 2014

2870-30
Lurline Avenue

40 LURLINE AVENUE – DEVELOPMENT PERMIT AND REZONING APPLICATION

Report of the Director of Planning dated June 10, 2015 recommending Council approve the application to rezone from RS-6 (Single Family Dwelling) zone to RD-1 (Two Family Dwelling) zone to expand a legal non-conforming duplex with variances required for lot width and interior side yard setback; that Development Permit DPR00593 be approved; and that Final Reading of the Zoning Bylaw and ratification of the Development Permit be withheld pending registration of a Restrictive Covenant to decommission one of the existing two kitchens, ensure the proposed addition is built to EnerGuide 80 or equivalent energy efficiency standards and the inclusion of heat pumps and pre-ducting to be solar ready.

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

- The owners would be responsible for regulating parking on the property.
- Decommissioning one of the kitchens will be secured by covenant.
- Secondary suites are not permitted within duplexes.

APPLICANT:

K. Dunmore, Lurline Avenue, presented and highlighted:

- The proposed new dwelling will be constructed to the rear of the existing dwelling; it will be single-storey, open concept with adaptable housing features to allow the owner to retire on the property; the front unit will be a rental unit.
- The existing duplex has legal non-conforming status; variances are requested for lot width and interior side yard setback for the existing portion of the dwelling.
- No trees will be removed nor will the property need to be re-graded; sustainable items include the use of permeable pavers and a split duct heat pump; the applicant is also committed to EnerGuide 80 or equivalent and incorporating pre-ducting for future solar.
- The proposed development is in close proximity to services, schools, parks and trails; it improves the housing stock without a significant change to the neighbourhood.
- The Gorge Tillicum Community Association and neighbours support the proposal.

In response to questions from Council, the applicant stated:

- He will commit to BUILT GREEN® Gold or equivalent energy efficiency.
- There is ample space for onsite parking.
- The front unit will utilize the green space at the front and west side of the property; the rear unit will utilize the existing patio area on the east side and the rear yard.

PUBLIC INPUT:

A. Hughes, Lurline Avenue, stated:

- There is concern that the proposed development will increase the number of vehicles parking on the street; the variance is also a concern in that the windows in the proposed dwelling will look onto the neighbour's patio and the new dwelling will block the sunlight.

Motion: **MOVED by Councillor Derman and Seconded by Councillor Haynes: "That a Public Hearing be called to further consider the rezoning application on Parcel A (DD7803-W) of Lot 9, Block 1, Section 81, Victoria District, Plan 1006 (40 Lurline Avenue)."**

Councillor Derman stated:

- The applicant's commitment to EnerGuide 82 is appreciated; a drawing should be provided that shows the relationship of the new dwelling to the neighbour's property and address privacy issues.
- This is a good location for infill; it is close to services and transit.

Councillor Sanders stated:

- The proposed development is close to amenities and the commitment to EnerGuide 82 is appreciated.
- The existing house is attractive; the design of the proposed dwelling should be cohesive with the architecture of the existing dwelling.
- The design of the driveway, parking spaces and the green spaces are a concern.
- The existing shed needs to be shown on the design; there may an opportunity to change the design to address the neighbours' concerns.

Councillor Murdock stated:

- He appreciates the commitment to EnerGuide 82; the privacy impacts on neighbours needs to be addressed.
- A duplex compliments the neighbourhood and adds an element of affordability; the proposed development is in close proximity to services and public transit.

Councillor Haynes stated:

- The applicant wishes to age-in-place in the neighbourhood; frosted glass could be considered for windows in the proposed dwelling to address the privacy concerns.

Councillor Plant stated:

- He appreciates the applicant's commitment to pre-ducting for future solar capabilities.

CARRIED
with Councillor Sanders OPPOSED

ClerkSec - RE: Development Permit & Rezoning Application - 40 Lurline / Saanich File: 2870-30/Lurline Avenue

From: "Kevin Dunmore" [redacted]
To: <donna.dupas@saanich.ca>
Date: 9/2/2015 8:56 AM
Subject: RE: Development Permit & Rezoning Application - 40 Lurline / Saanich File: 2870-30/Lurline Avenue
CC: <sharon.hvozdanski@saanich.ca>, "Chuck Bell" <Chuck.Bell@saanich.ca>, "Barbara-Jean Dunmore" [redacted]
Attachments: 40 Lurline DPA-Letter to Mayor&Council Re-Council Minutes July 06, 2015-090215.pdf; 40 Lurline DPA-Revised DPA Drawings Sep 01, 2015-090115.pdf; 40 Lurline Avenue-DPR00593, REZ00551-Written Commitment to Saanich Servi....pdf

Donna Dupas,
Legislative Manager
Saanich Legislative Services

Donna,

Further to your letter dated Jul 07/15 Re: DPA Permit & Rezoning Application – 40 Lurline Avenue / Saanich File: 2870-30/Lurline Avenue.

We met with Saanich Planning/Chuck Bell on Jul 23/15.

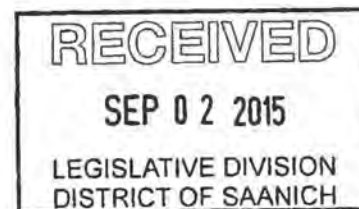
Please find attached our response (letter Sep 01/15 with attachments including revised DPA drawings) to the Mayor & Council regarding the Minutes of the Council Meeting Jul 06/15.

We provided written confirmation (letter Jul 29/15) to Saanich Engineering/Jagtar Bains regarding completion of the site servicing requirements. See attached.

The \$500.00 Saanich advertising fee will be delivered to your office this week.

Please advise the Public Hearing date once scheduled.

Regards,
Kevin Dunmore
[redacted]



From: Kevin Dunmore [redacted]
Sent: July 21, 2015 9:17 AM
To: 'donna.dupas@saanich.ca' <donna.dupas@saanich.ca>
Cc: 'sharon.hvozdanski@saanich.ca' <sharon.hvozdanski@saanich.ca>; 'Chuck Bell' <Chuck.Bell@saanich.ca>; 'Barbara-Jean Dunmore' [redacted]
Subject: Development Permit & Rezoning Application – 40 Lurline / Saanich File: 2870-30/Lurline Avenue

Donna Dupas,
Legislative Manager
Saanich Legislative Services

Donna,

We acknowledge receipt of your attached letter dated July 07, 2015, postmarked July 17, 2015 and received July 20, 2015.

We will respond to the requirements mentioned in this letter following discussions with the Saanich Planning Department.

Regards,
Kevin & Barbara Jean Dunmore
40 Lurline Avenue
Victoria BC V8Z 1H4



Mayor & Council
District of Saanich
Victoria BC V8X 2W7

Kevin & Barbara Jean Dunmore
40 Lurline Avenue
Victoria BC V8Z 1H4

September 01, 2015

Dear Mayor & Council,

Re: Development Permit & Rezoning Application
FILE: DPR00593; REZ00551 – 40 LURLINE AVENUE

Further to Saanich Legislative Services letter dated Jul 07/15, received Jul 20/15 Re: File 28770-30/Lurline Avenue which asks we consult the Planning Department regarding comments by members of Council in the minutes of the Council meeting dated Jul 06/15 regarding 40 Lurline Avenue - Development Permit and Rezoning Application.

Kevin Dunmore met with Saanich Planning, Chuck Bell on Jul 23/15 to discuss these comments.

We respond to the above referenced Saanich Legislative Services letter as follows:

Councillors Comments

Commitment to EnerGuide 82 or equivalent energy efficiency

Our original proposal was to build to EnerGuide 80. This letter confirms our revised commitment to build to EnerGuide 82 or equivalent energy efficiency.

Design of proposed dwelling, driveway, parking spaces and green spaces

The proposed dwelling was designed to be distinctly different but compatible with the existing dwelling. It has similar colours, materials and features other than roof line. We wanted an open, high living space which is achieved with the single slope roof line. Note, the existing dwelling has a flat roof which for practical reasons (poor drainage & snow load issues) we did not want to use on the proposed dwelling.

The Advisory Design Panel (ADP) Report dated Dec 10/14 provide comments and recommendations on design which we incorporated into the revised DPA submission drawings dated Dec 29/14. See attached K & B Dunmore letter dated Dec 29/14.

The proposed driveway on the west side of the property provides access and parking to the proposed dwelling. The same driveway location has been used for parking since we moved into the existing dwelling eight years ago without any issues for vehicles, pedestrians or traffic safety.

Two parallel parking spaces are provided for the existing dwelling and two tandem parking spaces provided for the proposed dwelling in accordance with the RD-1 Zoning requirements. Residents of the existing and proposed dwellings will not require street parking.

There is adequate space for the proposed driveway (to the proposed dwelling) on the west side of the two parking spaces for the existing dwelling. As the owners of both dwellings, we will be responsible for regulating parking on the property.

There are green spaces for both the existing and proposed dwellings. The existing dwelling has green space to the front and sides with space on the east side of the proposed dwelling. The proposed dwelling has green space to the rear and on the sides.

Privacy of the neighbours

In the original Development Permit & Rezoning Application submitted Aug 12/14, we provided details of Community Consultation which documented discussions during May & June 2014 with Gorge Tillicum Community Association (GTCA) and our Neighbours. See attached Part 3. Additional information – Community Consultation.

GTCA subsequently confirmed their support for our DPA in their letter dated Sep 02/14. See attached GTCA letter dated Sep 02/14.

Our Neighbours gave verbal support or signed a letter of support and had no issues with the exception of the owner of 34 Lurline which is the rear dwelling of a front/back duplex on the east side of 40 Lurline who was concerned about loss of sunlight and privacy. We discussed the following with the owner of 34 Lurline:

- Shadow from the proposed dwelling (single storey) in the summer months starts mid-afternoon and is subsequently overtaken by the shadow from a large tree located at 54 Lurline. In the winter months the existing dwelling is the primary shadow from mid-afternoon with a later increase from the proposed dwelling.
- The bottom of all windows in the proposed dwelling east wall is 6' above floor level. All east wall windows are 24" high. Other than for very tall people, the view of the 34 Lurline property is limited to the house's upper wall/roof or the skyline. The owner of 34 Lurline acknowledged these comments but asked that we have a 10' setback to the east property line not the proposed 5' setback.

Please note, our original design had a 5' setback to the east property line but based on discussions with the owner of 34 Lurline we revised our design for the proposed dwelling prior to the original DPA submission to provide a 10' setback to the east property line in accordance with the RD-1 Zoning requirements.

Also, further to comments in the ADP Report the windows on east side of the proposed dwelling were increased to 36" high on a subsequent resubmission of the DPA drawings Dec 29/14.

There is an existing 5' high east fence between the 34 and 40 Lurline properties.

We have owned and lived at 40 Lurline for eight years and during that time have planted a variety of trees and shrubs in front of the east fence line to improve our privacy. Also, we have maintained the fence line and replaced all the rotten fence posts when the fence started to fall over, even though this fence is apparently not our fence.

The west windows of 34 Lurline dwelling overlook the rear of the 40 Lurline (existing dwelling) and during a period when the owner of 34 Lurline had others living at 34 Lurline, we increased the height of a section of the east fence and planted bamboo (which has now grown up to 9' tall) to limit the direct view from 34 Lurline of the rear windows and rear patio area of 40 Lurline (existing dwelling).

These improvements have also provided increased privacy to the residents of 34 Lurline. See attached photographs.

To provide further privacy for 34 Lurline, we propose to remove the existing bamboo screening and increase the overall screening length along the east fence line by planting 7'-8' Leyland Cypress on our property, in front of the existing east fence between the proposed dwelling and the 34 Lurline dwelling & patio. See revised Landscaping Plan.

Also, we have revised the height of the windows on the east side of the proposed dwelling back to the original DPA submission which was 24" high. Note, additional windows have been added to the north and west sides of the proposed dwelling.

Regarding the loss of sunlight to 34 Lurline due the proposed dwelling. There is a small loss of sunlight later in the day which is primarily due the existing dwelling. This is not uncommon for adjacent residential properties and is minimized by the RD-1 Zoning 10' setback to the east property line and single storey height of the proposed dwelling. See comments above regarding loss of light and attached Shadow Diagrams.

See attached revised DPA drawings & additional information including:

- Revised view of the east face of the proposed dwelling (which faces 34 Lurline) with reduced window height and roof duct for future solar installation.
- Revised views of north and west sides of the proposed dwelling showing additional windows.
- Revised rear view of 34 & 40 Lurline with site lines for occupant in proposed dwelling looking through east face window at 34 Lurline dwelling. There is no direct view of 34 Lurline & patio through the windows of the proposed dwelling.
- Additional Site Layout Including Neighbours showing the position of the proposed dwelling relative to 34 Lurline dwelling and patio.
- Revised Site Plan showing the existing garden shed, originally on the west side of our property (40 Lurline) and in 2015 removed and rebuilt in the north east corner.
- Revised Landscaping Plan showing increased screening along east fence line.
- Saanich Orthophoto 2013 showing 40 Lurline Existing & Proposed Dwellings, 34 Lurline & Patio.
- Photos of the existing east fence line from 40 Lurline looking at 34 Lurline.
- Shadow Diagrams for proposed dwelling and 34 Lurline (looking south) based on the Spring (March 20) & Autumn Equinox (September 23) 2015 dates at 10am, 12am, 2pm & 4pm.

Public Input Comments

Public Input: A. Hughes [redacted] Lurline comments: See responses above to our neighbours concerns regarding vehicle parking on the street, windows in new dwelling look onto the patio and the new dwelling blocking out sunlight. We note, the minutes indicate our neighbour may think the requested variance relates to the proposed dwelling setback from the east property line. This is incorrect, as stated above there is a 10' setback to the east property line in accordance with the RD-1 Zoning requirements. The variance is for the existing dwelling (built legally 60 years ago) which does not meet the RD-1 Zoning setback requirement to the east property line.

In conclusion, we feel the above responses satisfy the comments of Council and our Neighbour. If necessary, we would be happy to meet with Saanich Planning and members of Council at our property to discuss this matter further.

Please review our response and contact Kevin Dunmore, if you have any questions at [redacted] or by email at: [redacted]

Yours truly,



Kevin & Barbara Jean Dunmore

Cc: Saanich Planning, Chuck Bell

Attachments:

- Saanich Legislative Services Letter date July 07/15
- K & B Dunmore response to ADP Report dated Dec 19/14
- DPA & Rezoning Application – Part 3 Additional Information – Community Consultation dated July 2014
- Gorge Tillicum Community Association letter dated Sep 02/14
- Revised DPA Submission Drawings
- Saanich Orthophoto 2013 showing 40 Lurline Existing w/ Patio & Proposed Dwellings, 34 Lurline & Patio
- 40 Lurline Avenue East Fence Line Photographs July 2015
- Shadow Diagrams for proposed dwelling & 34 Lurline

Chuck Bell, Planner
Saanich Planning
District of Saanich
770 Vernon Avenue
Victoria BC V8X 2W7

Kevin & Barbara Jean Dunmore
40 Lurline Avenue
Victoria BC V8Z 1H4

December 29, 2014

Dear Chuck

Re: Development Permit Application
FILE: DPR00593; REZ00551 – 40 LURLINE AVENUE

Further to the Advisory Design Panel Report dated December 10, 2014.

We have reviewed the Report and respond as follows:

Re: Comments from the Panel

- The wall which incorporates the new unit door is now coloured (ultramarine blue) which is visible from the street.
- The driveway access/egress to the tandem parking has been improved.
- A no-step landing using permeable pavers has been added at the entrance to the new unit.
- The existing unit has a flat roof which for practical reasons (poor drainage and snow load issues) we did want to use on the new unit which has a single slope roof. There is a change in roof line between the existing and new units.
- A coloured fascia (cadmium red) on the east side of the new unit has been added for interest.
- A pergola in the east side alcove has been added to improve the transition between the existing and new units.
- The landscaping on the east side has existing and new softscape materials which will be supplemented with additional new softscape materials.
- On the east side of the new unit all the windows have been increased in height by 12", galvalume metal siding has been added to the alcove walls and the fascia is now coloured (cadmium red) to improve the visual appearance.

Re: Recommendation

1. A patio area has been introduced in the alcove area on the east side of the duplex using permeable pavers. The patio area is also covered by a pergola with adjacent existing and new softscape materials as noted above.
2. A no-step landing has been introduced to the entrance of the new unit using permeable pavers. Note the entrance/landing is covered by the roof overhang (4' wide) in this location.

The above changes have been incorporated in the attached revised DPA submission drawings.

Please review our response and contact Kevin Dunmore, if you have any questions at [REDACTED] or by email at:

Yours truly,



Kevin & Barbara Jean Dunmore

District Of Saanich / Development Permit Application - Part 2

Item 3. Additional Information – Community Consultation

The following details provide information with respect to the Development Permit Application, Community Consultation for the proposed addition.

Gorge Tillicum Community Association (GTCA)

- Email sent to Rob Wickson, President on May 26/14 explaining preparation of DPA for proposed addition and rezoning together with drawings and the document we were asking our neighbours to sign in support.
- Jun 06/14 email received from Wendy Farwell, Chair of GTCA Land Use Committee. GTCA provided with Sustainability Statement.
- Jun 09/14 Wendy Farwell visited 40 Lurline to discuss with Barbara Jean & Kevin the proposed addition, how it may affect neighbours and our discussions with neighbours. Wendy gave positive feedback to the proposed addition and our contact with neighbours. She mentioned that once the DPA is submitted to Saanich the GTCA will probably be provided with a copy for their comments.

Neighbours

During May & June 2014, we contacted our immediate neighbours (see attached map) to discuss and show them the drawings for the proposed addition. We asked them to sign the attached letter of support.

- Klayton Toner, [redacted] Lurline Ave signed the attached letter of support.
- Bev & Phil McMillan, [redacted] Lurline Ave signed the attached letter of support.
- Patty & Frank Cushing, [redacted] Regina Ave signed the attached letter of support.
- Iris Demers, [redacted] Regina Ave supported the proposed addition but is a senior and was reluctant to sign anything.
- Homeowner [redacted] Lurline Ave (Front) supported the proposed addition when discussed in May and in June we asked him to return the attachment. To date, we have not received the signed letter of support.
- Adrienne Hughes, [redacted] Lurline Ave (Rear) was concerned about loss of sunlight and privacy. We pointed out the following:
 - Shadow from the proposed single storey addition in the summer months starts mid afternoon and is overtaken by the shadow from a large tree located at 54 Lurline Ave. In the winter months our existing home is the primary shadow from mid afternoon with a later increase from the proposed addition.
 - The bottom of all windows in the East wall is 6' above floor level. All east wall windows are 2' high. Other than for very tall people, the view of the adjacent property is limited to the house's upper wall/roof or the skyline.

Adrienne acknowledged these comments but asked that we have a 10' setback to the east property line not the proposed 5' setback. We have since revised the new addition location to provide a 10' setback to the east property line.

Currently, we have not recontacted neighbours regarding the 5' increase in setback on the east side which satisfies the adjacent neighbours requirements at [redacted] Lurline Ave, RD-1 zoning requirements and does not significantly change what has already been discussed with the other neighbours.

District of Saanich Map



Legend

-  Building
-  Municipal Boundary
- Streets**
 -  Other
 -  Highway
 -  Major
 -  Collector
- Water Course**
 -  Man-made
 -  Natural
- Water Body**
-  Parks
-  Parcel

Saanich Orthophoto 2013

Date Produced:
7/17/2015 3:03:01 PM

1: 400

This map is for general information purposes and should not be considered authoritative for any purpose. Accuracy, currency and precision are not guaranteed.



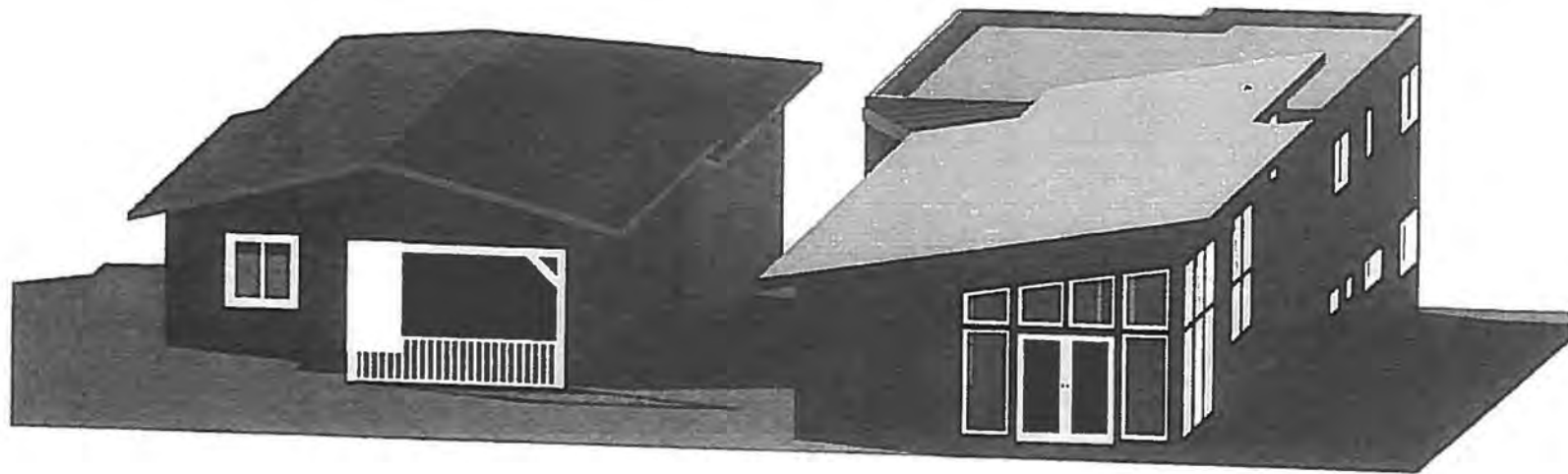


East Fence Line Looking South East -- Yellow Tape Proposed Dwelling




East Fence Line Looking South

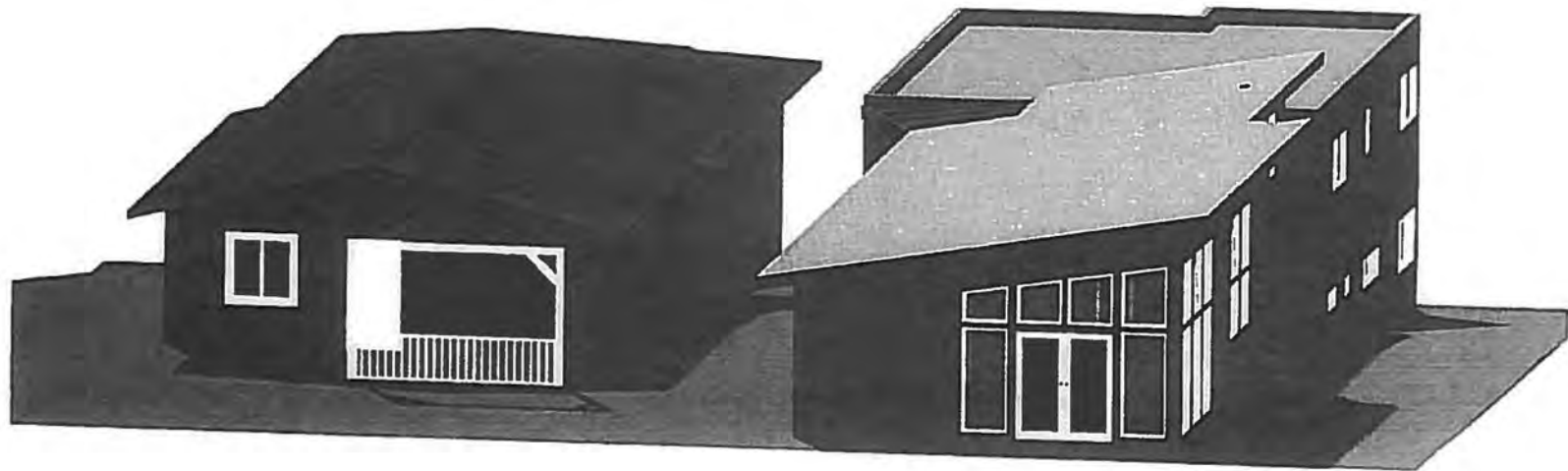
March 20th, 10am



All Shadow Diagrams show proposed dwelling and 34 Lurline (looking south) based on the Spring (March 20) & Autumn Equinox 2015 dates at 10am, 12am, 2pm & 4pm.

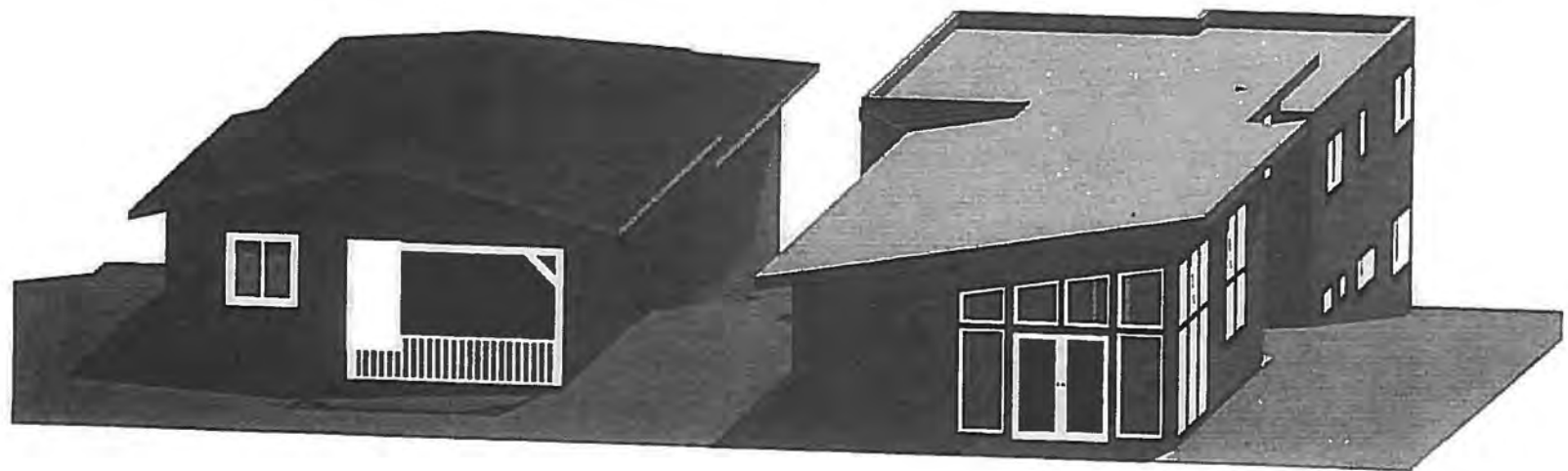
 2302 GROVE CRESC. SIDNEY, BC V8L 3P9 PH: 250.816.8008 CELL: 250.882.8918 cumming.design@shaw.ca	DWG. NO. 1 OF 1	DESIGN BY Kevin, Barbara Jean & Tara	~Kevin & Barbara Jean Dunmore~ 36 - 40 Lurline Avenue Saanichton, B.C. Phone: 250-816-0315 Email: dunmore@shaw.ca OR bjoandunmore@gmail.com
	DATE/TIME 2015, August 28 2:15:17 PM	DRAWN BY TARA	

March 20th, 12pm



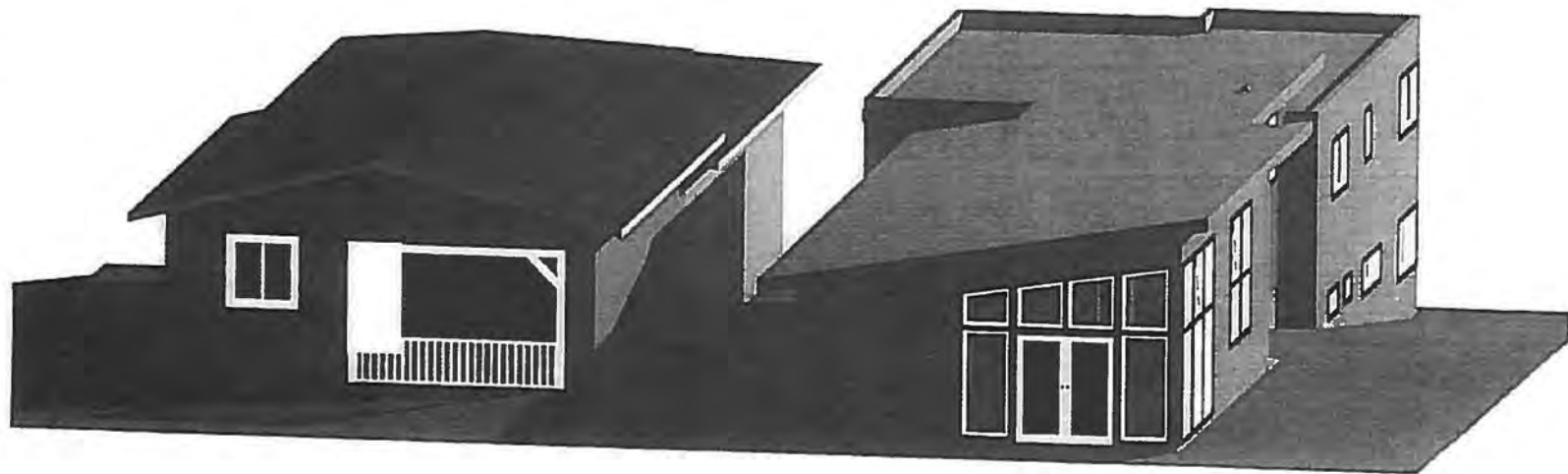
Cumming Design	2302 GROVE CRES. SIDNEY, BC V8L 3P0 PH: 250.816.0315 CELL: 250.888.4718 cumming.design@shaw.ca	DWG. NO. 1 OF 1	DESIGN BY Kevin, Barbara Jean & Tara	~Kevin & Barbara Jean Dunmore~ 38 - 40 Lurline Avenue Saanich, B.C. Phone: 250-816-0315 Email: dunmore@shaw.ca OR bjeandunmore@gmail.com
		DATE / DATE 2015, August 28 2:16:31 PM	DRAWN BY TARA	

March 20th, 2pm



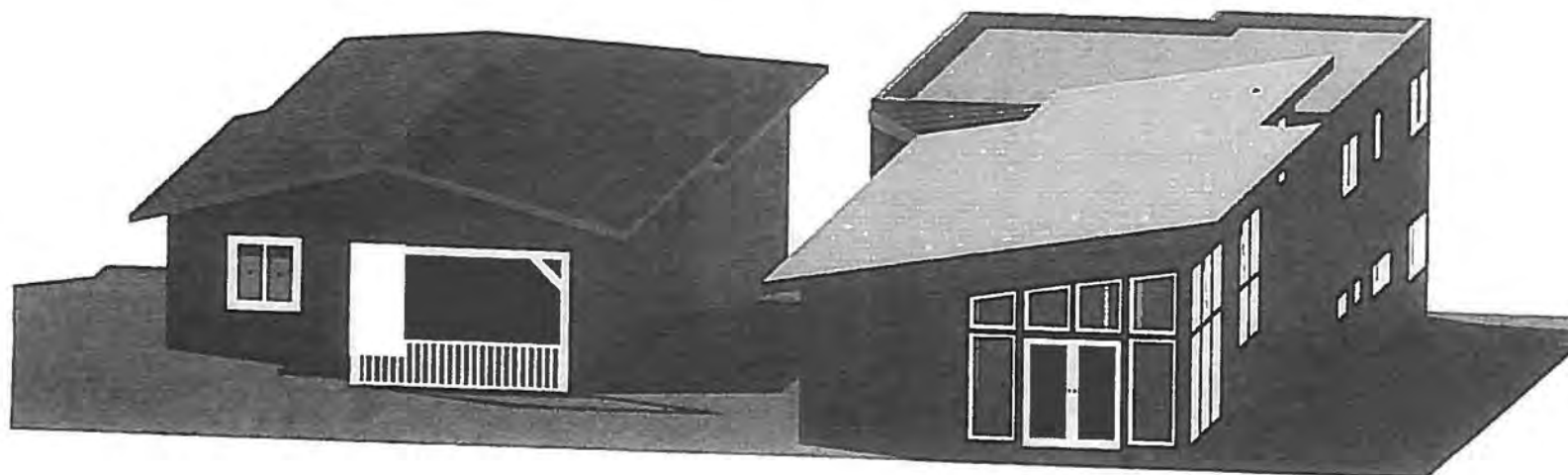
Cumming Design	2302 GROVE CRESC. SIDNEY, BC V8L 3P9 PH: 250.868.8088 CELL: 250.868.4918 cummingdesign@shaw.ca	DATE / TIME	DATE / TIME	DESIGN BY	-Kevin & Barbara Jean Dunmore- 38 - 40 Lurline Avenue Saanich, B.C. Phone: 250-816-0315 Email: dunmore@shaw.ca OR bjeandunmore@gmail.com
		1 OF 1	2015, August 28 2:17:40 PM	DESIGNED BY Kevin, Barbara Jean & Tara DRAWN BY TARA	

March 20th, 4pm



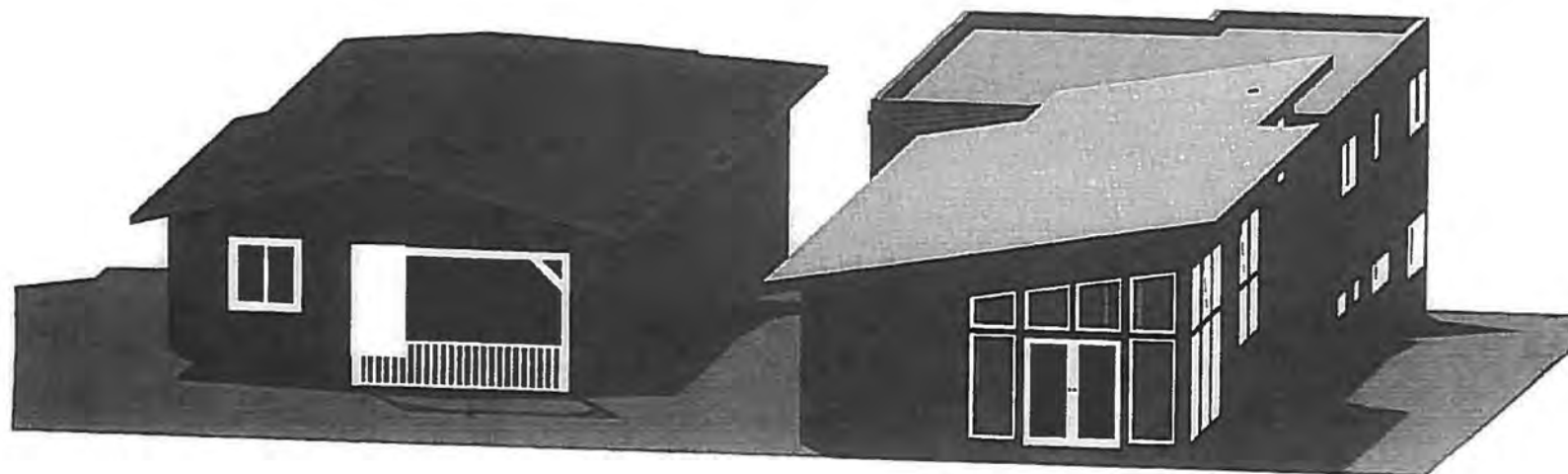
Cumming Design	2302 GROVE CRESC. SIDNEY, BC V8L 3P9 PH: 250.816.8018 CELL: 250.899.4718 cummingdesign@shaw.ca	DWG NO	1 OF 1	DESIGN BY	Kevin, Barbara Jean & Tara	~Kevin & Barbara Jean Dunmore~ 36 - 40 Lurline Avenue Saanich, B.C. Phone: 250-816-0315 Email: dunmore@shaw.ca OR bjeandunmore@gmail.com
		DATE / TIME	2015, August 28 2:19:19 PM	DRAWN BY	TARA	

September 23rd, 10am



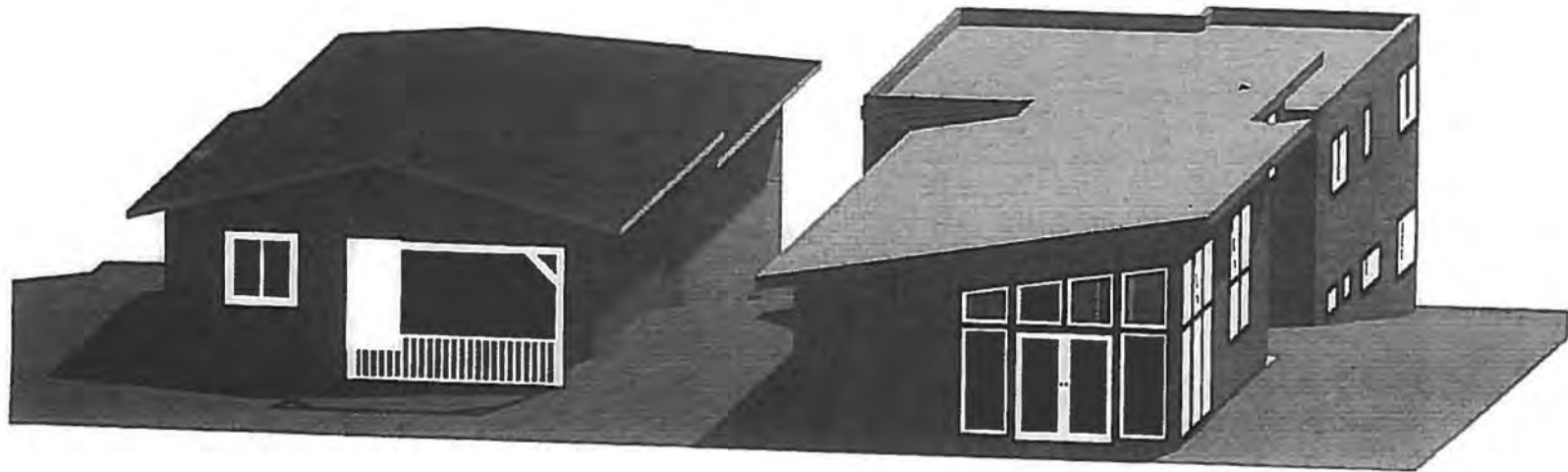
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		DATE / TIME	2015, August 28 2:20:57 PM	DRAWN BY	TARA	

March 20th, 12pm



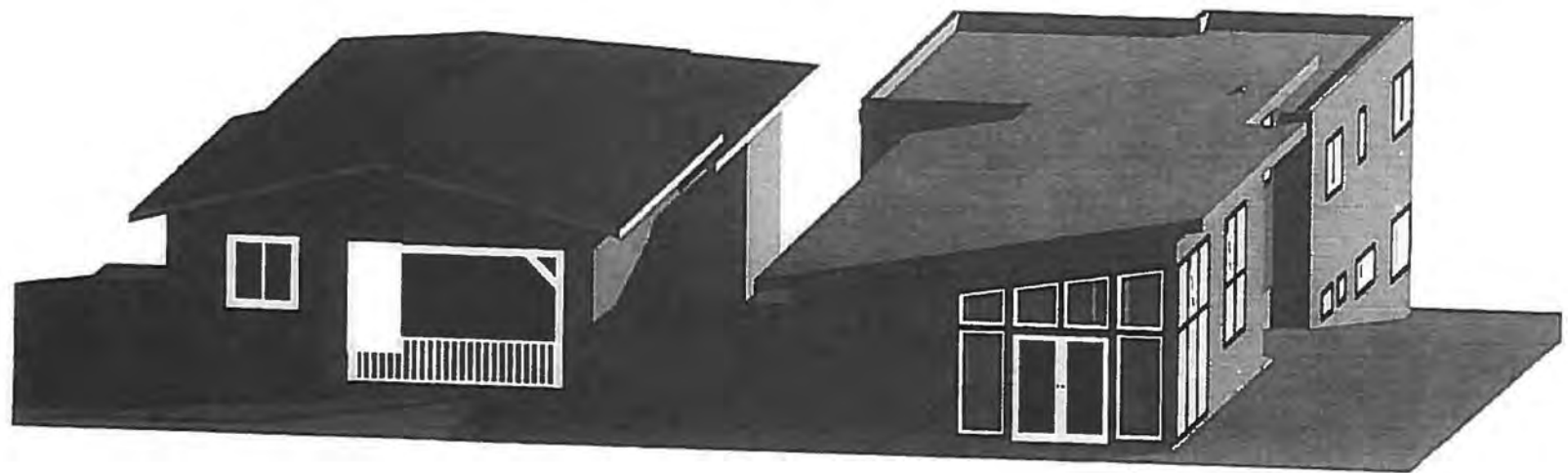
Cumming Design	2302 GROVE CRESC. SIDNEY, BC V8L 3P9 PH: 250.868.808 CELL: 250.868.4718 cumming.design@shaw.ca	DWG NO	1 OF 1	DESIGNED BY	Kevin, Barbara Jean & Tara	~Kevin & Barbara Jean Dunmore~ 38 - 40 Luikine Avenue Saanich, B.C. Phone: 250-816-0315 Email: dunmore@shaw.ca OR bjeandunmore@gmail.com
		DATE / TIME	2015, August 28 2:16:31 PM	DRAWN BY	TARA	

September 23rd, 2pm



Cumming Design	2302 GROVE CRES. SIDNEY, BC V8L 3P8 PH: 250-816-0315 CELL: 250-859-4118 cumming.design@shaw.ca	DWG NO	1 OF 1	DESIGN BY	Kevin, Barbara Jean & Tara	-Kevin & Barbara Jean Dunmore- 38 - 40 Lurline Avenue Saanich, B.C. Phone: 250-816-0315 Email: dunmore@shaw.ca OR bjsandunmore@gmail.com
		DATE / TIME	2015, August 28 2:30:35 PM	DRAWN BY	TARA	

September 23rd, 4pm



Cumming Design	2302 GROVE CRESC. SIDNEY, BC V8L 3P9 PH: 250.816.0315 CELL: 250.884.9112 cumming.design@shaw.ca	DWG NO	1 OF 1	DESIGN BY	Kevin, Barbara Jean & Tara	-Kevin & Barbara Jean Dunmore- 38 - 40 Lurline Avenue Saanich, B.C. Phone: 250-816-0315 Email: dunmore@shaw.ca OR bjeandunmore@gmail.com
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Lurline

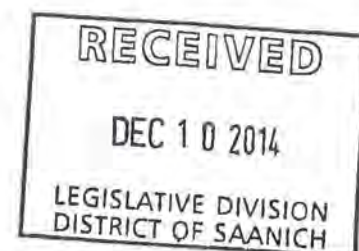
THE CORPORATION OF THE DISTRICT OF SAANICH

TO: MAYOR AND MEMBERS OF COUNCIL

DATE: DECEMBER 10, 2014

FROM: ADVISORY DESIGN PANEL

SUBJECT: APPLICATION BY KEVIN AND BARBARA-JEAN DUNMORE FOR A
DUPLEX AT 40 LURLINE AVENUE
CASE #2014/012

**BACKGROUND AND PRESENTATION**

The above referenced application was considered by the Advisory Design Panel at the November 19, 2014 meeting.

Applicants Kevin and Barbara-Jean Dunmore attended to present the design plans and answer questions from the Panel.

The Planner briefly outlined the project and stated that although the existing up/down duplex has legal non-conforming duplex status, an application for rezoning is necessary due to the proposed addition and change to a front and rear duplex structure. The house has a moderne style and will add a single storey addition at the rear with minimal impact on the streetscape. Tandem parking on turfstone is proposed. A variance will be required for the interior side yard setback of the existing building.

The applicants stated:

- The proposed rezoning to RD-1 will correct an anomaly.
- A single storey, west facing, 1200 square foot addition is proposed at the rear of the existing two storey building.
- The homes will have a neutral stucco exterior except for one panel of metal; an area of red stucco will highlight the new residence.
- They have designed the project to be compatible with their neighbours' homes; windows on the east wall are set higher to avoid overlooking the adjacent home.
- The addition will be constructed to an Energuide 80 standard; a swale for water management will be constructed.
- The new unit will have parking spaces on turfstone.
- This development constitutes their retirement plan.

Comments from the Panel:

- The location of the entrance to the rear unit is not easily determined; entrances need definition.
- The design of the tandem parking area could be improved.
- A hard surface at the entrance to the new unit is recommended.
- There appear to be different roof designs on each building section; the design lacks cohesion.
- A different colour could be considered for the roof fascia to add interest.

- Where the two units join, an element is needed to resolve the connection; a patio area could be created in the alcove area on the east side with a roof or pergola to join the two sections and make them look as if they are meant to be together.
- Additional landscaping along the blank wall would be beneficial.
- The long blank east wall is not neighbour-friendly and could be relieved by adding a red section for interest; bigger windows would be preferable.

RECOMMENDATION

That it be recommended that the design of the proposed duplex at 40 Lurline Avenue be accepted subject to the following recommendations:

- 1) That the applicants develop a patio area in the alcove area on the east side of the duplex using different materials and landscaping; and
- 2) That the entranceway to the rear unit be enhanced with an impervious stoop.



Andrea Park, Secretary
Advisory Design Panel

cc: Director of Planning
Manager of Inspections
Kevin and Barbara-Jean Dunmore



GORGETILLICUM

Community Association

P.O. Box 44152

Victoria, B.C., V9A 7K1

www.gorgetillicum.ca info@gorgetillicum.ca www.facebook.com/GorgeTillicum

September 2, 2014

Chuck Bell
Local Area Planner
District of Saanich
770 Vernon Avenue
Victoria BC V8X 2W7

Dear Chuck Bell,

Re: Application for Development – 40 Lurline Avenue

Thank you for your referral of the development permit application from Kevin and Barbara Jean Dunmore to rezone from RS-6 (single family dwelling) zone to RD-1 (two family dwelling) zone to construct a duplex. The Gorge Tillicum Community Association has no objections at this time to the development permit application for this site.

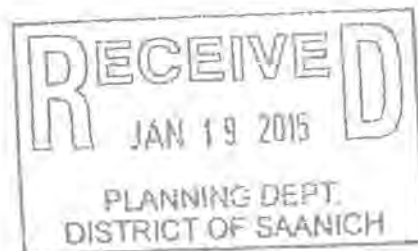
The Dunmores contacted the Gorge Tillicum Community Association early in the process and shared their plans with us. We have met with them and reviewed the property and their plans. They have taken steps to ensure minimal or no adverse impact on the environment or the neighbourhood and have changed their proposed design to reflect concerns from the closest neighbour. It is interesting to note that the property was originally a duplex that was later zoned single family; this application for rezoning will be returning to the original use of the property.

The GTCA appreciates the continued interest from those seeking to invest in our community. We look forward to continued communication between our community association, Saanich Planning and the Dunmores as this project proceeds.

Sincerely,

Wendy Farwell
Chair, Land Use Committee

**ENTERED
IN CASE**



cc:



ClerkSec - Public Hearing re: 40 Lurline Ave

From: Adrienne H [redacted]
To: <clerksec@saanich.ca>
Date: 12/8/2015 2:47 PM
Subject: Public Hearing re: 40 Lurline Ave
Attachments: PH Notice 2015-12-08.pdf

Hello, unfortunately I [redacted] cannot attend tonight's meeting. Please present this on my behalf. Please also note, my other affected neighbour, Giovani Alcorn, [redacted] Lurline, may not be there as he and his family have been living out of their house, due to storm damage (a tree hit our house during the last big storm. My half of the duplex was okay.) Councilwoman, Ms Saunders, was aware of his concerns.

If you need anything more, please let me know.

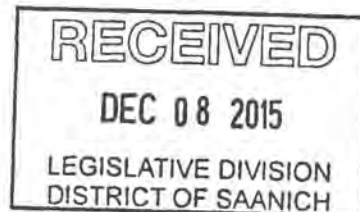
Thanks you,
Adrienne Hughes
[redacted]

----- Forwarded message -----

From: "Andrea Park" <Andrea.Park@saanich.ca>
Date: 26 Nov 2015 12:08 p.m.
Subject: Notice of Public Hearing re: 40 Lurline Ave
To: "Andrea Park" <Andrea.Park@saanich.ca>
Cc:

Please see the attached Notice.

Andrea Park
Senior Committee Clerk
Legislative Division
Legislative Services Department
District of Saanich
770 Vernon Avenue
Victoria, BC V8X 2W7
t. 250-475-5494 ext. 3503
f. 250-475-5440
Andrea.Park@saanich.ca
www.saanich.ca



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Please consider the environment before printing this e-mail.

PH (A)

ClerkSec - Tonight's Public Hearing - 40 Lurline

From: Adrienne H [REDACTED]
To: <clerksec@saanich.ca>
Date: 11/17/2015 12:14 PM
Subject: Tonight's Public Hearing - 40 Lurline
Attachments: 40 Lurline Proposal.pdf

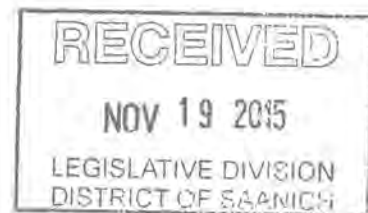
Due to circumstances beyond my control, I'm unable to attend tonight's hearing regarding proposed developments at 40 Lurline Ave., the property to my immediate west. I've attached a document outlining my concerns, and would appreciate if you could please consider them in addition to what is brought up in person at tonight's meeting.

Thank you very much. If you have any questions, or if there is any additional information I can provide, please contact me at this email address.

Sincerely,

Adrienne Hughes

POST TO	Gen	POSTED
COPY TO	SH	
INFORMATION	<input checked="" type="checkbox"/>	
REPLY TO WRITER	<input type="checkbox"/>	
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>	
REPORT	<input type="checkbox"/>	
FOR		
ACKNOWLEDGED	b.m	



Municipality of Saanich, Notice of Public Hearing on Zoning Nov 17, 2015
Re: 40 Lurline Ave

My name is Adrienne Hughes and I am the owner and resident of [redacted] Lurline Ave, Victoria, BC. This is a legal front/back duplex. My home, the back portion, would be the most affected by the proposal development at 40 Lurline Ave.

I cannot be at tonight's meeting, [redacted]. My neighbour, Giovanni Alcorn, owns and resides in the front half of the duplex ([redacted] Lurline Ave) is planning on attending. Hopefully he was able to make it. :)

My concerns are as follows:

Privacy: At present, the deck at 40 Lurline looks directly into my daughter's bedroom. Their proposed development would eliminate the privacy of my own bedroom in the same way.

Blocking Light: Their proposed development would block most of the natural sunlight entering my bedroom through its west-facing window. I have attached photos of the view of 40 Lurline from my bedroom and my daughter's bedroom to illustrate this possibility.



West-facing window in my bedroom



View of applicants' deck from daughter's bedroom

Parking: It is already difficult to accommodate parking for current Lurline Ave. Residents. The applicants have suggested a single wide driveway is insufficient; my neighbour and I have share a single driveway, and while there are times we need to move our respective vehicles to make room for the other, we have never faced any problems. As the applicants are husband and wife, the experience of sharing driveway space would presumably be even simpler. In the last couple weeks, a third car has been parked on their property, either a new purchase on their part or one belonging to a tenant of their nonconforming duplex, seems to be what is posing a problem to them.

The illegal 4-plex across the street also exacerbates our existing parking challenges.

This past summer, the applicants built a shed on their property that, to my understanding, fails to conform to existing bylaws and is too close to my fence; the applicants seem to have no qualms with defying current bylaws to suit their wants, without regard to their neighbours. Furthermore, because the bylaws are complaint driven and require the applicants being "caught in the act", Lurline residents have no real ability to prevent the applicants from using their property as an illegal triplex. They have a track record of non-compliance, and I worry that given the smallest accommodation they would take enormous liberties and infringe on the comfort and functionality of the neighbourhood.

I strongly urge the council to decline the Development Permit. However, should Council allow the Development Permit, I beg them to not allow a variance which will significantly lessen the light, privacy and, frankly, enjoyment of my property. If this development is allowed, I ask that Council ensure the property conforms with the current bylaw, and keep the proposed development as far away from my fence as possible.

Sincerely,
Adrienne Hughes

ClerkSec - 40 Lurline Ave Development Permit and Rezoning App comment

From: Maleea Acker [redacted]
To: <clerksec@saanich.ca>
Date: 6/29/2015 1:28 PM
Subject: 40 Lurline Ave Development Permit and Rezoning App comment

POST TO <i>egen</i>	POSTED
COPY TO <i>sn</i>	
INFORMATION	<input checked="" type="checkbox"/>
REPLY TO WRITER	<input type="checkbox"/>
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FOR	
ACKNOWLEDGED	<i>dm</i>

To Saanich Council,

I wrote briefly to comment on this item previously, but wanted to add one last and perhaps most pressing point.

The lots on the north side of Lurline are large lots that are almost twice the size of the lots they back onto, on Regina Ave. This is true of much of the area. Though the large lot does seem to provide opportunity for subdivision, the small lots that back onto these larger properties should also be taken into consideration. If a second house is built, much of the privacy and green space that these smaller lots currently enjoy will be lost. A rezoning application would make greater sense for properties of this size that *backed onto similar sized properties*, rather than those that backed onto very small city lots.

Two years ago my backing neighbour built what is called a "garage" in his large lot backyard on Lurline. It is not currently being used as a garage, but rather as an office. The house is four feet from the back lot line, which means that much of my winter sun and privacy was lost with its construction. Please consider the small lot owners that back onto these larger Lurline properties and turn down this development and rezoning application.

Thank you,

Maleea

Maleea Acker
[redacted]



[Website](#) | [Blog](#) | [Twitter](#)



Lurline

ClerkSec - Re: 40 Lurline zoning application

2015
 POST TO gen POST: 02/16
 COPY TO _____ 50
 INFORMATION
 REPLY TO WRITER
 COPY RESPONSE TO LEGISLATIVE DIVISION
 REPORT
 FOR _____
 ACKNOWLEDGED _____

From: Sharon Hvozdzanski
To: Acker, Maleea
Date: 2/16/2015 9:52 AM
Subject: Re: 40 Lurline zoning application
CC: Bell, Chuck; Matanowitsch, Jarret

Hello Ms. Acker,

Thank you for taking the time to write us with your thoughts on this proposed development application. Please note that I have forwarded your e-mail on to the Chuck Bell who is the Local Area Planner managing this file, and Jarret Matanowitsch the Manager of the Current Planning Division. I have also sent a copy to the Manager of Legislative Services, Ms. Donna Dupas so that it can be included in the Agenda Package when this matter goes to Council.

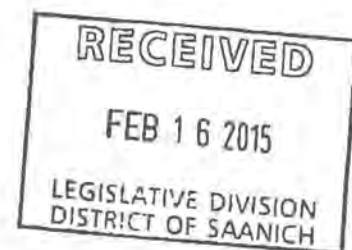
Staff take all correspondence into consideration when reviewing applications and making our recommendation to Council. Please note that our recommendation is just that, and Council makes the final decision on such applications after hearing from the public, the applicant and any other stakeholders.

If you like I can ask that your name be added to the contact list for this file, such that you will be notified by e-mail when this matter is scheduled to appear before Council. At that time you can attend the meeting and watch the proceedings and/or provide your comments in person. Just let me know if you would like to be added to the contact list and I will let the Legislative Services know on your behalf.

In the future if you are curious about a development application, or wish to provide comments, please do not hesitate to contact Jarret Matanowitsch, Manager of Current Planning (jarret.matanowitsch@saanich.ca) or myself.

Regards,

Sharon Hvozdzanski
 Director of Planning
 District of Saanich
 250-475-5470



>>> Maleea Acker [redacted] 2/13/2015 3:01 PM >>>
 Hello Sharon,

The Saanich website is a bit difficult to navigate and I wasn't able to find a way to how to comment directly on a zoning application, so I'm writing to you directly instead.

I live at [redacted] Regina Ave, around the corner from the proposed duplex. I would like to register my opposition to the proposed change in zoning for the following reasons:

1. Green space is quickly becoming a premium in Saanich in this area. A larger building footprint will not help that. Green spaces support wildlife, including native bird populations. I have seen owls and eagles near my house; a falcon has roosted on my back deck; many songbirds depend on the open greenspace and availability of winter forage in this area.
2. Opening the door to duplex zoning changes on that street will mean that other properties could follow suit. One of the great things about this area is the larger lot sizes of one half of each street, making for greater privacy, bigger green spaces and more room for gardens and for wildlife.
3. Saanich should be concentrating on encouraging people to build up, and to increasing density, if anywhere, in urban areas, not encouraging sprawl on lots and sprawl in suburban areas.

I would greatly appreciate if you could acknowledge this letter and let me know it will be counted when making a decision on the rezoning.

*Thanks so much,
Maleea*

Maleea Acker

[Website](#) | [Blog](#) | [Twitter](#)

Address	Applicant	Case Status
40 Lurline Ave	Kevin and Barbara Dunmore 40 Lurline Ave Victoria BC V8Z 1H4 [REDACTED]	Pending

Description: To rezone from RS-6 to RD-12 to construct a duplex

File:DPR00593
REZ00551

October 01st, 2014

Chuck Bell, Planner
District of Saanich
Planning Department
770 Vernon Avenue
VICTORIA, BC
V8X 2W7

Re: Application to rezone duplex, file: DPR00593;REZ0551 · 40 Lurline Avenue.

I have received your response dated September 18th, 2014 in which you advise that the applicant's reason for submitting their application is to resolve the existing non-conforming situation. To resolve the current issue, the application could have simply been submitted to rezone the current structure, not apply for an addition.

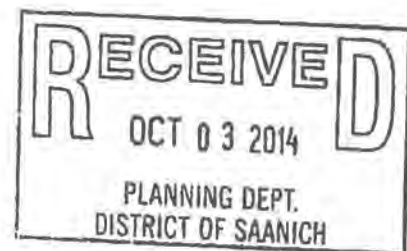
While you may direct the applicant to "decommission" one of the existing kitchens, there is nothing in place to prevent the kitchen from being "re-commissioned", and an added addition being large enough to accommodate two kitchens, thereby returning to a four-plex status.

I do not support this application.

Sincerely,



Cherie Couturier
[REDACTED] Lurline Avenue
VICTORIA, BC
[REDACTED]



Lurline

Address	Applicant	Case Status
40 Lurline Ave	Kevin and Barbara Dunmore 40 Lurline Ave Victoria BC V8Z 1H4	Pending

Description: To rezone from RS-6 to RD-12 to construct a duplex

File:DPR00593
REZ00551

September 15th, 2014
District of Saanich
Planning Department
770 Vernon Avenue
VICTORIA, BC
V8X 2W7

2014

POST TO <i>Gen.</i>	POSTED <i>09/18</i>
COPY TO INFORMATION <input checked="" type="checkbox"/>	
REPLY TO WRITER <input checked="" type="checkbox"/>	
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FOR _____	
ACKNOWLEDGED: _____	

	ACKNOWLEDGED
✓	CLERKS
	REPLIED

Re: Above application.

As the current dwelling at 38/ 40 Lurline Avenue is, and always has been an upper and lower duplex, permitting an addition of the same configuration (upper and lower duplex) would then result in a four-plex, not a duplex as stated in the application.

Therefore, as the current dwelling is listed as a single family residence, should the application not be to rezone the current dwelling from single family residence to duplex residence. and if approved, a subsequent application then be submitted for an addition to the rear of the current dwelling requesting rezoning for a strata four-plex?

I look forward to receiving your response regarding this matter.

Sincerely,

Cherie Couturier
Lurline Avenue
VICTORIA, BC

RECEIVED

SEP 18 2014

LEGISLATIVE DIVISION
DISTRICT OF SAANICH

RECEIVED

SEP 17 2014

PLANNING DEPT.
DISTRICT OF SAANICH

Lurline

Planning - 40 lurline avenue

From: Giovani alarcon [redacted]
To: <planning@saanich.ca>
Date: 9/14/2014 9:29 PM
Subject: 40 lurline avenue

2014 40 Lurline

POST TO Don POSTED 9/15 80. DP00593

COPY TO 1

INFORMATION

REPLY TO WRITER

COPY RESPONSE TO LEGISLATIVE DIVISION

REPORT

FOR _____

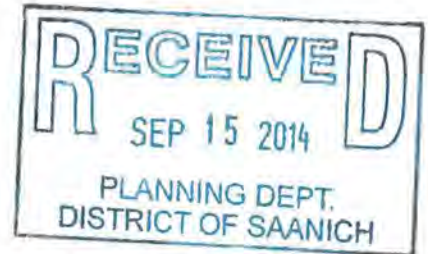
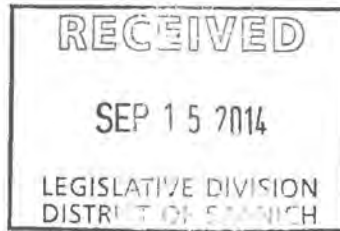
ACKNOWLEDGED _____

REF 00551

To whom it may concern

My name is Giovani Alarcon and live at [redacted] lurline avenue. The reason why i am writting this mail is to express my concerns with the proposed adition to 40 lurline avenue. My family has live in lurline for almost nine years an have been noticing the changes. More rentals in the area which means more transient people. I know base on the conversation that i had with the couple that owns 40 lurline that they plan on renting the front of the house and live in the back. That would mean that i would have a rental unit in the side of me and the front of me. The one on the front is four units which i thought it was a fourplex but saanich planning informed me that saanich has no fourplex. There is four different set of people living there. The brand new house a few houses away frim us have two different tenants living there plus a large family. I have been seen an increase in traffic and cars parked in our neighbourhood. The speed is higher than the normal speed. Canada post truck, ups delivery they use our road to cut across among other people. i have notice more large type dogs like rotweiler german shephered and doverman in our area. we have young kids and there is a few families with littleones that could potentialy be in danger. I know there is lots of information but i had no idea i could send mail to city hall to express my concern. I dont mind my street growing but i need assurance that it wont affect my family. We have alo of renters in oir area we really dont need more renters or transient people.

Sincerely
Giovani Alarcon



<input checked="" type="checkbox"/>	ACKNOWLEDGED
<input checked="" type="checkbox"/>	CLERKS
<input type="checkbox"/>	REPLIED
<input type="checkbox"/>	

ENTERED IN CASE

2870-30
Lurline Avenue

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2015, NO. 9352”

PROPOSED REZONING FOR AN ADDITION TO A LEGAL NON-CONFORMING DUPLEX ON LURLINE AVENUE

To rezone Lot 9, Block 1, Section 81, Victoria District, Plan 1006 (**40 LURLINE AVENUE**) from Zone RS-6 (Single Family Dwelling) to Zone RD-1 (Two-Family Dwelling) for a proposed addition to an existing legal non-conforming duplex. A **DEVELOPMENT PERMIT** will be considered along with variances for lot width and interior and side yard setback. A **COVENANT** will also be considered to further regulate the use of the lands and buildings.

The Clerk introduced the following:

- Notice of Public Hearing.
- Reports from the Director of Planning dated October 5, 2015 and June 10, 2015 recommending:
 - Approval of the rezoning application and Development Permit;
 - That Final Reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending registration of a covenant to secure the following:
 - a) Decommissioning one of the existing two kitchens; and
 - b) The proposed addition is constructed to an EnerGuide 82 or equivalent energy efficient standard, inclusion of heat pumps and pre-ducting for solar.
- Advisory Design Panel report dated December 10, 2014.
- Letters from the applicant dated September 2, 2015 and September 1, 2015.
- A letter from the Gorge Tillicum Community Association dated September 2, 2014.
- Six letters from residents.

APPLICANT:

K. Dunmore, Owner and Applicant, stated:

- The proposal is compliant with Official Community Plan (OCP) and Tillicum Local Area Plan policies pertaining to two-family dwellings.
- The proposed addition would be situated to the rear of the existing dwelling and would be one storey in height to ensure it does not negatively affect the streetscape. Design elements would enhance and be compatible with the existing home.
- The proposed addition would be compact at 1200ft², with an overall lot coverage of 26%.
- The development is sustainable and will use green construction practices and materials.
- Two parking spaces will be provided for each dwelling.
- Landscape improvements include additional trees, shrubs, perennials and the use of rainwater for irrigation.
- Neighbours, Gorge Tillicum Community Association and the Saanich Planning Department support the proposal. One neighbour had concerns with privacy, loss of sunlight and parking. They addressed these concerns by raising the windows on the east side of the dwelling and installing screening along the property line shared with that neighbour.
- The property is close to many amenities and improves the legal housing stock without significantly impacting neighbourhood character.

PUBLIC INPUT:

- Nil

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

- There is a legal non-conforming status for the use of a duplex on the subject property; legislation dictates that the status remain until the non-conforming use is discontinued for a period of six months or more.

COUNCIL DELIBERATIONS:

MOVED by Councillor Plant and Seconded by Councillor Brice: "That:

1. The application to rezone from Zone RS-6 (Single Family Dwelling) to Zone RD-1 (Two-Family Dwelling) be approved.
2. Final Reading of the Zoning Amendment Bylaw and ratification of the Development Permit be withheld pending registration of a covenant to secure the following:

Motion:

- a) Decommissioning one of the existing two kitchens; and
- b) The proposed addition is constructed to an EnerGuide 82 or equivalent energy efficient standard, inclusion of heat pumps and pre-ducting for solar."

Councillor Brice stated:

- She is impressed with the thoughtful stewardship of this application. Neighbourhood concerns have been addressed.

Councillor Derman stated:

- The applicant has a good record for improving the subject property.
- The commitment to energy efficiency is desirable and this is a good location for an increase in density.

Councillor Haynes stated:

- It is commendable that the applicant has addressed concerns noted by neighbours.
- Adding to the housing stock and aging-in-place are both commendable attributes of this application.

The Motion was then Put and CARRIED

ZONING BYLAW, 2003, AMENDMENT BYLAW, 2015, NO. 9352"
Second and Third Readings

MOVED by Councillor Brice and Seconded by Councillor Haynes: "That Bylaw No. 9352 be read a second time."

CARRIED

2870-30
Lurline Avenue

MOVED by Councillor Haynes and Seconded by Councillor Brice: "That Bylaw No. 9352 be now passed."

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Wergeland: "That it be recommended that Council approve and issue Development Permit DPR00593 on Lot 9, Block 1, Section 81, Victoria District, Plan 1006 (40 LURLINE AVENUE)".

CARRIED



The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Council
Administrator
Media

Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: April 18, 2016
Subject: Draft Terms of Reference – Environmental Development Permit Area Review
File: 2860-25

PURPOSE

The purpose of this report is to seek Council endorsement for the draft Terms of Reference (see Appendix A) for the next phase of the ongoing review of the Environmental Development Permit Area (EDPA) Bylaw. Assuming Council approves the Terms of Reference, a Request for Proposals for consulting services will be posted.

BACKGROUND

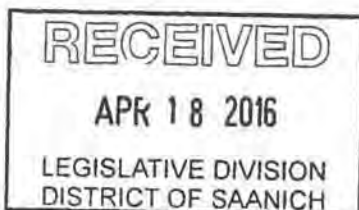
In March 2012, Council adopted the Environmental Development Permit Area (EDPA) Bylaw which includes Guidelines and an Atlas. At Council's direction, a "check-in" review process was conducted from June 2015 to February 2016.

Planning staff were requested to provide an interim report to Council in advance of the results of the public feedback process and an economic study of the EDPA. At a special meeting of Council on March 16, 2016, Council considered the interim report to provide direction in terms of moving forward with the EDPA review.

At the March 16, 2016 meeting, Council moved to accept the staff recommendations to: revise the EDPA Bylaw; provide resources to hire a consultant to conduct a review of the EDPA; and for staff to bring forward a draft Terms of Reference in April 2016 for the consultant review.

Specifically, the motion was to:

1. "Support Option 2;
2. Not support the removal of single family zoned properties en masse in advance of the conclusion of the review process (removal on a case-by-case basis would still be possible); and
3. Support the hiring of a consultant/consultant team as outlined in Option 2."



CM
F. 1

DRAFT TERMS OF REFERENCE

Framework

The framework for the draft Terms of Reference follows the standard template used by the District of Saanich. The draft Terms of Reference are broken into nine sections, of which at least two will require further direction from Council, namely; level of community engagement, and the budget.

The desired level of community engagement will need to be resolved by Council prior to approval of the Terms of Reference. Options and the impact on the timeline are outlined below.

Once the consulting submissions have been received from interested parties, as part of its deliberations regarding which firm to hire, Council will need to approve the budget and allocate funding to the project.

Timelines and Public Engagement

Acknowledging Council's desire to resolve concerns related to the EDPA Bylaw, while ensuring an appropriate level of community engagement, three basic options for moving forward have been outlined below.

The overall timeline of the project is largely dependent on the level of public engagement that occurs during the review process by the chosen consultant. There are four relevant levels of engagement under Saanich's Public Participation policy that could be applied to the consultant's review:

- Inform - this would involve regular communication with the public on the consultants review;
- Consult - this would involve listening and considering the public's concerns;
- Involve - this would involve working with the public to exchange information, ideas, and concerns; and
- Collaborate - this would involve seeking advice and innovations from various public parties.

In terms of background, the "check-in" process to date has involved:

- Two Open Houses;
- Displays at the four Community Centres and the Municipal Hall;
- An Online/Virtual Open House;
- A survey and other written feedback opportunities;
- Individual consultations;
- Two Council Town Hall Meetings; and
- A Committee of the Whole Meeting.

Council Direction on further Public Engagement

As previously noted, the desired level of community engagement will need to be resolved by Council prior to approval of the Terms of Reference. Three basic engagement options/approaches are outlined below for Council's consideration.

Option 1 - Inform

This option is based on the position that significant engagement has taken place to date and that the consultant is being hired to develop potential solutions that will be presented to Council. Public input would be received at the time the potential solutions are presented to Council for review and deliberation. Under this Option, the public would be kept up-to-date on the review process through the Saanich website.

The timeline for the work to be completed would be approximately 2-3 months from once the contract is signed with the chosen consultant.

Option 2 - Consult & Involve

Under this option, the consultant would create new opportunities for the public to give feedback on their work – analysis of the public input and solutions/alternatives for moving forward. The consultant would ensure that the aspirations of the public are understood and addressed during the course of their work.

The timeline for the work to be completed would be approximately 7-8 months from once the contract is signed with the chosen consultant.

Option 3 - Collaborate

Under this option, the consultant would actively seek input and facilitate discussions with stakeholders and facilitate agreements between public parties. Advice and ideas from public parties would be used to create solutions. A degree of Inform, Consult, and Involve would also be needed.

The timeline for the work to be completed would be approximately 10-12 months from once the contract is signed with the chosen consultant.

FINANCIAL RESOURCES

As part of their submission, consultants will be asked to include an overall budget for the work to be completed. The proposed budget figure will be one of the criteria used by Council to assess the submissions.

In terms of an order of magnitude, the cost of completing the proposed work with Public Engagement based on Option 2 outlined above (Consult & Involve) would likely be in the range of \$40,000-\$50,000.

Once Council makes a decision on the consultant, the appropriate dollar amount will need to be allocated to this project. This project has been included in the draft budget (one-time resource request) currently under consideration.

NEXT STEPS


- Staff will revise the Terms of Reference per Council direction.
- The Purchasing Division will conduct a process to acquire proposals from qualified consultants.
- A template prepared by the Purchasing Division will be provided to Council outlining assessment criteria for scoring purposes.
- Staff will provide Council with copies of all of the submissions along with a summary report.
- Once Council has selected a consultant, the Purchasing Department will finalize and award the contract.
- Upon completion of the work the consultant will provide a written report and verbal presentation at a future meeting for Council's review and deliberation.

RECOMMENDATION

The Council:


- 1) Endorse the attached draft Terms of Reference, with direction for any changes; and
- 2) Give direction as to the desired level of public engagement.

Report prepared by:



Adriane Pollard, Manager of Environmental Services

Report reviewed by:



Sharon Hvozdzanski, Director of Planning

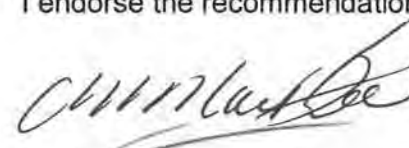
AP/ads
 G:\ENV\Development Permit Areas\EDPAAA Reports to Council\2016 RTCs\April 2016 RTC\EDPA TOR REPORT_FINAL.docx

Attachment: Appendix A - Draft Terms of Reference

cc: Paul Thorkelsson, CAO

CAO COMMENTS:

I endorse the recommendation of the Director of Planning.



for Paul Thorkelsson, CAO

APPENDIX A
DRAFT Terms of Reference
Environmental Development Permit Area (EDPA) Review

PURPOSE

To provide recommendations to Council to improve the EDPA Bylaw and support private land stewardship of Environmentally Significant Areas in Saanich.

BACKGROUND

Saanich Council adopted the EDPA Bylaw in March 2012. In 2015, a six-month public 'check in' process began. At a special council meeting on March 16, 2016, Council moved to support the recommendations of a staff report (attached) which included support for hiring a consultant/consultant team to review the EDPA Bylaw.

Many issues have been raised about the bylaw, its implementation, and the impacts on property rights and property values. Ideas have been brought forward by the public to improve the bylaw and programming to support stewardship on private land, etc.

POLICY CONTEXT

The EDPA is a schedule to the Official Community Plan (OCP) and is supported by many OCP policies such as:

- 4.1.2.1 "Continue to use and update the "Saanich Environmentally Significant Areas Atlas" and other relevant documents to inform land use decisions."
- 4.1.2.3 "Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species."
- 4.1.2.4 "Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems."
- 4.1.2.5 "Preserve "micro-ecosystems" as part of proposed development applications, where possible."
- 4.1.2.7 "Link environmentally sensitive areas and greenspaces, where appropriate, using 'greenways', and design them to maintain biodiversity and reduce wildlife conflicts."
- 4.1.2.8 "Encourage the use of native species and climate change resistant plants for landscaping on both public and private lands and continue to promote the principles of Naturescape."

- 4.1.2.11 "Promote and encourage the protection and designation of indigenous, significant trees and wildlife trees."
- 4.1.2.18 Encourage the retention or planting of native vegetation in the coastal riparian zone."
- 4.1.2.25 "Work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems and, where appropriate, enter into conservation covenants or provide incentives to protect riparian or environmentally significant areas."

Several other documents support and shaped the EDPA, including:

- The Local Government Act
- Review of Saanich Marine Shoreline Resources and Options for Protection
- The Green Bylaws Toolkit
- Develop with Care
- The Stewardship Series, including Greenshores
- The Conservation Manual (of the Sensitive Ecosystems Inventory)
- Recovery Strategy for Garry Oak and Associated Ecosystems and their Associated Species at Risk in Canada, 2001–2006

OBJECTIVES

The EDPA was initiated to support many of the policies found in the OCP and address the lack of environmental protection for environmentally significant areas (ESA's) in Saanich such as the marine backshore, sensitive ecosystems, rare habitat, and isolated wetlands or streams. The original objective was to:

"Establish an Environmentally Significant Areas Development Permit Area to protect and enhance sensitive ecosystems, species at risk and the marine shoreline. Increasing development pressure adds to the need to protect natural ecosystems and the habitat of rare plants and animals at a level similar to the existing protection for riparian areas. Development Permit Guidelines will focus on best management practices for protecting habitat adjacent to development."

The current objectives of the EDPA are to:

- Protect the areas of highest biodiversity within Saanich;
- Require mitigation during development; and
- Require restoration to damaged or degraded ecosystems during development.

SCOPE OF WORK

Saanich Council wishes to engage consulting services with experience and expertise in creating local government tools to protect the natural environment. The consultant will:

1. Conduct any public engagement as outlined by Saanich Council according to the District of Saanich Public Participation Policy and Public Participation Toolkit.
2. Research other comparable municipalities and their approaches to natural area protection.

3. Refer to the Green Bylaws Toolkit and relevant legislation.
4. Meet with staff to discuss the scope of the project and current practice at the outset.
5. Review materials provided by the District of Saanich:
 - Minutes and existing staff reports of relevant Council meetings
 - Economic Studies (Rollo and Associates, BC Assessment Authority)
 - Public Feedback from the check in process (staff report)
 - Submissions from individuals and organizations within Saanich
 - Official Community Plan and other policy documents
6. Prepare a draft report for review by staff (including Legal, Finance, Planning, Engineering, Parks & Recreation, Administration) which will cover:
 - Study scope, background, and methodology
 - Study objectives and measures of success
 - Identification and analysis of options
 - Recommendations for improvements to the bylaw, implementation, and stewardship of private property
 - Discussion of the context of the recommendations such as the OCP, approaches by other municipalities, expected outcomes
 - Overview of process and resources required to implement the recommendations
 - Outline on-going evaluation and monitoring of the measures of success
7. Prepare a final report using feedback from staff on the draft report.
8. Present the final report to Council at a Committee of the Whole meeting and respond to questions from Council.

PUBLIC ENGAGEMENT

The level of public engagement, as determined by Council, and in accordance with District of Saanich Public Participation Policy and Public Participation Toolkit, is:

Option 1 - Inform

This option is based on the position that significant engagement has taken place to date and that the consultant is being hired to develop potential solutions that will be presented to Council. Public input would be received at the time the potential solutions are presented to Council for review and deliberation. Under this Option, the public would be kept up-to-date on the review process through the Saanich website.

-or-

Option 2 - Consult & Involve

Under this option, the consultant would create new opportunities for the public to give feedback on their work – analysis of the public input and solutions/alternatives for moving forward. The consultant would ensure that the aspirations of the public are understood and addressed during the course of their work.

-or-

Option 3 - Collaborate

Under this option, the consultant would actively seek input and facilitate discussions with stakeholders and facilitate agreements between public parties. Advice and ideas from public

parties would be used to create solutions. A degree of Inform, Consult, and Involve would also be needed.

TIMELINE AND DELIVERABLES

- From the time of the award of the contract, the draft report will be delivered within (to be determined) months to allow for public engagement and delivery of a report.
- The final report will be delivered within 2 weeks of receiving the comments on the draft report.
- The presentation to Council will be scheduled as soon as possible by Saanich staff.

CONTRACT OVERSIGHT

The contract will be managed by the Director of Planning and designated staff on a daily basis with the main purpose of providing background information and resources. The contract terms will be set by the Manager of Purchasing. The contract Terms of Reference, consultant selection, and acceptance of the report will be under the purview of Saanich Council. The findings of the consultant will be independent of staff opinion.

PROPOSALS

Proposals for the project should include:

- A description demonstrating the consultant's understanding of the project
- An itemized budget
- Timeline
- Methodology
- Experience and credentials of the consultant or team in relation to creating local government tools to protect the natural environment
- Ideas and expectations for public participation

G:\ENV\Development Permit Areas\EDPA\AA Reports to Council\2016 RTCs\April 2016 RTC\Terms of Reference FINAL.docx

PUBLIC INPUT ON COUNCIL AGENDA ITEMS

1220-20
EDPA Bylaw

Draft Terms of Reference – Environmental Development Permit Area (EDPA) Review

- It is difficult to comment on the draft Terms of Reference without having the Rollo Report available.

Draft Terms of Reference – EDPA Review

- The Community Association supports option 2 to create new opportunities for the public to be consulted and involved in determining alternatives for moving forward; disrespectful remarks to staff or citizens should not be tolerated.
- Option 1 could be supported if potential solutions could be debated in an open meeting.

J. Ball, Cordova Bay Road:

Draft Terms of Reference – EDPA Review

- The EDPA should be replaced with researched and informed legislation and include Saanich-owned properties; the public was not given enough time to review the draft Terms of Reference.
- The Terms of Reference does not specify how independent a study will be; a third party steering committee comprised of registered professional biologists and affected parties should be considered to review the EDPA bylaw.

K. Harper, Bonair Place:

Draft Terms of Reference – EDPA Review

- Not enough time was given for the public to review the draft Terms of Reference; time must be allowed for doing an independent review and affected parties should be given the opportunity to provide input.

D. Doore, Mayfair Drive:

Draft Terms of Reference – EDPA Review

- The public was not given enough time to properly review the draft Terms of Reference.

C. Davidson, West Saanich Road:

Draft Terms of Reference – EDPA Review

- Staff has the right to provide input into the review but should not have control over the process; an independent study is needed.

Y. Zanatta, High Street:

Draft Terms of Reference – EDPA Review

- She is disappointed with the lack of notice given to the public to review the proposed Terms of Reference; an independent study should not be managed by staff.
- An independent committee could be formed that reports to Council and includes those directly affected by the EDPA including the scientific community, property owners, and members of community organizations; it may be a conflict of interest if Saanich staff provides information for the study.
- Option 3 for a collaborative approach is supportable.

G. Tripp, Cordova Bay Road:

Draft Terms of Reference – EDPA Review

- Citizens did not have enough time to properly review the draft Terms of Reference; the process should not be rushed.
- A short term solution should be brought forward to give relief to property owners; Option 3 is supportable.
- It will be important to include land owners in the review process; EDPAs from other jurisdictions should be reviewed.
- Creative ways to deal with rural and shoreline areas could be explored; encouragement and education should be provided to land owners.
- A complete analysis of the science and the premise behind the implementation of the bylaw is needed along with an audit of the Environmentally Sensitive Areas (ESA) including field evaluation.
- Voluntary stewardship, incentives, compensation, and what restrictions should be left in the bylaw should be considered; assessment of ecosystems in Saanich parks and public lands should take place.

Councillor Plant left the meeting at 8:30 p.m. The Director of Legislative Services arrived at 8:30 p.m.

1410-04
Report -
Planning

DRAFT TERMS OF REFERENCE – ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA) REVIEW

Report from the Director of Planning dated April 18, 2016 recommending that Council endorse the draft Terms of Reference with direction for any changes and that Council give direction as to the desired level of public engagement.

xref: 1220-20
EDPA Bylaw

The Director of Legislative Services stated: in regard to the requests for removal of the properties from the EDPA, Mr. Alexander had stated that Council had no other option than to send the applications forward to a Public Hearing. The Land Use and Development Procedures Bylaw, 2007, No. 8857, section 9(a) states that every application for a bylaw amendment under Section 2(a) of this bylaw shall be considered at a Council or Committee of the Whole meeting at which time Council may:

- (i) Forward the application to a Public Hearing;
- (ii) Amend and then forward the application to a Public Hearing; or
- (iii) Reject the application.

MOVED by Councillor Wergeland and Seconded by Councillor Haynes: “That consideration of the report of the Director of Planning dated April 18, 2016 - Draft Terms of Reference for the Environmental Development Permit Area Review, be postponed for two weeks to allow Council and the public more time to review the report.”

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

- Council could suspend the rules of the Council Procedure Bylaw to not receive further public input when the item is brought forward at a future meeting.

Councillor Plant stated:

- Postponing the item is not supportable.

Councillor Derman stated:

- He is not opposed to postponing the item but believed the residents wanted the EDPA discussed in a timely manner; if postponement is approved to give the public the opportunity to review the report, they should be able to provide input at the future meeting.

Councillor Haynes stated:

- The public wants to be more engaged in the process; he supports the motion to postpone.

**The Motion was then Put and CARRIED
with Councillor Plant OPPOSED**

The Chief Administrative Officer stated:

- The draft Terms of Reference and staff report could be posted on the website.

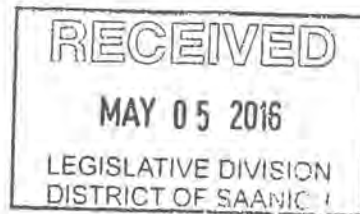
The Director of Legislative Services stated:

- A notice could be advertised in the Saanich News.

1220-20 Bylaw EDPA

From: "Jeremy Gye" [REDACTED]
To: <clerksec@saanich.ca>
Date: 5/5/2016 11:59 AM
Subject: RE: Submission for forthcoming Council meeting Monday, May 9th re Terms of Reference for EDPA Consultant RFP
Attachments: ECOS amendments to staff draft-terms-of-reference for EDPA Consultant (May 5, 2016).pdf

Please use this document in place of my earlier post



Key ECOS recommendations for inclusion within the EDPA RFP Terms of Reference:

- ♦ The **public must be engaged** through the consultation and revision process in a way that rebuilds trust, creates greater understanding and allows the co-creation of solutions.
- ♦ Given the polarized character of the EDPA controversy, it is imperative that the consultant team have **proven facilitation and conflict resolution expertise**.
- ♦ The consultant shall provide clear **biological/ecological criteria** with a clear **method** for assessing and evaluating the presence (or absence) of sensitive ecosystems and their quality.
- ♦ The consultant shall provide recommendations that will strengthen and improve the use of the **professional reliance model**, using professionals who are accountable to a professional society or college and subject to a code of ethics and standards of performance.
- ♦ The consultant shall investigate how the District of Saanich can show **stronger leadership on public lands and provide recommendations for action**.
- ♦ The consultant shall provide recommendations for **additional or alternate policy tools and strategies** to the EDPA. Possible examples include incentives (such as property tax subsidy), strategic land assembly, oak afforestation of unused agricultural land and greater support for existing or new conservation and educational initiatives.
- ♦ The consultant will explore how the EDPA can be administered to **avoid placing unreasonable land-use constraints or hardship on private residents**.
- ♦ Provide recommendations to **ensure equitable distribution of environmental benefits and burdens within the municipality**;
- ♦ The consultant shall provide recommendations on the **fair use of conservation covenants**, such that residents do not feel they have been unfairly imposed upon. The consultant shall clarify when and how conservation covenants should be used.
- ♦ The consultant shall recommend **whether or not the EDPA should apply to single family residential lots**. If the recommendation is to exclude these properties, the consultant shall provide direction on the scale of subdivision that would trigger a requirement for an Environmental Development Permit.

Recommendation for an alternate public engagement strategy

Instead of choosing from one of three options, consider a three-phase process that combines elements of all three options and shortens the duration required for effective public engagement in the process.

- In this scenario, the consultant would carry out Option 1 first (now effectively **Phase 1** of a three-phase process) and then **bring back a discussion paper for consideration by the public and council with the expectation that this would be a starting point for meaningful public engagement, not an end to it**. (In other words, there would be no expectation that this would be a document for Council to ratify, adopt or implement at this stage.)
- Using the discussion paper as a jumping off point, the process would then move into a facilitated public engagement phase (Phase 2), similar to what is currently outlined in “option 3”. Based on the outcomes of this engagement process, the consultant would make changes to their report and submit it for review by all affected parties, including council, residents, qualified professionals and staff. The report would recommend those “short-term” and relatively straightforward housekeeping fixes needed to immediately improve the bylaw.

- The report would also identify residual issues that remain to be resolved and around which consensus has yet to be achieved (i.e. issues that will require further research, public engagement and policy development to resolve effectively). This would be the work of **Phase 3**—a longer term work program perhaps.

This approach has the benefit in Phase 1 of allowing the consultant team the latitude to do what Saanich has hired them to do without undue interference, which is to take all of the input to date, analyse it and bring back a discussion paper that is intended to do four things:

1. Capture the issues at play and the public's concerns.
2. Discuss their merits in the broader context of the EDPA's policy objectives.
3. Provide tentative strategies or recommendations to address these concerns and improve the bylaw, and
4. Act as a spring board for serious engagement with affected interests to elicit creative ideas, address key concerns and improve the EDPA process and policy outcomes.

Phase 1 would take 2 - 3 months, as indicated in the staff report; however Phase 2 should take only an additional 2 months (rather than 7-8) because of the ground work completed in Phase 1. It is difficult to estimate what time might be required for Phase 3, should it be needed—perhaps very little as some community groups (like ECOS) could be anticipating and working on these issues concurrently with the other 2 phases. In any event, Phase 3 shouldn't delay matters, as sufficient progress would have been made in the previous two phases to deliver the following outcomes:

1. Greater clarity and consensus around the policy goals and objectives behind the EDPA.
2. Improved policy direction to staff from council, including direction to develop a biodiversity strategy.
3. Significantly improved EDPA guidelines (including certainty and clarity around standards, evaluation criteria, mapping quality, use of professional reliance model, *etc*).
4. Improved cost sharing by the tax base.
5. A bigger toolkit that reduces dependence on the EDPA regulation and promotes a different, "H.A.T." like, method to achieve ecosystem stewardship goals.
6. Improved administration of the EDPA regulation and its implementation by staff.
7. Improved Council oversight of outcome 3, and
8. An effective and legitimate adjudication process.

Recommendations for the Consultant Team selection process

- That a well-respected and Professional Biologist, who may be in a retired professional status, be retained to work with staff to review applications submitted to Saanich for the contract to provide Consulting services to review the EDPA. The staff and public advisor will recommendation a short list of 3 or 4 candidates for the provision of EDPA Consulting services who will each be asked to make a 15 minute presentation to the Mayor and Council at an open Council session on how they would implement the ToR to address expressed public concerns. The Mayor and Council would then make the final selection of which Consultant would be offered the contract for Consulting services.

May 5, 2016

Attention: Mayor and Council

From: Jeremy Gye and Patrick Lucey on behalf of ECOS (Ecology, Community and Science) Research.

APPENDIX A

DRAFT Terms of Reference

Environmental Development Permit Area (EDPA) Review

PURPOSE

To provide recommendations to Council to improve the EDPA Bylaw and support private land stewardship of Environmentally Significant Areas in Saanich.

BACKGROUND

Saanich Council adopted the EDPA Bylaw in March 2012. In 2015, a six-month public 'check in' process began. At a special council meeting on March 16, 2016, Council moved to support the recommendations of a staff report (attached) which included support for hiring a consultant/consultant team to review the EDPA Bylaw.

Many issues have been raised about the bylaw, its implementation, and the impacts on property rights and property values. Ideas have been brought forward by the public to improve the bylaw and programming to support stewardship on private land, etc.

POLICY CONTEXT

The EDPA is a schedule to the Official Community Plan (OCP) and is supported by many OCP Policies.

WE RECOMMEND ADDING THE FOLLOWING TO THOSE IN THE STAFF DRAFT

4.1.2 Sustainable Ecosystems

Saanich and its residents are considered to be leaders in the region in preserving and protecting the natural environment. The preservation and enhancement of our natural heritage was founded and depends on raising public awareness, gaining support, and encouraging citizens, businesses, and institutions to conserve natural resources and restore the natural environment for the well-being of future generations.

4.0 Environmental Integrity

Looking after the natural environment, and mitigating the impact of the built environment, is an essential and shared responsibility between all levels of government, private interests, and the community. It requires awareness, cooperation, innovation, and action.

Environmental Stewardship

24. Foster and support public awareness, engagement, and participation in community environmental stewardship initiatives.

25. Work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems and, where appropriate, enter into conservation covenants or provide incentives to protect riparian or environmentally significant areas.

From Saanich's **DECLARATION OF THE RIGHT to A HEALTHY ENVIRONMENT**: "Ensure equitable distribution of environmental benefits and burdens within the municipality."

Several other documents support and shaped the EDPA, including:

- The Local Government Act
- Review of Saanich Marine Shoreline Resources and Options for Protection
- The Green Bylaws Toolkit
- Develop with Care
- The Stewardship Series, including Greenshores
- The Conservation Manual (of the Sensitive Ecosystems Inventory)
- Recovery Strategy for Garry Oak and Associated Ecosystems and their Associated Species at Risk in Canada, 2001-2006

ADD THE FOLLOWING:

- [Saanich Urban Forest Strategy](#)
- [Urban Forests: A Climate Adaptation Guide \(BC Climate Action Tool Kit\)](#)
- [Applicable Inventory Standards for all five inventories referenced in the EDPA](#)
- [Saanich Public Participation Policy](#)

OBJECTIVES

The EDPA was initiated to support many of the policies found in the OCP and address the lack of environmental protection for environmentally significant areas (ESA's) in Saanich such as the marine backshore, sensitive ecosystems, rare habitat, and isolated wetlands or streams. The original objective was to:

"Establish an Environmentally Significant Areas Development Permit Area to protect and enhance sensitive ecosystems, species at risk and the marine shoreline. Increasing development pressure adds to the need to protect natural ecosystems and the habitat of rare plants and animals at a level similar to the existing protection for riparian areas. Development Permit Guidelines will focus on best management practices for protecting habitat adjacent to development."

The current objectives of the EDPA are to:

- Protect the areas of highest biodiversity within Saanich;
- Require mitigation during development; and
- Require restoration to damaged or degraded ecosystems during development.

SCOPE OF WORK

Saanich Council wishes to engage consulting services with experience and expertise in creating local government tools to protect the natural environment. The consultant will:

1. Conduct any public engagement as outlined by Saanich Council according to the District of Saanich Public Participation Policy and Public Participation Toolkit.
2. Research other comparable municipalities and their approaches to natural area protection, [identifying best practices and expected outcomes, and interview experts related to this issue.](#)
3. Refer to the Green Bylaws Toolkit and relevant legislation.
4. Meet with staff to [and Council to](#) discuss the scope of the project and current practice at the outset.
5. Review materials provided by the District of Saanich:
 - Minutes and existing staff reports of relevant Council meetings
 - Economic Studies (Rollo and Associates, BC Assessment Authority)
 - Public Feedback from the check in process [and town hall meetings](#) (staff report [plus original documentation](#))
 - Submissions from individuals and organizations within Saanich
 - Official Community Plan and other policy documents

6. Collaborate with the public in developing recommendations to council by

1. [preparing a discussion paper that identifies the comments already through the public feedback process and develop preliminary recommendations for discussion with the public, and](#)
 2. [actively seeking input and facilitating discussions with the public to create constructive solutions to address issues \(real and perceived\) in relation to this bylaw and its implementation.](#)
- 7.** Prepare a [discussion paper](#) for review by staff (including Legal, Finance, Planning, Engineering, Parks & Recreation, Administration), [council and affected stakeholders \(including residents, professional practioner, relevant ENGOs and the development and design community\).](#) [This paper will serve as jumping off point for public engagement. The discussion paper will cover:](#)
- Study scope, background and methodology
 - Study objectives and measures of success [for the study](#)
 - ♦ [Clarify and refine specific policy objectives for the EDPA.](#)

- ♦ Discussion of the context of the recommendations such as the OCP, approaches by other municipalities, expected outcomes
- Identification and analysis of options to develop an EDPA bylaw and implementation process that is fair and accountable
- ♦ Address ways to improve the bylaw, its implementation and administration, and associated public process including:
 - Clear, scientifically-defensible and widely-accepted classification criteria that identify sites for inclusion / exclusion within the EDPA
 - scientifically-based, ecological metrics of success for the implementation of the EDPA, with clear links back to refined policy objectives (ecological, economic and social)
 - Implementing the professional reliance (QEP) model, including a clear definition for “Qualified Environmental Professional”, based upon Professional Society standards.
 - A clear methodology for inventory and field assessment standards, including a process for timely assessments
 - Conducting District-wide ground-truthing in a prioritized, timely and cost-effective manner
 - A discussion of the pros and cons of leaving single family lots in the EDPA, as well as direction on scale of subdivision that would trigger the EDPA if single family lots were to be excluded
 - Direction on the fair introduction and application of conservation covenants, as per OCP policy 4.1.2.25
- ♦ Additional tools and strategies to achieve the policy objectives that underpin the EDPA and reduce reliance on regulation, through incentive and educational programs
- ♦ Ways to strengthen municipal leadership on public lands and achieve consistent application of EDPA principles on both public and private land
- Recommendations to improve stewardship of private property
- Discuss the policy context or rationale for recommendations, such as the OCP, approaches by other municipalities, expected outcomes, practioner feedback etc.
- Overview of process and resources required to implement the recommendations
- Outline on-going evaluation and monitoring of the measures of success

8. Solicit feedback on the discussion paper from council, affected stakeholders and staff through well mediated public workshops that foster a productive and respectful exchange of ideas and concerns, while addressing the recommendations within the discussion paper. (Consider dedicated consultations with qualified environmental professionals.)

9. Prepare a final report using feedback from council, residents, affected stakeholders and staff. The final report should clearly identify residual issues for which further study or public engagement is required.

10. Present the final report to Council at a Committee of the Whole meeting and respond to questions from Council.

PUBLIC ENGAGEMENT

The level of public engagement, as determined by Council, and in accordance with District of Saanich Public Participation Policy and Public Participation Toolkit, is:

Option 1 - Inform

This option is based on the position that significant engagement has taken place to date and that the consultant is being hired to develop potential solutions that will be presented to Council. Public input would be received at the time the potential solutions are presented to Council for review and deliberation. Under this Option, the public would be kept up-to-date on the review process through the Saanich website.

-or-

Option 2 - Consult & Involve

Under this option, the consultant would create new opportunities for the public to give feedback on their work- analysis of the public input and solutions/alternatives for moving forward. The consultant would ensure that the aspirations of the public are understood and addressed during the course of their work.

-or-

Option 3 - Collaborate

Under this option, the consultant would actively seek input and facilitate discussions with stakeholders and facilitate agreements between public parties. Advice and ideas from public parties would be used to create solutions. A degree of Inform, Consult, and Involve would also be needed.

Alternately, council may elect to combine these options into a single process as described in Sections 7 and 8 above.

TIMELINE AND DELIVERABLES

- From the time of the award of the contract, the draft report will be delivered within (to be determined) months to allow for public engagement and delivery of a report.
- The final report will be delivered within 2 weeks of receiving the comments on the draft report.
- The presentation to Council will be scheduled as soon as possible by Saanich staff.

CONTRACT OVERSIGHT

The contract will be managed on a daily basis by an independent Steering Committee appointed by and reporting to Council. The Director of Planning and designated staff will as their main purpose serve to provide on a daily basis with the main purpose of providing background information and resources. The contract terms will be set by the Manager of Purchasing. The contract Terms of Reference, consultant selection, and acceptance of the report will be under the purview of Saanich Council. The findings of the consultant will be independent of staff opinion.

PROPOSALS

Proposals for the project should include:

- A description demonstrating the consultant's understanding of the project
- An itemized budget
- Timeline
- Methodology
- Experience and credentials of the consultant or team in relation to creating local government tools to protect the natural environment
- Ideas and expectations for public participation

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2020 Bylaw edpa

From: Andy Kyfiuk [redacted]
To: "clerksec@saanich.ca" <clerksec@saanich.ca>
CC: "saanichedpa@gmail.com" <saanichedpa@gmail.com>
Date: 5/3/2016 12:03 PM
Subject: Terms of Independent EDPA Revision Study Feedback

To the Saanich City Hall Management Group.

I oppose many aspects of the proposed terms for the Independent EDPA Revision Study, see below. Thank you for extending the time for feedback, I have not been able to comment until today. The original allowance of two days for feedback was unacceptable.

* Based on the controversial nature of the means in which the EDPA bylaw has been implemented, and the apparent shortcomings of Saanich Staff in attempting to implement this bylaw, Saanich Staff should not be in control of this study. It should be managed by an independent Legal Council that is acceptable to Saanich City Council, not Saanich Staff, and a Steering Group that needs to be set up to represent the various stakeholders on this topic including property owner's. In my opinion this discussion has gone on long enough that there may be legal implications in its resolution (possibly similar to the leaky condo situation years ago) and there needs to be knowledgeable legally trained individuals involved to ensure the accountability of the various parties and proper record keeping.

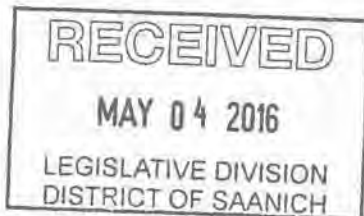
* As mentioned above their needs to be a Steering Group formed that as a minimum has representation from Saanich Staff, the Property Realtors Group, again a legal counsel of sorts or some legally trained individual to provide input, a registered biologist that understands the spirit of the EDPA to provide informed input, and representation from the property owners which should come from the Saanich Citizens for a Responsible EDPA Society. This Steering Group needs to be informed of their Fiduciary Responsibilities and have responsible conduct forefront as their key consideration.

Based on the results of the Apr. 25/16 Council Meeting it appears that the management group at Saanich City Hall are applying further random restrictions to an already poorly administered bylaw so I further oppose the general application of the EDPA bylaw on properties in Saanich.

The property owner's will not tire of ensuring the EDPA is either abolished and re-initiated or properly revised (which would likely take longer and yield poorer results). It is too important to the tax revenue for our municipality and the values of the properties within our municipality to allow this bylaw to be further implemented within the management protocols that have been used in the past.

Kind regards,
Andy Kyfiuk

Andy Kyfiuk
[redacted]
Cordova Bay Rd., Victoria B.C. Canada [redacted]
[redacted]



1220-20 Bylaw edpa

From: Daryl Hayward
To: <council@saanich.ca>, <mayor@saanich.ca>
CC: <clerksec@saanich.ca>
Date: 5/3/2016 10:39 AM
Subject: Terms of Reference - EDPA Review

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INFORMATION	<input checked="" type="checkbox"/>	
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We are Saanich taxpayers and our address is [redacted] Hollyridge Place.

Situation

Our property was recently visited by Adrienne Pollard. Ms. Pollard quite readily acknowledged that a mapping error existed and she assured us that the small ESA triangle on the southwest side of our property should not be designated as an ESA area. Ms. Pollard committed to have this small piece of our property removed from the ESA (this is to be accomplished via an omnibus submission from Ms. Pollard to Council by year-end correcting numerous EDPA mapping errors).

Needless to say, we are pleased that Ms. Pollard took it upon herself to have this mapping error corrected. However, we continue to have concerns regarding "buffer areas". We will address this "buffer area" concern in a separate submission to Council.

Draft Terms of Reference

Our most significant concern regarding the Draft Terms of Reference relate to the roles of Council and Saanich Staff. It would appear from the Draft that Staff would essentially have both control and approval of the overall work, findings, conclusions and recommendations of the Consultant. We do not agree with the proposed Staff role. We believe that the proper role for Staff is to provide any and all Consultant requested input and assistance. It is not the role of Staff to have any kind of vetting authority with regard to this EDPA Review. It is Council's responsibility to select the Consultant, manage the work of the Consultant and directly receive the Consultant's final report. We readily concede that Council will require some form of support and accordingly we agree with the recommendation of SCREDS that a Steering Committee reporting to Council be created to assist with this very important review. We also agree with SCREDS recommended composition for this Steering Committee.

Daryl & Mary Ann Hayward
[redacted] Hollyridge Place
Saanich, BC



1220-20 Bylaw EDPA

From: "Gord Adams" [redacted]
To: "ClerkSec" <ClerkSec@saanich.ca>
Date: 4/29/2016 3:53 PM
Subject: RE: Council Item for May 9 - Draft Terms of Reference - EDPA Review

Council Items never answered

I will repeat my questions on the EDPA that you did not answer as requested!

1) How did the environmental committee arrive at the distances of the lines drawn over my property?

Example 10 feet ,50 feet or why not one mile

2) We were told by the head of the environmental department that we should think of our property as a lease and that Saanich controls our property!

How is this true?

3) In an email from the environmental dept explained that they had done the study of our property by boat!

How is that possible?

Please answer these questions for me

I request your reply once again

Thank you

Gordon Adams

[redacted] shore way

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From: ClerkSec [mailto:ClerkSec@saanich.ca]
Sent: April 29, 2016 1:50 PM
Subject: Council Item for May 9 - Draft Terms of Reference - EDPA Review

Draft Terms of Reference

Environmental Development Permit Area Bylaw Review

Saanich Council will consider the draft Terms of Reference for the next phase of the ongoing review of the Environmental Development Permit Area (EDPA) Bylaw at a Council meeting to be held Monday, May 9, 2016 at 7:00 p.m. in Council Chambers, Saanich Municipal Hall, 770 Vernon Avenue.

A copy of the April 18, 2016 report from the Director of Planning outlining the draft Terms of Reference is available on our website at <http://www.saanich.ca/living/natural/planning/edpa.html>

The meeting will provide an opportunity for public input if you so choose. Correspondence may be submitted for inclusion in the meeting agenda no later than 4:00 pm on the day of the meeting to:

Email: clerksec@saanich.ca Fax: 250-475-5440

c/o Legislative Division, 770 Vernon Avenue, Victoria, BC V8X 2W7

All correspondence submitted to the District of Saanich in response to this Notice will form part of the public record and may be published in a meeting agenda.

If you have questions regarding the report, please contact Saanich Planning at 250-475-5471. If you have questions with respect to meeting procedures, please contact Legislative Services at 250-475-1775 or via e-mail at clerksec@saanich.ca

Legislative Department

District of Saanich

770 Vernon Ave.

Victoria BC V8X 2W7

t. 250-475-1775

f. 250-475-5440

clerksec@saanich.ca

<<http://www.saanich.ca/>> www.saanich.ca

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Please consider the environment before printing this e-mail.

ClerkSec - EDPA, Terms of reference

From: [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/29/2016 12:41 PM
Subject: EDPA, Terms of reference

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Mayor Atwell and Council

The property owners of Saanich have shown outrage with the EDPA process as developed and administered by Adrian Pollard. The well meaning intent of the public to keep Saanich green has been turned into a monstrous property rights grab by Saanich bureaucracy. As you well know you have had hundreds to the thousand different citizens turn up to three public meetings with over 95% opposed to what Saanich has implemented.

It must be said up front that nearly all these people are interested in the environmental issue. What they do not want is hundreds of lines of ever changing by-law imposed on them that requires hiring consultants and lawyers to establish what they are allowed to do. When the sole arbiter of whom the consultants either with credential or not is Adrian Pollard, the public is appalled. When one of these consultants then, through email, offers to purchase land the whole process should be forensic audited. At a townhall council meeting it was agreed to have an independent report prepared to consider this whole issue and very late in the evening was slipped in that the report would be prepared by staff. As expected by us followers of the process, the Terms of Reference developed by staff will present a very uneven playing field to consider proper action that Mayor and Council may use to extricate themselves from this mess and hopefully keep Saanich free from law suit.

Independant means just that and the consultant needs to consider the input of the public, the Saanich Citizens for a Responsible EDPA Society, the broader issues of changing fauna with both population growth and a changing climate and what is actually done in other municipalities.

As a seperate issue, I believe an audit needs to be prepared to look at this process in the whole from real cost impact to public internally and externally, information provided to public, information and understanding provided initially to mayor and Council, role of the University of Victoria Environmental Study personnel and other outside personnel who have benefited from these controls. This could include persons with large land holding outside of Saanich who could benefit with strong anti development work in Saanich. Democracy demands vigilance.

Lorrie Adam



1220-20 Bylaw EDPA

From: Art [redacted]
 To: "clerksec" <clerksec@saanich.ca>, Colin Plant <colinplant@saanich.ca>, <mayor@saanich.ca>
 CC: Anita Bull [redacted]
 Date: 4/29/2016 7:28 AM
 Subject: EDPA - Terms of Reference

POST TO	Gen	POSTED	2016-04-29
COPY TO	SH		
INFORMATION	<input checked="" type="checkbox"/>		
REPLY TO WRITER	<input checked="" type="checkbox"/>		
REPORT	<input type="checkbox"/>		
FOR			
ACKNOWLEDGED	bl.m		

There appears to be a dictatorial attitude within the Saanich Environmental service. The motto, "Serving The People" seems to have evolved into "The People Serving Saanich". This is evident by the contempt shown toward properties that have been identified on the EDPA map. Apparently, the opinion of the Manager of Environmental Services outranks the knowledge and experience of biologists with over 40 years experience. There needs to be a thorough independent review of Saanich's legal environmental practices. Good governance is the goal. Amiable, engaged citizens should sit on the review panel.

The saddest occurrence for the attendees of EDPA public meetings is to hear of the financial hardships endured by some residents. They are losing their property rights without compensation or compassion. (It's a modern day example of Robin Hood arriving at a garage sale, removing the heirlooms and leaving the occupant with a bill for the unsaleable refuse.)

The municipality is demonstrating a colonial style of land repossession. It's a "land grab" by the municipality without having to pay GST, commission or the Land Transfer Tax. Saanich is hurting some seniors while helping themselves to the prime bits of real estate.

Why doesn't the Council sell some of the donated land it has inherited and showcase our parks?

Why isn't Saanich modelling our Parks as an example of how an ecological environment can operate within the community?

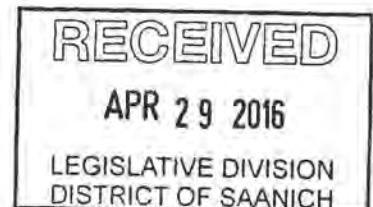
Currently, the legal department is the benefactor. Unfortunately, the media attention is driving away potential business, young families and retirees. Conflicts of interest are apparent. Council must demonstrate diplomacy to eliminate and correct the problems.

Who is in charge? Is Council following the orders of administration or administration following orders of Council?

The qualified biologist consultant must be unanimously chosen by Mayor and Council. They answer to the voter and taxpayer. The taxpayer is the "boss". The administrator of Environmental Services is not.

Why isn't the environmental administration available at council meetings to clearly explain their policies? Too much time and money is being squandered on battling EDPA property owners and punitive bylaws. Demonstrate compassion, cooperation and collaborative stewardship.

With the ongoing lack of transparency, conflicts will continue. Costs will escalate and other beneficial causes will flounder. The public is very concerned. If the plan of the EDPA bylaw was to create fear and mistrust, the objective has been achieved.



The new biological consultant should possess a cooperative spirit, collaboration skills and fairness for all residence. The consultant should be diplomatic, be empowered to point out the errors and ambiguity to the staff. The Consultant is there to repair, and not the person to blame. If the municipality doesn't adopt objective, fair and equal procedures for the EDPA policy, the electorate will be obliged to change the people.

Art Bickerton (Saanich)



1220-20 Bylaw EDPA

April 26, 2016

POST TO	Gen	POSTED	2016-04-28
COPY TO	SHV		SO
INFORMATION	<input checked="" type="checkbox"/>		
REPLY TO WRITER	<input type="checkbox"/>		
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>		
REPORT	<input type="checkbox"/>		
FOR			
ACKNOWLEDGED:	bl.m		

Dear Mayor Richard Atwell and Saanich Council Members,

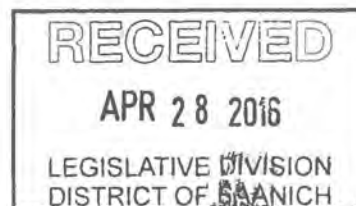
It has come to the attention of the College of Applied Biology (the College) that at last night's meeting during discussion about proposed exemptions from the Environmental and Development Permit Area (EDPA), there was a request for an explanation on the difference between a Registered Professional Biologist (RPBio) and non-registered biologists. As the regulatory body for the practice of applied biology in BC, the College would like to take this opportunity to clarify the difference.

The College was given legislative authority to award the title of RPBio by the *College of Applied Biology Act* enacted in 2003. This means while anyone may call themselves a biologist, only members of the College can call themselves a Professional Biologist or a Registered Professional Biologist. The College protects the public interest by ensuring a high degree of competence and accountability of its members in the practice of applied biology. Those individuals who are awarded the RPBio title must meet stringent entrance standards that include academic, professional report, and work experience requirements. They are held to a continued high standard through yearly professional development requirements and their practice is governed by a Code of Ethics, which among other things, ensures that RPBios practice in an unbiased, science-based manner. In addition, RPBios are held to account for their personal and professional conduct through a number of mechanisms which include audits, practice reviews, and discipline investigations resulting from complaints received from the public or members of the profession.

The College would be pleased to provide any additional information that you require regarding the practice of applied biology and its members, and would encourage Mayor Atwell and Saanich Council members to visit the College's website at www.cab-bc.org. I have included with this letter a couple of College brochures and a copy of the Code of Ethics that may be of interest.

Sincerely,

Linda Stordeur, RPBio
Registrar, College of Applied Biology
registrar@cab-bc.org
encl.





Code of Ethics

Integrity, competence, accountability, and adherence to all applicable laws and regulations are the cornerstones of this Code of Ethics. College of Applied Biology members are required to conduct themselves in a manner consistent with these precepts as outlined in the nine principles herein, and to uphold the principles of stewardship of aquatic and terrestrial ecosystems and biological resources as required under the *College of Applied Biology Act*.

In dealings with the public, employers/clients and other members of the profession, members of the College of Applied Biology must:

- 1** Provide objective, science-based, unfettered, forthright and intellectually honest opinion, advice and reports in applied biology.
- 2** Undertake assignments and offer opinions only in areas in which they are competent.
- 3** Ensure they meet a professional standard of care by practicing applied biology with attention, caution, prudence, and due diligence.
- 4** Provide a professional standard of service to clients and employers by conducting business practices fairly, avoiding conflict of interest and respecting client/employer confidentiality.
- 5** Have regard for the health and safety of the public in the performance of professional duties.
- 6** Uphold professional obligations to the College while in the workplace.
- 7** Maintain a standard of personal and professional conduct that does not reflect adversely on the College or its members.
- 8** Avoid injuring the reputation of others through malice or negligence.
- 9** Recognize the duty to address poor conduct and/or practice of another member in order to protect the public interest, the profession, and the reputation of the College.



COLLEGE OF APPLIED BIOLOGY

Professional Accountability

Natural resources are the backbone of our economy, culture and quality of life.

We need to do our best to ensure future generations can enjoy them too.



The **College of Applied Biology** was established in 2003 to ensure the public is served by competent, ethical, and accountable **applied biology professionals**.

The College regulates over 2,200 Registered Professional Biologists and Registered Biology Technologists by setting standards for entry and enforcing standards of practice for the profession of applied biology.

Applied biology professionals provide unbiased, science-based advice that contributes to lasting decisions about our shared natural resources.

The College of Applied Biology is the only self-regulated professional organization for biologists in North America

The College of Applied Biology Act recognizes that regulating the profession of applied biology is in the public interest, and grants authority to the College to develop and enforce rules of entry and conduct that are legally binding on members of the profession.

How the College of Applied Biology protects the public interest



1. By setting rigorous admission standards to ensure applied biology professionals are qualified to practice.
2. By requiring applied biology professionals to stay up-to-date through professional development.
3. By conducting random audits of members, and when needed, in-depth practice reviews to ensure applied biology professionals are practicing competently and ethically.
4. By providing practice guidance to applied biology professionals on ethical issues.
5. By investigating, and when warranted, disciplining applied biology professionals who have violated our standards.
6. By taking action against those who misrepresent themselves as applied biology professionals.



COLLEGE OF APPLIED BIOLOGY

Professional Accountability

For work and advice you can rely on,
contact **responsible** and **accountable**
applied biology professionals.



THE COLLEGE OF APPLIED BIOLOGY provides assurance of professionalism and competency in the practice of applied biology by its members.

Members of the College meet high entrance and continuing professional development standards, and must adhere to a Code of Ethics.

When you employ or hire an applied biology professional, you are assured of:

- > competent, objective, and current scientific advice;
- > work that meets the latest standards and legal requirements;
- > high ethical standards through adherence to confidentiality, conflict of interest, and professional conduct requirements; and
- > professional accountability through the College.

What Applied Biology Professionals Do

Registered Professional Biologists (RPBios) and Registered Biology Technologists (RBTEchs) provide unbiased scientific advice in the study and management of aquatic and terrestrial ecosystems.

RPBios are involved in many areas of practice ranging from environmental assessments, aquaculture, wildlife and fisheries management, riparian area assessments, contaminated site assessments, and supporting conservation, management, and planning in both urban and rural environments.

RBTEchs are involved in all aspects of data collection and the preparation of summary reports on biotic and abiotic data, such as wildlife and fisheries abundance, vegetation composition, stream and lake assessments.

Biologists in Training (BITs) and **Trainees (RBTEchs)** have met the academic standards for the RPBio and RBTEch membership categories, and are in the process of meeting the work and/or report requirements for full professional status.

Members of the College are **Regulated**

Through the provisions in the *College of Applied Biology Act*, the College:

- > Sets and upholds high standards for entry into the profession of applied biology;
- > Ensures the ongoing competency of College members by establishing and overseeing continuing professional development requirements; and
- > Holds applied biology professionals accountable through audits, practice reviews, and discipline investigations resulting from complaints.

COMPLAINTS

The College addresses inquiries and complaints concerning the practice of applied biology by its members.

Anyone may lay a complaint with the College if they have reason to believe that a member of the College has practised applied biology in an incompetent manner, is guilty of professional misconduct, conduct unbecoming of a practising member, or a breach of the *College of Applied Biology Act* or *Rules*.

Substantiated complaints may result in practice reviews or discipline proceedings resulting in fines and/or conditions on membership, suspension, or revocation of membership.

As an employer of applied biology professionals, you signify your organization's commitment to high achievement and credibility.



Find **qualified** applied biology professionals.

All College members are held to high ethical and practice-related standards.

Visit our website for a listing of applied biology members you can hire or contract to meet the needs of your project, organization, or firm.

www.CAB-BC.org

The College of Applied Biology

Suite #205, 733 Johnson Street
Victoria, BC V8W 3C7

TEL 250-383-3306

FAX 250-383-2400

1220.20 Bylaw EDPA

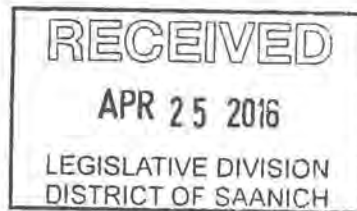
From: Wendy Webb [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/25/2016 3:43 PM
Subject: EDPA

I have just been informed about the need for me to comment before 4pm today.

I have commented but for some reason I need to comment again. For a longer reply, see my previous submission.

In brief. The EDPA should apply to Saanich municipal land ONLY. Leave private land alone.

Thank you
Wendy Webb
[REDACTED] Glastonbury Rd



1220.20 Bylaw EDPA

From: "griff tripp" [redacted]
To: <cmayor@saanich.ca>, <ouncil@saanich.ca>, <paul.thorkeisson@saanich.ca>
CC: "Saanich EDPA" <saanichedpa@gmail.com>
Date: 4/25/2016 3:11 PM
Subject: Draft Terms of Reference - EDPA Review

Good Afternoon Mayor and Council and CAO;

I understand your Staff wish to have you consider the "Draft Terms of Reference - EDPA Review" this evening Monday 25 April and they expect (or not)

for we the Citizens of Saanich to have reviewed, considered, and prepared comments and recommendations on this document in less than two business by 4:00p.m. this afternoon.

This is not acceptable.

This is not an emergency.

This is not a trivial issue but one with hundreds if not thousands of concerned citizens invested in a proper process.

The appropriate course of action is to table the staff report till the next meeting.

None the less, the leadership, direction, and reporting of the review committee must be independent of Staff. The department has lost the confidence of many as too invested in their own perspective to negotiate effective resolution to the issues at hand. Council should strike a steering committee that reports to Council made up of truly independent people who are not current administrative staff other than the CAO. This steering committee should be comprised of members of the scientific community, as well as members of SCREDS and SAFE who represent interests of property owners. The consultant is unnecessary.

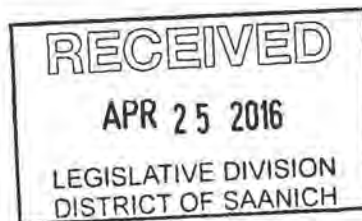
See you tonight.

Yours respectfully,

Griff Tripp

[redacted] Cordova Bay Road
Victoria BC [redacted] Canada

[redacted]
[redacted]



1220-20 Bylaw EDPA

From: Kate [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/25/2016 3:30 PM
Subject: Terms of Reference

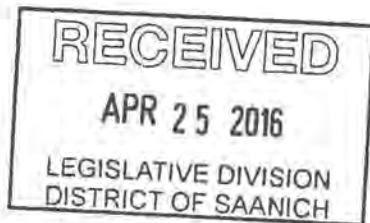
Dear Mayor Atwell and Saanich Council Members:

Last month, Council members agreed to engage a consultant, independent of current EDPA planning, to assess the science in the EDPA (option 3). Now Saanich EDPA planning staff has written their proposed Terms of Reference for this independent consultant. One meaning of the word 'independent' is: unwilling to be under obligation to others. My question is "How can an independent consultant be independent of Terms of Reference that have been composed by the very people they are supposed to be independent of i.e. EDPA planning?"

I urge Council to strike a steering committee made up of truly independent people who are not current administrative staff and who will report directly to Council. Terms of Reference should provide for Council to have the control and conduct of this study, not staff.

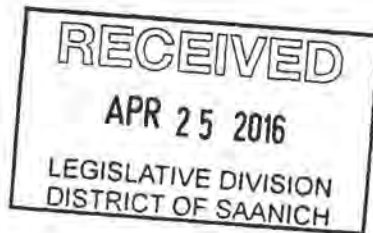
Sincerely,

Kate Insley, Saanich Resident



April 25, 2016

Mayor & Council
District of Saanich
Via email: clerksec@saanich.ca



Dear Mayor & Council,

April 25 Council Meeting – Removal of properties from the EDPA

Thank you for the opportunity to comment on the draft terms of reference for the Environmental Development Permit Area review.

My early interest in the EDPA discussion is because I feared the EDPA by-law and Atlas might be repealed (as had been originally lobbied by several landowners) and places in jeopardy all ESA properties in Saanich.

To better inform myself, I attended the open houses, town halls, council meetings and I listened and contributed in hopes of establishing better understanding and trust. I will admit to finding it difficult to make my way through this complex issue, which is further made complex because some scientists might apply provincial guidelines when completing environmental assessments when municipal guidelines should perhaps have been applied. *I expect this incongruity will likely be addressed when completing the EDPA review.*

Last night I reviewed the substantial agenda for tonight's Council Meeting, and until then, I was concerned for some property owners who expressed the EDPA by-law was punitive (my words). The newspaper had reported a Gordon Head property owner had lost 1 million dollars in value as a result of the EDPA.

Summarizing tonight's agenda content (pages 132, 137), I learned the Gordon Head property owner had applied to build a single family dwelling on the property, and it appears the location for the new sewage disposal system was to be sited within the EDPA (coastal bluff ESA); a biologist's report supporting siting the sewage system within the EDPA was accepted by Saanich; a permit issued to build the system. As is practice (I believe) a restrictive covenant was registered on the property to safeguard areas not protected by the EDPA – offered as mitigation for areas excluded from the EDPA – in order to support the property owners' need to construct the sewage disposal system.

It would therefore appear Saanich Staff worked closely with the landowners to help site, mitigate, and then approve the development permit, and that the land owner benefited from a reduction in taxes.

I am concerned there continues to be a lack of evidence that EDPAs actually reduce financial values; that inaccurate statements made by a few landowners wishing to be removed from the EDPA in order to develop their properties beyond the scope of the by-law have not been addressed. To avoid misinformation and provide clarification, it would be helpful to balance such grievances with facts. Also, I would be helpful to know that application of the EDPA by-law in Saanich is accurately applied. *Perhaps the EDPA review will provide some balance and perspective.*

Like many, I support the over-arching principles of our EDPA by-law: to protect the environment; to restore natural habitat; to eliminate or reduce damage caused by human activities. I appreciate the by-law was created because we are loosing green space, our tree canopy and natural habitat at an alarming pace. I also believe it is critical to recognize the importance of preserving green and nature corridors or we face loosing our native plant and animal species. *I do not believe I am alone in this thinking, and hope the EDPA review might address such concerns.*

May & Council
April 25, 2016

Closer to home, I have come to realize every property has its own story. In regards to conservation efforts on my property I have learned 'environmental sensitivity' and 'biodiversity' to different people means different things, and every one brings their own set of values to bear upon the subject. Most people believe parks support the highest biodiversity in our urban landscape when in fact – when taken as a whole – most biodiversity occurs on privately owned lands.

Increasingly, I have learned nature can be found in the spaces between our park spaces: in backyards and schoolyards, in community gardens and constructed wetlands, on farms and in industrial areas. But in order to be successful, citizens must embrace biodiversity concepts and think in terms of 'the greater good' in order to build a sustainable environment today and for future generations.

Saanich's OCP does just that. It encourages people to take action to naturalize all kinds of areas, and in so doing together build and strengthen our environmental network.

I support forward-thinking stewardship and protection of significant ecosystems on private and public land through the continuation of the EDPA policy and bylaw, and through public education, consultation, research and amendment as appropriate. *Might the EDPA review expand on how best to accomplish such goals.*

At past meetings, Mayor and Council said it would seek information needed to make informed decisions. Let us therefore complete the external review. Let us be patient and avoid negotiating bits of the ESA/EDPA lands away. Let us be far-reaching and look at better ways to protect small urban green space in our backyards.

It is my sincere hope that we might soon focus on loftier aspirations and begin working on quantifying Saanich's total 'natural capital'.

Thank you again for this opportunity to provide my comments.

Sincerely,
Carmel Thomson
Saanich, B.C

1220-20 Bylaw EDPA

From: Art [REDACTED]
To: "clerksec " <clerksec@saanich.ca>
Date: 4/25/2016 3:19 PM
Subject: EDPA Questions

There appears to be a desire for Saanich to promote the environment over taxpayer concerns.

Why isn't there more effort to promote efficiencies in the administration?

There has been a large amount of time and money expended on the EDPA. Why isn't there more time spent on an open explanation of resource sharing with other municipalities, reduction of "red tape", economic growth, (job growth and tax base improvements) property tax reductions, annual Business Licence tax removal and affordable housing?

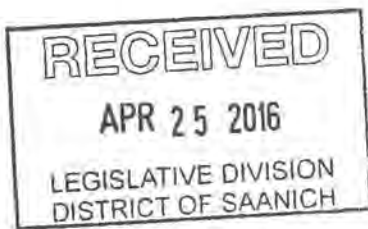
If a casino is built in Saanich, would the profits go toward helping EDPA Saanich residents and the upkeep of environmental EDPA Bylaws toward Saanich Parks and public property?

Why isn't Saanich making the EDPA bylaw equivalent to the surrounding local EDPA municipal bylaws? We are asked to "shop local" yet our Bylaws are competing with bylaws on the mainland.

Is Saanich in competition with national EDPA awards?

Perhaps the public should be given notice (before the close of December 2016) by the Councillors on their goals and objectives of the EDPA bylaw before the 2018 municipal election.

Thank you for keeping Saanich voters informed. Art Bickerton



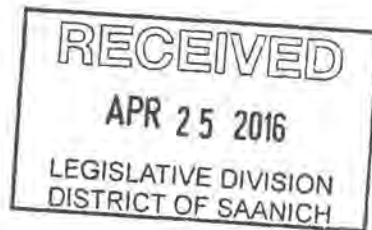
1220.20 Bylaw EDPA

From: Julie and Robert Noble [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/25/2016 2:44 PM
Subject: Draft Terms of Reference for EDPA Review

We have reviewed the Terms of Reference which really appear to be TOR for the staff and not terms of reference for a review. This review is being conducted because many members of the public are concerned with the way the EDPA, as written, affects properties. Several issues have been brought forward from the public at the numerous meetings that have been held concerning the EDPA. One of the major issues appears to be the public's lack of trust in the administering of the Act.

We would therefore, strongly suggest that in order to minimize this problem a Steering Committee made up of members of the scientific community, for obvious reasons, and other members of the public who are totally interested in a properly functioning EDPA, be appointed. This Steering Committee would be responsible for setting the final terms of reference for the hiring of a consultant, reviewing the consultant's proposals, and working with the appointed consultant. This ongoing work could be done in collaboration with staff of course, but the Steering Committee would make the final presentation to Council. We believe the public would feel more comfortable with this type of arrangement than with the proposed Terms of Reference upon which we were asked to comment.

Robert and Julie Noble
[REDACTED] Quadra St.



1220.20 Bylaw EDPA

From: Tom Wilkinson
To: <clerksec@saanich.ca>
Date: 4/25/2016 2:40 PM
Subject: Draft Terms of Reference for the EDPA Review

Respectfully I submit the following four points in connection with the above:

1. The timing of the issue of the Draft terms prior to Council's consideration does not allow for much discussion, review or research of equivalent endeavours. As a result, I have to ask you to support Option 3.

2. Policy Context:

OCP 4.1.2.3 ... "threats to biodiversity such as invasive species"... It needs to be observed that human induced species of plant etc adds to biodiversity unless native species' existences are threatened. This policy is more addressing the extensiveness of distribution of species, not essentially biodiversity.

OCP 4.1.2.8 ... "climate change resistant plants"... All 'native' species have arrived because of past climate changed in the past as the landscape changed from being ice-covered, and 'native' species will continue to change no matter how climate changes.

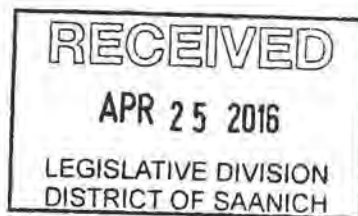
3. Objectives:

"the original objective was to: Establish an Environmentally Significant Areas Development permit Area [ESADPA] - the EDPA deleted the ESA, which is at the core of much of the residents' objections to the EDPA 2012. Identifying ESAs, by Saanich in consultation with owners is absolutely critical to determining a meaningful and fair EDPA/ESADPA.

4. Scope of Work:

"7. Prepare a final report using feedback from staff" - does this mean the Consultant incorporates staff comments or is free to ignore the comments? BUT in Contract Oversight the claim is made: "The findings of the consultant will be independent of staff opinion. Clearly there is a conflict between " using feedback from staff" and being "independent of staff".

from: Tom Wilkinson
 (for owner Sea View Road)



1220-20 Bylaw EDPA

From: "Dianne Maycock" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/25/2016 2:01 PM
Subject: EDPA Review Meeting April 25th

April 25, 2016

RE: EDPA Review

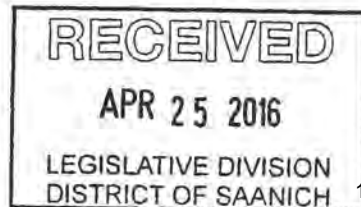
Dear Mayor and Council,

1. We firmly support the position taken by the Saanich Citizens for a Responsible EDPA Society (SCREDS) regarding their objections to the EDPA bylaw itself, and to the terms of the upcoming review. As stated by Anita Bull in her April 13, 2016 email to council, it is questionable as to whether the review will actually be independent.

2. Concerning the desired level of community engagement, we support Option 3 (Collaborate) instead of Options 1 (Inform) and 2 (Consult and Involve). We believe that the approach which should be taken by Saanich Council must follow the guidelines set out by SCREDS in their January 2016 newsletter (as copied below):

Proposal: Protecting our Natural Environment will not happen by regulation, changes in the law, more money, or any of the normal bureaucratic approaches. It will only occur through an all-encompassing program to encourage voluntary and cooperative landowner action to maintain and improve biodiversity in Saanich. Maintaining and improving biological diversity in Saanich should not just be the responsibility of 2400 property owners. We propose this Stewardship Program encompass all property owners in Saanich. The future of our environment belongs to everyone. We propose that a landowner stewardship program be developed that is based on scientific best-practices, and that works with all Saanich landowners in a cooperative manner to maintain and enhance biodiversity in Saanich. The program needs to encourage the general populace to understand and improve biological diversity in the district by means of education, outreach, incentives and other stewardship mechanisms. SCRES recommends an independent Scientific Advisory Panel be created to develop the science and voluntary mechanisms to protect and enhance biological diversity in Saanich. The Panel would be created with joint approval by landowners and environmental groups, chosen as experts in Sensitive Ecosystems, Species at Risk, Urban Forestry, Restoration, Marine and Riparian Ecosystems, and Landowner Stewardship (such as HAT). Further, we recommend the EDPA Bylaw be carefully revised and removed from individual properties, and instead, should only apply to new subdivision applications until replaced with the Stewardship program. Consequently, Saanich citizens would have a science-based bylaw to guide ecologically sensitive subdivision development, which balances development with protection of the environment.

3. In summary, as numerous other writers and speakers at various town halls have stated, the EDPA bylaw goes too far, is not based on sound principles or practices, and has caused significant harm to property owners.



Yours sincerely,

John and Dianne Maycock

1220-20 Bylaw EDPA

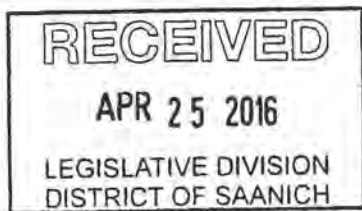
From: Shirley Diggle [REDACTED]
To: <mayor@saanich.ca>
CC: <clerksec@saanich.ca>
Date: 4/25/2016 1:22 PM
Subject: To Mayor and Council re EDPA

Dear Mayor and Council,

I'm writing this as I will not be able to attend the Council meeting this evening due to the unusually short notice of the topic and a previous commitment for this evening. I made a presentation at the March 16 Town Hall Meeting at which I expressed my concerns, firstly about the faulty science in the EDPA Programme and secondly regarding attitudes and procedures coming from Saanich Staff. In spite of many presentations on March 16 expressing concern with staff procedures, it is obvious that the leopard has not changed its spots. The short notice release (April 21) of staff's report before the Council meeting on April 25 is a very thinly veiled manoeuvre to obstruct considered public input. At the March 16 Town Hall meeting many speakers insisted on the need for an independent review of EDPA, especially independent of staff. Staff's report proposes to keep all aspects of an "independent" study under their control. The question must be asked, "Who is in charge at City Hall?" Is it the elected officials responsible to the electorate or unelected faceless staff members? It very much appears that at least some staff are intent on usurping the authority of Mayor and Council and obstructing the will of a significant number of homeowners who, as tax payers are in effect, employers of Saanich staff. This devious and manipulative attempt by staff to subvert the public will and input needs to be ended and an open consultative process be implemented in reality, not just given lip service.

Sincerely

Paul K Diggle. BSc, BSF



1220-20 Bylaw EDPA

From: Corrine Tocher [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/25/2016 12:58 PM
Subject: Draft Terms of Reference - EDPA REVIEW
Attachments: Saanich Justification.docx; justification addendum.docx; Saanich Mayor & Councillors.docx

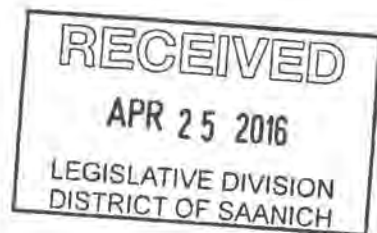
Dear Mayor and Council,

As I am unable to attend tonight's Council meeting, given the short notice, I want to ensure that my efforts to date (see attached documents), are part of the public record. My experiences dealing with the EDPA are reflected in these documents.

Like most folks, I have better things to do with my time than sit at my computer writing 'justifications' and such relating to my property at 5507 Parker Avenue. Property that should NEVER have been included in the EDPA given it is in no way ecologically sensitive. Anything resembling a native ecosystem had long since been removed and the property was entirely overrun with invasive weeds and lawn. This is true for most of the waterfront properties on Parker Avenue that are all included in the EDPA as it exists today. Although I have my EDPA permit (having capitulated to the 'deficiency' list as presented by Saanich staff, to get my project underway), I feel it is important to continue to support the efforts of Saanich Citizens for a Responsible EDPA. Hopefully, in the very near future, property owners affected by the EDPA today, whose property, like mine, has absolutely no sensitive ecosystem to protect, will be excluded from the draconian bylaw as it exists today. So, on behalf of my neighbours and other folks whose property values have been affected by this bylaw, I am taking the time to once more compose an email.

As Mayor and Council, you are our only defence against initiatives and bylaws that seek to impose an agenda that negatively affects many of your constituents. I would ask that you give serious consideration to Option #3 in the Terms of Reference. It is our only hope if we are to have a fair and just bylaw that better reflects the community of all property owners in Saanich.

Thank you, Corrine Tocher



The property owner at [REDACTED] Parker Avenue is requesting approval for the revitalization of the foreshore slope, including landscaping work and the construction of engineered gabion retaining walls as per drawings provided. The existing foreshore slope is covered in invasive weeds. There is no native plant material on the property, with the possible exception of horsetail.

A geotechnical report by Ryzuk Geotechnical dated May 11, 2015 (attached) notes evidence of 'long term soil creep' on the foreshore slope, common to the area. Engineered gabion walls would provide an ecologically sensitive solution to that problem, as 'oversteepening' and surplus loading of the foreshore slope crest is a factor in soil movement (as per Ryzuk's report).

Where there is a risk of high water, gabion walls act to hold banks and soil layers with a single, somewhat flexible mass of great weight. Gabion retaining walls can move with the earth to retain its integrity despite the ravages of fast moving water. These are far less prone to undermining and widely used in bank and shore protection. A gabion wall is a porous structure through which runoff can travel. Over time, soil particles work their way into the gaps between pieces of rubble making them more solid with every year. Older gabion walls can host a whole community of native plant volunteers. A gabion retaining wall left to colonization can virtually disappear in a natural plant community. They are a sound solution to an existing problem, as well as aesthetically pleasing.

The owner is proposing to revitalize the foreshore slope on the neighbouring property to the north, at the expense of the owner. There is an existing legal easement for access to the beach through the neighbour's property. The existing access requires trespass within view of the neighbours and clearly impacts their privacy. The construction of gabion walls would move the easement access below the slope at the foreshore, providing the neighbours with the full enjoyment of their property and the applicant with safer access to the beach. To repeat, all expenses, including legal fees to revise easement access would be the responsibility of the owner. The property owner/neighbour to the north is in favour of this proposal and is prepared to state that in writing.

The owner is a senior with a mobility disability and beach access can only be accomplished safely using level 'switchback' pathways.

It is the intention of the owner to remove the existing set of stairs and use native planting material recommended for restoration and erosion control where possible. As well, the applicant would remove the existing lawn and again, as much as possible, use native planting material to replace same.

The end result, if approved, is the foreshore embankment, as well as the area within the 15m EDPA setback, would be returned to a more natural, native landscape with structural integrity that would mitigate the loss of foreshore and serve as a great example of what is possible.

NOTE: See Page 4 of the Ryzuk report. The comment with respect to the possible removal of the existing boulder stack at the foreshore was a misunderstanding of the owner's intent. The existing boulder stack is to remain with minor repairs guided by the engineers from Ryzuk Geotechnical.

October 29, 2015

SUBJECT: [REDACTED] Parker Avenue – DPA00842

Hello Adriane,

I am the owner of the subject property. Having read your email dated October 27, 2015 addressed to Garry Hermann, I would like to add my comments and concerns with regard to the EDPA Permit request and the subsequent deficiency lists.

I am somewhat at a loss in understanding your lack of enthusiasm with regards to our request to use gabion walls for erosion control. I recognize that the EDPA guidelines require a 'natural approach' to all landscaping efforts, and we have followed those requirements to the letter, i.e. removing the existing lawn and replacing same with native plant material.

I fail to understand why gabions are not as suitable as say, logs or 'wood'. More importantly, gabions will prove more effective as erosion control than either logs or 'wood' in the long run. I have attached an example of a gabion wall that has been supplemented with plant material. Within a short period of time, the gabion walls would be softened by Sword, Deer Ferns and other natives like Mahonia nervosa, giving the slope a more 'natural' look, but more importantly, the slope will be stable.

As a homeowner, my number one priority is to address the inevitable loss of shoreline (see attached Times Colonist article). As was mentioned in the 'justification' letter attached to the EDPA Permit Application, gabion walls are far less prone to undermining than most material used for erosion control. Logs have a limited lifetime and as access is difficult, replacing them would be extremely difficult and costly. As for 'wood', it would need to be 'treated' and that would NOT be an ecologically sensitive route to go. I certainly would not entertain such an approach. Perhaps you and your staff are simply not familiar with the use of gabions and their effectiveness in shoring banks and waterways. Some time spent researching will confirm that the facts stated in the 'justification' letter are indeed, facts.

I had hoped that Saanich would see our EDPA application, using gabions, as a very positive solution to a very difficult problem. It is certainly not the 'cheap' solution, but we feel it is the BEST solution. We are committed to building an environmentally sensitive home and as an organic gardener for some 15 years, I have years of experience in eco-sensitive landscapes. As well, we have retained professionals with the skills necessary to deliver a first-class product every step of the way, i.e. Ryzuk Geotechnical.

I knew the 'permit process' might well take longer than we had hoped, but the length of time included unnecessary delays. It would have helped considerably if we were advised that an EDPA Permit was required before we could obtain our Building Permit. The time that has lapsed since our original application, June 10, 2015, has caused real hardship for both myself, and my contractor, both in time and money. We have missed the summer and fall 'window' that allows for foundation work to proceed without major weather concerns.

As you can appreciate, we are now at a point where there could well be staff layoffs if we are not given the 'green light' soon. I realize all the t's must be crossed, but any assistance you can provide would be greatly appreciated.

Sincerely,
Corrine Tocher

April 5, 2016

TO THE MAYOR AND COUNCIL MEMBERS OF SAANICH

SUBJECT: EDPA AND ONE PROPERTY OWNER'S EXPERIENCE

Where to start? First let me thank you for taking the time to read my submission. I will attempt to capture my experience over the last year with respect to compliance with the EDPA BYLAW while building our new home at [REDACTED] Parker Avenue. Please find a letter of Justification with respect to my EDPA Permit Application and an Addendum to same, photos of the site revealing absolutely NO native plant species, a geotechnical report, site drawings and gabion wall information.

To say this process has been costly, time consuming and frustrating is a major understatement. From the beginning, we have made every attempt to work with Saanich and respect the intent of the bylaw. Like most folks, I was unaware of this bylaw when purchasing the property back in the Fall of 2014. When I became aware, I naively thought that given the fact my property had no native plants and was indeed covered in invasive plant material and lawn, my efforts to redeem it would be seen as a positive. The fact is, I should have asked for a variance and had the property removed, but given the time that would take, we proceeded.

I would like to point out that I am a passionate gardener. My experience over so many years includes both practical experience and many hours spent researching the science and study of ecosystems and plant relationships, both native and cultivated. It is important that I point this out as one of the 'negative' highlights to do with my EDPA application was the Saanich edict that they would not entertain the use of gabion walls in our sloped foreshore area as 'they' determined their footprint was too large. If it weren't so disappointing, it would almost be comical that we were advised that using concrete retaining walls would be preferable to gabion walls.

The argument to use concrete vs gabion strikes me as incredibly counterintuitive to the spirit and intent of the EDPA. For one thing, concrete leaches lime over a long period of time. Native planting material requires an acidic soil and lime is naturally alkaline. My contractor advises me that the cost of installing concrete retaining walls are more than double what it would have cost to construct gabion retaining walls. No small matter.

This brings up another relevant FACT, there was no native soil at [REDACTED] Parker. What had once been there has long since been removed. We have had to remove several feet of soil material as the area controlled by the EDPA had lawn heavily infested with invasive plants as well as the slope, as you will note from the photographs I have attached. Expecting to replicate Mother Nature by virtue of demanding the use of native plant material planted in cultivated soil amendments strikes me as fundamentally flawed. It would take hundreds of years to replicate what was there originally.

For those Councillors that believe scratching the EDPA as it now exists would allow folks to make changes to their property, please remember that the few who may do that are just that, a few. Chances are good that there are no areas on their property that need protecting and they are simply trying to avoid the very onerous demands of the existing EDPA. In the meantime, your fellow citizens will continue to be at the mercy of a bylaw that sees their property values decline and subjects them to a process that is exceedingly unbalanced and truly at the mercy of paid civil servants who seem to forget who pays their wages.

I remain hopeful that at some point there will be more attention paid to the individual rights of property owners. From my experience, as someone who believes in protecting ecologically sensitive and native habitat WHERE IT EXISTS, it is incumbent on the Mayor and Council, as elected officials, to use their common sense and separate what truly needs protection from what clearly doesn't, on an individual basis. Up until now, the process has been much more heavily weighted on the side of a bureaucracy with an agenda. As it exists, the EDPA BYLAW is truly unbalanced, unfair and unjust to the Citizens of Saanich.

ClerkSec - EDPA Draft Terms of Reference --- Marine Backshore

From: Kathy McGuire [REDACTED]
To: "clerksec@saanich.ca" <clerksec@saanich.ca>
Date: 4/25/2016 1:11 PM
Subject: EDPA Draft Terms of Reference --- Marine Backshore

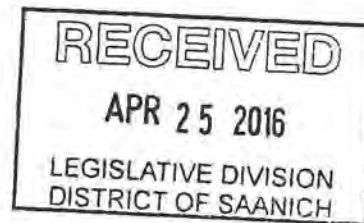
EDPA Bylaw March 12/2012 Bylaw references Marine Backshore and under Definitions it states Marine Backshore "means the upland area of been 15m measured from the natural boundary of the marine environment including the Gorge and Portage Inlet"

Now on the Saanich website under Environmental Development Permit Area Property Removal Request Process it now states A special note about the Marine Backshore----- "The Marine Backshore of the EDPA is based on a measurement, not a ecosystem boundary. The Marine Backshore consist of a 15m measurement taken from the natural boundary of the ocean, plus another 15m buffer for a total of 30m" Property owners can apply for a permit to develop within the buffer area.

When do you plan on expropriating our entire property?

Pat/Kathy McGuire
[REDACTED] Admirals Road
Victoria BC [REDACTED]

Sent from Mail for Windows 10



1220-20 Bylaw EDPA

From: "Winona Pugh" [redacted]
To: <mayor@saanich.ca>, <judy.brownoff@saanich.ca>, <susan.brice@saanich.ca>, <vic.derman@shaw.ca>, <fred.haynes@shaw.ca>, <dean.murdoch@shaw.ca>, "Colin Plant" <Colin.Plant@saanich.ca>, "Vicki Sanders" <vicki_sanders@telus.net>, <Lief.Wergeland@saanich.ca>
Date: 4/25/2016 11:17 AM
Subject: April 25 Council Meeting Agenda

To Mayor and Council

Thank you for this opportunity to provide feedback about the draft terms of reference for the Environmental Development Permit Area review. As with many residents, I am frustrated to see the financial and human resources that have been diverted to dealing with a very limited number of property owners who are determined to undermine environmental protection for personal profit. Unfortunately it has been necessary to respond to this challenge to protect the long term vision of our municipality.

I feel that the public input process has encouraged the dissemination of much incorrect and misleading information however it has brought forward very credible research including the reports from University of Victoria Environmental Law and Ecology at UVic. In consideration of the initial process for the introduction of the EDPA and the recent opportunities for public input I believe that Option 1 is the most suitable choice to resolve the controversy that has been created by a special interest group. It is now important to compile actual facts and dispel the fear mongering that has occurred over the past year.

In terms of the applications for removal from the EDPA, also included in this agenda, I believe it would be premature to make any decisions regarding these properties prior to completing the external review. There are many background factors about these properties to consider in addition to the biologists reports that support removal from the EDPA. In reviewing the supportive reports I am also concerned by the dated information that has been used in these evaluations with most of the reference material cited from reports published over 15 years ago. It is important the consultant evaluation is based on current research and best management practices. The sources provided by Environmental staff in the interim report provide a solid basis for determining environmental protection and restoration values and their expertise should be considered as a part of the evaluation process.

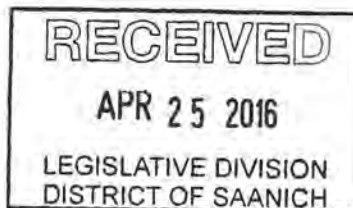
Your patience and fair mindedness is appreciated very much and it is my sincere hope that a small high profile group will not set a precedence that would destroy the values that are important to Saanich residents.

Thank you

Winona Pugh

[redacted]

[redacted] Prospect Lake Road



April 25, 2016

Dear Mayor Atwell and Councillors

At the Special Council Meeting in March 2016, Council voted to choose Option 2 – Revise the Existing EDPA Bylaw. Included in Option 2 was the recommendation to hire a consulting service. Saanich Staff and Council are now in the midst of creating Terms of Reference in order to hire a consulting services to make amendments to the EDPA. I think a good place to start the Term of Reference is with this partial list presented at the Special Council Meeting on March 16, 2016. As was stated at the time, “this is not an exhaustive list, simply a sampling of ideas that have been raised during the current review process to date.”

1. Provide greater clarity on a range of issues in the EDPA Bylaw – first and foremost is the issue of what is and is not an “environmentally significant area” (ESA)
2. Increase the list of exemptions for single family zoned lots – while increasing exemptions is a step in the right direction, it will not satisfy single family zoned properties that want out of the EDPA due to inappropriate inclusion at the outset
3. Include all Saanich properties in the EDPA so to make it a “level playing field” – I would like to see the scope, background, and methodology; objectives and measures of success; identification and analysis of options (pros and cons); recommendations for implementation and expected outcomes; outline on-going evaluation and monitoring of the measures of success.
4. Remove single family zoned lots until “ground truthing” of the existing mapping is complete – I know Saanich council voted against a motion to this effect. However, I would like to see what conclusion an independent consultant, hired for experience and expertise in creating local government tools, would reach, and perhaps more important, why the consultant reached his/her decision.
5. Have a review panel of experts that could provide advise/feedback to Council on individual applications under the EDPA Bylaw perhaps akin to the Advisory Design Panel. – I believe the grassroots group, Saanich Citizens for a Responsible EDPA, suggested such a panel. Saanich Staff promoted the idea of hiring a consultant. Are these two approaches mutually exclusive? As Saanich Staff is suggesting that the consultant only write a Draft report, he/she becomes nothing more than a one person panel of expert.
6. Provide incentives. – Yes, I have heard this at public meetings, including suggestions of tax reduction, expropriation, outright purchase, etc. However, I feel this is the tail end of the discussion and much more pressing issues need addressing.
7. Place greater emphasis on voluntary stewardship and education, and
8. Create a biodiversity fund to support a range of community based initiatives
9. I remember from the Special Council Meeting in March that there was a short discussion of the possibility of removing Saanich’s additional buffer from the Marine Backshore - I would like to see this idea added to the list and explored.

In conclusion, any Terms of Reference for hiring a consulting service for the purpose of amending the EDPA Bylaw needs to include some specifics so that all stakeholders, property owners, Councillors, consultants, interest groups, general public, etc. can differentiate between “housekeeping amendments” and amendments that effect real change.

Thank you

Marilyn Kuss

Admirals Rd.

Michael Kuss
Admirals Road
Saanich, BC

April 25th, 2016

To the Mayor and Councillors of Saanich

I have attended all of the town hall meetings as well as the Special Council Meeting on March 16th. I also attended an Open House and have personally met with both Adriane Pollard and Michael Roth. In addition, I have had the opportunity to have an EDPA site visitation (by Mr. Roth).

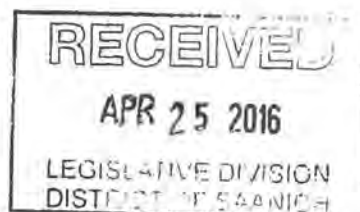
I have no doubt that your planning staff is composed of high-minded, environmentally proactive, people. However, after six months of public attention, and in some cases public blame casting, I am concerned that they have developed a "bunker" mentality. If I had spent the time to draft, as they did, a policy I would feel a vested interest in supporting it. I would have been encouraged to do so both by the previous general lack of public concern or conflict with it and by Council's stance on the environment. To suddenly have a concerted attack leveled against my policy would result in the predictable staff backlash that we have witnessed.

Council, to its credit, has proposed to revisit the entire EDPA concept. However, it has put the onus of creating a review/consultation process on the same staff that has been facing ongoing criticism for the way it is interpreting the present policy. Staff has, in my opinion, reacted by making the outcome of any investigation almost a foregone conclusion. A glance at the "Scope of Work" demonstrates my concern is not unfounded when you consider the overall impact of items 3 through 7. Staff has influence, and input, on item 4 (scope and current practice), item 5 (staff reports of relevant Council meetings, the Rollo report (already criticized as being micromanaged by Ms Pollard), the staff report on public feedback, (staff selected) submissions from individuals and groups.), item 6 (draft report with seven topic areas that has to be vetted by six staff departments ... a little bit of over micromanaging when you consider that staff was too busy to work on the report), and item 7 (consultant's report must include staff feedback). It is very difficult to imagine that any consultant working under all these constraints and having to satisfy all these staff masters (item 6) will be able to produce a report that staff doesn't like. Whether it will be a report that rectifies the problems that property owners have with the present policy is equally doubtful.

I would strongly recommend that Council strike out any clauses in this recommendation that would, in an unbiased observer's view, seem to grant staff the power to enforce the status quo upon your new consultant. Justice must not just seem to be done and, as the recommendations presently stand, a consultant whose options are so curtailed cannot provide the reality of justice being done.

Yours sincerely

Michael Kuss



Council - Attacks this evening upon my professionalism

From: "Matt Fairbarns" [REDACTED]
To: <council@saanich.ca>
Date: 4/25/2016 10:10 AM
Subject: Attacks this evening upon my professionalism

Dear Mayor and Council

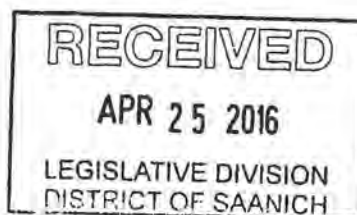
I am pleased to hear that you are going through a thoughtful and open examination of challenges to inclusion of some properties within the EDPA process and I do not wish to lobby you to decide one way or another on any specific property. I see my proper role as one in providing scientific information and assessments of conservation value, not in providing lobbying mayor and council on behalf of, or against specific property owners. Amongst my fellow biologists, I have not hidden my view that there are some situations where portions or indeed all of some Sensitive Ecosystem Polygons have little conservation value. I believe that to restrict the development of such areas under the EDPA guidelines presents an unreasonable limitation on the freedom property owners should have. On the other hand, I also believe that the great majority of Sensitive Ecosystem Inventory boundaries, which formed the basis for delineation of EDPA zones, were either well mapped or require only slight modification in order to meet the spirit of the EDPA bylaw.

What does dismay me is a rumour circulating that some intervenors may try to discredit me by pointing out that I am not a Registered Professional Biologist (R.P.Bio.). This is quite true, but very much a red herring. Any biologist fresh out of an undergraduate program may quickly become credentialed as an R.P. Bio. - it is not evidence of the depth and breadth of their scientific ability; indeed you will find that many of the most highly regarded biologists in British Columbia (including almost all professors in the biological sciences faculties of our universities and colleges) are not R.P. Bios.

The great majority of R.P.Bio.'s out there no experience in assessing Garry Oak Ecosystem vegetation composition and understand little about how different measures of vegetation condition can lead to misleading conclusions when applied on a one-size-fits-all situation. Most biologists who I have talked to share my concern that in the EDPA debate science and technicalities are being twisted to fit particular agendas. Nevertheless, a small minority of R.P. Bio.'s who have done a moderate amount of work on these topics continue to insist on slavish adherence to inadequate measures of ecosystem condition and refuse to accept common sense; insisting for example that a meadow ecosystem can go from excellent to poor condition even by the establishment of a single Scotch Broom plant in a system that previously had no shrub layer (the argument is that there is now a vegetation layer dominated by a non-native species).

The topics of ecosystem composition and condition assessment have been the focus of my work over most of the past 35+ years. Locally, since I shifted my focus to ecosystems of southeast Vancouver Island in 2002 I have quite likely surveyed more Garry Oak ecosystems than any other biologist. I hope that you will not be swayed by scurrilous attacks upon my abilities as a biologist with unusually deep competency regarding Garry Oak ecosystems.

Yours respectively,
Matt Fairbarns
Aruncus Consulting



Report

To: Mayor and Council
From: Sharon Hvozdzanski, Director of Planning
Date: April 18, 2016
Subject: Draft Terms of Reference – Environmental Development Permit Area Review
File: 2860-25

April 25, 2016

Dear Mayor Atwell and Council

I believe Saanich Council will be wasting the taxpayers' money if it hires a consulting service for the purpose of creating "a **draft report for review by staff**" as suggested in the Draft Terms of Reference, EDPA Review and does not give the consultant complete independence.

Consider the following from the Draft Terms of Reference – "Conduct any public engagement as outlined by Saanich Council according to the Saanich Public Participation Policy and Public Participation Toolkit" and "Refer to the Green Rules Toolkit and relevant legislation." Why does the consulting service need to have experience and expertise in creating local government tools if it is to be micro-managed by Saanich staff? I suggest deleting these niggling little points.

Of more concern from the Draft Terms of Reference are two more staff micro-managing efforts -- "Meet with staff to discuss the scope of the project and current practices at the outset" and "Review materials provided by the District of Saanich." I suggest this level of micro-managing will definitely bias the report.

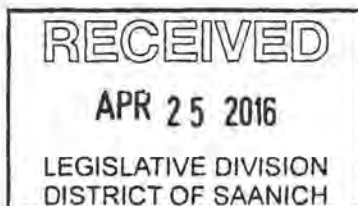
Loosely related to the above, in the Draft Terms of Reference it says the consulting service will "Research other comparable municipalities and their approaches to natural area protection." Why was this not in the review materials provided by the District of Saanich? Is the Director of Planning suggesting that in the four years leading up to this EDPA Review there is no paperwork outlining other municipalities and their approaches to natural area protection? Surely View Royal, sharing Portage Inlet with Saanich, has had its bylaws looked at?

Then having hired a consulting service with experience and expertise in creating local government tools for the purpose of amending the EDPA Bylaw, the Draft Terms of Reference says the consultants will "Prepare a final report using feedback from staff on the draft report." Aye, there's the rub ... Is incorporation of the feedback optional or mandatory? I think the consulting service should also be aware of the following from the Staff Report presented at the March 2016 Council of the Whole: "While staff would participate in the ongoing discussion/review, the consultant would be expected to manage the process and provide findings/solutions to council. A companion report would be prepared by staff and presented to the ENA for comment prior to Council review and consideration of proposed amendments." This seems to suggest that staff, who were too busy to prepare the EDPA Review, now have enough time to write a review for the Environment and Natural Resources Committee, which in turn will be used to alter the consultant's report. Does this make any sense?

And finally, the Draft Terms of Reference concludes with "Present the final report to Council at a Committee of the Whole meeting and respond to questions from Council." In my opinion, the consultant, and final report, if constrained by the draft recommendations, will likely be too little, too late, and too much "current practice". Without an independent process the outcome will be a waste of time, effort and money.

Marilyn Kuss

Admirals Road



1220-20 BYLAW. EDPA

From: "joan scroggs" [redacted]
To: <clerksec@saanich.ca>
Date: 4/25/2016 9:23 AM
Subject: Terms of Reference

Dear Sir or Madam;

I have not written or spoken before this time in regards to my strong objection to the way the EDPA By-law was researched and implemented.

I truly believed that, after all the confusion and staunch objection towards this by-law that Staff in particular would come to realize that they do not have the knowledge nor the authority to rule over the citizens of Saanich. That there would be a sense of willingness to be more inclusive. Nor do they have the confidence of many of us living here.

So with this in mind, I ask that my name be added to the list of objectors.

Firstly, why such a short notice about this meeting...was there any consideration given to the citizens o hear about it, let alone arrange rides etc.,

This is a critical meeting and we were given very little time to research the references put forth.

Secondly: Staff putting forth the revisions to Council. I was personally told by a Counsellor a few days ago, that Council would be in charge of determining qualified persons and gathering expert information for a realistic fact finding process and then they would be directing staff.

I did ask the Council member Who were these people, unelected, that can with a sweep of a hand, disfranchise and impact so many people with no personal interaction or contact with the owners of these properties. Where were THEY all these years ,while the owners have actively protected, cared for and invested way more than time and money. They have invested their hopes and dreams for their futures , for their homes and environment. And have been the LONE STEWARDS up to now.

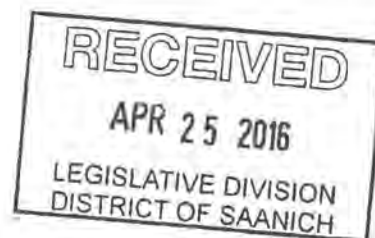
I feel that any decisions made by Council should be delay and rescheduled till May 2nd., 2016. This will allow the public time to review and comment.

Yours truly;

Joan Scroggs

[redacted] Tudor Ave, Victoria, BC., [redacted]

Phone [redacted]



ClerkSec - Written Correspondence In Favour of the EDPA

From: Liam Hall [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/25/2016 9:11 AM
Subject: Written Correspondence In Favour of the EDPA
Attachments: Letter In Support of EDPA - LiamHall - 25 April 2016.pdf

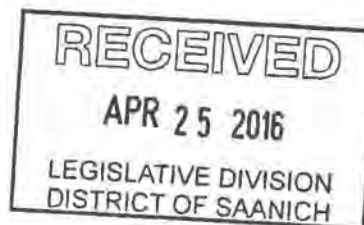
I am unfortunately [REDACTED] unable to attend this evenings council meeting. Please see the attached PDF letter which is in support of the current EDPA.

I can be reached for further comments if deemed necessary.

Regards,

Liam Hall

[REDACTED]
Rockwell Ave, Saanich



25-Apr-2016

To: His Worship Mayor Atwell and Council

Re: A Letter in Support of the EDPA review


I wish to communicate my general acceptance of the principals and ideology behind the EDPA and the upcoming review process adopted on March 16th, 2016.

The EDPA is a necessary policy to protect the uniqueness of the municipality's diverse nature environment and ecosystems. I feel that our society is structured to look after the self with little regard for the benefits of the whole. One purpose of the municipal government is to oversee the responsible use of our lands and protect the environment that contributes to the greater public good.

By trade and education, I am very well versed in landscaping, natural environment restoration and the effects of construction and development on the land. We as a society need to put a greater focus on new and modern techniques of storm water management, protection of native biodiversity and the minimization of habitat loss and damage. I hope to see the results of the EDPA review continue to uphold the belief that this is important to the municipality and its people.

I purchased a home in 2011 in an area soon to be designated as within the EDPA. Prior to removing the conditions, I had a pleasant experience with the Saanich planning department where I had the impacts of the upcoming EDPA explained to me. In the next few years I removed concrete and litteral garbage from the Colquitz waterway that had been deposited by the previous owner, removed all invasive plants and replaced them with native shrubs and trees and retained the bank responsibly with boulders to create a naturalized streamside. I have recently sold that property to a couple who, upon looking into renovations within the EDPA, also spoke of a positive experience with the planning department. The sale price far exceeded the assessed value so I can speak of not experiencing any financial hardship from the implementation of the EDPA. Unfortunately, I feel that the average citizen speaking against the EDPA does not understand my experience nor feels that they have an altruistic responsibility to be a proper steward of their land. I was proud to own a property that was recognized as having unique natural features and the potential to contribute to biodiversity. I hope that a thorough review can take place and the general purpose of the EDPA is upheld with few concessions made to the vocal groups. The Saanich of 25 years from now will be appreciative of an elected body of today with a little gumption to make tough decisions based upon forethought.

Thank you for your consideration of these comments. I can be reached to discuss this further at any time and I am disappointed that I am not in BC on April 25th to speak in person at the council meeting.



Liam Hall

Formerly the owner of [redacted] Arundel Drive, Saanich
Currently a resident at [redacted] Rockwell Ave, Saanich

[redacted]

ClerkSec - EDPA Review TOR

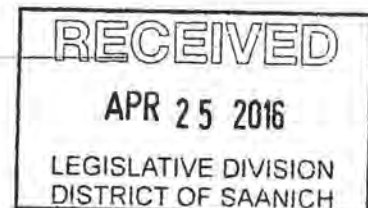
From: "Robert Leece" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/25/2016 7:12 AM
Subject: EDPA Review TOR

Thank you for the opportunity to review the Terms of Reference for this contract. The ToR appears to provide for an effective project to review and advise on potential changes to the EDPA. As for the primary outstanding question, the level of public engagement, I am concerned that given the very polarized environment and strong lobbying by one interest group, the 'collaborate' level of engagement could be unbalanced. If it were to be selected, the selection criteria for the consultant should include specific experience in managing a public engagement process in a highly charged environment and where organized lobbying may create misperceptions of the actual balance of the public's views on the matter at hand. With this in mind, Option 2, Consult and Involve would allow for significant public involvement but also ensure that the selected consultant has the ability to exercise the necessary discretion in analyzing the public contributions to produce recommendations to council. The Collaborate option will require a skill set much more focused on facilitation and mediation, in addition to the technical knowledge required to provide expert advice on the revisions to the EDPA.

Robert Leece
[REDACTED] Savannah Avenue.



Virus-free. www.avast.com



1220-20 Bylaw EDPA

From: Adams Gordon
To: <clerksec@saanich.ca>
Date: 4/24/2016 12:29 PM
Subject: Dear Saanich councillors

Dear Saanich councillors
 Please read before the April 25th meeting
 My questions need answering.

Before the lawn was put in, our back yards and most waterfront homes had septic fields that flowed down the rocks and into the ocean. I am sure a lot still do. Between the winter storms, and salt spray all over our homes and plants, as well as the deer, it is hard to keep anything alive. Even the front yard is effected.

There are no more rare species on waterfront properties, then there are across the street or up the hill. It is like taking an apartment and dividing it in half. Then telling half the apartments they can only live in 1/3 of their apartment but letting the other half live in their whole apartment.

Should a few councillors have the right to change our property rights without notice or concern toward the property owners? Or should we the owners, have the right to vote on bylaws effecting our private property rights. If these same restriction lines went through all your public properties there would be no roads, sidewalks or parks. Where would our children play soccer or baseball?

Why is the Municipality planting maple trees instead of oak trees?

Have you ever had a look at the municipal yard on Borden Street? It actually has a river running through and under it. Would it be able to exist?

Why are you not listening to the concerns of your voters.

Why are you allowing staff to make these decisions. Is that not a conflict of interest?

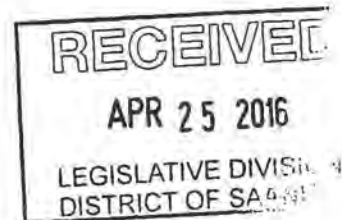
Why are you siding with the minority's?

Why do you expect us to accept devaluation of our properties and have us pay for a biologist. Saanich should pay for the biologists on each and every property, not the owners. You should be responsible for your actions.

Who lives on waterfront properties? Are you aware of the diversity of the people?

Yours truly
 Pam Adams

From Pam



ClerkSec - Saanich EDPA Review Terms of Reference

From: "Jonathan Secter (SPSI-SERC)" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/24/2016 10:55 AM
Subject: Saanich EDPA Review Terms of Reference
CC: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Dean.Murdock@saanich.ca>, <Judy.Brownoff@saanich.ca>, <Colin.Plant@saanich.ca>, <Vic.Derman@saanich.ca>, <Vicki.Sanders@saanich.ca>, <Fred.Haynes@saanich.ca>, <Leif.Wergeland@saanich.ca>, Chief Administrative Officer <paul.thorkelsson@saanich.ca>, Director of Planning <sharon.Hvozdanski@saanich.ca>
Attachments: Essential Adjutments to EDPA Review Terms of Reference.docx

Sir,

In response to your release of 21 April, 2016 attached for the consideration of Council is an edited edition of the issued EDPA Review Terms of Reference containing adjustments essential to the success of the desired exercise. These are inserted in blue font for ready reference. Key among these are:

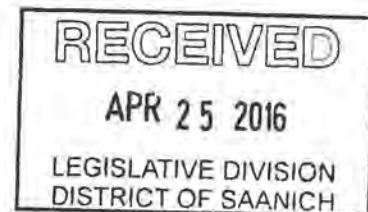
1. Removing the responsibility for consultant selection, project oversight and project evaluation from Saanich staff. In that the intended exercise will in fact be an examination and evaluation of a program and system created, advanced and administered by Saanich Staff, unless staff is placed at arms length from its delivery, the resultant findings will undoubtedly be perceived to be tainted;
2. Insertion of a clear explicit objective for the subject review;
3. Ensuring that the desired exercise is underpinned by a solid set of evaluative criteria.
4. Ensuring that the elements and aspects to be evaluated are clearly articulated; and
5. Not constraining consultant selection to experience with local government tools, to the exclusion of experience with a wide range of applicable and adaptable senior government tools;
6. Clarifying that the type and degree of public engagement to be undertaken is to be at the discretion of the consultant;
7. While listing documents of possible use to the exercise, not constraining the consultant by explicitly prescribing what it must read and digest. If left in that manner, the consultant is contractually obligated to expend valuable time and project \$\$ examining items which may be of marginal value to the exercise at hand.

Jonathan Secter

=====

Jonathan P. Secter, B.S.A., M.S., R.P. Bio.
 Systems Ecologist / Natural Resource Planner
 SECTER ENVIRONMENTAL RESOURCE CONSULTING
 P.O. Box 55054, 3825 Cadboro Bay Road, Victoria, BC V8N 6L8
 jsecter@sercbc.com
 ph:250-477-6912 fax:250-477-7573
 www.sercbc.com

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**ESSENTIAL ADJUSTMENTS
TO**

APPENDIX A

**DRAFT Terms of Reference
Environmental Development Permit Area (EDPA) Review
(April 18,2016)**

Submitted by: JP Sector April 24.2016

PURPOSE OF THIS REVIEW

To provide recommendations to Council to improve the EDPA Bylaw and support private land stewardship of Environmentally Significant Areas in Saanich.

BACKGROUND

Saanich Council adopted the EDPA Bylaw in March 2012. In 2015, a six-month public 'check in' process began. At a special council meeting on March 16, 2016, Council moved to support the recommendations of a staff report (attached) which included support for hiring a consultant / consultant team to review the EDPA Bylaw.

Many issues have been raised about the bylaw, its implementation, and the impacts on property rights and property values. Ideas have been brought forward by the public to improve the bylaw and programming to support stewardship on private land, etc.

POLICY CONTEXT

The EDPA is a schedule to the Official Community Plan (OCP) and is supported by many OCP policies such as:

4.1.2.1 "Continue to use and update the "Saanich Environmentally Significant Areas Atlas" and other relevant documents to inform land use decisions."

4.1.2.3 Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species."

4.1.2.4 "Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems."

4.1.2.5 Preserve "micro-ecosystems" as part of proposed development applications, where possible."

4.1.2.7 Link environmentally sensitive areas and greenspaces, where appropriate, using 'greenways', and design them to maintain biodiversity and reduce wildlife conflicts."

4.1.2.8 "Encourage the use of native species and climate change resistant plants for landscaping on both public and private lands and continue to promote the principles of Naturescape."

4.1.2.11 "Promote and encourage the protection and designation of indigenous, significant trees and wildlife trees."

4.1.2.18 Encourage the retention or planting of native vegetation in the coastal riparian zone."

4.1.2.25 "Work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems and, where appropriate, enter into conservation covenants or provide incentives to protect riparian or environmentally significant areas."

Several other documents support and shaped the EDPA, including:

- The Local Government Act
- Review of Saanich Marine Shoreline Resources and Options for Protection
- The Green Bylaws Toolkit
- Develop with Care
- The Stewardship Series, including Greenshores
- The Conservation Manual (of the Sensitive Ecosystems Inventory)
- Recovery Strategy for Garry Oak and Associated Ecosystems and their Associated Species at Risk in Canada, 2001-2006

OBJECTIVES OF THE EDPA

The EDPA was initiated to support many of the policies found in the OCP and address the lack of environmental protection for environmentally significant areas (ESA's) in Saanich such as the marine backshore, sensitive ecosystems, rare habitat, and isolated wetlands or streams. The original objective was to:

"Establish an Environmentally Significant Areas Development Permit Area to protect and enhance sensitive ecosystems, species at risk and the marine shoreline. Increasing development pressure adds to the need to protect natural ecosystems and the habitat of rare plants and animals at a level similar to the existing protection for riparian areas. Development Permit Guidelines will focus on best management practices for protecting habitat adjacent to development."

The current objectives of the EDPA are to:

- Protect the areas of highest biodiversity within Saanich;
- Require mitigation during development; and
- Require restoration to damaged or degraded ecosystems during development.

OBJECTIVE OF THIS REVIEW

The Objective of this Review is to undertake a complete strategic and technical examination of

- all aspects of the present EDPA bylaw, and the rationale(s) for what is included therein, and
- the prevailing focus, orientation, structure, and administrative procedures of the EDPA By-law, and
- the effectiveness and success of the all of the preceding in meeting the objectives of the EDPA by-law

with a view to advising Saanich Council on improvements and adjustments to be adopted and implemented in accordance with the findings derived.

SCOPE OF WORK

Saanich Council wishes to engage consulting services with experience and expertise in creating and/or administering local and/or senior government tools to protect the natural environment.

The consultant will:

1. Prepare a defensible supported set of criteria for the evaluation of effectiveness and the rating of success of the EDPA by-law and its attendant administration.
2. Derive a listing of key aspects and tasks associated with the specifications, requirements and administration of the EDPA By-law for analysis in relation to the prepared criteria
3. Review and analyse pertinent materials provided by the District of Saanich and others, which may include, but will not be limited to:
 - Minutes and existing staff reports of relevant Council meetings
 - Related Economic Studies (Rollo and Associates, BC Assessment Authority)
 - Public Feedback from the check in process (staff report)
 - Submissions from individuals and organizations within Saanich
 - Official Community Plan and other policy documents
 - * Submissions to Council and staff for removal of properties from the EDPA
 - * Submission to Council & Staff re flaws in and unintended consequences of the EDPA.
 - * Lessons learned from approaches to natural area protection utilized in comparable municipalities and senior governmental jurisdictions.
4. Meet with and interview selected experts related to this issue;
5. Undertake such public engagement to the extent warranted for this exercise in accordance with the District of Saanich Public Participation Policy and Public Participation Toolkit.
6. Examine and evaluate the applicability to Saanich of selected successful models and approaches to natural area protection utilized by senior governments and /or by other municipalities

7. Identify and discuss flaws and drawbacks and in arising from unforeseen &/or unintended consequences of any and all aspects the EDPA and its administration,
8. Recommend and discuss improvements to be adopted and implemented with respect to the by-law, its administration and the stewardship of public and private property in Saanich.
9. Provide an overview of process, resources and timing required to implement the recommendations
10. Prepare a draft report for review by The Project Steering Committee and selected expert reviewers to include, but not necessarily be limited to the following:
 - Study background, objectives, scope, and methodology
 - Identification and analysis of options
 - Recommendations for improvements to the bylaw, implementation, and stewardship of private and public property
 - Discussion of the context of the recommendations
 - Overview of process and resources required to implement the recommendations
 - * Recommendations for measuring success of on-going EDPA administration
 - Recommendations for on-going evaluation and monitoring of measures of success
11. Prepare a final report using feedback received on the draft report.
12. Present a final report to Council at a Committee of the Whole meeting and respond to questions from Council.

PUBLIC ENGAGEMENT

The degree and extent of public engagement to be undertaken in this exercise will be selected at the discretion of the consultant in accordance with the determined need for such to enable the fulfillment of the Review objectives

Levels of public engagement, as prescribed by Council, and in accordance with District of Saanich Public Participation Policy and Public Participation Toolkit, are:

Option 1 - Inform

This option is based on the position that significant engagement has taken place to date and that the consultant is being hired to develop potential solutions that will be presented to Council. Public input would be received at the time the potential solutions are presented to Council for review and deliberation. Under this Option, the public would be kept up-to-date on the review process through the Saanich website.

-or-

Option 2 - Consult & Involve

Under this option, the consultant would create new opportunities for the public to give feedback

on their work - analysis of the public input and solutions/alternatives for moving forward. The consultant would ensure that the aspirations of the public are understood and addressed during the course of their work.

-or-

Option 3 - Collaborate

Under this option, the consultant would actively seek input and facilitate discussions with stakeholders and facilitate agreements between public parties. Advice and ideas from public parties would be used to create solutions. A degree of Inform, Consult, and Involve would also be needed.

TIMELINE AND DELIVERABLES

- From the time of the award of the contract, the draft report will be delivered within ___ months.
- The final report will be delivered within 2 weeks of receiving the comments on the draft report.
- The presentation to Council will be scheduled as soon as possible thereafter by Saanich staff.

CONTRACT OVERSIGHT

The contract will be managed on a daily basis by an independent Steering Committee appointed by and reporting to Council. The Director of Planning and designated staff will as their main purpose serve to provide background information and resources. The contract terms will be set by the Manager of Purchasing. The contract Terms of Reference, consultant selection, and acceptance of the report will be under the purview of Saanich Council. The findings of the consultant will be independent of staff opinion.

PROPOSALS

Proposals for the project should include:

- A description demonstrating the consultant's understanding of the project
 - An itemized budget
 - Timeline
 - Methodology
 - Experience and credentials of the consultant or team in relation to creating local government tools to protect the natural environment .
 - Ideas and expectations for public participation
-
-

122020 Bylaw EDPA

From: "Anita Bull" [REDACTED]
To: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Dean.Murdock@saanich.ca>, <Judy.Brownoff@saanich.ca>, <Colin.Plant@saanich.ca>, <Vic.Derman@saanich.ca>, <Vicki.Sanders@saanich.ca>, <Fred.Haynes@saanich.ca>, <Leif.Wergeland@saanich.ca>, <paul.thorkelsson@saanich.ca>, <sharon.Hvozdanski@saanich.ca>, <adriane.Pollard@saanich.ca>, <clerksec@saanich.ca>
Date: 4/24/2016 10:16 PM
Subject: EDPA TERMS OF REFERENCE

Submission by Saanich Citizens for a Responsible EDPA - April 24, 2016

The following are from the District of Saanich OCP to be considered for the Terms of Reference for the EDPA Revision Consultant (These are unfortunately omitted from the staff report but are some of the most important aspects to implementing and operating an EDPA program given the responsibilities owed to all taxpayers)

4.1.2 Sustainable Ecosystems

Saanich and its residents are considered to be leaders in the region in preserving and protecting the natural environment. The preservation and enhancement of our natural heritage was founded and depends on raising public awareness, gaining support, and encouraging citizens, businesses, and institutions to conserve natural resources and restore the natural environment for the well-being of future generations.

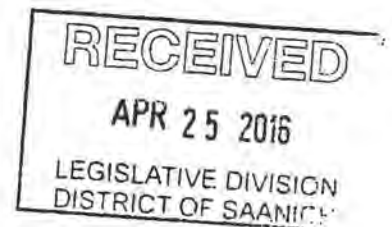
4.0 Environmental Integrity

Looking after the natural environment, and mitigating the impact of the built environment, is an essential and shared responsibility between all levels of government, private interests, and the community. It requires awareness, cooperation, innovation, and action.

Environmental Stewardship

24. Foster and support public awareness, engagement, and participation in community environmental stewardship initiatives.

25. Work with private land owners to encourage stewardship that protects, preserves, and enhances natural systems and, where appropriate, enter into conservation covenants or provide incentives to protect riparian or environmentally significant areas.



We believe there should be a short term solution brought forward by the consultant to give relief to landowners for some of the unjustified areas of the bylaw and its implementation (if this is option #1). However, we strongly support Option # 3 for the following reasons:

1. We believe that there should be a thorough analysis of the many issues that have been put forward by many individuals, groups, and environmental organizations.
2. One of the most important issues going forward is the engagement and inclusion of landowners in determining directions forward that can be

successful in maintaining and enhancing biodiversity and urban forestry values in Saanich for all properties, not just those presently in the EDPA. The present approach of the EDPA has been to completely ignore landowners until there is a property issue.

3. There needs to be a complete analysis of EDPAs in all other jurisdictions and in particular, how they deal with implementation and working with landowners. There needs to be special assessment of creative ways to deal with rural areas and shoreline areas and creative ways to assure science and landowner participation in all areas of Saanich.
4. There needs to be a far more cooperative and collaborative approach in working with landowners. There needs to be encouragement, and significant education and knowledge provided to landowners. During this contract there needs to be open forums with landowners and others to help develop directions forward that can be embraced by most people in Saanich.
5. We believe that there has to be a complete analysis of the science and premises behind the existing implementation of the Bylaw. There needs to be open forums where scientists provide the scientific evidence for these ecosystems and species to determine how best to conserve or enhance them. Evidence-based restoration success and full cost need to be developed and provided to all residents of Saanich and to Council.
6. There needs to be a complete independent assessment or audit of the ESA inventory. Field verification is necessary.
7. This point could be part of a short term solution that the consultant provides to Council, along with a few other short term solutions that could be easily implemented
8. There needs to be an assessment of all conservation tools, including cooperation with landowners, voluntary stewardship, incentives, compensation, outright purchase and what restrictions need to be left in the EDPA bylaw.
9. There needs to be a complete assessment of what results the present Bylaw has achieved in meeting its objectives to date. This means assessing what ecosystems in what condition, or what species have been protected, where, and in what manner.
10. There needs to be a complete assessment of the condition of ecosystems and species at risk in Saanich Parks and other public lands. Particular attention needs to be put on Garry oak ecosystems, Coastal Bluff ecosystems and species at risk. For ecosystems, there needs to be an assessment of condition of the ecosystems, what areas need maintenance and what areas need restoration. For species there needs to be an assessment of what populations there are and the condition and viability of the populations, and need for population supplementation. There needs to be an assessment of what areas of Sensitive Ecosystems and species at risk populations need to be protected from recreational use by fencing or other means.
11. We do not believe that all this work can be accomplished in a few months. To fully engage the citizens of Saanich is going to take significant time and resources. The original bylaw took years to develop.

This needs to be done carefully with full public engagement.

12. We strongly believe that the Consultant review needs to be seen to be independent of staff involvement, except in providing information to them. We believe Council should choose the consultant or consultants. We believe that the consultant team should include biological expertise related to the EDPA and beyond.

13. Our group has provided a detailed report to Council in November that addresses many of these issues and we are willing to work with the consultant, Council, and other groups in coming up with creative solutions that will work better for the environment and better for landowners than the present EDPA bylaw, and how it has been implemented. Recommendations for Terms of Reference for the EDPA Revision Consultant

General Guidelines

- . Improve Biodiversity for all Saanich landowners.
- . Protect self-sustained locations of truly sensitive ecosystems or species.
- . Balance development opportunities with ecological conservation.
- . Shared burden amongst all landowners.
- . Provide encouragement of positive actions for the environment through incentives, such as exemptions to the Bylaw.
- . Ensure that any EDPA Bylaw requirements are not creating undue hardship, loss in property values or creating significant change in the historical use of a property.
- . Provide flexibility for and cooperation with landowners in achieving development and environmental objectives.
- . Provide a solution for the Bylaw that includes significant resources for maintenance and restoration of Saanich Parks and other Saanich lands.
- . Provide clear Vision and goals of whole program.
- . Measurable results in terms of improvement to the environment

Standards & Scientific Guidelines

- . Ensure that it is scientifically defensible, objectively fair and reasonable.
- . Buffer zones should not be automated, and should only be applied where they are shown to be necessary to preserve a sensitive ecosystem given the impacts they have the remainder of the property.
- . There must be consistency in application amongst properties to

ensure properties with similar environmental conditions are treated equally as are the impacts on the property owners.

- . Accurate inventory - Follow inventory methods and standards that are recognized and supported by the majority of environmental professionals and government officials.

- . Follow best available science in development of these actions.

- . Ensure the continuation of a professional exemption to ensure transparency, efficiency for home owners to fix errors and prevent abuse in administration of the program

Current Land Use Guidelines

- . Restoration potential of previously depleted areas should not on its own be a reason to place property within an EDPA, there must be consideration as to the views of the property owner and the current use of the property.

- . Respect areas that have already been developed (homes, yards, gardens, driveways etc.) by ensuring they are not part of the EDPA, as these structures and amenities are closely tied to and reflected in the value, cost and use property.

- . The ability to continue use of rural properties for encouraged activities like food production, animal rearing or other forms of agriculture, regardless of whether it's for own use or commercial use, should not be limited by the EDPA.

- . In rural property settings, the EDPA should not be applied within a minimum of 10m of structures and homes (Zone 1) to permit fuel clearing compliance with the Province's Firesmart Program (<http://bcwildfire.ca/prevention/docs/homeowner-firesmart.pdf>.)

Social & Community Support Guidelines

- . Work cooperatively with individual landowners and neighbourhoods to improve the biological diversity in Saanich.

- . The District of Saanich to work cooperatively with landowners to achieve the intent of the EDPA Bylaw.

- . Provide education and knowledge for landowners.

- . Provide flexibility for and cooperation with landowners in achieving development and environmental objectives

- . Provide a solution for the Bylaw that includes significant resources for maintenance and restoration of Saanich Parks and other Saanich

lands.

- . Clarity in process, procedures and implementation for landowners and developers

- . Provide flexibility for and cooperation with landowners in achieving development and environmental objectives

Governance & Procedural Standard Guidelines

- . Given the EDPA Bylaw's ability to have significant impacts on individual property owner's usage and land values, decisions related to the EDPA should not be reviewed or recommended by an unelected subcommittee, such as the ENA committee, which does not reflect a cross section of the community, have no conflict of interest protections nor does it answer to voters. The scope and use of such a subcommittee should be limited to broader goal development, initiatives to improve municipal owned lands or special events promoting the environment.

- . Controls to ensure staff decisions are transparent, reflect the views of council and are not influenced by other interests.

- . Clarity in process, procedures and implementation for landowners and developers.

1220-20 Bylaw EDPA

ClerkSec - Council Item for April 25 - Draft Terms of Reference - EDPA Review

From: "Kevin" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/24/2016 10:12 PM
Subject: Council Item for April 25 - Draft Terms of Reference - EDPA Review

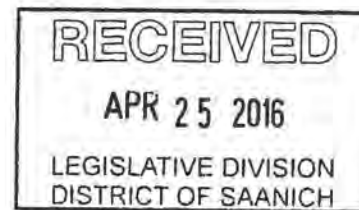
Given the contentiousness of this issue, I don't think option 1 provides enough public consultation opportunities during the course of the review. I'm concerned that option 3 will be very expensive, will take longer than is required, and still may not resolve issues to everyone's satisfaction. Option 2 seems reasonable, in that there are presumably meaningful opportunities for the public, advisory committees, etc., to provide comment, at some unspecified time during the process.

However, the draft terms of reference do not provide for comments on the draft report by members of the general public or by advisory committees, but only by staff. The process should also allow for a brief (e.g., two week) comment period open to the public. That might help ensure that the key issues were, in-fact, addressed, remaining areas of uncertainty identified, and inappropriate inferences not made. I'm sure staff will thoroughly review the report, but a public comment period might provide some contrasting and useful comments that strengthen the final report and create additional public support for its recommendations.

Thank you for the opportunity to comment.

Sincerely,

Kevin Brown
[REDACTED] Zinnia Road
Saanich



ClerkSec - Meeting

From: Bernice Richmond [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/24/2016 8:13 PM
Subject: Meeting

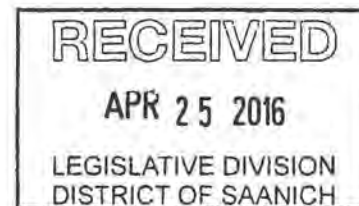
We did receive partial notice but it was incomplete therefore we do not know all the details that will be discussed at the April 25th meeting.

find it highly irregular and unacceptable that there is such short notice given.

strongly oppose the type of committee that Saanich has suggested. Any committee involved needs to be composed of a representation of owners affected, people of scientific knowledge who are independent of the present EDPA and employees of Saanich should not be included because of what appears to be a bias.

It is unfortunate that we are unable to attend the council meeting on April 25th because we would like to have strongly expressed the opinions we have mentioned above.

Harold and Bernice Richmond

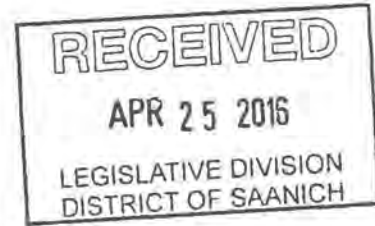


1220-20 Bylaw EDPA

From: clint forster [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/24/2016 5:56 PM
Subject: Defere EDPA decision

This is to confirm my opposition to the short term / rush actions by SAANICH staff to advance their EDPA plans without resident interests in place. Slow this process. Consider taxpayers please.

Clint
Sent from my iPad



ClerkSec - EDPA review

From: "Ken Lundeen" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/24/2016 4:49 PM
Subject: EDPA review

April 24 2016

To Mayor and Council

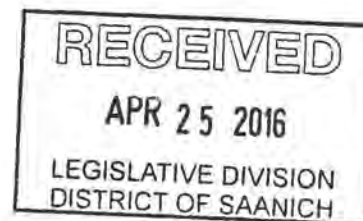
Thank you for this opportunity to give my input on this review process. I only wish that as much concern and consideration had been given to us (property owners affected by the EDPA) before the original EDPA was pushed through in 2012. It is difficult to understand why there was so little information given to, or consultation with, the affected property owners before this policy was implemented. Property owners have since been given opportunity to gain information and express concerns – clearly this should have been the course of action prior to implementation.

In the report dated April 18, 2016 there are three options given and I would strongly support Option 3. It is imperative that the committee reviewing this policy be comprised of people who are in no way connected to the current EDPA – that is no current administrative staff.

Thank you again.

Yours truly

Ken Lundeen ([REDACTED] Blenkinsop Rd)



122020 Bylaw EDPA

From: Barry Curran [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/24/2016 1:05 PM
Subject: EDPA Terms of reference

Dear sir or madam:

As a resident-owners of of [REDACTED] Cadboro Bay Road, a waterfront property which is affected by the 15 m. shoreline setback, and as an attendees of town-hall meetings regarding the EDPA, and further since we cannot attend the council meeting of April 25th:

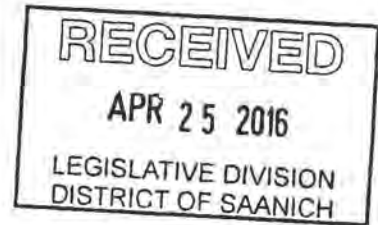
we object to the short notice given to the residents of Saanich in bringing the terms of reference for the independent review of the EDPA before council;

we would prefer that the Council step in and supervise this review, since the staff's role in this matter has caused us to lose confidence in it's impartiality;

more specifically, we would prefer "option 3, collaboration" as the model for the independent investigator.

Sincerely

Barry and Lynda Curran



—
This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

ClerkSec - FW: FW: Council Item for April 25 - Draft Terms of Reference - EDPA Review

From: "Gord Adams" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/24/2016 11:19 AM
Subject: FW: FW: Council Item for April 25 - Draft Terms of Reference - EDPA Review

From: Gord Adams [REDACTED]
Sent: April 24, 2016 10:55 AM
To: 'saanichedpa@gmail.com'
Subject: RE: FW: Council Item for April 25 - Draft Terms of Reference - EDPA Review

Council item for April 25th 2016

Dear council members

My questions are:

How did the environmental committee arrive at the distances of the lines drawn over the properties that are affected by the EDPA?

Why are these lines going through owners homes?

Why is the municipal council hiding behind the staff after listening to the hundreds of citizens speaking against the EDPA outlines?

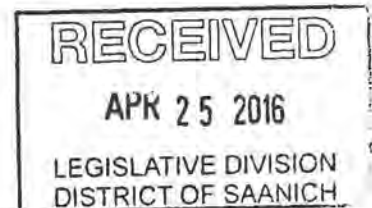
Is it a conflict of interest for staff to be making these decisions, after 4 public meetings in which hundreds of people spoke against the EDPA? Were they, the environmental staff, at all these meetings? Did they hear what the people were saying?

Why are they conspiring, in a nefarious manner, to abrogate our property rights?

I request your prompt reply

Thank you

Gordon Adams
[REDACTED] Shore Way.



1220-20 Bylaw edpa

From: Bill Morrison [redacted] >
To: Richard Atwell <mayor@saanich.ca>, Susan Brice <susan.brice@saanich.ca>, Judy Brownoff <judy.brownoff@saanich.ca>, Vic Derman <vic.derman@saanich.ca>, Fred Haynes <fred.haynes@saanich.ca>, Dean Murdock <dean.murdock@saanich.ca>, Colin Plant <colin.plant@saanich.ca>, Vicki Sanders <vicki.sanders@saanich.ca>, Paul Thorkelsson <paul.thorkelsson@saanich.ca>, Leif Wergeland <leif.wergeland@saanich.ca>, <clerksec@saanich.ca>
CC: Saanich Citizens For A Responsible EDPA <saanichedpa@gmail.com>
Date: 4/24/2016 9:08 AM
Subject: COUNCIL MEETING APRIL 25, 2016
Attachments: EDPA APRIL 25 COUNCIL MEETING.docx; Part.002

Good Morning:

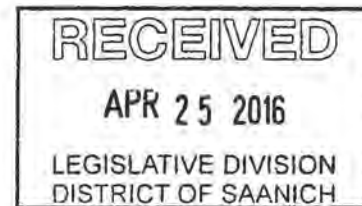
I am not able to attend the Council Meeting of April 25, 2016 [redacted]. Consequently I have attached my comments regarding the Staff prepared Terms of Reference for presentation at the Meeting. I received the email regarding this issue April 21, 2016.

I was quite dismayed that the release of the email regarding the Terms of Reference is only providing two business days for the public and other stakeholders to review and respond accordingly. That is not generally appropriate business conduct. It gives the appearance that Saanich Staff is trying to sneak their review of the EDPA in a manner where open and transparent scrutiny is minimized. It also suggests that perhaps Saanich is trying to amend the EDPA By-law as written without allowing the public to adequately and properly prepare their submissions on this topic. Is Staff hoping that the public will magically disappear so they can carry on their business as they have in the past via arrogance and disrespect??!! It takes intestinal fortitude to admit that the EDPA By-law as currently written and implemented is seriously flawed. Once Saanich can honestly admit this condition a fair, open, and honest dialogue and truly independent review of the EDPA can be initiated. Further in my personal situation I ended up working on my submission through Saturday night while my mother was sleeping.

I recommend that the review of the EDPA By-law be conducted via a completely independent review on a COLLABORATION basis managed by a Council Appointed Steering Committee- NOT STAFF. Based on their performance to date, Staff have demonstrated that their bias on this issue shows that they are not capable of independently reviewing the EDPA.

Regards,

Bill Morrison
B.Comm.; CPA; CMA



My name is Bill Morrison of [REDACTED] Woodhall Drive. My property is a standard city lot running adjacent to the Christmas Hill Nature Sanctuary. There is no sensitive eco system on my property. Unfortunately I cannot attend the Council Meeting April 25, 2016, as I am [REDACTED]. Consequently I have prepared this submission for presentation at the meeting.

I have read the Staff prepared Terms of Reference regarding review of the EDPA By-law. I strongly recommend that the **independent** review by the consultant, yet to be hired, be performed by COLLABORATION managed by a **COUNCIL APPOINTED STEERING COMMITTEE - NOT STAFF**.

My reasons follow:

- 1) Staff are not complying with the current By-law as enacted. For example, one of the exemption requirements stipulate that where an independent biologist indicates that a property is free from any sensitive environmental eco system than removal of that property from the EDPA is warranted. The two elderly couples on Rainbow Avenue complied with this requirement yet Staff have not removed their properties from the EDPA. Councillor Brice commented on this situation at the Council Meeting March 16, 2016. Further, the couples have requested the removal of their property in order to obtain fair market value for sale purposes such that they can finance living accommodation for their elderly condition. Not only is Saanich **acting immorally** but they are **breaking the law** by not complying with the EDPA By-law as written. With public collaboration in the **independent** consultation stage, this behaviour would cease;
- 2) At the March 16, 2016, **publicly** held Council Meeting, Councillor Plant asked Staff a number of very straightforward questions. Staff's reply to each question was that they could not at the time of the meeting provide any answers but the answer would be provided at a future time. Based on the nature of the questions any form of professional protocol would dictate that Staff should have anticipated the nature of these questions prior to the Meeting. Also because of Staff's approach, the **public** will not benefit from the answers to the questions when (if) they reply to Councillor Plant. I make the above comment based on 37 ½ years of working in the field of Taxation Administration, both at the federal level and provincial level. I was involved in very complex and highly contentious taxation issues of a public nature where Staff behaviour as described above would not have been tolerated. I am accustomed to a **culture of professionalism** far above that described above. By employing a collaborative approach to the **independent** consultation process, future unprofessional behaviour can be eliminated;
- 3) In my previous email submissions to Council I have stated that upon my review of the EDPA's of other municipalities, the By-law in those districts appears to be working well for them. During my 37 ½ year career, as described above, I am very experienced at reading and interpreting complex legislation (i.e. by-laws). Many of the other municipalities have had their

EDPA By-law for a significant period of time. If those municipalities encountered any backlash to the legislation it has long been resolved. The logical COMMON SENSE question then becomes ("Has Saanich reviewed the EDPA By-law of these other municipalities as a template upon which Saanich could model its EDPA By-law???) Frank Stanford on his 9:00 A.M. radio show, March 17, 2016, mentioned this situation to Councillor Derman as a possible remedy as described above. Unfortunately Councillor Derman marginalized the EDPA'S of the other municipalities without providing any sound logical or scientific reasons. This type of rigid thinking is not conducive to productive problem solving. With a collaborative approach to the **independent** consultation process, this type of rigid tunnel vision attitude can be avoided;

- 4) During the Council Meeting March 16, 2016, two young UVIC law students presented EDPA information including a summary of some connectivity of corridors criteria. **(ALSO SEE 7 BELOW)** Based on the background of the two presenters my curiosity was aroused. What would have motivated these students to review the EDPA? Was their review a class assignment for grade marks? Was this topic presented to the students by their professor? Is this professor the same UVIC law professor who spoke on behalf of SAFE at the Town Hall Meeting of February 11, 2016? Could/would the students conclusions have been influenced by the professor's personal biases? Does this professor have any influence over any member of Saanich Staff? The optics are intriguing. A collaborative approach in the **independent** consultation process would certainly provide TRANSPARENCY to the above questions;
- 5) While explaining the reason for the direction of his vote at the March 16, 2016 Council Meeting Mr. Derman made a personal observation. He stated that his 27 year old daughter was very pessimistic about the environment! Unfortunately the public at the meeting could not respond to that remark. In an effort to level the playing field, I can advise that my 25 year old daughter is extremely positive about the environment.



So it pleases me that my daughter is positive about life, including the environment. I'm a firm believer that our children are a direct product of the example demonstrated by their parents. By approaching the **independent** consultation process on a collaborative basis, personal observations/biases can be avoided such that the review is focused on a common sense balance of the environmental issues and the rights of property owners. These two parameters are intertwined and must be reviewed together. They are not mutually exclusive. Also, the science of the EDPA controversy including the grossly inappropriate GIS mapping system currently used can be fully explored;

- 6) Also while listening to the Councillors explain the direction of their vote at the March 16, 2016 Meeting, it is PAINFULLY clear that some Councillors still have no comprehension of the poor implementation of the EDPA By-law. Their explanations of “exemptions” and “hardship” woefully display their lack of due diligence in acquiring an understanding of the EDPA and the mechanics of how the By-law actually works. By following a collaborative approach to the **independent** consultation process, all councillors will become engaged and fully understand the EDPA;
- 7) At the March 16, 2016 Meeting Councillor Plant requested a one or two page copy be posted to the Saanich website describing the steps for exemption etc. **However what was posted is nothing of the sort.** Instead Staff have redrafted the EDPA Info Sheet. They have introduced many items which are not included in the in the current EDPA By-law. These insertions **have not been presented to Council** for debate and have not been passed by Council (i.e. connectivity of corridors criteria per **POINT 4 above**). As such, the presentation of these items is **not legal** . Moreover, it demonstrates that Staff are self admitting that the current EDPA By-law is an inadequate vehicle for protecting the environment as well as safe guarding the rights of property owners. By following a collaborative approach to the **independent** consultation process Staff behaviour can be monitored such that changes to the EDPA benefit both the environment and the rights of property owners;
- 8) Based on the above point it is abundantly clear that there are no checks and balances present in the Saanich business model. The above point demonstrates that Staff operate in a business state where no controls are present to monitor their work. The collaborative approach to the **independent** consultation process would result in the presence of control checks and balances.

It is unfortunate that the EDPA has degenerated to a state of disgust where Saanich Staff and Council cannot be trusted. The above points demonstrate that arrogance and disrespect towards property owners are present within the operating activity of Saanich. Staff have behaved with deceit, dishonesty, immorality and quite frankly are breaking the law with respect to the rules, they themselves have implemented. **Further Staff have demonstrated many times that they are not capable of overcoming their biases and therefore cannot conduct an independent review of the EDPA.**

In conclusion the consultation process must be done in a **COLLABORATIVE FASHION MANAGED BY A COUNCIL APPOINTED STEERING COMMITTEE – NOT STAFF**. Many of the world leading consulting firms have offices in Victoria. It is hoped that Council will avail themselves of that opportunity.

Regards,

Bill Morrison
B.Comm.; CPA; CMA

ClerkSec - EDPA meeting of Council

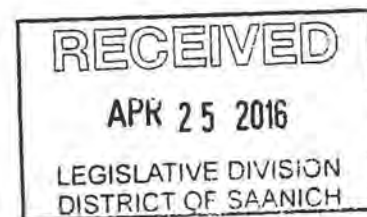
From: LM Bluma [REDACTED]
To: "clerksec@saanich.ca" <clerksec@saanich.ca>, <Colin.Plant@saanich.ca>
Date: 4/24/2016 5:25 AM
Subject: EDPA meeting of Council

Hello, - sorry for the underlining but I cannot figure out how to turn it off

There is no legitimate emergency that can excuse the lack of notice and time for the public to review this important decision document. Council should delay making a decision until the following Council meeting on May 2nd to allow the public sufficient time for public review and comment.

The terms of reference for the independent review are too controlled by staff. It will not be what I believe Council had in mind when they voted for the study. Its a waste of tax payers funds to have this study conducted and controlled in this manner. I am very disappointed in my Council and Saanich staff.

Linda-Mary Bluma
Homeowner under EDPA rules
Sent from my iPad



ClerkSec - EDPA

From: "Leo de Bruin" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/23/2016 7:39 PM
Subject: EDPA

The 2012 Bylaw which obviously has never been enforced, slipped by Saanich residents by Saanich Municipal Staff without any real idea of what an ecological system is. Some staff, without proper Council input, merely thought it was a good idea to follow some other areas of the country who had passed similar laws to protect the "ENVIRONMENT". Who would argue with such a wonderful plan!

No one thought several thousand property owners in Saanich would suffer severe loss of property value as a result. Yet that is what is happening in real life.

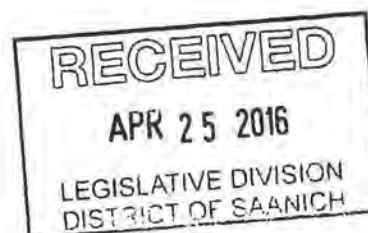
Many meetings and information sessions later Saanich Staff comes up with yet more rules for the bylaw and conditions for any one property owner trying to save their lives from ruin by making it impossible for trying to opt out of the Draconian EDPA.

My own property has a lower assessment value by \$50K per year since 2012. Coincidence?

Democracy is supposed to be about elected people representing their constituents. Saanich is where Staff run the municipality! Are you listening Judy Brownoff?

Give Democracy a chance and discuss @ Council!

Leo de Bruin ([REDACTED] property owner in Saanich).



122020 Bylan edpa

From: "Pat Leask" [REDACTED]
To: <clerksec@saanich.ca>
Date: 4/23/2016 7:25 PM
Subject: Feed back on EDPA terms of reference study

In short, I am NOT pleased at the games that Sannich staffers appear to be playing with this entire EDPA process. To release the terms of reference and asking for the publics in put with allowing only two working days to read and provide feedback. Normally there is five (5) business days given, this reeks of Sannich staffers ensuring the deck is stacked in their favor so to speak.

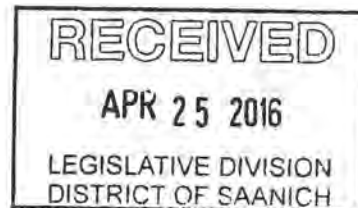
- I would like to see the person(s) responsible for the INDEPENDENT study to be approved by BOTH Sannich staff AND the executive of Saanich the Citizens for a Responsible EDPA group.

- More problematic to me is that Sannich staff is will be able to control ALL aspects of the scope, communications and of course the review of this report PRIOR to it going to council. HOW IS THIS COULD THIS POSSIBLY be considered independent and non biased?

I mean, come on.. REALLY. this stinks of bias.

I would like to see Council create a steering committee that reports back that is made up of truly independent people who do not work for Sannich.. This steering committee could be comprised of members of the scientific community, as well as members of SCREDS and others like SAFE who represent interests of property owners. THIS, is above board and is something that all can, I hope, accept the findings of for the future.

Pat Leask



From: Adriane Pollard
To: ANN STROTHER
CC: Council; Sharon Hvozdzanski
Date: 4/25/2016 9:35 AM
Subject: Re: Fwd: EDPA

Hello Ann,

Thank you for your questions. There are 3 properties appealing to Council to be removed from the EDPA Bylaw on the agenda for tonight. This is a different process from your situation, so your property has not been included.

Your property as already been assessed by staff and can be recommended to council for removal (based on improving the accuracy of the mapping) the next time we update the Atlas. There are many properties that will be brought forward at once.

I apologize for the delay in having the atlas updated. Since our last email correspondence, staff were directed to complete a public participation process for the EDPA. This has caused a significant delay in completing our other projects. Updating the Atlas remains a high priority and will proceed as soon as time allows.

I am at my desk for most of the day, so please feel free to email or call if you need further clarification.

Thank you,
Adriane

Adriane Pollard, MCEM, MCIP, RPBio

***note my new phone number as of Nov 26, 2015**

Manager
Environmental Services
Planning Department
District of Saanich
770 Vernon Ave.
Victoria BC V8X 2W7

t. **250-475-7116**
f. 250-475-5430
adriane.pollard@saanich.ca
www.saanich.ca

This e-mail and any attachments are for the sole use of the intended recipient and must not be distributed or disclosed to anyone else. The content of this e-mail and any attachments may be confidential, privileged and/or subject to the Freedom of Information and Protection of Privacy Act. If you have received this message in error, please delete it and contact the sender.

Please consider the environment before printing this e-mail.

>>> ANN STROTHER [REDACTED] 4/23/2016 6:22 PM

>>>

Adriane and Council: where is this appeal in the system of the EDPA removal?

I understand that there will be application to remove (only) 4 properties from the EDPA at Monday's April 25, 2016 and I don't believe that I or my neighbours' ponds are on that application.

If, indeed, I am wrong, then I look forward to being at that meeting and bringing my elderly neighbours along. Please let me know which meeting we will have our EDPA labels removed.

Sincerely, E. Ann Strother, 4004 Locarno lane, Victoria V8N4A1

From: "ANN STROTHER" [REDACTED]
To: "Adriane Pollard" <Adriane.Pollard@saanich.ca>
Sent: Monday, May 25, 2015 4:43:15 PM
Subject: Re: EDPA

Many thanks for your quick response and I am VERY sorry for not remembering your proper name!! Thanks for this confirmation of my property's removal within 6 months. Do you want a copy of the letter from the grandson/nephew of the original pond diggers or will just looking at the other ponds serve as confirmation.? Your aerial maps will give you the other ponds' addresses or I can look them up and send them to you.

Thanks again for this confirmation and abject apologies for calling you by the wrong name!!!

Sincerely, Ann Strother

From: "Adriane Pollard" <Adriane.Pollard@saanich.ca>
To: [REDACTED]
Sent: Monday, May 25, 2015 4:33:28 PM
Subject: EDPA

Hello Ann,

This email is from Adriane--the person who came to your property at your request to have a look at the pond mapped within the EDPA. In

an email to Council, you have raised some questions about the information that was given to you that day. I would like to take this opportunity to hopefully give you some clarity as to what I tried to communicate.

-The pond on your property can be removed from the EDPA as it has little habitat value and is not connected to the other ponds nearby.

- Because it is an involved process to have the EDPA maps changed, staff bring forward proposed changes in batches as opposed to one at a time. I hope to bring forward a batch of mapping changes to Council by the end of the year, including removing your pond from the EDPA.

- In the meantime, I can exempt any proposals you may have for your property from the EDPA guidelines. For example, if you were to apply for a building permit (I think you were considering a garage?), then it could be easily exempted from needing an environmental permit.

-There is no need for you to work with your neighbours or to apply to be taken out of the EDPA. There are no expenses for you involved in having the EDPA removed from your property and it is not listed on your title.

Thank you for showing me your neighbours ponds. They will also likely be excluded from the EDPA maps and can be exempted in the meantime if they apply for a building permit, for example.

If you have any further questions or concerns, please feel free to contact me.

Adriane

Adriane Pollard
Manager of Environmental Services
Planning Department
District of Saanich
770 Vernon Avenue
Victoria, BC V8X 2W7

pollarda@saanich.ca
Phone: 475-5494, ext 3556
Fax: 475-5430

1220-20 Bylaw-edpa

From: "Keith Sketchley" [REDACTED]
To: "Susan Brice" <susan.brice@saanich.ca>, "Vic Derman" <vic.derman@saanich.ca>, "Dean Murdock" <dean.murdock@saanich.ca>, "Fred Haynes" <fred.haynes@saanich.ca>, "Judy Brownoff" <judy.brownoff@saanich.ca>, "Colin Plant" <colin.plant@saanich.ca>, "Vicki Sanders" <vicki.sanders@saanich.ca>, "Leif Wergeland" <leif.wergeland@saanich.ca>, "Mayor of Saanich" <mayor@saanich.ca>
CC: "Paul Thorkelsson" <paul.thorkelsson@saanich.ca>, "Sharon Hvozdanski" <Sharon.Hvozdanski@saanich.ca>
Date: 4/22/2016 12:06 PM
Subject: Comment on proposed consultant review of Saanich EDPA bylaw

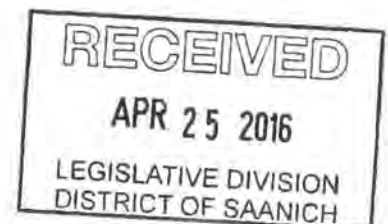
Herein I comment on the proposed terms of reference for consultant review of the EDPA law, document file 2860-25 of April 18, 2016, for members of the Saanichite species.

The proposal is fundamentally flawed because it does not include scrutiny of the technical basis for the EDPA law, and because it is authored by a person responsible for the bad work in it.

Note for example, the Purpose and the first paragraph under Scope of Work, which narrows consultant selection to "experience and expertise in creating local government tools to protect the natural environment, instead of neutrality and thinking skills". That will produce a biased result.

Missing is examination of the question I raised about methods of knowledge and by others about accuracy of biology/botany used by Saanich. Most fundamental is why Saanich defines "species" by political boundaries that plants and animate creatures have no knowledge of so can't live by, instead of on essentials such as body covering, reproductive method, and motive ability. Use of a non-normal definition fails basic communication principles, misleads others, and corrupts the thinking skills needed for life.

Secondary questions are why the diversity from recent human activity is attacked while that of a few centuries ago is exempted (the Garry Oak meadows created by tribal people to increase local food production). And why Saanich's analysis was so badly done that buildings and pavement were classified as "sensitive ecosystems" - getting paid for bad results works against life. When plants and animate creatures including humans try to live contradictions - such as a bear trying to copy a bird by jumping off a cliff flapping its legs - they die, unless rescued by someone who thinks properly. As well, a question is what is meant by "ecosystem" - when invented in the 1930s the word meant everything including humans.



"Options" 1, 2, and 3 of the proposal (not the earlier of same numbering) are vague, they are talk instead of proper review. Option 3 uses collectivist entities ("public parties") and whatever "stakeholders" is meant to mean (property owners of course are, but any citizen concerned about process, honesty, and objective law is a stakeholder). There is a fallacy of "consultation", we saw that on the new Craigflower bridge where cost was added to bulge the deck for a few weeks of fishing when the new bridge would have had ample width without that, while the process took time away from doing basic homework like figuring out fish schedules to avoid work in the water while they were about thus work was delayed. (Deck bulging was an example of failure to look at the full picture, council is repeating that type of error with the EDPA.)

The draft terms of reference do not include a requirement for fundamental methods of knowledge, such as whether or not proper surveys are to be done instead of using self-selecting respondents which cannot be valid even though Ms. Hvozanski told me they are because by occasional coincidence results matched professional surveys. A proper consultant would have broad knowledge of life, including property rights and compensation for taking. The intent is obviously a very inward-focused exercise, as most input is to come from staff and environmental activists.

Note that consultants do not necessarily do good work - the omissions, sloppiness, bias, and fundamental contradiction in the Westland Resource Group's report on Cuthbert Holmes park is a good example. (See <http://www.moralindividualism.com/cuthbh01.pdf> for an exposition of that botch, which was priced at about what Hvozanski suggests the EDPA review would be. I've also criticized the performance of the potential bidder Habitat Acquisition Trust, who are by their founding mission biased and misled attendees at an EDPA open house.)

Who chooses the consultant?

The proposal is that council do, but only after evaluation and summarizing by staff - which is an opportunity to embed bias.

Hopefully councillors will do their homework, to fully understand the subject, unlike the many cases when they did not.

I suggest the finance department be well involved as they are used to scrutinizing information for accuracy, completeness, and integrity.

Definitely not the planning and environmental departments due to conflict of interest given their past performance, nor the legal department who in my direct experience are callous and sloppy.


Note that the April 18, 2016 proposal was authored by Adriane Pollard, the very person on the defensive against the facts of her performance thus there is high risk of bias - that is not acceptable, Hvozdzanski is being foolish by counter-signing her work.

This is another subject needing an independent outside review.

Remember that it took an outsider to identify the errors and misleading statements in the spyware fiasco (BC's privacy commission) and a whistleblower to reveal the problems (a whistleblower whose subsequent treatment will serve to suppress honesty in Saanich staff).

PS: I don't expect to attend the council meeting on this, for security reasons due to your spending on bad laws instead of policing.

Humans are good



Keith Sketchley

Saanich BC



ClerkSec - EDPA Suggestions

RECEIVED

APR 22 2016

From: Art
To: "clerksec" <clerksec@saanich.ca>
Date: 4/22/2016 6:53 AM
Subject: EDPA Suggestions

LEGISLATIVE DIVISION
DISTRICT OF SAANICH

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REPORT

FOR

ACKNOWLEDGED

bl.m

There are some flaws in the EDPA bylaw. The following suggestions should be considered by the Mayor, Council and administration.

The agenda appears that the objective of the EDPA is to link private properties and waterfront properties into a park like arrangement. No compensation is offered, but the property owners must do all repairs without financial assistance from the municipality. The bylaw indicates that Saanich parks and publicly owned properties are not included in the bylaw. This is very unfair (miscarriage of justice for a minority) and needs an outside, unbiased review. . Saanich must act in good faith and take responsibility of ownership.

There should not be any retroactive reparations required to EDPA property owners prior to the 2012 bylaw. The onus and responsibility to make corrections to the bylaw lies with the councillors and administration who were involved at the time. Saanich must provide financial support through property tax reductions to EDPA properties. The EDPA bylaw mandate reads as a penalty more than voluntary stewardship support.

The catch all phrase "ecosensitive environment" must be identified by an unbiased, qualified biologist. If a disagreement ensues, the decision will go in favour of the property owner as they have the most to lose, not Saanich. Saanich's costs are covered by taxpayers, the EDPA owners are not.

Will a new department be created for EDPA with the hiring of more bylaw enforcers? Note: Saanich employees (that work for 30 years) will likely receive million dollar pensions when spousal benefits are included and they live to the national average. (Retirement = 30 years X \$36,000) This is unsustainable.

What will be the total annual budget for the EDPA bylaw including legal fees? Will the taxpayers receive a separate bill like water, sewage and garbage? Will there be a \$100,000 an annual contingency fund?

Will the EDPA be expanded with more properties within the encatchment? Will there be open accountability to remove properties from the EDPA.

What steps will be taken to improve the perception of mistrust, suspicion and bureaucracy intrusion?

Option 3 is the fairest as it involves the most amiable collaboration.

Saanich residents must see the written discussion on the website involving EDPA properties. It must be clear, transparent and impartial. Please include personal stories of Councillors and public ... pro and con.

The chosen Consultants must have no "conflicts of interests" or affiliation to Saanich administration, Union pension fund, University of Victoria bursaries, scholarships or be appointed by or connected to, BC government's political campaign.

Saanich must be proactive to reduce deer, rabbit, geese and other wildlife over-populations. Hunting and trapping will be necessary to assist in rare species recovery and ecosensitive habitats. This will be necessary to achieve bylaw goals and objectives.

Saanich must not promote "snitching on thy neighbour" to enforce the bylaw. This will create hostility, tension and possible retribution in the community.

If vandalism should occur, it could destroy sensitive habitats. Who will pay for the restoration and damage?

Will transient campers be fined, removed or arrested for violations? Examples of problems: fires, pollution,

garbage and environmental contamination.

Will the fire departments be involved to clear debris and forest litter to protect rare and natural habitats?
Spontaneous combustion fires of dry materials will increase insurance costs as less moisture and drier summers are predicted.

Will residents be banned (during dry spells) from the natural parks like Freeman King park?

Note: Rural properties will be devalued for several years after a wildfire as insurance companies do not cover loss of forests. Some species will not return.

The legalization of marijuana smoking and "vaping" will increase the probability of flammables in dry forested areas. Will there be more enforcement? Note: Intoxicants increase irresponsible behavior.

As the earth is changing, the natural climate is being altered by volcanoes, earthquakes, shifting polar locations and solar flares. More financial resources should be directed toward preparing for environmental change.

There are a few healthy, retired Saanich residents who have become ill dealing with insects and invasive species, Consider the long term effects of ticks, mosquitoes and mold. The plant "Daphne" for example, causes dizziness, vomiting, skin irritations and tinnitus. How will Saanich help these citizens?

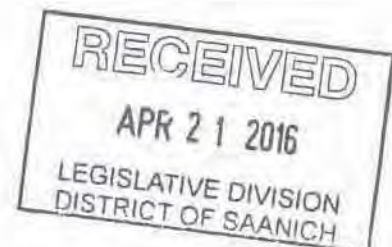
Thank you for considering these suggestions. Art Bickerton (Saanich)

ClerkSec - Re: Council Item for April 25 - Draft Terms of Reference - EDPA Review

From: [REDACTED]
To: "ClerkSec" <ClerkSec@saanich.ca>
Date: 4/20/2016 4:04 PM
Subject: Re: Council Item for April 25 - Draft Terms of Reference - EDPA Review

Hello: For the Mayor and Council: The EDPA by law must be rescinded. It was poorly thought out, never presented to those affected in terms of the effect on their properties, and in the final analysis, definitely is not necessary. HJ Rice

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INFORMATION	<input checked="" type="checkbox"/>	
REPLY TO WRITER	<input type="checkbox"/>	
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>	
REPORT	<input type="checkbox"/>	
FOR		
ACKNOWLEDGED	B.M.	



1220-20 By U - EDPA

ClerkSec - The "What would that do to all that work?" fallacy

From: "Keith Sketchley" [REDACTED]
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Date: 4/19/2016 9:58 AM
Subject: The "What would that do to all that work?" fallacy
CC: "Editor Saanich News" <editor@saanichnews.com>

POST TO	Gen	POSTED	2016-04-21 10:50
COPY TO	SAW		
INFORMATION	<input checked="" type="checkbox"/>		
REPLY TO WRITER	<input type="checkbox"/>		
COPY RESPONSE TO LEGISLATIVE DIVISION REPORT	<input type="checkbox"/>		
FOR			
ACKNOWLEDGED	D.M.		

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APR 20 2016

LEGISLATIVE DIVISION
DISTRICT OF SAANICH

In asking "What would that do to all that work?" regarding removal of private residences from the EDPA law, Saanich councillor Judy Brownoff makes a fallacious argument. (As quoted in the Saanich News of March 29, 2016, regarding the new "corridors" push of eco-activists.)

The old maxim "Two wrongs don't make a right" comes to mind - "corridors" are part of the same error as the EDPA.

It's been clearly pointed out to you that Saanich's EDPA law has a false foundation, was badly implemented, and is hypocritical. Brownoff and her ilk evade that (they haven't attempted rational rebuttal, instead trying to press on to control people on superstition).

(Saanich staff try to define "species" on political boundaries rather than essentials as the word is intended to represent. In their thinking they can then claim that species at the limit of their viable range here are "threatened" despite abundance elsewhere.

And Saanich staff botched analysis for the EDPA, ignoring provincial guidelines and even classifying buildings and pavement as sensitive ecosystems.

As well, while claiming their motive is diversity, they exclude the abundance from recent human activity while exempting that from human activity more than a hundred years ago – farming that created the Garry Oak meadows and increased populations of some of the plants.)


OTOH, perhaps you'd buy my new product for economical crossing of the Strait of Georgia to attend fancy conventions. I've arranged with a shoe manufacturer to make a trendy-looking line I've branded Brydges, for which I've invented a new shade of green to impress other convention groupies. It's only usable by those who have your method of acquiring knowledge and deciding on values combined with your attitude of self-importance. (Do be careful of the dihydrogen monoxide.)

While you report that property owners can apply for exemption, Anita Bull testified to council that staff have not done that in a reasonable time frame if at all in the starkly simple case of

buildings and pavement. There's also the matter of the cost of applying, one family had to spend \$10,000. or more for an expert to report on a mostly open property that could easily be traversed.

This is a moral issue, pitting honest people building and earning against superstitious control freaks who are no better than Joseph Stalin. (To advance his anti-human ideology he starved the most productive farmers in a country that was short of food because of his belief in Lysenko's false botany.) Clearly Saanich council as a collective is not providing leadership for human life.

Humans are good



Keith Sketchley

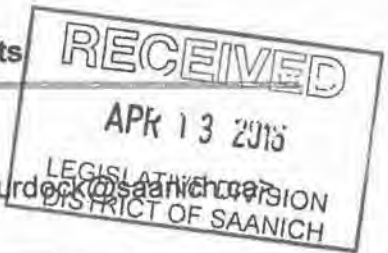
Saanich BC



1220-20 Bylaw edpa

ClerkSec - EDPA Property Exemption Process and Mapping Improvements

From: "Anita Bull" [REDACTED]
To: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Dean.Murdoch@saanich.ca>, <Judy.Brownoff@saanich.ca>, <Colin.Plant@saanich.ca>, <Vic.Derman@saanich.ca>, <Vicki.Sanders@saanich.ca>, <Fred.Haynes@saanich.ca>, <Leif.Wergeland@saanich.ca>, <paul.thorkelsson@saanich.ca>, <sharon.Hvozdanski@saanich.ca>
Date: 4/13/2016 7:20 AM
Subject: EDPA Property Exemption Process and Mapping Improvements
Attachments: Guidelines for Verifying and Defining Boundaries 3rd draft.doc



POST TO	Gen	POSTED	2016-04-19
INFORMATION	<input checked="" type="checkbox"/>		
SENT TO WRITER	<input type="checkbox"/>		
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>		
REPORT	<input type="checkbox"/>		
FOR			
ACKNOWLEDGED:	blm		

Dear Mayor, Council, Mr. Thorkelsson, and Ms. Hvozdanski,

Saanich Citizens for a Responsible EDPA Society wish to express their absolute disbelief with Saanich's EDPA Property Exemption and Mapping Improvement Process documents released last week. It would seem staff has rewritten the EDPA Bylaw. We ask that you review the following and provide an explanation.

Response to the Saanich documents regarding property removal from the EDPA and Mapping Improvements to the EDPA.

Executive Summary

The following report provides a discussion and review of the new documents released in April 2016 by Saanich staff for removal of properties from the EDPA or for mapping improvements to the EDPA. We believe that the new documents have changed the requirements supporting the EDPA Bylaw. Specifically, we believe the following:

- This staff approach does not follow the current EDPA Bylaw requirements as passed by Council in 2012.
- The proposed staff approach is consistent with the staffs' ongoing direction to maintain the EDPA over an area regardless of its ecological condition and regardless of the Bylaw's primary objective or the standards for the five inventories covered by the Bylaw. ^[1]
- The proposed approach attempts to include staff supported EDPA Bylaw amendments that staff presented to the ENA Committee in February 2015, as well as other new requirements, which have not been debated or approved by Council.
- Exemption #14 as it's defined in the EDPA Bylaw should be followed, for the

purposes of determining whether an Environmentally Significant Area (ESA) exists. Where no such ESA exists, the EDPA should be removed or remapped to the extent it exists as determined by a Registered Professional Biologist.

-

Part A. Introduction

In the February 2015 staff report to the Environment and Natural Areas Advisory Committee (ENA), staff indicated that the current staff interpretation of the EDPA Guidelines was *"to continue to protect mapped EDPA areas for values beyond SEI mapping standards such as restoration potential, landscape linkages, habitat, buffers, approved landscape plans, significant trees and the condition of the entire mapped area."* Except for buffers, **NONE** of these other items were authorized or addressed in the current EDPA Bylaw as passed by Council, which is designed to protect Environmentally Significant Areas (ESAs) for five inventories. The report goes on to say that *"staff interpret that Council intended to protect SEI polygons regardless of their condition"*. In other words, staff interpret that Council's direction is to maintain the EDPA over an area regardless of its ecological condition. If this is the case, it is important for Council to confirm to the public whether this was the direction they wanted, as we can find no evidence of this within the existing EDPA Bylaw.

In the EDPA Open Houses in June and September of 2015, material presented by Saanich staff indicated that the EDPA was covering habitat values, larger ecosystems, connectivity of corridors, and enabling future restoration. **NONE** of these are authorized or addressed in the current EDPA Bylaw. If these were to be included, they should have been presented to Council for their decision.

In the April 2016 documents to residents for property removal or mapping improvements to the EDPA (see links below), it is indicated that a property should be assessed by a biologist based on condition, connectivity and restoration potential. However, the current EDPA Bylaw does **NOT** have any wording about condition, connectivity and restoration potential within its wording or authority. With respect to

[2]

restoration, Saanich staff themselves in January 2012 acknowledged that the Local Government Act does not give them the authority to require restoration. If Saanich does not have this authority, then why would restoration be grounds to keep a property within an EDPA where there is no remaining sensitive ecosystem?

When Saanich staff visit a property at the request of a resident, will the area within the EDPA be assessed according to the above criteria, or will it be assessed according to the current Bylaw wording as to whether there is, or is not, presently an ESA on their property, following the inventory standards of that ESA? Staff should be able to go to a landowner's property and remove the EDPA or change the ESA map, where there is no longer an ESA present, free of charge and without the requirement of having to hire a biologist. When Saanich Council recently voted on a motion to provide procedures for landowners to have mapping changes or removal of properties from the EDPA, did they believe that the procedure would follow the existing Bylaw, or that the procedures would follow the direction of Saanich staff's proposed changes to the Bylaw? We assumed Saanich Council wanted the existing Bylaw to guide these decisions, which is to determine if an ESA presently exists on a property or not. Does Council need to

further specify this direction?

Part B. The Documents

Property Removal:

<http://www.saanich.ca/living/natural/planning/pdf/EDPAPropertyExemptionProcess.pdf>

Mapping Improvement:

<http://www.saanich.ca/living/natural/planning/pdf/EDPAMappingImprovements.pdf>

Part C. Summary of March 2016 Council Motion

We believe that by Saanich Council approving the unanimous motion to provide residents with the procedure for removing and/or allowing mapping changes to the EDPA on their property, that Council were under the belief that the procedure provided would follow the wording in the current Bylaw and other support documents, such as the ESA Atlas and the Guidance Document that has been provided to Biologists who have been assessing ESAs in the EDPA. However, this is not the case in the wording that is provided by the two documents linked above. Based on the wording of the two documents, staff have created a desired process which does not apply the existing Bylaw; and which ignores the clear language of the professional reliance exemption #14, to determine whether an ESA exists for the purpose of correcting mapping errors which may include the entire EDPA mapped on a particular property.

Part D. District of Saanich EDPA Bylaw Guidance Documents to Biologists and the ESA Atlas as Passed by Council in 2012

The District of Saanich's Environmentally Significant Areas (ESA) Atlas states that: *"to be included in the ESA atlas, data must be from a comprehensive environmental inventory using technically acceptable standards."* and that *"this atlas should be used as a flagging tool and should not be used in place of individual site assessments"*.

The District of Saanich's **Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)** is the guidance document provided by Saanich staff to biologists that are hired by landowners to assess the presence of a Sensitive Ecosystem (attached). The following are relevant quotes from the document:

- *"When SEI mapping was first produced, standards and criteria were under development. However, the 2006 Standard for Mapping Ecosystems at Risk in British Columbia included applicable mapping and reporting standards used in Terrestrial and Predictive Ecosystem, and added many more Sensitive Ecosystems Classes and Subclasses."*
- *"In order to recommend changing a SEI boundary or potentially*

eliminating/adding an SEI polygon, the same standards must be met."

The document recommends for a biologist to: *"Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any."*

The *Local Government Act* allows for EDPAs for the purpose of "protection of the natural environment, its ecosystems and biodiversity".

The EDPA Bylaw indicates that the first Objective of the EDPA is to *"protect the areas of highest biodiversity within Saanich"*

Part E. Assessment of New Saanich Documents (April 2016) for Mapping Change or Removal of the EDPA

The new Saanich documents provided for mapping changes or removal of properties from the EDPA do not address any of these guidance documents or directions to biologists, even though these documents themselves comprise the current EDPA Bylaw authority as passed by Council in 2012. The new documents introduce a whole new set of requirements which appear to expand on the views of staff in their February 2015 ENA report where they were proposing new amendments to the EDPA Bylaw. We find it very troubling that these additional requirements have been brought into this process when they were **NOT** approved by Council nor had the public received fully informed consultation. These new requirements are:

- A description of both the entire polygon and the property in terms of condition, connectivity, and restoration potential of the ESA;
- An inventory and habitat assessment; (unclear what a habitat assessment is)
- Mapping changes are not eligible in the Marine Backshore because the mapping is based on a measurement from the natural boundary of the ocean.
- To identify a rare species or the extent of its critical habitat

The current EDPA Bylaw does **NOT** have any wording about condition, connectivity and restoration potential within its wording or authority. With respect to restoration, Saanich staff themselves, in January 2012, acknowledged that the Local Government Act does not give them the authority to require restoration where there is no ESA. If Saanich does not have this authority, then why would restoration be grounds to keep a property within an EDPA where there is no remaining ESA? Additionally, the current EDPA Bylaw does not have any wording about Critical Habitat for Species at Risk. These issues should not be required to be addressed by residents or their hired biologists under the existing EDPA Bylaw. The biological assessment should indicate whether an ESA exists or not, in accordance to the standards and methods for the ESA inventory. This is the information that Council will need to determine whether a property meets the EDPA requirements.

The EDPA Bylaw describes the Marine Backshore ESA as "*The marine backshore ... is a critical environment that supports many rare species that rely on the specialized habitats found on the coast. Native vegetative cover promotes stable and biologically diverse areas that extend ecological support into the marine environment.*"

The Marine Backshore does not come from "*a comprehensive environmental inventory using technically acceptable standards*"

The ESA Atlas indicates that it MUST come from such an inventory.

Clause # 14 of the bylaw includes the clause that "*A development permit is not required for the following activity: Where field verification by a Registered Professional Biologist, or other appropriate professional approved by Saanich, reveals the boundaries can be refined and the proposed development is shown to be outside the Environmentally Significant Area.*"

Presumably, a professional biologist could assess the Marine Backshore ESA and indicate that there are no rare species and there are no specialized habitats with native vegetation. Other jurisdictions on the Saanich Peninsula provide flexibility to allow Qualified Environmental Professionals to assess these areas and allow development if there is no impact on the natural environment. Marine Backshore ESAs could be removed from the EDPA if the natural environment no longer exists, similar to other ESAs.

Part F. Implications to a Council Decision

Saanich Council may decide to go against the specific wording in the EDPA Bylaw based on input from "*The results of the EDPA Public Feedback Report and Economic Study, Precedence, Hardship experienced by the property owner, Opinions expressed by other biologists, the public, Community Associations, and neighbours, Information provided by staff, and Other factors*" as indicated in the factsheets for residents."

However, Council needs to understand what the wording of the EDPA Bylaw actually means, and that Clause # 14 does not allow for a response from staff or others if it is followed as defined. It is a corrective release clause that occurs in the Bylaw, meant to be addressed by experts who are legally subjected to a Code of Ethics and other requirements provided in provincial legislation and by their professional associations.

The decision provided through Clause # 14, and possibly Clause # 15, is a scientific recommendation that is allowed through the current EDPA Bylaw. Through the Council decision process, all other individuals are entitled to their opinions to be expressed at Council meetings. Council can choose to not follow the wording of the Bylaw and could decide to go against the scientific recommendation of a professional, but presumably this would have to be done with compelling scientific evidence and raises concerns regarding precedents for future bylaws.

Conclusions

The EDPA Bylaw as passed by Council should be the guiding document and authority when residents bring forward requests for mapping changes or removal of the EDPA from their properties. The present documents from Saanich do **NOT** follow the EDPA Bylaw and attempt to introduce new requirements or interpretations proposed by staff which were never reviewed or approved by Council. We believe that Saanich Council should provide direction to staff to reflect the Bylaw as it presently exists and that staff should provide information to Council that follows the existing Bylaw and not what they might wish the Bylaw to become.

This process needs to be easy and efficient for landowners to apply. The professional reliance exemption was intended to be just that, and is used in many jurisdictions without the complications, uncertainty and subjective interference that have prevented its use in Saanich.

Anita Bull
Saanich Citizens for a Responsible EDPA.

Black – From Saanich staff documents

Green – our response

We have highlighted the Guidelines Document in yellow for relevant sections.

[1] Saanich February 17, 2015 Report to ENA Committee p.6

[2]

Meeting Minutes from January 25, 2011 Saanich Environmental Advisory Committee quoted A. Pollard "*The Local Government Act does not allow us to require areas already destroyed be restored.*"



PLANNING
Environmental Services

Guidelines for Verifying and Defining Boundaries of Sensitive Ecosystem Inventory Polygons In the Environmental Development Permit Area (#29)

Background

In order to qualify for an exemptions 13, 14, and/or 15; or to assist in meeting the Environmental Development Permit Area (EDPA) guidelines, a report should be completed by a Registered Professional Biologist or other appropriate professional approved by Saanich. This document provides guidelines to assist in completing reports that meet expectations, as well as identifying key publications that should be used. Biologists are encouraged to contact Saanich Environmental Services before undertaking any work.

The EDPA Atlas includes the Sensitive Ecosystem Inventory (SEI), Conservation Data Centre at risk element occurrences, the marine backshore, isolated wetlands and watercourses, and wildlife trees. These guidelines address SEI mapping only. To see the atlas, guidelines and other useful information, please see <http://www.saanich.ca/living/natural/planning/edpa.html>.

The SEI inventory is a Provincial/Federal initiative produced in 1998. It is recognized that the inventory is incomplete and accuracy can be improved in some locations, either due to changes in the landscape or errors in aerial photo interpretation. The Disturbance Mapping product updated many SEI polygons and identified areas of disturbance between the time of initial mapping and 2002.

When SEI mapping was first produced, standards and criteria were under development. However, the 2006 Standard for Mapping Ecosystems at Risk in British Columbia included applicable mapping and reporting standards used in Terrestrial and Predictive Ecosystem, and added many more Sensitive Ecosystems Classes and Subclasses. In order to recommend changing a SEI boundary or potentially eliminating/adding an SEI polygon, the same standards must be met.

Reference Documents

Understanding which standards, forms, and other factors to use may be confusing. The best documents to use to understand the standards are:

1. Standard for Mapping Ecosystems at Risk in British Columbia: An Approach to Mapping Ecosystems at Risk and Other Sensitive Ecosystems, Ministry of Environment, Resources Information Standards Committee, December 5, 2006, Version 1.0

This document describes the following steps for the biologist:

- Compile existing known information (e.g. CDC element occurrences, CDF TEM products, SEI mapping, etc)
- Aerial Photo Interpretation utilizing the most current imagery
- Field Sampling using the following forms:
 - Site Visit Form (FS1333)
http://www.for.gov.bc.ca/hre/becweb/Downloads/Downloads_Forms/FS1333_2011.pdf
 - Conservation Evaluation Form (condition, landscape context which is still natural;
http://www.env.gov.bc.ca/cdc/documents/Cons_Eval_Form_Aug09.pdf
- Identification of ecosystem type (based on field sampling)
- Evaluate each ecological community for ecological sensitivity and at-risk status and determine which class and subclass of Sensitive Ecosystem it belongs to, if any.

- Reporting (as per 1-6 of section 2.11 of document #1)

2. Field manual for describing terrestrial ecosystems. -- 2nd ed. (Land management handbook, 0229-1622; 25) BC Ministry of Forests and Range, B.C. Ministry of Environment, 2010.

3. Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993 – 1997, Volume 2: Conservation Manual, Pacific and Yukon Region 2000, Canadian Wildlife Service Technical Report Series Number 345, 2000. For More information: <http://www.env.gov.bc.ca/sei/>

This document describes the ecosystems for identification (see page 4). Please see the original document for complete information.

Secondary Assessment

While most local terrestrial ecologists will be familiar with the SEI types, difficulties arise when ecosystems are small, disturbed, or urbanized. A methodology and documentation is needed in order to validate recommended changes. If an area is considered an SEI polygon, a secondary assessment is needed to determine a practical, long-term conservation value for Saanich. Within the scope of SEI, Saanich's ecosystems are disturbed by a variety of factors and located within a densely populated region. The biologist must consider and report on the criteria (page 3) which have been adapted from the CDC's Conservation Evaluation Form (found in *Standard for Mapping Ecosystems at Risk in British Columbia*) in consultation with provincial and federal representatives. The methodology was further developed by our consultant while working on our ESA Mapping project in 2012. Any suggestions for improvements to the methodology are welcome.

Reporting

A report can be submitted to the Manager of Environmental Services for consideration. The report should include completed forms, field notes, and a sketch map if changes are proposed. The final recommendation of the biologist should be based on the methodology plus any other ecological factors that the biologist feels are significant, such as wildlife habitat. Please note that Saanich Council has adopted the EDPA atlas and any proposed changes must be scientifically supportable yet sensitive to the context of urban ecology and community values.

Contact Information

If you have any questions, please contact Adriane Pollard, Manager of Environmental Services Planning Department, District of Saanich, 770 Vernon Avenue, Victoria, BC V8X 2W7
Adriane.pollard@saanich.ca
Phone: 475-5494, ext 3556 Fax: 475-5430

Conservation Value Assessment

Landscape context (L) ¹	
Excellent – Score 4	The surrounding landscape has <25% fragmentation due to roads, urban areas, and rural settlements, and no recent industrial activity. Site occurs within a larger landscape with some formal protection status or protected by conservation covenants.
Good – Score 3	Up to 50% of the surrounding landscape is fragmented. The larger landscape context provides some protection from anthropogenic disturbance, although changes to natural disturbance regimes exist (fire suppression; flooding control).
Fair – Score 2	More than 50% of the surrounding landscape is fragmented and affected by anthropogenic influences. Development may affect the ecosystem's existence.
Poor – Score 1	Less than 15% of the surrounding landscape consists of natural or semi-natural vegetation, or the ecosystem is completely isolated from natural areas and protected areas.
Condition (C) ²	
Excellent – Score 4	Minor cover of exotic species occur in the site (<10%). Forested ecological communities are climax vegetation. The community may have minor internal fragmentation (<5%). Wetland and riparian communities have natural hydrology regimes. No artificial structures occur at the site.
Good– Score 3	Some cover of exotic species (10 - 40%). Forested ecological communities may be late seral vegetation. Wetland and riparian communities have largely natural hydrology regimes. There could be moderate internal fragmentation (<25%).
Fair– Score 2	Significant cover of exotic species (40 - 75%). Forested ecological communities typically are young seral vegetation after anthropogenic disturbance. There may be significant alterations of hydrology regime in wetlands and riparian ecological communities. There is moderate internal fragmentation (<25%).
Poor– Score 1	Exotic species dominate a vegetation layer or may total >75%. Significant anthropogenic disturbance, such as removal of soil material or vegetation. There are significant alterations to the hydrology regime in wetlands and riparian ecosystems. High internal fragmentation (>25%), and/or presence of artificial structures or barriers.
Restoration potential (R)	
Excellent – Score 4	The natural species, soils and disturbance regime are mostly intact, only a minor control of invasive species is needed.
Good– Score 3	The natural species, soils and disturbance regime are present, but sustained invasive species work is needed to achieve restoration.
Fair– Score 2	Alterations to the natural disturbance regime require major work. The removal of invasive species will leave major portions of exposed soil, requiring plantings. Many years of work will be needed, to achieve a complete natural appearance.
Poor– Score 1	Soils and vegetation were removed, and site is dominated by alien invasive species. Site may be affected permanently.

¹ The area considered in Landscape Context takes varies depending on the size of the site and the type of ecosystem:

- ▲ For streams and wetlands: the local catchment.
- ▲ For smaller terrestrial sites (<1 ha): 100 ha
- ▲ For larger forested sites: 500ha

2 Condition evaluation criteria primarily takes into account the structural integrity of the site or how intact the components of the ecosystem are (typical species). In other words, how close the site resembles the description of the ecosystem type it represents.

Summary of Sensitive Ecosystem Inventory Classifications for Saanich

CB Coastal Bluff

General Description: rocky shorelines with grasslands, rocky shorelines with mosses, vegetated rocky islets that are dominated by grasses, forbs, mosses and lichens; beginning at the water's edge to the lands above the high tide mark.

Types: CB and CB:cl (coastal cliffs)

Soils: Thin to no soils. Glacial outwash deposits. Usually sand to sandy-loam, often with high salinity

Vegetation: Adapted to hostile environmental conditions such as salt-spray from crashing waves, winds, storms and heat. CB lack continuous vegetation cover over their entire landforms; the remainder is exposed bedrock. May be interspersed with other SEI ecosystems such as HT, WD, OF, and SV.

Common Plants: Garry Oak, Arbutus, Douglas-fir, native roses, Oceanspray, Salal, Stonecrops, licorice fern, native onions, Harvest Brodiaea, moses, lichens, Scotch Broom.

SV Sparsely Vegetated

General Description: Discontinuous vegetation interspersed with bare sand, gravel, or exposed bedrock. Landforms are often in a dynamic state of change due to factors such as water level changes, sediment deposition, sediment erosion and mass wasting.

Types: SV:sd (coastal sand dunes); SV:sp (coastal sand and gravel spits); SV:cl (inland cliffs and bluffs)

Soils: in formative years, a lack of distinct soil horizons and organic layers; shallow soils, well drained

Vegetation: newly- and slowly-developing plant communities that are formed by species adapted to hostile environmental conditions, low diversity but specialized, often stunted. Usually interspersed with other SEI ecosystems such as HT: ro and OF.

Common Plants: Dune Grass, Beach Pea, Common Strawberry, Yellow Sand Verbena, Grasses and Mosses. Cliffs can have trees and shrubs such as Garry Oak, Arbutus, Douglas-fir, native roses, kinnikinnick, and ferns.

HT Terrestrial Herbaceous

General Description: open wildflower meadows and grassy hilltops with herbs—grasses and forbs—and mosses and lichens; outside the salt spray zone near shorelines; summits of local hills and mountains.

Types: HT (grass-forb dominated areas with less than 10% tree cover and less than 20% shrub cover); HT:ro (grass-forb areas interspersed with rocky outcrops); and HT:sh (grass-forb areas with more than 20% shrub cover).

Soils: shallow and rapidly draining

Vegetation: predominantly herbaceous vegetation, continuous except where interspersed with bare rock outcrops, minimal tree and shrub cover. When found near shorelines, there may be an overlap with species common to the coastal bluff ecosystem, or may be interspersed with other SEI ecosystems such as WD, OF, and older second growth forest. May also include moisture-loving species in seepage areas and vernal pools.

Common Plants: Garry Oak, Arbutus, Douglas-fir, Shore Pine, Oceanspray, Snowberry, Stonecrop, Sea Blush, Fawn Lily, Satin Flower, Camas, Miner's Lettuce, grasses, and many mosses.

WN Wetland

General Description: Characterized by daily, seasonal, or year-round water, either at or above the surface, or within the root zone of plants. Wetlands are mosaics of several wetland classes, and many are transitional between more than one wetland class.

Types: WN:bg (bog), WN:fn (fen), WN:ms (marsh, including coastal salt and estuarine marshes), WN:sp (swamp), WN:sw (shallow water), and WN:wm (wet meadow).

Soils: Wetlands are generally divided into peatlands (bog, fen) and mineral wetlands.

Vegetation: Plant communities are adapted to wet conditions; some are tolerant of complete submergence whereas others depend on drier conditions during the summer growing season.

Common Plants (peat): Shore Pine, Western Hemlock, Western Red Cedar, Labrador Tea, Hardhack, Salal, Sedges, Mosses.

Common Plants (mineral): Western Red Cedar, Alder, Pacific Crabapple, Willows, Red-osier Dogwood, Salmonberry, Skunk Cabbage, ferns, sedges, cattail, reed canary grass, pondweeds, mosses

RI Riparian

General Description: Adjacent to lakes, streams, and rivers, where increased soil moisture supports plant communities and soils distinct from surrounding terrestrial areas. Commonly linear corridors. Includes gullies which may not be associated with surface water flow, but maintain moist soil conditions. Width may vary from a few metres to greater than 100 metres. Narrow bands of streamside forest surrounded by agricultural fields and disturbed urban stream corridors were not typically included as riparian ecosystems.

Types:

RI:1 (Sparse/bryoid—moss and lichen dominated, <10% treed, <20% shrub/herb)

RI:2 (Herb—herb dominated, <20% shrub, <10% treed)

RI:3 (Shrub/herb—>20% shrub, <10% treed)

Pole/sapling RI:4 (Trees >10m tall, densely stocked; shaded understorey) ,

Young forest RI:5 (Uniform aged trees, generally less than 80 years old, dense understorey)

Mature forest RI:6 (Layered canopy, generally 80 to more than 200 years old, well developed understorey)

Old Forest RI:7 (Trees >250 years old, structurally complex, snags, coarse woody debris)

Soils: Gravel, silt, cobble bars, rocky, to rich organic soils.

Common Plants: Red Alder, Western Redcedar, Bigleaf Maple, Western Hemlock, willows, Red-osier Dogwood, Salmonberry, Indian Plum, ferns, mosses,

WD Woodland

General Description: Open deciduous forests of Garry oak, mixed stands of Arbutus and Douglas-fir, or pure stands of Trembling Aspen. Most occur on rocky knolls, south facing slopes, and ridges where summer soil moisture is low and shallow soils are common. Trembling Aspen woodlands are an exception, and are typically associated with moist, rich sites. Mature big-leaf maple may also be the dominant tree species. Typically interspersed with other SEI ecosystems such as CB and HT.

Types:

Garry Oak Woodlands (open oak woodlands and meadows, as well as more densely forested oak/conifer plant associations)

Common Plants: Garry Oak, Douglas-fir, Arbutus, Oceanspray, Snowberry, Camas, Spring Gold, Satin-flower, ferns, mosses, grasses.

Arbutus—Douglas-fir Woodlands (dry sites with rocky, nutrient-poor soils; typically arbutus with Garry oak and Douglas-fir)

Common Plants: Arbutus, Douglas-fir, Garry Oak, Dull Oregon Grape, Salal, Snowberry, mosses.

Trembling Aspen Woodlands (common on disturbed sites with moist soils)

Common Plants: Trembling Aspen, Black Hawthorne, Hardhack, Indian-plum, Snowberry.

OF Older Forest

General Description: Conifer-dominated forests with an average tree age of 100 years or greater.

Types: OF:co (coniferous stands with less than 15 percent deciduous trees); OF: mx (mixed coniferous-deciduous stands in which deciduous trees occupied more than 15 percent of the canopy). OF has three prominent characteristics: large live trees, large standing dead trees, and large fallen trees. In Saanich, the biogeoclimatic subzone is the Coastal Douglas-fir, moist maritime subzone (CDFmm).

Soils: varied

Vegetation. Douglas-fir is the dominant tree on drier sites. On sites with higher precipitation and moister soil conditions, western redcedar is more common

Common Plants: Douglas-fir, grand fir, and western redcedar, seedlings, Ocean Spray, Salal, Sword Fern, lichens, mosses.

122020 bylaw kapn

ClerkSec - Site Visit

RECEIVED
APR 11 2016

POST TO	Gen	POSTED	2016-04-20 5:00
COPY TO	SH		
INFORMATION	<input checked="" type="checkbox"/>		
REPLY TO WRITER	<input type="checkbox"/>		
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>		
REPORT	<input type="checkbox"/>		
FOR			
ACKNOWLEDGED			

From: Bill Morrison <[redacted]@saanich.ca>
To: Colin Plant <colin.plant@saanich.ca>
Date: 4/8/2016 7:47 PM
Subject: Site Visit
CC: Saanich Citizens For A Responsible EDPA <saanichedpa@gmail.com>, <clerksec@saanich.ca>
Attachments: Blue House IMG_0059.JPG; Backyards .pdf; Beige House .pdf; Bedroom .pdf; Modified copy of Blue House IMG_0059.JPG

Dear Mr. Plant:

Following the **public Council Meeting March 16, 2016**, I came home dismayed as Saanich Staff were not able to answer most of the questions you asked of them. Staff repeatedly gave the answer that they were not able to provide the answer at the time of the meeting and that they would have to get back to you with the answer. I thought the questions were fairly straight forward and Staff should have anticipated such questions as a matter of protocol in approaching their duties in a PROFESSIONAL manner. **Furthermore, by responding as they did those 400 or so people who attended the meeting will not know WHAT THE ANSWERS ARE to your questions when (if) Staff respond to you.** Mr. Plant the above remarks, I have made, are based on 37 1/2 years of working in the field of taxation administration both at a provincial level and federal level. During those years I faced many complex and contentious issues where a public response was required. I ensured answers to questions were always provided **to all stakeholders**. It is a **culture of professionalism** I have always embraced with pride.

Because of the above situation, I would like to invite you to my home so you can personally view it in terms of its application to the EDPA. Also once you have viewed my property I would like to invite you to come in to my home, perhaps for a coffee or tea, so we can jointly look at GIS Mapping System as as it applies to my property. You will see that the EDPA icon shows a part of my home (i.e. the actual structure) and about a quarter of my backyard are affected by the EDPA. However, there are no trees in my backyard and there is no sensitive eco-system present either. It is just lawn. Perhaps we could schedule a visit after April 29, 2016.



In the meantime, I have attached four pictures for your reference. The picture titled **Blue House** is taken from my neighbour at the east. You will note the planters present. That is the property line with the Christmas Hill Nature Sanctuary. You will note within my property no trees and no sensitive eco-system; just lawn. The Picture titled **Backyards** again shows no trees and no sensitive eco-system; just lawn. This picture also shows that my planters align with the common property line of all my neighbours to the west with regards to the Christmas Tree Nature Sanctuary. Further you will observe that none of my neighbours backyards have any trees nor sensitive eco-systems; just lawn. Yet the GIS Mapping shows they are all affected by the EDPA. The picture titled **Beige House** is taken from my neighbour at the west. Again, within my property, there are no trees and no sensitive eco-system; just lawn. Also the

picture shows the planters align with the common property line of the neighbour to the east, (i.e. white fence post) with regards to the Christmas Tree Nature Sanctuary. The picture titled **Bedroom** was taken from my master bedroom. Again, it shows no trees and no sensitive eco-system on my property; just lawn. The picture also shows the due diligence and care I take of Saanich property from the planters, (i.e. the property line) to the tree line at ensuring no invasive species are present. This is a distance of about 20 feet. During the fifteen years I have lived in my home, never once, has a Saanich employee done anything to maintain their property.

Mr. Plant I look forward to seeing you after April 29, 2016.

Regards,

Bill Morrison
B.Comm.; CPA; CMA
Woodhall Drive


Blue House



From: **WILLIAM MORRISON** [redacted]
Subject: Backyards
Date: April 8, 2016 at 11:29 AM
To: [redacted]


BM



From: **WILLIAM MORRISON** [redacted] 
Subject: Beige House
Date: April 8, 2016 at 11:28 AM
To: [redacted]

BM



From: WILLIAM MORRISON [REDACTED] 
Subject: Bedroom
Date: April 6, 2016 at 4:53 PM
To: [REDACTED]

BM



District of Saanich
Legislative Services
770 Vernon Ave.
Victoria BC V8X 2W7

t. 250-475-1775
f. 250-475-5440
saanich.ca



LEGISLATIVE SERVICES

Bicycle and Pedestrian Mobility Advisory Committee

File: 1420-30 Biped

Mayor
Councillors
Administrator

Council
Administrator
Media

Memo

To: Donna Dupas, Legislative Manager
From: Tania Douglas, Senior Committee Clerk
Date: April 5, 2016
Subject: **McKenzie/Highway No. 1 Interchange**

At the March 17, 2016 Bicycle and Pedestrian Mobility Advisory Committee meeting, members received a presentation from Rob Wickson of the Gorge Tillicum Community Association, regarding the proposed interchange at McKenzie Avenue and Highway No. 1 (Trans-Canada). Committee members resolved as follows:

"That the Bicycle and Pedestrian Mobility Advisory Committee expresses concern to Council that the proposed option for the McKenzie/Highway No. 1 interchange provided by the Ministry of Transportation and Infrastructure is contrary to the Regional Growth Strategy and does little to promote alternative travel such as cycling, pedestrian and transit options."

"That the Bicycle and Pedestrian Mobility Advisory Committee recommends that Council write a letter to the Ministry of Transportation and Infrastructure for the Province of British Columbia requesting, and strongly recommending, that the option presented by Mr. Rob Wickson for the interchange at McKenzie, Admirals and the Trans-Canada Highway receive the same level of consideration and evaluation by the ministry as those options which the ministry has brought forward itself."

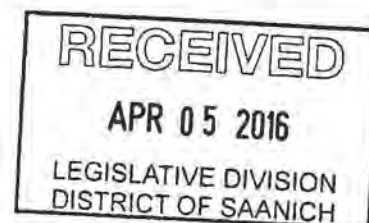
An excerpt of the March 17th meeting minutes, a rationale written by Councillor Derman, and a copy of the presentation from Mr. Rob Wickson is attached for information.

Evaenden Hengel yes

Tania Douglas
Senior Committee Clerk

/td
copy: Councillor Derman

G:\Clerks\Committees\BIPed\Correspondence\Memos\2016\Council re Hwy Interchange.docx



CM
G. 1

MCKENZIE/HIGHWAY NO. 1 INTERCHANGE

R. Wickson, Gorge Tillicum Community Association, was present to discuss the McKenzie/Highway No. 1 interchange proposal, and the following was noted:

- This project began from a push from drivers and it is also political in nature; there are questions about local leadership and where the \$85 million budget came from. No one is available to speak to environmental questions.
- Questions raised include:
 - Why were only two or three designs given by the Ministry?
 - What are the travel times now and forecasted?
 - What are the environmental costs?
 - Are there other options that will achieve the same results but use less land and have less environmental impact?
 - How can pedestrian, cycling and transit options be given a higher priority?
 - How does this project reflect the goals of the Regional Growth Strategy?
- Problems to solve include traffic congestion, environmental impacts, accidents and improvements to transit, cycling and pedestrian movement.
- The options provided by the Ministry of Transportation and Infrastructure are almost all identical, do not address many issues, and are environmentally devastating (1.4 hectares of Saanich parkland is needed for the cloverleaf).
- Mr. Wickson presented an alternative design that addresses inbound and outbound traffic, congestion, the environment, and it allows for changes in the future if needed to address Admirals/McKenzie movement.
- The Ministry plan focuses on single occupant vehicles and does not support transit or cyclist/pedestrian priorities.
- The \$85 Million earmarked for this project could be used instead for a light rail project.
- There are big changes coming in the next five years in terms of transportation; electric vehicles and light rail are the future.
- The Ministry project will not solve the congestion problem, but shift it elsewhere.

A discussion occurred and the following comments were noted:

- The Ministry's public comment period ends in mid-March; they plan to start construction in the fall of 2016.
- The Ministry has engaged with Saanich staff a couple of times along with this committee.
- If the Ministry is given Cuthbert Holmes Park, then some Crown lands should be transferred to Saanich. Council will need to be approached for land acquisition.
- The Ministry doesn't seem to understand the problems with their option and, despite their public participation process, will not listen to any suggestions.
- Committee agreed it would be desirable to get the Ministry to measure the impacts of travel time, noise, and the environment for Mr. Wickson's proposal and compare this to their own proposed project.

Motion: MOVED by D. Wick and Seconded by A. Topp, "That the Bicycle and Pedestrian Mobility Advisory Committee expresses concern to Council that the proposed option for the McKenzie/Highway No. 1 interchange provided by the Ministry of Transportation and Infrastructure is contrary to the Regional Growth Strategy and does little to promote alternative travel such as cycling, pedestrian and transit options."

CARRIED

Motion: **MOVED** by D. Wick and **Seconded** by A. Topp, “That the Bicycle and Pedestrian Mobility Advisory Committee recommends that Council write a letter to the Ministry of Transportation and Infrastructure for the Province of British Columbia requesting, and strongly recommending, that the option presented by Mr. Rob Wickson for the interchange at McKenzie, Admirals and the Trans-Canada Highway receive the same level of consideration and evaluation by the ministry as those options which the ministry has brought forward itself.”

CARRIED

(Committee voted via email on March 31, 2016)

Rationale:

At its March 17 2016 meeting, the Saanich Bicycle and Pedestrian Advisory Committee (BIPED) received a presentation from Mr. Rob Wickson on a different option for the interchange to be built on the Island Highway at McKenzie and Admirals. Mr. Wickson suggested that his alternate proposal would provide the following advantages:

- It would minimize impact of the interchange on Cuthbert Holmes Park.
- It would provide a better, more direct solution for pedestrians and cyclists going through this area, particularly those who were using the Galloping Goose.
- It would meet Ministry objectives to address the situation of local congestion at this point on the highway.
- Costs would likely not exceed existing budgets for the exchange and, on the surface at least, would appear to provide a less expensive solution.

While the committee feels strongly that the approach to transportation issues represented by the interchange is inconsistent with the Regional Growth Study (RGS), the BIPED committee does substantially agree with the points made by Mr. Wickson. For this reason, the committee is forwarding the following motion to Council:

Motion:

"That Council write a letter to the Ministry of Transportation and Infrastructure for the Province of British Columbia requesting, and strongly recommending, that the option presented by Mr. Rob Wickson for the interchange at McKenzie, Admirals and the Trans Canada Highway receive the same level of consideration and evaluation by the ministry as those options which the ministry has brought forward itself.

McKenzie Interchange

- How did this project begin?
- What input was sought before the budget was set and the public announcement was made?
- Where is the local leadership?

What Problems We Are Trying to Solve?

- Automobile congestion
- Negative environmental impacts caused by automobile use?
- Traffic accidents
- Improvements to transit, cycling and pedestrian movements?

Options Presented by Ministry

- 2 double diamonds, one under, one over
- A single clover leaf with the double diamond
- Are these really "options"?





Are There Other Options?

- Yes
- We start by looking at each problem
- Outbound traffic – 36,000 vehicles per day
- Merging outbound traffic
- Inbound left turn up McKenzie – Over 10,000 vehicles and growing
- Inbound through traffic
- Transit congestion
- Protecting green spaces



Compromise

- Release outbound traffic – take 36,000 vehicle out of the intersection
- Fly over for inbound left turn takes out stops up to Burnside light
- Leave all other vehicle movements the same for now
- If needed a roundabout could be added at a later date for inbound, Admirals/McKenzie movements

McKenzie Interchange Questions

- Why is there only one option being presented (2 or 3 designs)?
- What are the travel times for the current intersection?
- What are the travel times for each design presented?
- What are the environmental costs?

- Are there other options that will achieve the same results in terms of travel times but reduce the land use and environmental impacts?
- How can pedestrian, cycling and transit options be given higher priority?
- How does this project reflect to goals of the Regional Growth and Travel Choices Strategies?

What About the Future?

- Light Rail Transit
- Electric Self Driving Vehicles are on the way because:
 - 1 Safety
 - 2 Health Costs
 - 3 Congestion savings
 - 4 Land use savings

2150-20

cncl May 9/16

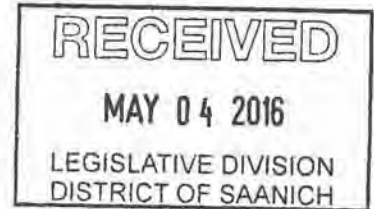


LEGISLATIVE SERVICES

Mayor
Councillors
Administrator
Council
Administration
Media

Memo

To: Donna Dupas, Legislative Manager
From: Elizabeth van den Hengel, Committee Clerk
Parks, Trails and Recreation Advisory Committee
Date: April 27, 2016
Subject: MCKENZIE INTERCHANGE



At the April 27, 2016 meeting, the Parks, Trails and Recreation Advisory Committee discussed the McKenzie Interchange project and potential impacts to both Cuthbert Holmes Park and the surrounding natural environment. Accordingly the Committee resolved as follows:

“Where as:

Cuthbert Holmes Park is a signature park in Saanich with high environmental values;

Cuthbert Holmes Park is a popular natural area that promotes and demonstrates respect for the natural environment through progressive management and nature-based recreational opportunities;

Park management is guided by the council approved Cuthbert Holmes Management Plan (September 2015); and that

The Garry Oak knoll on the north side of the TransCanada Highway is listed provincially as a Sensitive Ecosystem;

The Provincial McKenzie Interchange Project will have significant and permanent impacts on the park and surrounding natural environment including permanent loss of ecosystems:

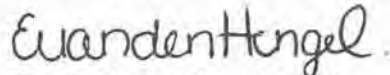
The Parks, Trails and Recreation Advisory Committee recommends to Council that Saanich staff work with the Ministry of Transportation and Infrastructure with the expectation that the outcome of the McKenzie Interchange Project results in significant improvements to Cuthbert Holmes Park and the surrounding natural environment with specific focus on, but not limited to:

- 1) Transfer of Ministry of Transportation and Infrastructure lands along the north edge of the park to Saanich ownership;**
- 2) Transfer of the provincially held lands (currently owned by Provincial Capital Commission) to Saanich ownership;**
- 3) Enhancement of the Colquitz River and estuary;**
- 4) Protection of existing wildlife habitat;**

**CM
G. 2**

- 5) **Recognition of valuable ecosystems through restoration or compensation;**
- 6) **Full financial support for Cuthbert Holmes Park in the form of an annual operating fund; and**
- 7) **A legacy fund to be used for further land acquisitions or projects in Cuthbert Holmes Park and surrounding natural environment."**

An excerpt of the April 27, 2016 minutes are attached.



Elizabeth van den Hengel
Committee Clerk

cc: Mayor Atwell
CAO
Director of Parks and Recreation
Director of Planning
Councillor Brice

/ev

Attachment (1)

MCKENZIE/HIGHWAY NO. 1 INTERCHANGE

R. Wickson, Gorge Tillicum Community Association, was present to discuss the McKenzie/Highway No. 1 interchange proposal, and the following was noted:

- This project began from a push from drivers and it is also political in nature; there are questions about local leadership and where the \$85 million budget came from. No one is available to speak to environmental questions.
- Questions raised include:
 - Why were only two or three designs given by the Ministry?
 - What are the environmental costs?
 - Are there other options that will achieve the same results but use less land and have less environmental impact?
 - How can pedestrian, cycling and transit options be given a higher priority?
 - How does this project reflect the goals of the Regional Growth Strategy?
- Problems to solve include traffic congestion, environmental impacts, accidents and improvements to transit, cycling and pedestrian movement.
- The options provided by the Ministry of Transportation and Infrastructure are almost all identical, do not address many issues, and are environmentally devastating (1.4 hectares of Saanich parkland is needed for the cloverleaf).

A discussion occurred and the following comments were noted:

- The Ministry plans to start construction in the fall of 2016.
- If the Ministry is given land from Cuthbert Holmes Park, then some Crown lands should be transferred to Saanich. Council will need to be approached for land acquisition.
- Saanich should actively pursue the protection of the Gary Oaks that will be impacted by the proposed project.
- Large scale projects like the McKenzie Road Interchange should be asked to leave the surrounding natural environment with a net benefit.
- The Committee agreed it would be desirable to get the Ministry of Transportation and Infrastructure to measure the impacts of the proposed project on the surrounding natural environment.

- Cuthbert Holmes Park is signature Saanich Park and the proposed interchange will have significant environmental impacts to all aspects of the park.
- The Ministry of Transportation and Infrastructure could be approached to establish a legacy fund for Cuthbert Holmes Park and to help support the Cuthbert Holmes Park Management Plan with an annual operating fund.

MOTION: Moved P. Carroll and Seconded by D. Marecek,

“Where as:

Cuthbert Holmes Park is a signature park in Saanich with high environmental values;

Cuthbert Holmes Park is a popular natural area that promotes and demonstrates respect for the natural environment through progressive management and nature-based recreational opportunities;

Park management is guided by the council approved Cuthbert Holmes Management Plan (September 2015); and that

The Garry Oak knoll on the north side of the TransCanada Highway is listed provincially as a Sensitive Ecosystem;

The Provincial McKenzie Interchange Project will have significant and permanent impacts on the park and surrounding natural environment including permanent loss of ecosystems:

The Parks, Trails and Recreation Advisory Committee recommends to Council that Saanich staff work with the Ministry of Transportation and Infrastructure with the expectation that the outcome of the McKenzie Interchange Project results in significant improvements to Cuthbert Holmes Park and the surrounding natural environment with specific focus on, but not limited to:

- 1) Transfer of Ministry of Transportation and Infrastructure lands along the north edge of the park to Saanich ownership;**
- 2) Transfer of the provincially held lands (currently owned by Provincial Capital Commission) to Saanich ownership;**
- 3) Enhancement of the Colquitz River and estuary;**
- 4) Protection of existing wildlife habitat;**
- 5) Recognition of valuable ecosystems through restoration or compensation;**
- 6) Full financial support for Cuthbert Holmes Park in the form of an annual operating fund; and**
- 7) A legacy fund to be used for further land acquisitions or projects in Cuthbert Holmes Park and surrounding natural environment.”**

CARRIED

1220-20 Parks

From: Scott and Katrinka [redacted]
To: "mayor@saanich.ca" <mayor@saanich.ca>, "council@saanich.ca" <council@saanich.ca>, Vic Derman <vicderman@shaw.ca>, "fred.haynes@saanich.ca" <fred.haynes@saanich.ca>, Fred Haynes <fred@contactcanada.com>, Judy Brownoff <jbrownoff@telus.net>, Vicki Saunders <vicki_sanders@telus.net>, Dean Murdock <dean.murdock@telus.net>, "colin.plant@saanich.ca" <colin.plant@saanich.ca>, Lief Wergeland <wergeland@shaw.ca>, "lief.wergeland@saanich.ca" <lief.wergeland@saanich.ca>, "susan.brice@saanich.ca" <susan.brice@saanich.ca>
CC: Chris Bullock [redacted] Christine Fedoruk [redacted] Katherine Brandt [redacted] RayFarmer [redacted] Richard Bouchard [redacted] TrevorHancock [redacted] Vera Wynn-Williams [redacted] Dorothy Chambers [redacted] Julian Anderson [redacted]
Date: 5/3/2016 9:55 PM
Subject: Cuthbert Holmes Park

Mayor and Council,

I am writing to express my dismay and disappointment that Saanich seems to have done little to protect Cuthbert Holmes Park from the McKenzie Interchange expansion, which was announced last week. There is something terrible about democracy when a 'democratic' process lets us choose an option that isn't ANY better (by the Ministry's own numbers this option saves no time over the double diamond option,) but because it is 'perceived' to be better, that's ok? And sadly this 'democratic' process doesn't give the park or the creatures who's homes will be destroyed and/or threatened any extra weight.

Our Community Association supports Dorothy Chambers and Julian Anderson (Colquitz and Cuthbert Holmes Park Stewards), both of whom have expressed dismay, anger and disappointment at this decision.

Adding insult to injury, was seeing members of a tiny organization within our CA boundaries, 'PISCES' trotted up on stage by the Ministry. Again, we felt very disappointed to see what really amounts to 'trickery' and a weak attempt at 'community support'...I do not think you'd find one person on our board that supports this option.

Can we at least expect your full support in salvaging what we can from this situation? The highest of environmental standards for bio-swales/drainage, (this will be within 100 metres of the Colquitz River!) The very highest of standards with regards to pedestrian and bicycle safety and ease of flow for the Goose. Noise mitigation for the Park and high ratios of tree replanting. And, surely this park deserves much more than 1.4 hectares of scrubby land in trade for the 1.4 hectares it will lose. Please, lets get the PCC Lands and as much other land as possible, transferred to this park and, please, protected in perpetuity.

Sincerely, Scott Karpes, GTCA VP.

RECEIVED
MAY 04 2016
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

POST TO	Gen	POSTED
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INFORMATION	<input checked="" type="checkbox"/>	
REPLY TO WRITER	<input type="checkbox"/>	
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>	
REPORT		
FOR		
ACKNOWLEDGED	bl.m	



Mayor
Councillors
Administrator

Council
Administration
Media

Report

To: Mayor and Councillors

From: Councillor Fred Haynes

Date: April 22, 2016

Subject: Provincial and Municipal Frameworks for the Ride-Sourcing Economy

At the Association of Vancouver Island Coastal Communities (AVICC) 2016 Annual Meeting, Minister Fassbender reported that the Province is undertaking a review of the "Sharing Economy" with regard to ride-sourcing operators. In the audience, I understood this review is to cover the potential positive opportunities presented by these new business models as well as their impacts on community safety, local economies, taxation models and ridership competition with the existing public transit and transport systems including buses, trains and taxis.

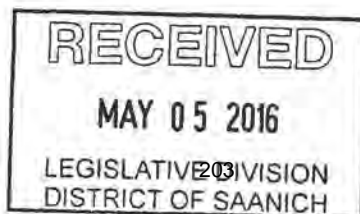
It is 2016, and our region and province welcomes new innovation and technology, including smartphone technology, which can improve customer service and flexibility across a wide array of businesses. This technology can be used to improve our passenger transportation industry, to provide increased community convenience and benefits and to enable new entrants such as Uber Taxi into the taxi business. Elected officials have a duty in ensuring community safety and that suitable regulatory frameworks are in place for these expansive new business models, including taxation remittances and insurance obligations to protect and safeguard passenger safety. The safety of passengers, other vehicles, pedestrians, cyclists, and the drivers themselves cannot be compromised. Moreover, environmental standards and requirements to provide transportation services for the elderly, physically disabled, minors and lower-income residents must be upheld or enhanced. In a recent Ipsos-Reid survey, two thirds of Vancouver residents wanted the same regulatory framework for ride-share as those for taxi operators. Therefore, it seems appropriate that the ride-share businesses are regulated, taxed, licensed, insured and monitored on the same basis and to the same safety and fiscal standards as any public-transportation company.

Within BC the Passenger Transportation Board issues taxi licences based on its analysis of market sustainability. Taxi owners have invested heavily based on this framework. In our region taxi operators receive permits from City of Victoria Police Department. They are required to undergo a twice-annual safety check, an annual criminal background check and an initial knowledge test. In Saanich, taxi operators that take their respective "commercial" vehicles home are subject to our Zoning Bylaw and Home Occupation Use regulations. These indicate that only one vehicle used in a home occupation shall be stored or parked on the lot in an unenclosed manner. The Minister indicated at AVICC he is seeking the inputs of municipalities on his review. We should prepare for and welcome this opportunity.

RECOMMENDATION:

That Council write a letter to Minister Fassbender in support of the Provincial review of the ride-sourcing economy and advising that the District looks forward to participating in the consultation process.


Councillor Fred Haynes



CM
H. 1

FACTSHEET: Uber

/ministries/transportation-and-infrastructure/factsheets/factsheet-uber.html
Tuesday, October 28, 2014 3:04 PM

OPERATING A PASSENGER TRANSPORTATION VEHICLE IN B.C.

Any vehicle operated by a person who charges or collects compensation for transporting passengers must be licenced under the Passenger Transportation Act.

Limousine, taxi and other passenger directed services, including those dispatched through a "rideshare" app such as Uber or Lyft, must be approved by the Passenger Transportation Board. Currently, Uber and Lyft are not licenced in B.C.

The rates charged by taxis, limousines and other small passenger directed vehicles are set or approved by the Passenger Transportation Board.

Smart phone apps operated by any company, including commercial "rideshare" providers, must reflect Passenger Transportation Board approved rates.

Vehicle operators will also need:

- A **National Safety Code** Safety Certificate
- Semi-annual **commercial vehicle inspections**
- To check with the municipality where you plan to operate for any additional requirements
- A **driver's licence and vehicle insurance** that meets the requirements for commercial vehicles.

Fines:

- Any company or driver advertising or providing a service they're not licensed to provide is subject to being ticketed.
- A ticket for \$1,150 can be issued by the police, Commercial Vehicle Safety Enforcement officers or Passenger Transportation Inspectors at the roadside.
- Repeat offenders can be fined up to \$5,000.

Contact:

Ministry of Transportation and Infrastructure
Government Communications and Public Engagement
250 356-8241

ICBC INFORMATION REGARDING RIDESHARING APPS LIKE UBER AND LYFT

Driver licensing

QUESTION I want to use my vehicle to drive passengers for payment, for a service like Uber or Lyft. What kind of licence do I need?

ANSWER:

At a minimum a Class 4 (restricted). This is a commercial driver's licence, which allows you to drive up to 10 persons including the driver.

Before you pick up your first passenger you'll also need:

- The owner of the vehicle to declare how they plan to use the vehicle so the **insurance** can be properly **assigned a specific taxi or limousine** rate class. Talk to your broker, they can help make sure you have the right coverage for how you use your vehicle.
- Licence plates** specially designated for taxis and limousines

You will also need:

- A licence approved by B.C.'s Passenger Transportation Board
- A National Safety Code Safety Certificate
- Semi-annual commercial vehicle inspections
- Check with the municipality where you plan to operate for any additional requirements

If you're involved in a crash without having completed all necessary requirements, there could be very serious financial consequences including potentially having to repay the full value of all claims that arise and forfeiting coverage for your own injuries as well as damage to your vehicle.

We want to make sure you're covered.

SEE THE ICBC LINK FOR THIS PAGE AT : <http://www.icbc.com/FAQ/Pages/Driver-licensing.aspx>



April 8, 2016

Ref: 166815

Her Worship Mayor Barbara Desjardins
Township of Esquimalt
1229 Esquimalt Rd
Victoria, BC V9A 3P1

For Information
 For Action
 For Report
 Mayor/Council
 RECEIVED: APR 14 2016
 For Action
 For Response
 For Report
 For Information
 CC/TW
 IC

Dear Mayor Desjardins:

The Province of British Columbia knows that British Columbians have expressed an interest in seeing greater choice, convenience and competition in the availability and provision of transportation and accommodation services. Companies such as Uber, Lyft and Airbnb may present opportunities to meet changing public expectations.

In considering the opportunities that these services may provide, it is important that the Province understands any impacts that could result for consumers, host communities and existing service providers. The many people currently providing passenger and accommodation services in British Columbia have made investments, providing jobs and valuable contributions to the economy. Thought must be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants while at the same time being fair and equitable to any possible new entrants to these sectors.

To this end, over the coming months, I will be meeting with a wide array of stakeholders to explore issues pertaining to the sharing economy and develop a better understanding of the opportunities and challenges that they provide for citizens and communities.

Locally elected officials from both urban and rural regions will have important perspectives on the issues and opportunities surrounding the sharing economy, and I am eager to draw these out as part of the consultation process. It is my hope that I will be able to engage with as many local governments as possible in person over the coming months. Regardless of whether we are able to undertake this discussion in person, I would also value the opportunity to review your thoughts on this matter via any written submission you may care to provide to me, and I encourage you to consider sending your thoughts to me directly by email at: CSCD.Minister@gov.bc.ca.

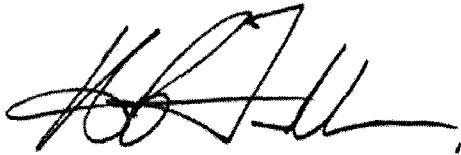
Your perspectives could include ideas on how sharing and existing service economies could be integrated, on perceived challenges and opportunities, and on provincial and local government roles in regulating and facilitating any changes we might contemplate.

.../2

Her Worship Mayor Barbara Desjardins
Page 2

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Fassbender', with a stylized flourish at the end.

Peter Fassbender
Minister

February 1, 2016

The Honourable Todd Stone
Minister of Transportation and Infrastructure
Room 306
Parliament Buildings
Victoria, BC V8V 1X4



Re: UBER operations in British Columbia

Dear Minister Stone,

You may recall that in a previous letter (September 2015) regarding the possibility of Uber operations in British Columbia, TIABC emphasized the need for the province to ensure a stable environment for the taxi industry. In addition, we recommended that if Uber were given permission to operate in BC, consumers would be protected by their adherence to the requirements of the Passenger Transportation Act.

Minister, in view of your recent comments intimating that Uber's formal arrival is not a matter of if, but when, I am writing to reiterate TIABC's position in support of the BC Taxi Association and its members for a fair playing field.

To that end, we respectfully submit that for Uber to operate in BC, it must comply with the same system and regulations as taxi companies to ensure the safety of passengers, drivers and the public. These regulations would include, but are not limited to, national safety code standards applicable to vehicles, regular vehicle inspections, vehicle age and emission standards, accessible vehicles, on-board cameras for protection of drivers and passengers, Work Safe BC coverage, business licenses, and remittance of requisite taxes such as PST and GST.

Along with the BC Taxi Association, TIABC is not against Uber operating in British Columbia provided the company and its agents adhere to the same rules as all passenger transportation companies.

Thank you for your attention to this important issue. Please feel free to contact me for further clarification or to answer any questions.

Sincerely,

Jim Humphrey, Chair
Tourism Industry Association of BC

cc: Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training
Mohan Singh Kang, president, BC Taxi Association

September 15, 2015

The Honourable Todd Stone
Minister of Transportation and Infrastructure
Room 306
Parliament Buildings
Victoria, BC V8V 1X4



Dear Minister:

Re: Uber operations in British Columbia

On behalf of the Tourism Industry Association of BC (TIABC), I am writing to express our support for the BC Taxi Association's position that Uber comply with provincial regulations to operate in British Columbia.

TIABC supports a stable environment for the taxi industry and believes that consumers must be protected with reasonable and predictable prices through approved meter rates and all other requirements under the Passenger Transportation Act.

The BC Taxi Association has assured us that they are not against Uber operating legally in BC, but are adamant that they follow the same rules as all passenger transportation companies to ensure the safety of the travelling public within a level playing field.

While we understand that your Ministry has insisted that Uber follow regulations, we encourage you to maintain this position and ensure enforcement.

On behalf of TIABC and our member, the BC Taxi Association, thank you for your Ministry's ongoing role in the safety and sustainability of vehicle-for-hire services in our province.

Sincerely,

A handwritten signature in black ink, appearing to read 'J R Humphrey', is positioned below the word 'Sincerely,'.

Jim Humphrey, Chair
Tourism Industry Association of BC

cc: Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training
Mohan Kang, BC Taxi Association President



October 24, 2014



The Honourable Todd Stone
Minister of Transportation and Infrastructure
Province of British Columbia
PO Box 9055, STN PROV GOVT
Victoria, BC V8V 9E2

Dear Minister Stone:

Further to North Vancouver City Council's resolution at the Regular Council Meeting of Monday, October 20, 2014 (attached), I am writing to express the City's support for the Province of BC to continue to ensure that all vehicles for hire in British Columbia be required to acquire a licence through the Passenger Transportation Board on an equal basis, and on the basis of public need, the suitability of the applicant and the health of the taxi industry.

The City of North Vancouver has reaffirmed its commitment to enforcing our current vehicle for hire bylaws. We are committed to ensuring that any vehicle for hire operating in our City is licenced in order to promote safety and accountability.

On behalf of Council I thank you for your consideration, and for your Ministry's ongoing role in ensuring the safety and sustainability of vehicle for hire services in our province on an equal basis.

Yours sincerely,

Darrell Mussatto
Mayor

Encl.

cc: North Vancouver City Council
Gurdip Sahota, North Shore Taxi
Paul Gill, Sunshine Cabs

**13. Gurdip Sahota, General Manager, North Shore Taxi (1966) Ltd.,
October 8, 2014**

Re: Request Council Support to Stop Uber Operating in the City of North
Vancouver - File: 0510-01

Moved by Councillor Keating, seconded by Councillor Clark

THAT the correspondence of Gurdip Sahota, General Manager, North Shore
Taxi (1966) Ltd., regarding a request to stop Uber from operating in the City of
North Vancouver, be received with thanks;

THAT the City of North Vancouver reaffirm its commitment to enforce its current
vehicle for hire bylaws for all vehicles for hire within the City of North Vancouver;

THAT the City of North Vancouver call upon the Province of BC to continue to
ensure all vehicles for hire in the Province be required to acquire a licence
through the Passenger Transportation Board on an equal basis and on the basis
of public need, the suitability of the applicant, and the health of the taxi industry;

AND THAT the City write to the Provincial Minister of Transportation and
Infrastructure, Todd Stone, to that effect.

CARRIED

December 24, 2014

The Honourable Todd Stone
Minister of Transportation and Infrastructure
Province of British Columbia
PO Box 9056, STN PROV GOVT
Victoria, BC V8V 9E2

Dear Minister Stone:

Further to North Vancouver District's Council's resolution at the Regular Council meeting of Monday, December 15, 2014 (attached), I am writing to express the District's support for the Province of British Columbia to continue to ensure that all vehicles for hire in British Columbia be required to acquire a licence through the Passenger Transportation Board on an equal basis, and on the basis of public need, the suitability of the applicant and health of the taxi industry.

The District of North Vancouver has reaffirmed its commitment to enforcing our current vehicle for hire bylaws. We are committed to ensuring that any vehicle for hire operating in the District is licenced in order to promote safety and accountability.

On behalf of Council I thank you for your consideration, and for your Ministry's ongoing role in ensuring the safety and sustainability of vehicle for hire services in our province on an equal basis.

Sincerely,



Richard Walton, FCA
Mayor

Cc: District Council
Gurdip Sahota, North Shore Taxi
Paul Gill, Sunshine Cabs

January 6, 2015

EXCERPT of the Regular Meeting of the Council for The Corporation of the District of North Vancouver held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Monday, December 15, 2014 commencing at 7:00 p.m.

Gurdip Sahota & Paul Gill, North Shore Taxi (1996) Ltd.

File:

MOVED by Councillor BASSAM

SECONDED by Councillor MACKAY-DUNN

THAT the North Shore Taxi delegation be received for information.

CARRIED

MOVED by Councillor MACKAY-DUNN

SECONDED by Councillor BASSAM

THAT Council request a staff report including the following information:

- The number of licenced cabs on the North Shore;
- How is the increase of cabs is determined by the Ministry;
- What is the cost of a taxi license;
- Why is the cost of insurance so high; and,
- Identify any impacts that Uber has operating in different cities.

CARRIED

OPPOSED: Mayor WALTON and Councillors BOND and MURI

MOVED by Mayor WALTON

SECONDED by Councillor MACKAY-DUNN

THAT Council request that the Ministry of Transportation and Infrastructure enforce the existing legislation pertaining to the taxi industry in BC.

CARRIED

Certified a true copy:



James Gordon
Municipal Clerk

1220-01
Ride sharing

From: Trevor Amon
To: "fred.haynes@saanich.ca" <fred.haynes@saanich.ca>
CC: "council@saanich.ca" <council@saanich.ca>, "mayor@saanich.ca" <mayor@saanich.ca>
Date: 4/27/2016 12:51 AM
Subject: Re: Ride-sharing leads to unknown social and economic destinations

RECEIVED	POST TO	POSTED
	COPY TO	
APR 28 2016	INFORMATION	<input type="checkbox"/>
	REPLY TO WRITER	<input type="checkbox"/>
	COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>
	FOR	
	SAANICH NEWS	
	ACKNOWLEDGED	

Dear Councillor Haynes,

As a taxicab driver who makes much of his living on the roads of Saanich I want to thank you for your opinion piece in the Saanich News.

<http://www.saanichnews.com/opinion/377043211.html>

Unlike so many other politicians in British Columbia it is clear that you have put a great deal of thought into what might actually happen on our roads if so called "ride-sharing" became legal in British Columbia Your analysis includes lessons from the past that many today do not appear to be interested in learning from.

I hope that Saanich will consider input from taxicab drivers with Chief Permits from Victoria like myself who do not reside in your jurisdiction but who make a living picking up Saanich residents, dropping them off, and traversing your roads on a daily basis.

As you well know, there are no Saanich taxicab companies.

Regarding consumers, regardless of what the service or product is they usually want 3 main things:

- 1) cheapest price
- 2) highest quality
- 3) as soon as possible

If you hear from Saanich residents stating they want "ride-sharing" and/or Uber I respectfully submit that what they really want are improvements to the taxicab industry, some of which may be reasonable and some of which may be unreasonable. For example, there can realistically be only so many drivers on the road in the CRD moving passengers from Point A to Point B before the whole thing collapses. Flooding the area with more taxicab drivers or so called "ride-sharing" drivers to appease consumers can be problematic.

I have written many letters to newspapers in the last 18 months or so regarding Uber, a handful that have been published. The most recent letter was published in the National Post this week regarding the effect of Uber on Toronto gridlock. (My belief is that if Toronto legalizes "ride-sharing" than it will be hard to make the argument against it in Vancouver and the rest of British Columbia so I have been doing what I can to prevent Uber from being legitimized in Toronto.)

Please find below a sampling of letters I have written regarding "ride-sharing" and Uber in recent months. (Some have been published, while others have not.)

Sincerely yours,
Trevor Amon

<http://news.nationalpost.com/full-comment/letters-the-cfl-should-honour-history-reject-gimmicks>

Knock-on effectRe: Potential Of Apps To Tackle Gridlock, Chris Selley, April 25. There are about 5,000 taxi drivers in Toronto and about 15,000 drivers registered on the Uber platform. The effect of Uber on gridlock in the city is likely both under-analyzed and under-reported by the media. One of the reasons Toronto began regulating how many taxicabs are on the road so many years ago was to avoid gridlock on the streets. It seems intuitive that allowing "ride-sharing" can only lead to more traffic as more drivers try to make a buck acting like taxicab drivers in their own vehicles. It may be true that customers pay less for rides and get picked up more quickly by having many more vehicles on the road to make that happen. However, the cost to the greater society in lost productivity as a result of gridlock needs a closer look. Trevor Amon, Victoria.

<http://blogs.theprovince.com/2016/02/01/letters-uber-ride-sharing-taxis-seniors-homes-violence-housing-c>

osts-pot-booze-sales-24-sussex-trudeau/

Minister shouldn't use Uber's propaganda

Transportation Minister Todd Stone said that the introduction of Uber's "ride-sharing" to B.C. "is going to happen at some point ... it's a matter of when, not if."

It seems to me that trips customers initiate are not "rides" that are "shared" by drivers. Stone and other officials should cease using dishonest jargon that Uber employs in a manipulative way to try to distinguish its service from taxis.

Further, let's look, say, 10 years into the future. General Motors has invested hundreds of millions of dollars into Uber. Why? Its long-term goal is self-driving cars. After devastating the taxi business, Uber will slowly eliminate human drivers. There certainly won't be anyone sharing a ride.

Trevor Amon, Victoria

Fri, 8 Apr 2016

What will happen if Uber comes to Victoria? Uber is actively recruiting drivers in Victoria, which suggests it is planning on a hard launch, not a soft launch, the moment that the provincial government allows Uber to legally operate in British Columbia. What would this look like?

It will probably be a Saturday night, perhaps in September or October of 2016. Uber will notify its recently recruited drivers, five hundred or more, to be ready, and it will advertise on radio and in print. And on that Saturday night not a single taxicab driver in Victoria will get a fare worth over twenty dollars. Every trip going to and from Gordon Head, or Langford, or Central Saannich and beyond will be lost to Uber when they will charge at most only sixty per cent of what the taxicab fare would be.

And at the end of that Saturday night shift almost every night shift taxicab driver in Victoria will quit. The taxicab owners - mostly day drivers who rent out to night drivers - will lose their night shift income and will be hurt by Uber in the day shift as well. The taxicab business will collapse in the Capital Regional Distrcit in a matter of weeks.

Local and provincial politicians haven't got a clue what is coming. A bunch of part time and transitory hacks who have no commitment to the transportation business are going to destroy full time jobs that have been in place for decades.

There are some who are all gaga about an app or the "sharing economy" who are OK with all of this. When the scofflaws who are emboldened by Uber come hunting for your job, and the government turns a blind eye or changes the law for those predators, give your kids a hug and tell them, "you can't stop innovation".

Trevor AmonVictoria, BC

Tue, 26 Apr 2016

For someone who represents the Green Party, and who apparently has concerns for the environment, you have to wonder what Andrew Weaver is thinking when it comes to Uber and so called "ride-sharing" in general. Let's take a look specifically at Victoria. There are around 250 taxicabs in Victoria, and around 90 percent of them are eco-friendly hybrid cars, so many of them the most famous of them all, the Toyota Prius. What do we know about Uber in a city like Toronto? There are about 5000 taxicab drivers in Toronto and about 15,000 registered on the Uber platform. How many of those Uber drivers acting like taxicab drivers in their own personal vehicles are driving eco-friendly cars? Chances are those numbers are very low indeed, and this would likely also be same in Victoria. What about traffic congestion if Uber comes to Victoria? Instead of just going home after work, or cars just being parked in the first place, the afternoon rush hour in Victoria would necessarily see an increase in traffic as part time Uber hacks compete with existing taxicabs for customers. That means more polluting cars on the road, and more cars on the road means all of the other vehicles are sitting in traffic for longer, idling away fumes for longer periods time. That includes buses, by the way. Andrew Weaver thinks that the taxicab industry can be improved in British Columbia. Instead of putting forward suggestions or reforms the MLA from Oak Bay-Gordon Head wants to destroy the taxicab industry outright with ironically an increase of green house gasses with the introduction of Uber. It would be nice if some of our politicians - Weaver, Lisa Helps, Christy Clark, etc - actually thought these potential changes through to what would actually happen in the real world streets of Victoria and Vancouver and stop binge drinking the "ride-sharing" Kool Aid. Trevor AmonVictoria, BC

Wed, 20 Apr 2016

Anyone with an even cursory knowledge of the taxicab business in Victoria recognizes that the overwhelmingly majority of taxicab drivers are non Caucasian, and many were born in foreign lands. If Uber comes to Victoria, who will make up the stable of drivers providing Uber taxi trips in their own personal vehicles, with likely a majority of them working only part time and in a transitory fashion? The population of Victoria and the CRD at large is predominantly Caucasian. As a result, Uber drivers in Victoria could well be mostly Caucasian, with those white people being retirees, post secondary students, those who are between jobs, and those who are just trying to supplement their income. If Uber comes to Victoria there is a good chance we are going to see the spectacle of part time, transitory white workers wiping out the incomes of full time workers from visible minority groups. Would racism be at play? We might not know for sure, but the optics certainly won't be very good. Trevor Amon Victoria, BC

Wed, Feb 24 2016

Most of the owner operators at Bluebird Cabs work during the day shift. Approximately 2/3 of the owner operators have drivers working part time or full time on the night shift. Bluebird Cabs limits the night shift to at most 5 shifts a week to avoid having too many cars out on the slower night shifts. Night drivers pay a fee of \$120 per shift. (If they drive for one owner-operator 5 nights a week then they get a discount and pay \$100 per shift.) Consider a situation now where a night driver makes a gross amount (fares and tips) of \$280 on a night shift after paying his gas. The driver then pays the owner \$120 and walks away with \$160 for himself. (Taxes still have to be paid, of course.) If Uber comes to Victoria, within 6 months the night shift business could easily drop by 25% or more. If it was a 25% drop then using the above example the driver would have a gross amount of \$210 (instead of \$280) and he would then pay the owner \$120 and walk away with only \$90 for himself. The night driver would actually see almost a 45% drop in income based on these numbers. My prediction is that if Uber comes to Victoria almost all of the night drivers at Bluebird Cabs would quit within a year and it will be very hard for owner-operators to replace them, even if they drop the lease or rental fee down from \$120. Of course, those owner-operators will also see some of the day business disappear as well. Which brings us back to the original discussion regarding the value of taxicab licences. Approximately 1 year ago these licences were selling in the \$400,000 range. Now, with the uncertainty of Uber, sellers can't find buyers at any price. If owning a taxicab licence in Victoria post the introduction of Uber means that revenues are going to go drastically down then clearly the value of these licences are going to go down. And if that amount of lost equity per licence is \$100,000, or \$150,000 or \$200,000 (or more) then with 250 plus licences in Victoria we are talking about a loss of overall combined equity in these licences in the range of \$25,000,000 to \$50,000,000 or more in a very short period of time and all due to Uber.

Trevor Amon

Wed, Feb 17 2016

Around 100 years ago the word taxicab was coined, and an easily understood definition of what a taxicab is can be found on Wikipedia: "A taxicab conveys passengers between locations of their choice." Around 1916 there was probably a guy named Jack who had "the surplus capacity of an automobile" he owned and thought this "can be turned into a way of producing income" because it's "not used all the time". The words in quotes are from Mayor Lisa Helps in her explanation as to why she supports the idea of Uber coming to British Columbia and specifically Victoria in the year 2016. "I think the sharing economy is the way of the future", Helps was also quoted by the Victoria News. Before we examine the future, let's take a quick look at the past. Remember Jack from 1916? Jack was just a guy in his private car driving people around for a fee, fees that would likely have been negotiated on a case by case basis. And then the government stepped in. Jack had to get a special driver's licence from the city and for his car, and a roof sign had to be placed on his car with the word "taxicab" written on it. A meter had to be installed in the car, and the government decided how much the meter rate should be. It was determined that special insurance was required at a cost of ten times what a regular vehicle's insurance would cost. The government would also put a cap on how many taxicabs would be allowed to operate in a given city, which decades later has resulted in private sales of these licences reaching hundreds of thousands of dollars. In the mean time, in all those many years, a private citizen was not allowed to pick up passengers for a fee in their private car. Governments had long determined that such a practice was what taxicab drivers in taxicabs did. Remember Jack from 1916? He had to start following rules, laws and regulations.

He was told by the government that he was a taxicab driver driving a taxicab. Mayor Lisa Helps, Premier Christy Clark, Minister Peter Fassbender, and Minister Todd Stone have clearly forgotten where this whole driver-for-hire practice all started, as well as the government's long and pervasive role in defining what the taxicab business is and regulating it. For someone who has demonstrated her disdain for the automobile over and over again it is surprising that Mayor Helps would be in favour of having Uber operate in Victoria. Can you just imagine an extra five hundred automobiles with Uber drivers coming into downtown Vic from Langford, View Royal, Sannich and beyond at rush hour and on weekend nights turning Wharf Street, Government Street and Douglas Street into grid lock parking lots? Mayor Helps said that "there is no point in fighting" Uber coming to B.C., which seems rather odd given that there currently is no fight, unlike say what is happening in Toronto or Montreal (or London or Paris, etc.). British Columbia is one of the few jurisdictions in the world where Uber has not been able to show up and simply scofflaw its way into operating. This is largely because of ICBC and stringent passenger transportation laws and regulations that exist at the provincial level, not just the city level. Remember Jack from 1916? Surely the government must have had good reasons for bringing in all of those laws and regulations in the first place. When it comes to Uber, let's be clear: trips customers initiate are not "rides" that are "shared" by drivers. There are no "rides" being "shared" by Uber drivers, just as licenced taxicab drivers in licenced taxicabs are not "sharing rides" with their customers either. In the great debate as to whether Uber and other like services should be allowed to operate in British Columbia the most obvious objection to any argument from the outset is the premise that such services are merely "ride sharing" services, and that the daily duties of Uber drivers are somehow obviously distinct from the daily duties of what taxi drivers have been doing for decades. It is beyond alarming to hear politicians repeat the deceptive marketing spin of Uber and its ilk and it is absolutely appalling for a newspaper such as the Victoria News that claims to have journalistic integrity to mislead its readers by doing exactly the same thing. Trevor AmonVictoria, BC

Fri, 15 Apr 2016

I have been driving a taxicab in Canada on and off for 30 years, on and off in Brampton, Ontario from 1986 to 2005 and currently in Victoria since November of 2013. In recent weeks I have been asked by a handful of my customers what I think of Uber. It has taken me a while to think of a succinct answer to this question, but after attending the Uber information meeting on April 12 at the Hotel Grand Pacific in Victoria I now have that answer. Uber drivers are scabs.

Uber, which calls itself a technology company and is based out of San Francisco, facilitates scab labour to operate illegally all over the world.

And any government that capitulates by not enforcing decades old laws or changes the laws for scab labour is setting an ugly precedent it is likely to regret in the not too distant future.

So called innovation is one thing, but anarchy is another.

When Christy Clark, or Peter Fassbender, or Todd Stone are finished twisting themselves in knots trying to change the law by defining the distinction between "ride-sharing" for a fee and a "taxi trip" the countdown to a bloodbath in the British Columbia taxicab industry will be numbered in days, not years.

Why should you care? Maybe your job will be next.

Trevor AmonVictoria, BC

<http://blogs.theprovince.com/2016/02/01/letters-uber-ride-sharing-taxis-seniors-homes-violence-housing-costs-pot-booze-sales-24-sussex-trudeau/>

This is not an Uber ode

Christy Clark loves Uber scabs Taking jobs from taxi cabs Thinks that part-time fleeting hacks Will get votes off cabbies' backs

Uber breaks the law worldwide Politicians run and hide Anarchy is just the key To share the economy Maybe your job will be next Such is life; that's just progress Innovation, don't you know Is a lie the scofflaws sow

Trevor Amon, Victoria



The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Com. Assoc.
Applicant

Council
Administ.
Media

Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: April 18, 2016
Subject: Development Permit Amendment
File: DPA00858 • 3940 Quadra Street

PROJECT DETAILS

Project Proposal: To amend DPR91-0016 to remove the existing wooden entrance vestibule and replace it with a new steel and glass vestibule at the Keg Restaurant building on Quadra Street.

Address: 3940 Quadra St

Legal Description: Lot 2, Section 32, Victoria District, Plan 31953

Owner: 3940 Quadra Investments Inc., Inc. No. BC1055345

Applicant: Number Ten Architectural Group; Rob Halliday

Parcel Size: 2,284 m²

Existing Use of Parcel: Restaurant

Existing Use of Adjacent Parcels: North: M-1 (Industrial) Zone, C-2 (General Commercial) Zone and C-9 (Local Service Station) Zone
South: M-1 (Industrial) Zone
East: C-3 (Shopping Centre) Zone and C-2 (General Commercial) Zone
West: M-1 (Industrial) Zone

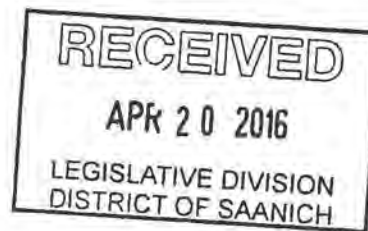
Current Zoning: C-2 (General Commercial) Zone

Minimum Lot Size: n/a

Proposed Zoning: n/a

Proposed Minimum Lot Size: n/a

Local Area Plan: Quadra



LAP Designation: Commercial or Industrial

Community Assn Referral: Quadra / Cedar Hill • Referral sent January 5, 2016. No response received to date.

PROPOSAL

To amend DPR91-0016 to remove the existing wooden entrance vestibule and replace it with a new steel and glass vestibule at the Keg Restaurant building on Quadra Street.



Figure 1: Site Plan

PLANNING POLICY

Official Community Plan (2008)

- 4.2.2.1 "Support quality architectural and urban design that:
- uses local, durable and eco-friendly building materials;
 - works with topography and protects the natural environment;
 - reflects our west coast setting;

- enhances a “Sense of Place”;
- respects local history and heritage structures and landscapes;
- creates pedestrian friendly and safe streets and neighbourhoods;
- incorporates and supports the use of alternative transportation; and
- ensure that our community is physically accessible.

5.2.4.1 “Monitor and encourage preservation of heritage resources according to the Saanich Heritage Resources Management Plan and Heritage Action Plan.”

5.2.4.4 “Consider incentives to encourage preservation and designation of privately owned heritage buildings.”

Quadra Local Area Plan (2001)

3.1 “Preserve the public visibility of inventoried and designated heritage resources within Quadra.”

Quadra/McKenzie Development Permit Area Guidelines

The site is within the Quadra/McKenzie Development Permit Area. Relevant guidelines include retaining existing trees and native vegetation where practical, minimizing impervious cover, high quality landscaping adjacent to major roads, setbacks to major roads to accommodate future road widening, enhancing pedestrian environment and public spaces, landscape screening of surface parking, and architectural design that is contemporary and authentic.

DISCUSSION

Neighbourhood Context

The 2,284 m² site is located on the west side of Quadra Street, across from the western terminus of Reynolds Road and in close vicinity to where the Saanich Spur section of the Lochside Trail crosses Quadra Street at Greenridge Crescent. The site is approximately 300 m from the McKenzie-Quadra Neighbourhood “Centre”, and the surrounding area includes a wide range of commercial, residential, and industrial uses.

The subject property is registered on the Heritage Inventory and is a well-recognized landmark. The brick building was originally constructed as a water pumping station in 1900, and was used as such until 1912. The building was subsequently used by various owners as a jam and canning factory followed by a winery operation, until it became the Keg Restaurant in 1978. The subject property and the adjacent two properties (north and south) are somewhat connected functionally due to the shared access and parking configuration. Together the three properties create an area zoned either M-1 Industrial or C-2 General Commercial bounded by Hulford Street to the south, Eley Lane and the Lochside Regional Trail to the west, and Quadra Street to the east.

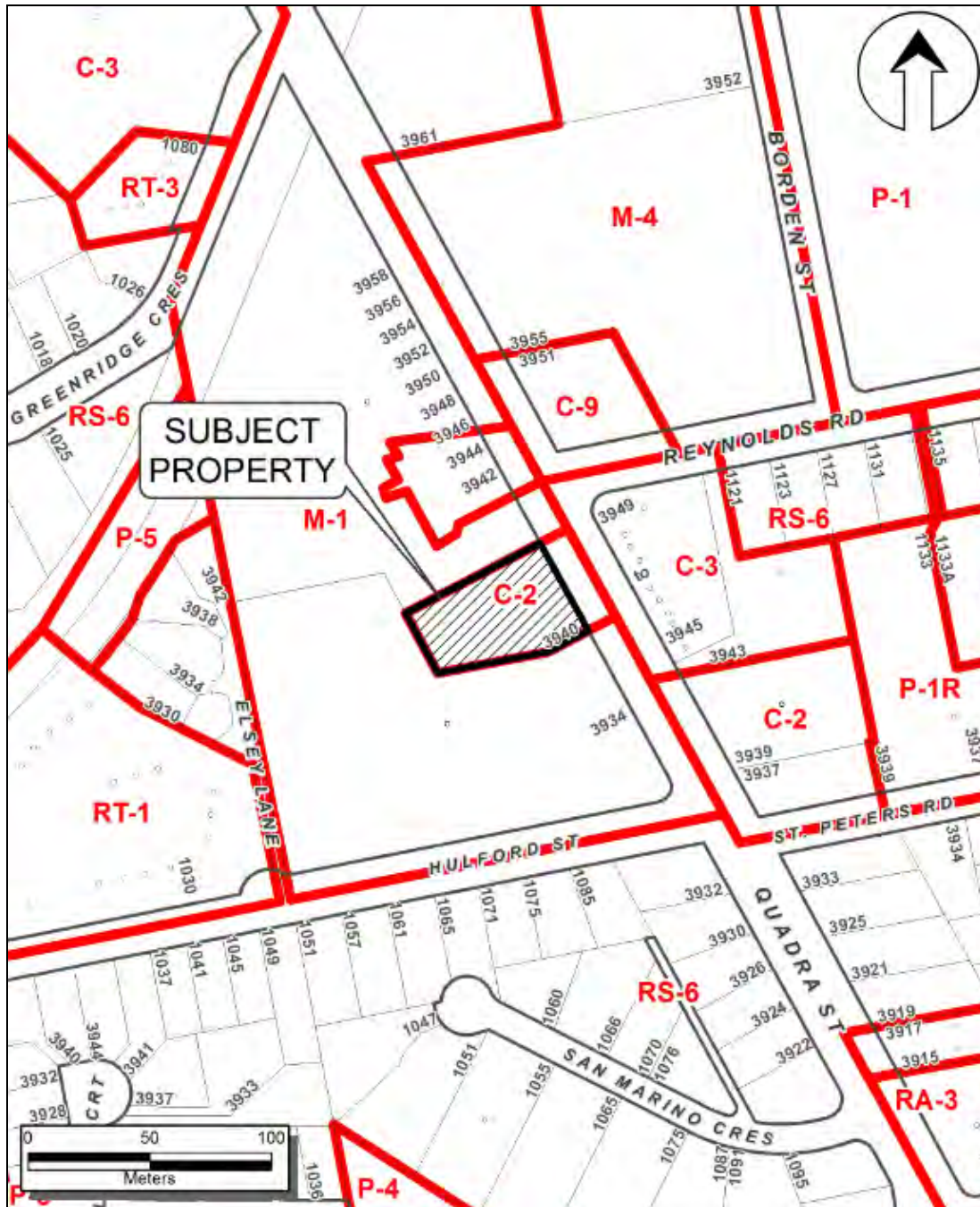


Figure 2: Context Map

Land Use and Density

The subject property is currently zoned General Commercial (C-2) and restaurant is a permitted use under the existing zoning. There are no proposed changes to the land use or density through this application.

Site and Building Design

The single-storey, brick building was designed as a utilitarian, industrial building that included arched windows and door openings which are still evident.

The property currently has a wooden, shed-roofed vestibule at the main entrance which was added onto the original construction (see Figure 3). The proposal is to replace the existing 23.4 m² wooden structure with a 14 m² glass and steel vestibule with a flat canopy roof. Approximately half of the vestibule would include glass walls and the remaining portion would be open (see Figure 4). The proposed structure would extend 0.2 m further from the building face, and be 6.0 m shorter than the existing structure.

The outside edge of the proposed vestibule would be finished with a concrete planter and handrails would be added along the walkway approaching the entrance from both the east and west. The existing concrete landing between the parking spaces and the vestibule would be removed. The adjacent four parking spaces are shorter than the 5.5 m length required for standard cars, these four parking spaces will be designated for small cars.

Heritage Considerations

The building is identified on the Community Heritage Register but is not protected by a heritage designation bylaw. The proposed alterations were referred to the Saanich Heritage Foundation for comment; however, a Heritage Alteration Permit is not required.

Given the heritage significance of the building the owners were asked to consider designating it as a heritage site, or installing a heritage plaque or interpretive signage. The owners have indicated they are not interested in pursuing either option at this time.

Replacing the existing wooden structure with an open or glazed structure would enhance the heritage appearance by increasing visibility of the original brick structure. Rather than trying to mimic or replace a heritage feature of the building, the proposed vestibule has a modern design that is aesthetically distinct from, yet quite complementary to the heritage character.

The open design would create a prominent entrance feature, provide weather protection, and enhance the heritage aspect by exposing the original brick wall and arched window features.



Figure 3: Existing Entrance Vestibule



Figure 4: Proposed Entrance Vestibule (Drawing provided by Number Ten Architectural Group)

CONSULTATION

Community Association

The application was referred to the Quadra Cedar Hill Community Association, no comments have been received to date.

Saanich Heritage Foundation

The application was considered by the Saanich Heritage Foundation on December 8, 2015. The group commented that the proposed alterations are an improvement and they support them in principle.

SUMMARY

The application is to amend DPR91-0016 to remove the existing wooden entrance vestibule and replace it with a new steel and glass vestibule.

The brick building was constructed in 1900 as a water pumping station and is registered on the Community Heritage Register. The well-recognized landmark has been operating as the Keg Restaurant since 1978.

The proposed vestibule with an open design would create a prominent entrance feature, provide weather protection, and enhance the heritage aspect by exposing the original brick wall and arched window features.

RECOMMENDATION

That Development Permit Amendment DPA00858, amending DPR91-0016, be approved.

Report prepared by:



Andrea Pickard, Planner

Report prepared and reviewed by:



Jarret Matanowitsch, Manager of Current Planning

Report reviewed by:



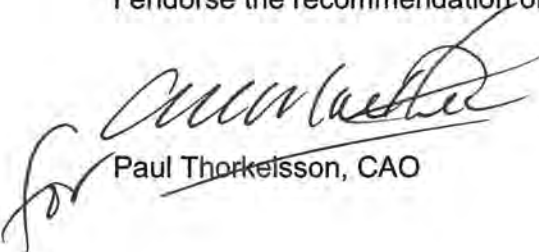
Sharon Hvozdzanski, Director of Planning

AP/ads/sl
H:\TEMPEST\PROSPERO\ATTACHMENTS\DPA\DPA00858\REPORT_3940 QUADRA ST_APRIL 2016.DOCX

cc: Paul Thorkelsson, CAO
Graham Barbour, Manager of Inspection Services

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning.



Paul Thorkelsson, CAO

DISTRICT OF SAANICH

DPA00858
AMENDS DPR91-0016

AMENDMENT TO DEVELOPMENT PERMIT

To: 3940 Quadra Investments Inc
Inc No BC1055345
280 5525 West Boulevard
Vancouver BC V6M 3W6

(herein called "the Owner")

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit applies to the lands known and described as:

**Lot 2, Section 32, Victoria District, Plan 31953
3940 Quadra Street**

(herein called "the lands")

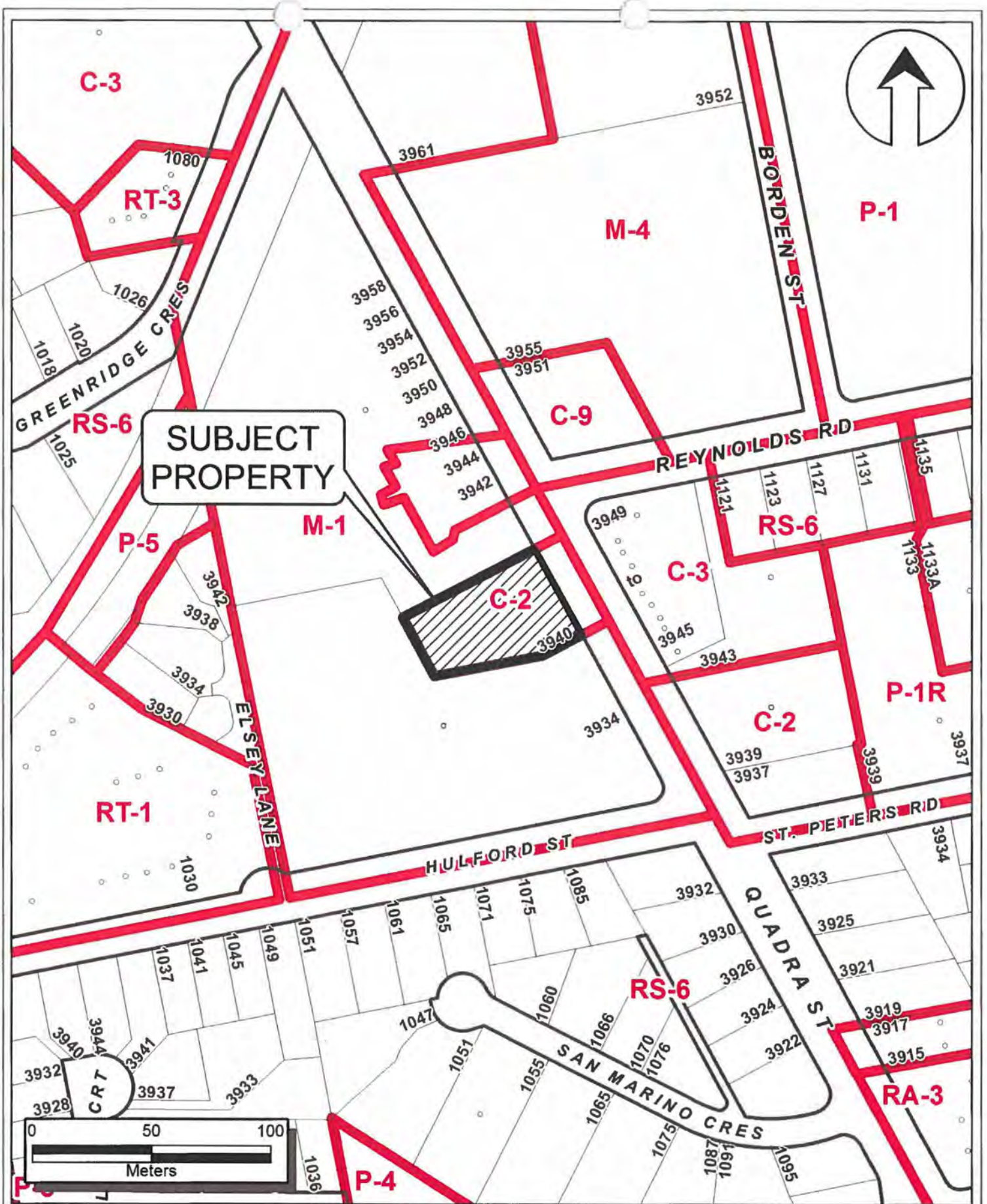
3. This Development Permit further regulates the development of the lands as follows:
 - (a) By requiring the buildings and lands to be constructed and developed in accordance with the plans prepared by Number Ten Architectural Group. The Site Plan (Sheet A-2) date stamped Received January 12, 2016, and all other plans (Sheets A-1 and A-3 to 7) date stamped Received January 4, 2016, copies of which are attached to and form part of this permit.
4. The Owner shall substantially start the development within 24 months from the date of issuance of the Permit, in default of which the Municipality may at its option upon 10 days prior written notice to the Owner terminate this Permit and the Permit shall be null and void and of no further force or effect.
5. Notwithstanding Clause 4, construction of driveways and parking areas, and delineation of parking spaces shall be completed prior to the issuance of an Occupancy Permit.
6. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in her absence, the Manager of Current Planning.
7. Notwithstanding the provisions of Section 6 of this Permit the following changes will be permitted and not require an amendment to this Permit:
 - (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.

- (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with the Director of Planning, or Manager of Current Planning in her absence.
 - (c) Where items noted under Section 7(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit.
8. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors and assigns as the case may be or their successors in title to the land.
9. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE

_____ DAY OF _____ 20 _____
ISSUED THIS _____ DAY OF _____ 20 _____

Municipal Clerk



10-04 Manning
X: 2860-20 Rainbow

CW 11 May 17 16

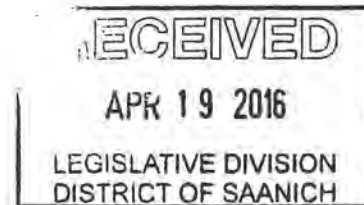


The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Com. Assoc.
Applicant
Council
Administrator
Media

Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: April 18, 2016
Subject: Development Permit Amendment Application
File: DPA00861 • 4027 Rainbow Street



PROJECT DETAILS

Project Proposal: The applicant requests an amendment to Development Permit DPR00487 in order to: 1) construct a second entrance to the underground parking for the proposed south condo building at Rainbow Hill; and 2) construct a new driveway access to the site from Rainbow Street.

The new access driveway would pass through three residential properties, of which two are in the Agricultural Land Reserve. The Agricultural Land Commission has confirmed that the properties at 804 and 812 McKenzie Avenue (see Figure 4) are exempt from the ALR restrictions through "ALR Act" s.23(1) because, on December 21, 1972, both properties were by separate Certificate of Title, less than 2 acres.

Address: 4027 Rainbow Street
Legal Description: Lot 2, Section 49, Victoria District, Plan VIP89128
Owner: Aplomado Developments Ltd & Dan Doore
Applicant: Aplomado Developments Ltd & Dan Doore
Application Received: January 22, 2016
Parcel Size: 8039 m²
Existing Use of Parcel: Single Family Dwelling

CW
2

Existing Use of Adjacent Parcels:	North: Attached Housing (RM-RH) South: Park (RM-RH) East: Church and School (P-1) West: Single Family Dwellings (RS-6 & RS-10)
Current Zoning:	RM-RH (Residential Mixed Rainbow Hill Zone)
Minimum Lot Size:	N/A
Proposed Zoning:	N/A
Proposed Minimum Lot Size:	N/A
Local Area Plan:	North Quadra
LAP Designation:	Mixed Residential
Community Assn Referral:	North Quadra Community Association - Letter of non-support received March 8, 2016.

PROPOSAL

The applicant requests an amendment to Development Permit DPR00487 in order to:
1) construct a second entrance to the underground parking for the proposed south condo building at Rainbow Hill; and 2) construct a new driveway access to the site from Rainbow Street.

The new access driveway would pass through three residential properties, of which two are in the Agricultural Land Reserve.

The Agricultural Land Commission has confirmed that the properties at 804 and 812 McKenzie Avenue (see Figure 4) are exempt from the ALR restrictions through "ALR Act" s.23(1) because, on December 21, 1972, both properties were by separate Certificate of Title, less than 2 acres.

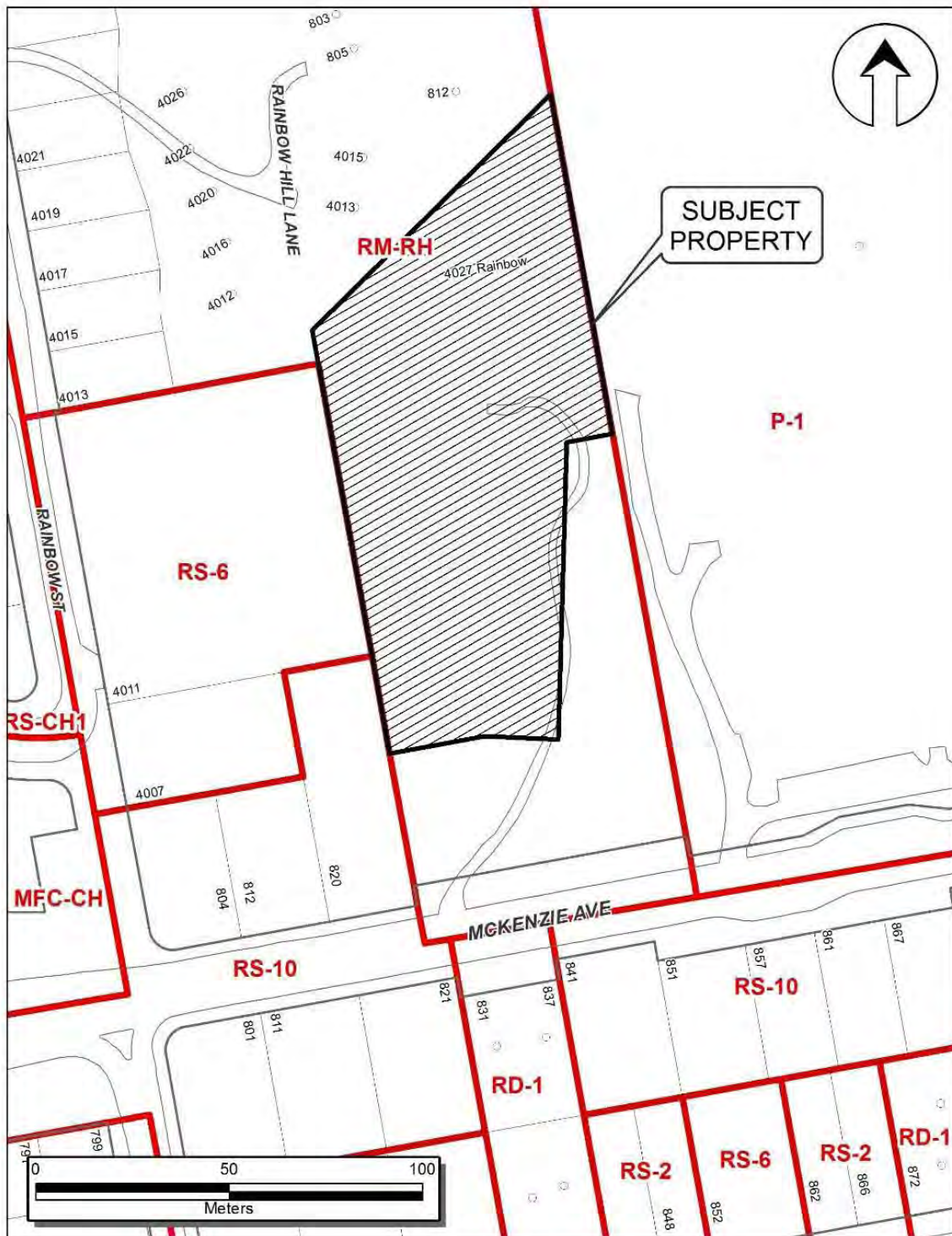


Figure 1: Context Map

PLANNING POLICY

Official Community Plan (2008)

- 4.2.1.14 “Encourage the use of ‘green technologies’ in the design of all new buildings.”
- 4.2.1.16 “Encourage ‘green’ development practices by considering variances, density bonusing, modified/alternative development standards or other appropriate mechanisms when reviewing development applications.”
- 4.2.1.18 “Encourage new development to achieve higher energy and environmental performance through programmes such as ‘Built Green’, LEED or similar accreditation systems.”
- 4.2.1.20 “Require building and site design that reduce the amount of impervious surfaces and incorporate features that will encourage ground water recharge such as green roofs, vegetated swales and pervious paving material.”

North Quadra Local Area Plan (2003)

North Quadra Local Area Plan, Map 5.1 designates the site for “potential multi-family housing.”

Christmas Hill Slopes Action Plan (1995)

“Support mixed housing on the Rogers South, McKenzie/Douglas (SIDC) and Rainbow East areas, having consideration for significant vegetation and other environmentally important features.” The site is located in the Rainbow East area.

Development Permit Areas – Justification and Guidelines (1995)

The site is subject to the guidelines of the Saanich General Development Permit Area. Key environmental guidelines relate to preservation of the natural environment and minimizing impervious cover. Key form and character guidelines relate to topography, building/site design, building height in relation to the height of surrounding buildings, and protection and enhancement of the urban forest.

DISCUSSION

Background

The Rainbow Hill site was rezoned to RM-RH (Residential Mixed Rainbow Hill Zone) in January 2008 to permit a mixed-residential development comprising: single family residential lots; attached dwellings; and two apartment buildings. As part of the rezoning application, the “Rainbow Hill Planning and Design Manual, Rainbow Hill Landscape Guidelines” and the project “Sustainability Statement” were registered by covenant on the property’s Title to guide the review and issuance of future Development Permits for the attached housing and apartment buildings. The covenant also secured the phasing of amenities given the long-term nature of the project.

The subdivision to create the single family dwelling lots and attached housing and apartment sites was registered in 2011 and construction of the single family dwellings and attached housing is now complete. As part of the subdivision: a sidewalk was constructed on

Rainbow Street; a 3840 m² area fronting McKenzie Avenue was dedicated for park; and a 370 m² area along McKenzie Avenue was dedicated for future road widening to improve the sidewalks and add space for bicycle lanes. As part of the development of the attached housing, a 1300 m² area adjacent to Swan Lake Christmas Hill Nature Sanctuary was also dedicated for park.

The applicant requests an amendment to the existing Development Permit in order to construct: a second entrance to the underground parking; and a new driveway access to the site from Rainbow Street. The details of these proposed changes are outlined below.

Parkade Change to South Apartment

Development Permit DPR00487 to construct a total of 77 apartment units in two buildings, each with two levels of underground parking, was issued in December, 2011. The parkade access to the south building was planned on the south side of the building. An internal ramp system was to provide access between the parking levels.

In order to reduce construction costs the applicant proposes to eliminate the internal ramp and construct a second access into the underground parkade on the west side of the building so that each parking level would be accessed independently. Because of the relationship of the building to the site, the second entrance can be incorporated into the textured concrete foundation wall with only minor changes to the building façade and ground level view. The new entrance would be landscaped consistent with the quality of landscaping indicated on the approved Development Permit plans. These changes would not detract from the overall design intent or building appearance and can be supported.



Figure 2: South Building (West Elevation)

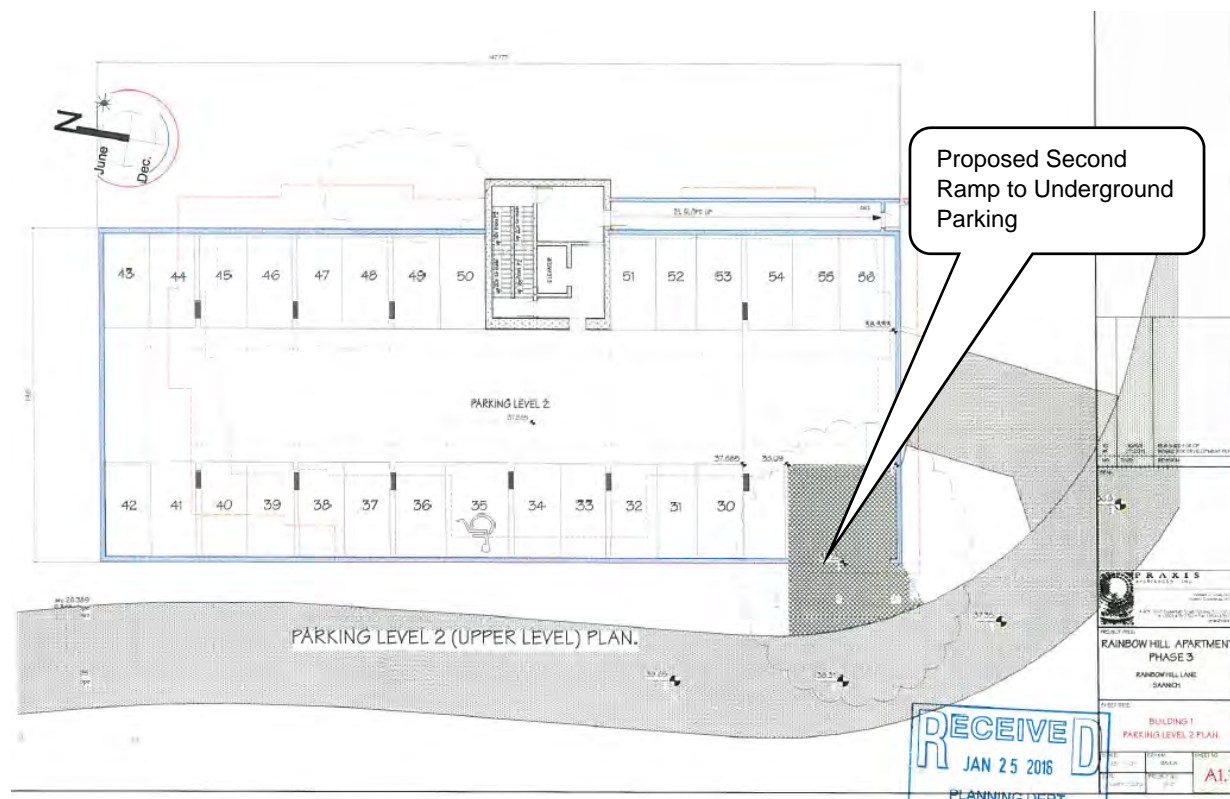


Figure 3: Revised Parkade Plan

New Driveway Access

Vehicle access to the apartment site is by easement only via the strata road through the attached housing site and two driveway connectors to Rainbow Street. Residents in the attached housing are concerned about the volume of traffic that would use the strata road when construction is completed and the apartments are occupied. To address their concern, the applicant proposes to provide access to Rainbow Street from the south-west part of the site in order to reduce the amount of apartment traffic passing through the attached housing site and the upper section of Rainbow Street.

The applicant proposes to construct a new private driveway from the south-west end of the property, across 804, 812 and 820 McKenzie Avenue, which he now owns, to connect to Rainbow Street and Blackberry Road. The minimum 6.0 m wide, two-way driveway complete with curb and gutter and 1.5 m wide sidewalk would be secured by way of an easement across the McKenzie Avenue properties in favour of the Rainbow Hill properties. Registration of a statutory right-of-way to permit the general public to use the driveway for pedestrian access to the yet to be named Saanich Park would be secured as part of the Development Servicing Requirements. The driveway would be designed to accommodate fire truck access. No parking would be permitted along the driveway.

The proposed driveway would not lessen the future development potential of the three McKenzie Avenue properties which would remain large enough in area for a future multi-family housing development accessed from the new private driveway.



Figure 4: Proposed New Site Access

Environment

The McKenzie Avenue properties contain a mixture of natural vegetation including Garry Oak trees, lawn and gardens, and other non-native vegetation. The environmental policies of the North Quadra Local Area Plan (2003) and Christmas Hill Slopes Action Plan (1995) stress the importance of protecting and restoring native vegetation, wildlife habitat, and significant treed areas.

Most of 820 McKenzie Avenue and the north-east corner of 812 McKenzie Avenue are within the Environmental Development Permit Area (EDPA) and designated as Garry Oak Woodland Ecosystem. In May, 2015 a field verification and assessment of the Sensitive Ecosystem ESA and EDPA were undertaken for the site by Mr. Ted Lea, R.P.Bio. The assessment noted that the area contained a few individual plants typical of a Garry Oak Woodland Sensitive Ecosystem mostly located in one small area. The proposed driveway and sidewalk would be outside of the ESA as there is no ESA on the site. Saanich Environmental Services has reviewed the findings and acknowledges that, based on the consultant's report, the proposed roadway is exempt from the regulations of the EDPA.

Saanich Parks has reviewed the proposal and notes that the proposed sidewalk would encroach by about 2 m² onto the corner of the Saanich Park. Since the encroachment is for a publically accessible sidewalk, Parks has no objection to the proposal. Saanich Parks notes that several low limbs would need to be pruned off Garry Oak trees to provide adequate clearance over the access driveway.

The proposal would likely require removal of Garry Oak trees #368 and #371 that are 45 cm and 53 cm diameter respectively. The Project Arborist has stated that tree #368 has structural defects and should not be considered for retention. He recommends that the impact to tree #371 from construction of the driveway and sidewalk can be mitigated by eliminating all excavation within the root zone and building the road using Geogrid, Geotextile, porous road base and pervious surfaces. Parks recommends that these same construction techniques should also apply within the root zones of Garry Oaks #372, 374, 198 and 199. The applicant has stated that driveway construction would be supervised by the Project Arborist and construction techniques would be utilized based on the arborist's recommendations, to protect the trees.

The proposed access driveway has been designed to meet Engineering Department requirements while minimizing potential environmental impacts. Nevertheless, Environmental Services has stated that the environmental impacts of the access driveway could be further mitigated if the applicant was willing to commit to salvaging native plants and restoring and covenanting additional areas, in particular, the remnant Garry Oak Woodland in the northern part of 820 McKenzie Avenue. The applicant has stated that he is currently working on a development proposal for the area of the McKenzie Avenue parcels south of the proposed access driveway and expects to submit a Rezoning and Development Permit Application for the site in the near future. Further efforts to mitigate potential environmental impacts, including consideration for a natural state covenant for 820 McKenzie Avenue, would be addressed through the development review process when a design concept for the site is available.

CONSULTATION**North Quadra Community Association (NQCA)**

The applicant has consulted with immediate neighbours, the Rainbow Hill Strata Association and the NQCA executive. Planning sent a referral to NQCA on January 25, 2016 and met with members of the Community Association Executive on March 7, 2016 to discuss the proposal.

The Association is concerned that acceptance of this new road proposal without conditions to require environmental protection, closure of three existing driveways on McKenzie Avenue, and property dedication along the McKenzie Avenue frontage, at this time, would put the community at a greater risk. For these reasons, the proposal is not supported by the Community Association.

With respect to the driveway closures, the municipality has a legal obligation to maintain access to the existing single family dwellings. Alternative access to the site and future road dedication will be addressed through the rezoning process when a development application for the site has been received.

SUMMARY

In order to reduce construction costs, changes are proposed to the planned south condo building to construct a second access into the underground parkade. Minor changes to the building façade and landscaping would be required to accommodate the new parking access. These changes would not detract from the overall design intent or building appearance and can be supported.

In addition, to limit the amount of apartment traffic passing through the attached housing site and the upper section of Rainbow Street a new private driveway from the south-west end of the property, across 804, 812 and 820 McKenzie Avenue is proposed to connect to Rainbow Street and Blackberry Road. The proposed driveway would not lessen the future development potential of the three McKenzie Avenue properties. Based on a field verification and assessment of the Sensitive Ecosystem ESA and EDPA undertaken for the site by a Registered Biologist the proposed driveway is exempt from the regulations of the EDPA. Several low limbs would need to be pruned off Garry Oak trees to provide adequate clearance over the access driveway. The proposal would likely require removal of two Garry Oak trees. The applicant has stated that he is currently working on a development proposal for the McKenzie Avenue parcels. Further efforts to mitigate potential environmental impacts, including consideration for a natural state covenant for 820 McKenzie Avenue, would be addressed through the development review process when a design concept for the McKenzie Avenue site is available.

RECOMMENDATION

That Amended Development Permit DPA00487 be approved.

Report prepared by: 
Neil Findlow, Senior Planner

Report prepared and reviewed by: 
Jarret Matanowitsch, Manager of Current Planning

Report reviewed by: 
for:" data-bbox="385 300 425 315"/>
Sharon Hvozdanski, Director of Planning

NDF/gv
H:\TEMPEST\PROSPERO\ATTACHMENTS\DPA\DPA00861\4027 RAINBOW REPORT.DOCX

Attachment

cc: Paul Thorkelsson, CAO
Graham Barbour, Manager of Inspection Services

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning.


 Paul Thorkelsson, CAO

DISTRICT OF SAANICH

NO. DPA00861
AMENDS DPR00487

AMENDMENT TO DEVELOPMENT PERMIT

**TO: Aplomado Developments Ltd.
4045 Rainbow Street
Victoria, BC V8X 2A8**

(herein called "the Owner")

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit applies to the lands known and described as:

**Lot 2, Section 49, Victoria District, Plan VIP89128
4027 Rainbow Street**

(herein called "the lands")

3. This Development Permit further regulates the development of the lands as follows:
 - (a) By requiring the buildings and lands to be constructed and developed in accordance with the plans prepared by Praxis Architects Inc., Murdoch deGreeff Inc. and J.E. Anderson & Associates received on January 25, 2016 and March 1, 2016 copies of which are attached to and form part of this permit.
4. The Owner shall substantially start the development within 24 months from the date of issuance of the Permit, in default of which the Municipality may at its option upon 10 days prior written notice to the Owner terminate this Permit and the Permit shall be null and void and of no further force or effect.
5. Notwithstanding Clause 4, construction of driveways and parking areas, and delineation of parking spaces shall be completed prior to the issuance of an Occupancy Permit.
6.
 - (a) The landscaping requirements of this Permit shall be completed within four months of the date of issuance of the Certificate of Occupancy for the development, in default of which the Municipality may enter upon the lands, through its employees or agents, and complete, correct or repair the landscaping works at the cost of the Owner and may apply the security, interest at the rate payable by the Municipality for prepaid taxes.
 - (b) In the event that any tree identified for retention is destroyed, removed or fatally injured, a replacement tree shall be planted in the same location by the Owner in accordance with the replacement guidelines as specified within the Saanich Tree and Vegetation Retention, Relocation and Replacement Guidelines. The replacement tree shall be planted within 30 days of notice from the Municipality in default of which the Municipality may enter upon the lands and carry out the works and may apply the security provided herein in payment of the cost of the works. For the purpose of this section, existing trees identified for retention and new trees planted in accordance with the

landscape plan attached to and forming part of this permit shall be deemed to be "trees to be retained".

- 7. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in her absence, the Manager of Current Planning.
- 8. Notwithstanding the provisions of Section 7 of this Permit the following changes will be permitted and not require an amendment to this Permit:
 - (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.
 - (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with the Director of Planning, or Manager of Current Planning in her absence.
 - (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit.
- 9. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors and assigns as the case may be or their successors in title to the land.
- 10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE

_____ DAY OF _____ 20 _____
 ISSUED THIS _____ DAY OF _____ 20 _____

Municipal Clerk

APPENDIX X

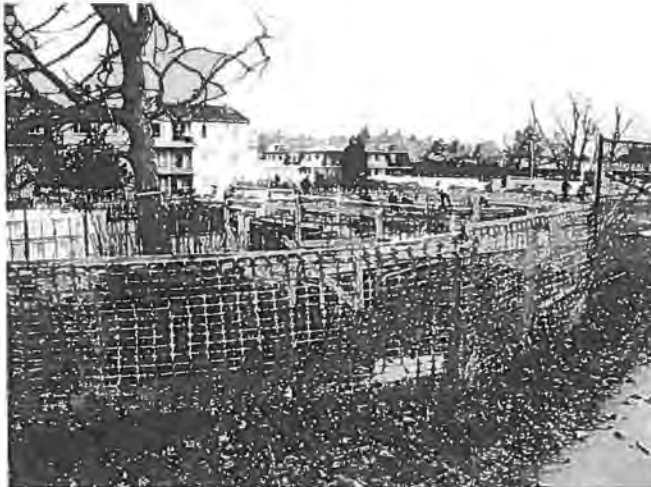
PROTECTIVE FENCING FOR TREES AND COVENANT AREAS

Protective fencing around trees and covenant areas is an important requirement in eliminating or minimizing damage to habitat in a development site.

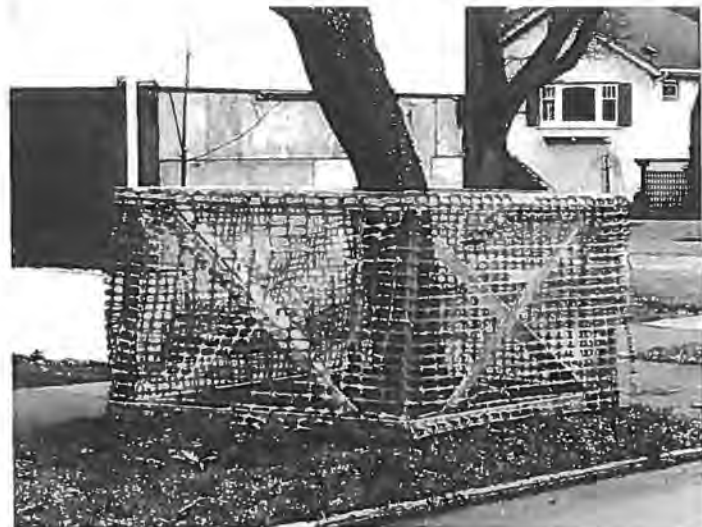
Prior to any activities taking place on a development site, the applicant must submit a photo showing installed fencing and "WARNING – Habitat Protection Area" signs to the Planning Department.

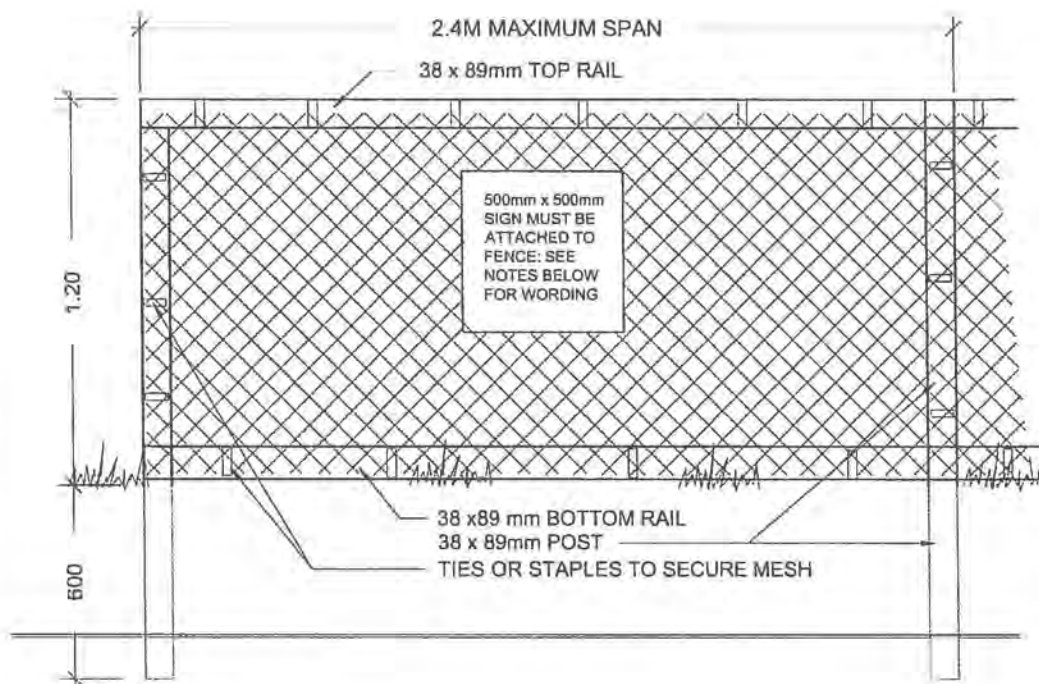
Specifications:

- Must be constructed using 2" by 4" wood framing and supports, or modular metal fencing
- Robust and solidly staked in the ground
- Snow fencing to be affixed to the frame using zip-ties or galvanized staples
- Must have a "WARNING – HABITAT PROTECTION AREA" sign affixed on every fence face or at least every 10 linear metres



Note: Damage to, or moving of, protective fencing will result in a stop work order and a \$1 000 penalty.





TREE PROTECTION FENCING

NOTES:

1. FENCE WILL BE CONSTRUCTED USING 38 X 89 mm (2"X4") WOOD FRAME: TOP, BOTTOM AND POSTS. *
USE ORANGE SNOW-FENCING MESH AND SECURE TO THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.

2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING WORDING:
WARNING-HABITAT PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE FACE OR AT LEAST EVERY 10 LINEAR METRES.

* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED



DETAIL NAME:

TREE PROTECTION FENCING

H:\shared\parks\Tree Protection Fencing.pdf

DATE:	March/08
DRAWN:	DM
APP'D:	RR
SCALE:	N.T.S.

ENTERED
IN CASE

Memo

To: Planning Department

From: Jagtar Bains – Development Coordinator

Date: February 15, 2016

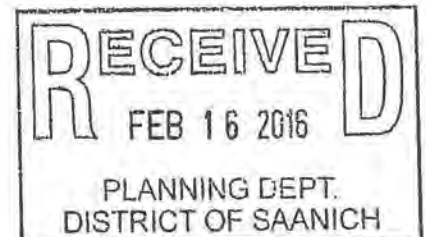
Subject: Servicing Requirements for the Proposed Development- REVISED

**PROJECT: PHASE 3 RAINBOW HILL - DEVELOPMENT PERMIT TO CONSTRUCT
77 DWELLING UNITS IN TWO BUILDINGS**

**SITE ADDRESS: 4027 RAINBOW ST
PID: 028-308-077
LEGAL: LOT B SECTION 49 VICTORIA LAND DISTRICT PLAN
DEV. SERVICING FILE: SVS01716
PROJECT NO: PRJ2009-00626**

The above noted application for Development Permit Amendment has been circulated to the Engineering Department for comment. A list of servicing requirements has been attached on the following page(s). To allow Council to deal effectively with this application, we would appreciate confirmation, prior to the Committee of the Whole Meeting, that the applicant agrees to complete the servicing requirements. Should there be any disagreement with any of these requirements, it should be discussed with the undersigned prior to the Committee of the Whole Meeting.

Jagtar Bains
DEVELOPMENT COORDINATOR
cc: Harley Machielse, DIRECTOR OF ENGINEERING



General Information on Development Servicing

Servicing requirements are stated at this time for the applicant's information. The requirements must be met prior to building permit issuance, including consolidation or subdivision, payments and/or deposits.

Services which must be installed by a developer must be designed by a Professional Engineer hired by the developer and installed under the Engineer's supervision. The design must be approved prior to building permit issuance. The approval process may take up to 30 working days of staff time to complete circulations and request revisions of the Engineer. Certain circumstances can lengthen the approval process.

A Financial sheet is issued with the design drawing which will state:

- 1) The estimated cost of developer installed servicing plus 20% which must be deposited.
- 2) The estimated cost of Municipal installed servicing which must be paid.
- 3) The Development Cost Charges payable.
- 4) Any special conditions which must be met.

This information is not intended to be a complete guide to development procedures. A more complete listing may be found in Section 2 of the Engineering Specifications, Schedule H to Bylaw 7452 (Subdivision Bylaw).

Development Servicing Requirements

Development File: SVS01716
Civic Address: 4027 RAINBOW ST
Page: 1

Date: Feb 15, 2016

Drain

1. A SUITABLY DESIGNED STORM DRAIN SYSTEM MUST BE INSTALLED TO SERVICE THE PROPOSED DEVELOPMENT FROM THE EXISTING SYSTEM ON MCKENZIE AVE. THIS SEWER INSTALLATION MUST FOLLOW THE ABANDONED DRIVEWAY WITHIN THE PARK.
2. GREASE/OIL INTERCEPTORS MUST BE INSTALLED ON SITE TO COLLECT FLOW FROM THE PROPOSED CATCHBASINS IN UNDERGROUND PARKING AREAS.
3. ALL PROPOSED BUILDING AND PARKING AREAS MUST BE DRAINED IN ACCORDANCE WITH THE B.C. BUILDING CODE REQUIREMENTS.
4. THE EXISTING UNDERSIZED STORM DRAIN MAIN ON RAINBOW STREET, BETWEEN MCKENZIE AVENUE AND SEVENOAKS ROAD, MUST BE UPGRADED.
5. STORM WATER MANAGEMENT MUST BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW. THIS SUBDIVISION/DEVELOPMENT IS WITHIN TYPE 1 WATERSHED AREA WHICH REQUIRES STORM WATER STORAGE, CONSTRUCTION OF WETLAND OR TREATMENT TRAIN AND SEDIMENT BASIN. FOR FURTHER DETAILS, REFER TO SECTION 3.5.16, STORM WATER MANAGEMENT AND EROSION CONTROL OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW.
6. RUNOFF FROM THE PROPOSED ACCESS ROAD, ALONG THE REAR OF 804, 812 AND 820 MCKENZIE AVE., MUST BE INTERCEPTED AND CONNECTED TO THE EXISTING STORM DRAIN MAIN ON RAINBOW STREET.

Gen

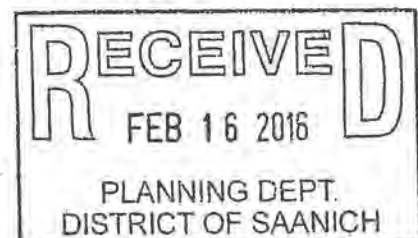
1. THIS PROPOSAL IS SUBJECT TO THE PREVAILING MUNICIPAL DEVELOPMENT COST CHARGES.
2. BI-DIRECTIONAL AMPLIFICATION SYSTEM IN SUPPORT OF THE CREST RADIO NETWORK, MUST BE INSTALLED TO FUNCTION IN ALL AREAS OF THE PROPOSED BUILDING TO THE SATISFACTION OF THE SAANICH FIRE DEPARTMENT AND BILL SIDAWAY, CREST OPERATIONS MANAGER. CONTACT TODD CAVE, SAANICH PREVENTION DIVISION AT 250-475-5508 FOR FURTHER DETAILS.
3. PROPOSED BUILDINGS ARE REQUIRED TO COMPLY TO "HIGH BUILDING" REQUIREMENTS OF B.C. BUILDING CODE ARTICLE 3.2.6.
4. PROPOSED BUILDINGS MUST COMPLY TO SAANICH ADAPTABLE STANDARDS.
5. FIRE FIGHTER CLOSET IS REQUIRED ON 6TH FLOOR OF EACH BUILDING INCLUDING SCOTT AIR BOTTLES AND APARTMENT PACKS IN ACCORDANCE WITH THE REQUIREMENTS OF SAANICH FIRE DEPT. CONTACT TODD CAVE OF SAANICH FIRE DEPT. AT 250 475 - 5508 FOR FURTHER DETAILS.
6. PUBLIC PEDESTRIAN ACCESS RIGHT-OF-WAY IS REQUIRED OVER THE PROPOSED ACCESS ROAD ACROSS THE REAR OF 804, 812 AND 820 MCKENZIE AVE. AND OVER THE DRIVEWAY WITHIN THIS DEVELOPMENT.
7. THE BUILDINGS ARE REQUIRED TO COMPLY WITH THE 2012 BC BUILDING CODE AND MUNICIPAL BYLAWS. BUILDING AND PLUMBING PERMITS WILL BE REQUIRED FOR ALL WORKS.

Hydro/tel

1. UNDERGROUND WIRING IS REQUIRED TO SERVE ALL PROPOSED BUILDINGS.

Road

1. A CASH CONTRIBUTION IS REQUIRED IN LIEU OF BIKE LANE, SIDEWALK AND RETAINING WALL ON MCKENZIE AVENUE FRONTING THE PARKLAND BETWEEN 820 AND 880 MCKENZIE AVENUE.



Development Servicing Requirements

Development File: SVS01716
Civic Address: 4027 RAINBOW ST
Page: 2

Date: Feb 15, 2016

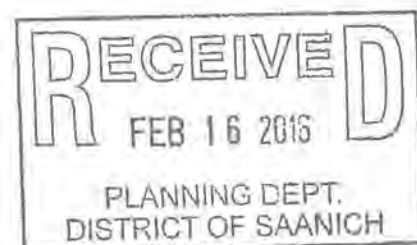
2. PROPOSED ACCESS ROAD, ALONG THE REAR OF 804, 812 AND 820 MCKENZIE AVENUE, MUST BE MINIMUM 6.0 M WIDE WITH 1.5 WIDE SIDEWALK. THE REQUIRED PRIVATE EASEMENTS MUST BE REGISTERED IN FAVOR OF THIS DEVELOPMENT. IT IS RECOMMENDED THAT THIS SIDEWALK BE EXTENDED TO THE MAIN ENTRANCES OF BOTH PROPOSED BUILDINGS AND ALSO TO CONNECT WITH THE PROPOSED GRANULAR TRAIL IN THE EXISTING PARKLAND.
3. RAINBOW STREET, BETWEEN BLACKBERRY ROAD AND THE PROPOSED ACCESS ROAD, MUST BE IMPROVED TO RESIDENTIAL ROAD STANDARDS COMPLETE WITH CONCRETE CURB AND GUTTER. ALSO, A SIDEWALK MUST BE CONSTRUCTED BETWEEN THE EXISTING SIDEWALK ON THE WEST OF RAINBOW STREET AND THE PROPOSED ACCESS ROAD.
4. IT IS RECOMMENDED THAT THE PROPOSED INTERSECTION OF ACCESS ROAD FROM RAINBOW STREET AND ON-SITE DRIVEWAY BE REALIGNED TO FORM A "TEE".
5. PROPOSED ACCESS ROAD MUST BE DESIGNED TO ACCOMMODATE TURNING MOVEMENTS BY SAANICH SMEAL AERIAL FIRE TRUCK.

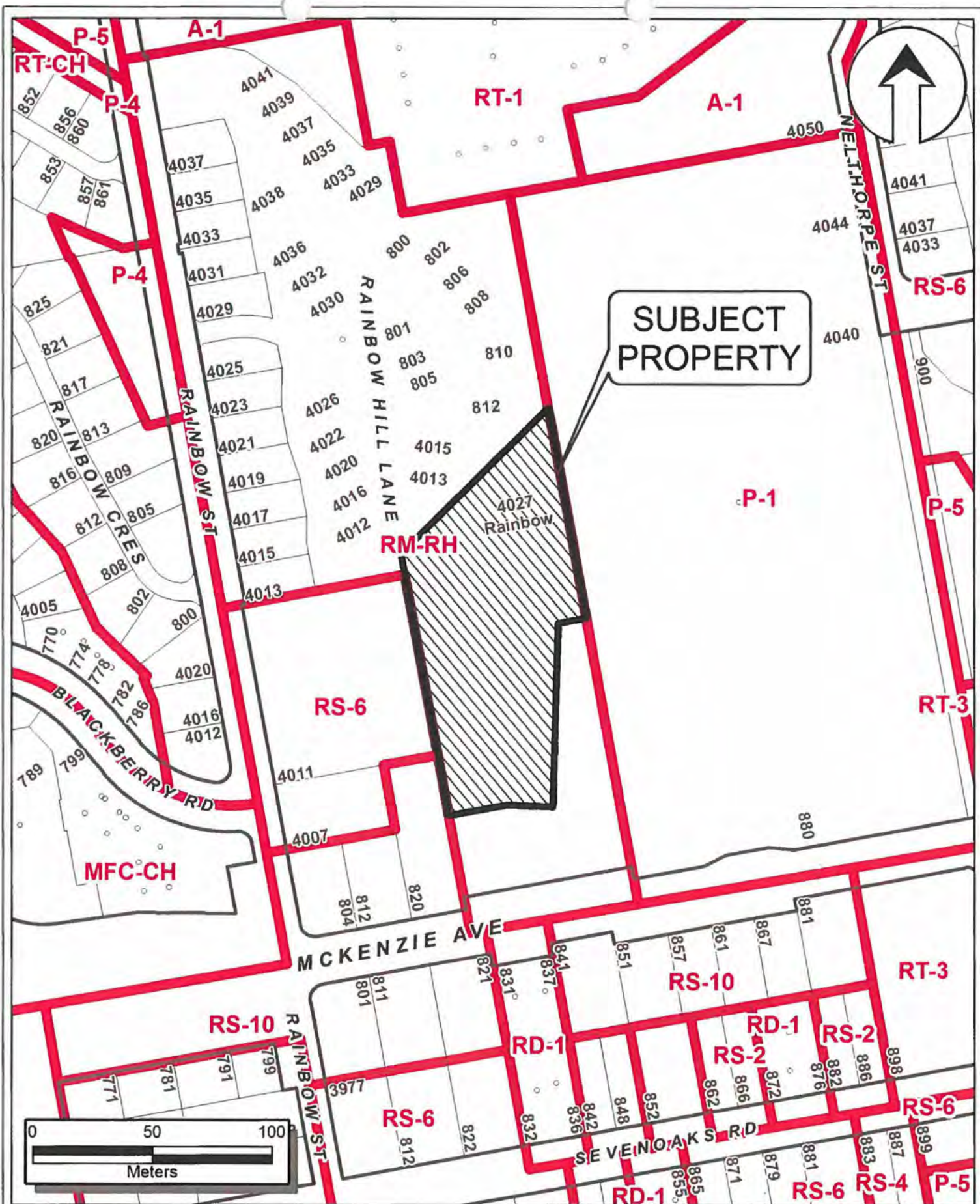
Sewer

1. A SUITABLY DESIGNED SANITARY SEWER SYSTEM MUST BE INSTALLED TO SERVICE THE PROPOSED DEVELOPMENT FROM THE EXISTING SYSTEM ON MCKENZIE AVE. THIS SEWER INSTALLATION MUST FOLLOW THE ABANDONED DRIVEWAY WITHIN THE PARK.
2. SANITARY SEWER LOADING CALCULATIONS ARE REQUIRED FOR THIS PROJECT FROM A CONSULTING ENGINEER, BASED ON THE CURRENT B.C. BUILDING CODE REQUIREMENTS, TO DETERMINE WHETHER THE EXISTING SYSTEM CAN PROVIDE THE REQUIRED FLOW OR UPGRADING IS REQUIRED.

Water

1. FIRE FLOW REQUIREMENT CALCULATIONS FOR THIS PROJECT MUST BE SUBMITTED BY THE CONSULTING ENGINEER BASED ON FIRE UNDERWRITERS SURVEY TO ALLOW THE MUNICIPALITY TO DETERMINE WHETHER THE EXISTING WATER SYSTEM CAN PROVIDE THE REQUIRED FLOW OR UPGRADING IS REQUIRED.
2. A PUMPER CONNECTION FOR THE FIRE SPRINKLER SYSTEM MUST BE PROVIDED AT A LOCATION ACCEPTABLE TO THE FIRE DEPARTMENT AND WITHIN 45 M OF A FIRE HYDRANT. THIS PUMPER CONNECTION IS TO BE FREE-STANDING AND OUTSIDE OF COLLAPSE ZONE OF THE BUILDING.
3. A SUITABLY SIZED WATER MAIN MUST BE INSTALLED FROM THE EXISTING MAIN ON MCKENZIE AVE. THROUGH THE PARK TO SERVE THIS DEVELOPMENT. THIS WATER MAIN ALIGNMENT IS TO FOLLOW THE ABANDONED DRIVEWAY. FIRE HYDRANT(S) WILL BE REQUIRED ON SITE.
4. A SUITABLY SIZED WATER SERVICE MUST BE INSTALLED TO SERVE THE PROPOSED DEVELOPMENT AS PER THE AWWA MANUAL M22. A FIRE LINE WILL BE REQUIRED.





**DOGWOOD
TREE
SERVICE**



DOGWOOD TREE SERVICES LTD.
1611 Kersey Road
Brentwood Bay, BC, V8M 1J5
Tel.: 250.652.9654
www.dogwoodtreeservices.ca

Donald Bottrell, Consulting Arborist

November 30, 2015

Mr. Dan Doore
Cheenaht Holdings
208 - 771 Vernon Avenue
Victoria, BC V8X 5A7

Re: Rainbow Hill Condominium Site Access Plan

Dear Mr. Doore;

As per our on site meeting, on November 27, I offer the following information related to the preservation of Garry oaks, *Quercus garryana*, along the proposed access corridor. The individual trees are referred to by Identification Number as assigned by J.E. Anderson in their site plan dated November 26, 2015.

The proposed site access has the potential to effect the Critical Root Zone (CRZ) of two Garry oaks:

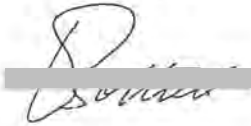
ID No. 368 - This tree has historically been topped. The topping wound is evident with no indication of wound closure. The wound site outwardly exhibits evidence of decay and rot. Although, the undertaking of a Risk Assessment is premature at this time, the outward expression of decay and architectural imbalance does predispose failure of post-topping generated codominant stems at the wound site. Therefore, it is our recommendation that this specimen is not considered for retention.

ID No. 371 - This specimen outwardly expresses "Good" vitality. The proposed access road may impact the CRZ on the SE side of the tree. Historical excavations for construction of the adjacent in ground pool, which is now filled, will have compromised and dictated the development of both woody and non-woody roots. It is our opinion that the road construction impact to the CRZ/Rhizosphere on the SE side could be mitigated by eliminating all excavations for road construction. This would require that the road be built on existing grade using modern arboricultural methodologies. This would be in the form of Geogrid and Geotextile, porous road base and pervious surfaces.

The remaining trees, which have been identified in J.E. Anderson's plan, are far enough away from the proposed area of disturbance. Therefore, it is our opinion that root loss would be nonexistent. However, all Garry oaks on both sides of the "Access Road" will be protected during all phases of construction in accordance with the District of Saanich's "Tree Preservation Bylaw No. 1258."

Should you have any questions regarding the information contained herein, please contact the undersigned.

Yours For the Trees,

A handwritten signature in black ink, appearing to read "Don Bottrell", is written over a thick grey horizontal bar that obscures the printed name.

Don Bottrell, Consulting Arborist
Dogwood Tree Services Ltd.

January 11, 2016

Sharon Hvozdanski, Director of Planning, Saanich
Jarret Matanowitsch, Manager of Current Planning, Saanich

Sent via email to sharon.hvozdanski@saanich.ca and jarret.matanowitsch@saanich.ca

The Rainbow Hill Townhomes Strata Corporation (EPS636) would like to express its strong support for the approval of the proposed secondary access to the Rainbow Hill Towers project by Aplomado Developments. We understand that Aplomado's request is taking the form of a minor change to development permit (DPR00487). We support this proposal for the following reasons:

1. Safety will be improved significantly

The currently-approved access to the condominium development calls for using Rainbow Hill Lane. For this access route, the projected 115 vehicles resident at the Towers site (plus visitors) are required to drive up a steep hill on a narrow curving road through the Rainbow Hill town home development. Several town home owners have to back into Rainbow Hill Lane to exit their garages with very short driveways and limited visibility and the potential for an accident is high with the increased traffic flow. As well, there is only one very short sidewalk on Rainbow Hill Lane so several owners accessing the centralized mailbox or simply going out for a walk have to walk on the roadway—the substantially increased traffic compromises their safety.

The new proposal, in addition to removing most if not all of this traffic from Rainbow Hill Lane, offers a safer, wider access route with fewer curves and steep portions for those accessing the Towers project directly.

Depending on the demographics of Rainbow Hill Towers, there could be quite a bit of pedestrian traffic from Rainbow Hill Towers along Rainbow Hill Lane going to Rogers Elementary and the Rogers Child Care Centre. Having vehicle traffic from Rainbow Hill Towers flow along the wider, proposed secondary access rather than along the narrower, currently-approved Rainbow Hill Lane access will improve pedestrian safety.

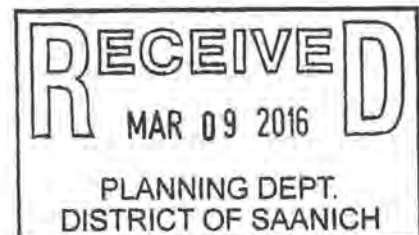
2. Access by emergency vehicles to the Towers Project will be improved significantly

Access via the proposed new route is considerably shorter than via the original route. Our estimates using Saanich's GIS indicate that the proposed route is approximately 65-70% shorter than the original route. This coupled with the fact that the new access route is wider than the original route means that emergency vehicles will be able to access the Towers Project site much more rapidly, easily, and safely.

As well, part of Rainbow Street which would be used under the original proposal is narrow and unpaved and is used as parking at times. It is already a sporadic bottleneck and steep.

3. Access to Rainbow Hill Towers by their owners and guests will be shortened

As noted above, access via the proposed new secondary access route to the Towers Project is about 65-70% shorter than via the originally-proposed Rainbow Street and Rainbow Hill Lane route. This would result in reduced automobile pollution, reduced fuel consumption, and reduced time expended in commuting and accessing the project.



While these are very small for an individual trip, the aggregated impact for an estimated daily 175 to 350 vehicle movements over time is much more significant.

4. Impacts on existing residents in the Rainbow Hill Townhomes and elsewhere will be substantially decreased.

Due to the increased traffic to and from the Rainbow Hill Towers residents under the original access proposal, the 75+ existing single-family units on Rainbow Street, Rainbow Crescent, Rainbow Hill Lane and Rainbow Ridge Lane will all be impacted. These impacts take the form of increased traffic, reduced safety, and increased air and noise pollution. Under the proposed secondary access route, these impacts will be reduced substantially if not eliminated.

While not a primary consideration, approval of the secondary access to Rainbow Hill Towers will possibly increase the assessed values of homes along Rainbow Street, Rainbow Crescent, Rainbow Hill Lane and Rainbow Ridge Lane as well as Rainbow Hill Towers in the medium to long term when compared to the currently-approved access. This benefits the entire community of Saanich.

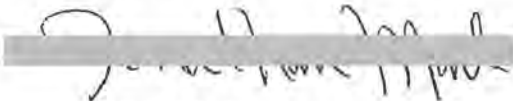
We are aware that one Garry Oak will be lost if this proposal is approved, but we have read the arborist's report and believe that this is not significant as this Garry Oak (ID 368) is already significantly compromised. Furthermore, this would be an extremely small price to pay in return for all of the benefits of the revised proposal identified above. Further, we are aware that an EDPA exemption is being requested but based on the environmental review we have seen, we do not see this as an issue that is sufficient to negate the benefits of the secondary access being proposed.

In summary, the vast majority of owners in the Rainbow Hill Townhomes Strata Corporation are strongly in favour of the proposal to make a minor change to development permit DPR00487 to allow for an additional access route to the Rainbow Hill Towers Project. This additional route will benefit residents on Rainbow Street, Rainbow Crescent, Rainbow Hill Lane and Rainbow Ridge Lane as well as the environment. It will not negatively affect anyone.

I would appreciate it if you would acknowledge receipt of this letter. If you have any questions about this submission, please do not hesitate to contact me.

Thank you in advance.

Jonathan

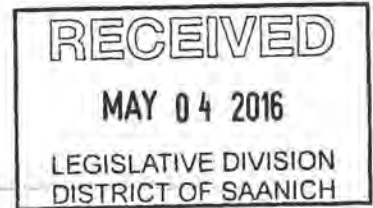


Jonathan Mark
President
Rainbow Hill Townhomes Strata Council

J. Clarke

Planning - Fwd: Rainbow Hill development amendment application

From: Andrea Pickard
To: Neil Findlow; Planning
Date: 5/4/2016 8:39 AM
Subject: Fwd: Rainbow Hill development amendment application



Hi, this email is for the 4027 Rainbow St DPA861 file.

>>> Tate Knowles [redacted] 5/2/2016 12:24 PM >>>
Hello,

I am a homeowner and resident at [redacted] Rainbow Street. As such, my wife and I and our 3 young children will be amongst the residents in the area most impacted by the towers forming the final phase of the Rainbow Hill development and their associated traffic.

I am strongly in support of the proposed development amendment application to create alternate road access to the condo tower site through the properties at 804, 812, and 820 McKenzie Avenue.

The existing access road through Rainbow Hill Lane does not appear suitable for a ten-fold increase in traffic nor for the construction traffic during the build-out of the project. My primary concern, however, is with Rainbow St and potential safety issues from the increased vehicle flow.

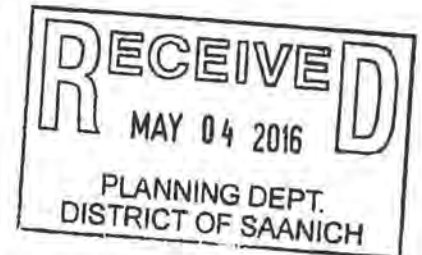
Currently the base of Rainbow Street is un-improved in front of 4007 and 4011 Rainbow St with a narrow paved section barely able to accommodate 2 way traffic. When considered along with the slope of the road, the sharp less than 90 degree bend where Rainbow St meets Blackberry Road, and the increasing amount of illegal parking occurring in front of 4007 and 4011 Rainbow on the gravel shoulder, this section of road is already somewhat dangerous. Increasing the traffic count by 200 cars a day could make this an accident waiting to happen, particularly in inclement weather.

Our children walk along Rainbow Street to Rogers Elementary School daily, along with many others in the neighbourhood. There is a constant stream of pedestrians walking up and down Rainbow St to the Christmas Hill Nature Sanctuary, at all times of day. Many walk on the gravel path on the west side of the road or on the sidewalk on the east, but whether it is advisable or not, many also walk on the road itself.

I hope Saanich can do its part to maintain the safety of our neighbourhood by approving the development amendment application to allow an alternate, better, route to the proposed new buildings.

Regards,

Tate Knowles
[redacted] Rainbow Street



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ClerkSec - Development Permit Amendment - DPA 00861 May 09 meeting

From: "Haji Charania" [REDACTED]
To: <clerksec@saanich.ca>
Date: 5/1/2016 3:08 PM
Subject: Development Permit Amendment - DPA 00861 May 09 meeting
CC: <council@saanich.ca>, <sharon.hvozdanski@saanich.ca>
Attachments: To amend the DPR00487 - response to Planning.docx

POST TO	POSTED
COPY TO	
INFORMATION	<input type="checkbox"/>
REPLY TO WRITER	<input type="checkbox"/>
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>
REPORT	<input type="checkbox"/>
FOR	
ACKNOWLEDGED	

RECEIVED
MAY 02 2016
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

Hello Mr. Mayor and Councillors, good afternoon.

We have requested that this email and our attached letter to the planner dated March 08, 2016 be included in Council's package.

We do not support the Development Permit Amendment at this time primarily because there are many concerns and questions that remain unanswered and unresolved. They are:

1. Why these so called private driveways in the backyards of three properties, namely 804, 812 and 820 McKenzie, are exempted from EDPA consideration? If there are mitigation and/or offsetting environmental value offered or committed by the applicants, where are they? Are they defined and agreed to by the Applicant and Saanich? We urge council to obtain and review them for our mutual benefit.
2. What is the total impact on the property at 4007 Rainbow? These proposed driveways are just to the south of its property line.
3. We would like to see a development proposal consistent with the N Q Local Area Plan (NQLAP) and Christmas Hill Slope Study for the land between the proposed access road and McKenzie. The conceptual plan shown to us on March 07 by the planner had 16 town homes (four butting the proposed road). Given that the total combined gross area of the three properties is approximately 0.33 ha (0.8 acres) it should have 4 town homes to be consistent with the (NQLAP) and 6 town homes if there is a provision of substantially more amenities (Ref: page 19 of the NQLAP - 12 to 18 units per gross hectare). The conceptual density of 16 town homes proposed by the applicant is disingenuous to say the least. We are surprised and somewhat troubled by the fact that the planner would see this as a realistic proposal. We would urge council to receive and review a realistic development schematics and corresponding amenities before making a decision on this application.
4. What assurance or commitment does council has that the current accesses from McKenzie will be closed?
5. What assurance or commitment does council has that a R/W will be acquired along McKenzie as done for 4027 Rainbow Street to the east.
6. We have a major safety concerns for children, pedestrians and motorists at the bottom of steep Rainbow Street. Therefore, we would like to see some commitment from Saanich that the integrity of the sidewalk will be maintained at the three road intersection; there will be a STOP sign and there will be a marked cross walk.

We urge council to give careful consideration to this email and our letter of March 08, 2016 to the planner before making a decision.

As a final comment, we want council to know that NQCA is very cognisant of the fact that our new neighbours (Strata Council), having recently purchased town homes in the Rainbow Hill Development, and not withstanding agreeing to a disclosure statement at the time of purchases, are supporting this alternate access because they do not want to see Construction (gravel, concrete and construction material) trucks rolling back and forth 20 feet from their front doors. Also, it is in their vested interest to see reduced condo traffic through the existing two access roads off Rainbow. We understand their position due to their vested interest, but we urge council to make a right decision considering all concerns and comments presented to you.

This new access road (private driveways) is not supportable until all concerns are satisfactorily addressed. We urge council to defer the decision and/or table the application now and encourage the applicants to come back after they have addressed the comments and concerns. Thank you.

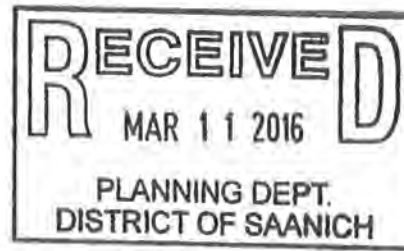
Yours very truly,

Haji Charania
North Quadra Community Association.



March 08, 2016

Mr. Neil Findlow
Senior Planner, District of Saanich
770 Vernon Avenue
Saanich, BC



	ACKNOWLEDGED
✓	CLERKS
	REPLIED

ENTERED
IN CASE

Dear Mr. Findlow

Re: Amendment to the development Permit DPR00487 – proposed new access road to construct two Condo Towers – Rainbow Hill Development.

We want to thank you for taking the time to meet with us on March 07, 2016. As a result of this meeting and our earlier correspondence with the applicant, Aplomada Developments, and the Planning Department we are summarizing our concerns as follows.

1. We are quite concerned that the proposed road through the EDPA has been granted exemption or allowed to proceed further while the process on EDPA review is currently underway.
2. This road is proposed as a private driveway via easements through three properties namely 804, 812 and 820 McKenzie Ave. We are concerned that the ownership of the road will remain in private hands; i.e. the ownership will remain with the applicant and/or related parties.
3. We are concerned that if the new proposed road is approved now, the three properties referred to in 2 above will retain their current zoning. As a result, the applicant will be under no obligation to close the current accesses from McKenzie. In addition, the applicant will be under no obligation to covenant the treed area to the north portion of 820 McKenzie.
4. Therefore, we urge you to secure a written and legally enforceable commitment from the applicant that the current accesses to 812 and 820 McKenzie will be closed, and that a covenant on the ecologically sensitive area on the north part of 820 McKenzie will be covenanted (preferably dedicated) to Saanich. This covenant may be transferred to the new strata council after the rezoning and development permit are reviewed and approved for 804, 812 and 820 McKenzie Avenue.
5. The current schematic design presented to Saanich Planning was not acceptable to us. We believe it did not conform to the North Quadra Local Area Plan and/or Christmas Hill Slope study in terms of density. We were not able to assess the setbacks, heights and variances. Therefore, we were not able to support it. We think significant revisions will be necessary.
6. Therefore, we suggest the applicant should be encouraged to bring forward another realistic development proposal with details for consultation with the community.
7. Why this proposal is being rushed through without a clear and acceptable land use of the three properties owned by the applicant? We would urge you to hold off on the report and recommendations until we have a rezoning and development application, and community consultation on the land use. Ideally that would be the best way to conduct a comprehensive review of this road proposal, with details of the development and appropriate community amenity contribution.

Notwithstanding our concerns, if you decide to proceed to complete the planning report, we will have no choice, but to oppose it. However, for the community association to support the road proposal on an interim basis, as a minimum we would like to see:

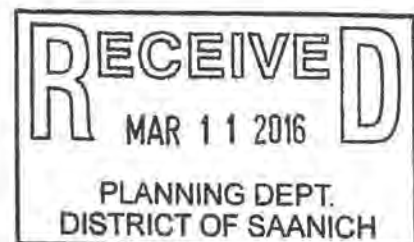
- a. An acceptable schematic development drawing conforming to the Local Area Plan and Christmas Hill Slope study respecting density, height and setbacks, and offering a fair community amenity contribution.
- b. A written and legally enforceable agreement that this road, constructed as a series of three easements, will become a strata road with a municipal statutory right-of-way as required or as stated in the engineering report, and as described to us as a 6 m. wide road with 1.5 m. wide sidewalk.
- c. A written and legally enforceable agreement that the northern piece of 820 McKenzie will be covenanted as a 'no-build' zone or dedicated to Saanich. As you know, we much prefer for Saanich to accept the dedication of the land and preserve it as an urban forest in that area. In our opinion potentially there are some adjoining areas which could be combined and preserved as a large monolithic urban forest area.
- d. A written and legally enforceable agreement to close the existing driveways off McKenzie and provide a road right-of-way along McKenzie as done for the property to the east.

We urge that the above (a) to (d) be done now, as a minimum, before the report and recommendations are prepared for the proposed road amending DPR00487. We look forward to your consideration and a positive outcome. Thank you.

Yours truly,

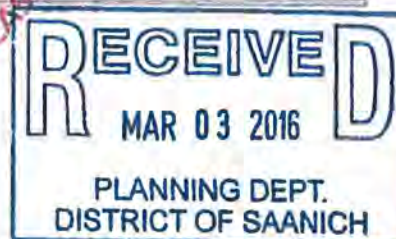
Haji Charania, President

c.c. Mayor and Council, Saanich
 Ms. Sharon Hvozdzanski, Director of Planning, Saanich
 Mr. Jarret Matanowitsch, Manager
 Aplomado Developments



Planning - RE: Road designation question DPA00861

From: "Jeff Bray" [REDACTED]
To: "Neil Findlow" <Neil.Findlow@saanich.ca>
Date: 3/3/2016 9:25 AM
Subject: RE: Road designation question DPA00861
CC: <Planning.Mun_Hall.Saanich@saanich.ca>



Hi,

Thank you for a timely and thorough response. This is very helpful!!

Have a great weekend.

Jeff Bray
 [REDACTED]

From: Neil Findlow [Neil.Findlow@saanich.ca]
Sent: Thursday, March 03, 2016 8:41 AM
To: [REDACTED]
Cc: Planning.Mun_Hall.Saanich@saanich.ca
Subject: Re: Road designation question DPA00861

Jeff,

Thank you for your email with questions about the proposed driveway access to the Rainbow Hill apartment site through 3 residential properties located at 804, 812 and 820 McKenzie Avenue. The applicant proposes to construct the driveway access by easement over the properties which he owns. The driveway would be a minimum 6.0 m wide with a 1.5 m sidewalk along the south side as required by the Saanich Engineering Department. It would be designed to permit emergency access by Saanich Fire apparatus. A right of way to permit public access over the road to the Saanich Park is also required.

Securing the driveway access by easement over three privately owned properties avoids the need for a subdivision and allows flexibility to construct a driveway that meets safety and emergency access requirements and provides for public access to the park while minimizing tree impacts. The property owner would retain ownership of the land for future land use and development considerations. The applicant has submitted a schematic development plan indicating how the parcels could be developed for attached housing in the future with all units having access from this new driveway. Rezoning and Development Permit approval would be required.

Constructing the driveway as a public road would require a subdivision and road dedication which would require a lengthy approval process. The road would need to be constructed to municipal engineering standards which would require a wider road and potentially result in greater tree impacts than with a private driveway. Saanich would be responsible for the cost of maintaining a public road.

Rainbow Hill Lane which currently provides access to the apartment site is a private strata road serving the attached housing component of the Rainbow Hill development. At the time of subdivision, an easement was registered over the strata road and the two driveway connections to Rainbow Street to secure access for the planned apartment development. Since that time, residents of the townhouses have expressed concerns about the amount of additional traffic that will be using the road when the apartments are constructed and occupied. To help address their concern, the owner of the

apartment site has been working with Saanich staff to provide access to Rainbow Street from the southwest corner of the apartment site to reduce the amount of traffic that will pass through the attached housing site and the upper section of Rainbow Street. The driveway would pass over privately owned land that does not belong to the Rainbow Hill strata or is not zoned and approved for a strata development at this time. Therefore, it cannot be secured as common property belonging to and maintained by the Rainbow Hill strata or some future strata.

In summary, the proposed driveway by easement over the privately owned parcels would permit construction of an adequate and safe access to the apartment site with minimal impact on the trees and in a timely manner without the need for subdivision. It would maintain options for future development of the remnant parcels for attached housing consistent with the land use designation of the Christmas Hill Slopes Plan. Rezoning and Development Permit Applications would be required for future development adjacent to the access road.

Cheers

Neil

Neil Findlow, MCIP RPP

Senior Planner
Planning Department
District of Saanich

770 Vernon Avenue
Victoria BC V8X 2W7
t. 250-475-5494 ext. 3405
f. 250-475-5430
neil.findlow@saanich.ca
www.saanich.ca

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>>> "Jeff Bray" [REDACTED] 2/29/2016 1:56 PM >>>

Hi Jarret,

I am the Vice-Chair of the North Quadra Community Association. Last week we had a presentation from a developer; part of his proposal was for an access road. The access road is planned to be designated as an easement. Some of the Community Association wonder why this access road (it will be a private strata road) could not still have the full designation as a roadway.

I am researching what the practical differences are from a development viewpoint between an easement vs a fully designated road. I.e. does it change the setbacks on existing property for development purposes, change the density options etc?

Any help you could provide would be most appreciated.

Jeff Bray
[REDACTED]