

DISTRICT OF SAANICH  
MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, AUGUST 18, 2014 AT 7:30 PM**

Present:           **Chair:**       Mayor Leonard  
                  **Council:**   Councillors Brice, Brownoff, Derman, Gerrard, Murdock, Sanders, Wade and Wergeland  
                  **Staff:**       Paul Murray, Chief Administrative Officer; Sharon Hvozdanski, Director of Planning; Mike Lai, Acting Director of Engineering; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

**PUBLIC HEARING**

2110-20  
Carey Road

**APPLICATION TO INCLUDE MUNICIPAL PROPERTY AT 4112 CAREY ROAD (PANAMA FLATS) IN THE AGRICULTURAL LAND RESERVE**

The intent of this application to the Agricultural Land Commission is to add approximately 14.5 hectares of land in Panama Flats, owned by the District of Saanich, into the Agricultural Land Reserve (ALR). An application for a recreational trail use in these proposed ALR lands forms part of this proposal.

The Clerk introduced the following:

- Notice of Public Hearing;
- Reports from the Director of Planning dated July 28, 2014 with two attached applications to the Agricultural Land Commission; one for inclusion in the ALR and one for recreational trail uses in the ALR. The report recommends that the application to include 14.5 hectares into the ALR at Panama Flats and for a recreational trail use within the ALR be forwarded to the ALC with a recommendation for approval;
- Report from the Director of Parks and Recreation dated February 12, 2014;
- Report from the Director of Planning dated March 8, 2013;
- Excerpts from Council/Committee of the Whole meetings held February 24, 2014 and March 18, 2013; and
- Three letters from residents received following the February 24, 2014 Council meeting, two letters from residents commenting on the application and six letters received on August 18, 2014.

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

- The next step would be soliciting Expressions of Interest for farming the land; the results would then be provided to Council for consideration and a decision.
- If the Agricultural Land Commission (ALC) supports the application for inclusion, Council would have the authority to make further refinements to the Concept Plan without having to return it to the ALC for approval.
- There are other regulatory tools available to Council, such as zoning or park reservation, which would permit Council to further revise the concept in specific areas.

**APPLICANT:**

D. Henderson, Director of Parks and Recreation, presented to Council and highlighted the following:

- The Panama Flats Concept Plan was endorsed by Council in February 2014.

- This application requests approval by the Agricultural Land Commission (ALC) to include the proposed 14.5 hectare portion of Panama Flats in the Agricultural Land Reserve (ALR).
- An application to the ALC for a recreational trail use forms part of the proposal.

In response to a question from Council on the recreational trail concept, the Director of Parks and Recreation stated that Council will have another opportunity for input on the design of the trails during the detailed planning phase.

**PUBLIC INPUT:**

A. Ross, on behalf of the Residents' Association of Strawberry Vale, Marigold and Glanford, stated:

- The Residents' Association opposes the application; ceding control of the site to an outside agency is a concern.
- Putting lands in the ALR does not protect land from potential future pressures.
- Potential conflicts could arise between farmers and neighbours; under Right to Farm legislation, farmers cannot be held liable for odour, noise, or dust.
- It is preferable to leave this property in the natural state.

G. Holloway, Rosehill Road, Friends of the Aery Faery Tangent, stated:

- The Friends unanimously support the applications; this is a strong statement with respect to agricultural use of the land and a boost to the recognition of the ALR in British Columbia.
- Consideration of a trail system is appreciated.
- The long-term vision for Panama Flats is commendable.

In response to a question from Council, the Director of Planning stated that Council will maintain control by determining who the property is leased to and the conditions of land use.

**COUNCIL DELIBERATIONS:**

**MOVED by Councillor Derman and Seconded by Councillor Brownoff: "That the application to include 14.5 hectares into the Agricultural Land Reserve at Panama Flats and for a recreational trail use within the Agricultural Land Reserve be forwarded to the Agricultural Land Commission with a recommendation for approval."**

Councillor Derman stated:

- The municipality owns the property, will decide who leases it and set conditions of use; the intent and vision for this site should be clearly identified for future Councils.
- A special conservation zone on the managed wetland should be established for migratory bird habitat.

Councillor Murdock stated:

- The intent of the application is to preserve the floodplain and protect farmland and farming opportunities; Council will ensure that farmland use is appropriate and is respectful of neighbours concerns.
- Long-term food security benefits can be achieved; this is a significant milestone in the progress for this site.

Councillor Gerrard stated:

- He is pleased that the Concept Plan includes drainage improvements to enable viable agricultural use and increase food security, creation of managed fields to provide seasonal habitat for migratory birds, the addition of new trails, restoration of the Garry Oak ecosystem, and retention of the floodplain.
- Council will control how the property is managed in the future.

Councillor Brice stated:

- It is an amazing opportunity to have Panama Flats, such a large piece of land so close to the urban centre, in public hands where it can be planned for in a holistic way.
- It will be a balancing act to ensure that the variety of uses proposed, which include agriculture, recreational trails and migratory birds, and the issues that came with the land, such as flooding, are managed and maintained.

Councillor Sanders stated:

- The application meets Saanich's sustainability goals of food security and protecting the environment.
- She welcomes the opportunity to manage this investment and create balance between the agricultural and urban communities.

Councillor Brownoff stated:

- Council will need to be proactive and use the tools available to it to protect the variety of uses proposed on this land.
- The management plan developed must be workable and supportable by the community around the site, especially with respect to flooding.
- The recreational and agricultural uses must be designed to be complementary.

Councillor Wergeland stated:

- He thanks the community and staff for their work on the plan; he supports the application and looks forward to moving it forward.

Councillor Wade stated:

- This has been a rare opportunity to acquire land that offers so much to so many; the Concept Plan addresses food security, floodplain management, storm water management, recreation and wildlife habitat preservation.
- When Council considers the Expressions of Interest and develops a management plan, it must succeed in integrating the environmental, educational, recreational and agricultural aspects of the site.

Mayor Leonard stated:

- This Council has tried through various means, to create an environment in Saanich that encourages farm owners to farm their land.
- This municipality is now the owner of agricultural land which should be farmed and protected under the ALR.

**The Motion was then Put and CARRIED**

Minutes

## **ADOPTION OF MINUTES**

**MOVED by Councillor Brownoff and Seconded by Councillor Gerrard: "That Council adopt the minutes of the August 11, 2014 Council and Committee of the Whole meetings."**

**CARRIED**

## **BYLAWS**

1110-30

Reserve Fund  
Bylaws

### **RESERVE FUND BYLAWS**

Final Reading of the "Facilities Reserve Fund Bylaw, 2014, No. 9285", the "Information Technology Reserve Fund Bylaw, 2014, No. 9286", the "Development Cost Charge Reserve Fund Bylaw, 2014, No. 9287", the "Sewer Capital Reserve Fund Bylaw, 2014, No. 9288", and the "Water Capital Reserve Fund Bylaw, 2014, No. 9289".

**MOVED by Councillor Wergeland and Seconded by Councillor Brice: "That Bylaws No. 9285, 9286, 9287, 9288 and 9289 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

1110-30

Reserve Fund  
Repeal Bylaw

### **RESERVE FUND REPEAL BYLAW**

Final Reading of the "Reserve Fund Repeal Bylaw, 2014, No. 9290". To repeal "Machinery and Equipment Reserve Fund Bylaw, 1960, No. 1781", "Parks and Playground Sites Reserve Fund Bylaw, 1960, No. 1785", and "Recreation Facilities Reserve Fund Bylaw, 1967, No. 2781".

**MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 9290 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

1110-30

Capital Works  
Reserve Fund  
Bylaw Amendment

### **CAPITAL WORKS RESERVE FUND BYLAW AMENDMENT**

Final Reading of the "Capital Works Reserve Fund Bylaw, 1959, Amendment Bylaw, 2014, No. 9291". To delete all references to "Public Works" and substitute therefor "Capital Works".

**MOVED by Councillor Brice and Seconded by Councillor Gerrard: "That Bylaw No. 9291 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

Adjournment            On a motion from Councillor Derman, the meeting adjourned at 8:08 pm.

                                 Council Wade left the meeting at 8:08 pm.

                                 The meeting reconvened at 10:06 pm.

**RECOMMENDATIONS**

*From the Committee of the Whole Meeting held August 18, 2014*

2860-40  
Beckwith Avenue/  
Lochside Drive

**1020 BECKWITH AVENUE AND 4362 AND PID 005-776-970 LOCHSIDE DRIVE – AGRICULTURAL LAND RESERVE AND DEVELOPMENT VARIANCE PERMIT – J.E. ANDERSON AND ASSOCIATES**

**MOVED by Mayor Leonard and Seconded by Councillor Derman: “That the Agricultural Land Reserve application for subdivision and recreational trail use within the Agricultural Land Reserve for the properties at 1020 Beckwith Avenue and 4362 and PID 005-776-970 Lochside Drive be forwarded to the Agricultural Land Commission with a recommendation for approval.”**

**CARRIED**

Adjournment            On a motion from Councillor Brice, the meeting adjourned at 10:08 pm.

.....  
MAYOR

I hereby certify these Minutes are accurate.

.....  
MUNICIPAL CLERK

DISTRICT OF SAANICH  
MINUTES OF THE COMMITTEE OF THE WHOLE MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, AUGUST 18, 2014 AT 8:09 PM**

Present:            **Chair:**        Councillor Wergeland  
                         **Council:**    Mayor Leonard and Councillors Brice, Brownoff, Derman, Gerrard, Murdock, and Sanders  
                         **Staff:**        Paul Murray, Chief Administrative Officer; Sharon Hvozdanski, Director of Planning; Mike Lai, Acting Director of Engineering; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

2860-40  
Beckwith  
Avenue/  
Lochside Drive

**1020 BECKWITH AVENUE AND 4362 AND PID 005-776-970 LOCHSIDE DRIVE  
– AGRICULTURAL LAND RESERVE AND DEVELOPMENT VARIANCE  
PERMIT – J.E. ANDERSON AND ASSOCIATES**

Report of the Director of Planning dated July 28, 2014 recommending Council forward the Agricultural Land Reserve (ALR) application for subdivision and recreational trail use within the ALR to the Agricultural Land Commission with a recommendation for approval, that Council waive the statutory frontage requirement under Section 944(2) of the *Local Government Act* for proposed Lots 1 and 2, that Development Variance Permit DVP00359 be approved, and that ratification of the Permit and waiver of the statutory frontage requirement be withheld pending approval from the Agricultural Land Commission.

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

- The north portion of Lot C is outside the Agricultural Land Reserve (ALR); there are portions of land along the western perimeter that follows the proposed trail that are also outside the ALR.
- The property is zoned A-1.
- Proposed Lot 4 is outside the ALR.
- Any future application for further subdivision would have to come back to Saanich for review and consideration.

The applicant, D. Carrier, J.E. Anderson & Associates, on behalf of the owners, presented to Council and highlighted the following:

- Proposed Lot 4 is not in the ALR; it is part of a separate application.
- Lot C is being created to complete Saanich's trail and park connections and for environmental stewardship.
- The boundary between the two existing lots within the ALR are being adjusted; no land use changes are proposed.
- No new lots are being created and land is not being removed from the ALR.
- The community is in support of the application; this application benefits the neighbourhood and the environment.

**PUBLIC INPUT:**

H. Charania, President of the North Quadra Land Use Protection Association, stated:

- The Association submitted a letter dated August 13, 2014 and urges Council to seek responses to their questions.

**Motion:**

**MOVED by Mayor Leonard and Seconded by Councillor Derman: "That it be recommended that:**

1. the Agricultural Land Reserve application for subdivision and recreational trail use within the Agricultural Land Reserve for the properties at 1020 Beckwith Avenue, 4362 and PID 005-776-970 Lochside Drive be forwarded to the Agricultural Land Commission with a recommendation for approval;
2. Council waive the statutory frontage requirement under Section 944(2) of the *Local Government Act* for proposed Lots 1 and 2;
3. Development Variance Permit DVP00359 be approved; and
4. ratification of the Development Variance Permit and the waiver of the statutory frontage requirement under Section 944(2) of the *Local Government Act* be withheld pending Agricultural Land Commission approval for subdivision and recreational trail use within the Agricultural Land Reserve."

Councillor Derman stated:

- This is a rare opportunity to secure environmental features and to establish trail connections.
- Public ownership affords the opportunity to control the water licence on Blenkinsop Lake, protect the riparian area, ensure water quality and levels of flow out of the lake, rehabilitate Beckwith and Grosbeak Creeks and protect the Garry Oak ecosystem.

Councillor Brice stated:

- The application is supported by the Blenkinsop Valley Community Association, the Broadmead Area Residents' Association and the Peninsula Agricultural Commission.
- This is an opportunity to secure land use and to improve connectivity of trails.

In response to a question from Council, the Director of Planning stated that the application does not request an exclusion or rezoning. Council's recommendation to forward the application to the Agricultural Land Commission Council can include a recommendation for 'approval'.

Councillor Gerrard stated:

- The land deeded to Saanich is not considered suitable to farming; this application is a boundary adjustment.
- The acquisition of the land will expand the park and ensure municipal control over Blenkinsop Lake.

Councillor Wergeland stated:

- He thanks the applicants for their patience and cooperation.

**The Motion was then Put and CARRIED**

2860-55  
Shelbourne  
Street

**3541 SHELBOURNE STREET – TEMPORARY USE PERMIT AND DEVELOPMENT VARIANCE PERMIT – LAURA COCHRANE**

Report of the Director of Planning dated July 14, 2014 recommending Council amend Section 5.30 – Temporary Use Permits of the Zoning Bylaw as outlined, and approve Temporary Use Permit TUP00006 and Development Variance Permit DVP00356 to permit the existing dwelling to be used for a community kitchen and food resource centre, and reduce the off-street parking requirement from six to two spaces.

\*\*\*\*\*

Councillor Sanders declared, pursuant to Section 85 of the Council Procedure Bylaw, that she is not entitled to participate in the discussion of the Temporary Use Permit and Development Variance Permit for 3541 Shelbourne Street as she is affiliated with the applicant organization.

Councillor Sanders left the meeting at 8:26 pm.

\*\*\*\*\*

The applicant, L. Cochrane, presented to Council and highlighted the following:

- The Shelbourne Community Kitchen is a non-profit society formed through the collaboration of three churches and two community associations, and dedicated to increasing access to nutritious, affordable food in the Shelbourne Valley.

- The Temporary Use Permit application for a dedicated community kitchen on this property, which is on a major transit route, will enable the society to offer more meal programs per month with more residents able to participate.
- They recognize the need to be a good neighbour; participants and volunteers will be required to sign a Code of Conduct.
- Community kitchens help build community by providing participants with the opportunity to grow food, prepare meals and eat together; this service is lacking in the Shelbourne Valley.

**PUBLIC INPUT:**

M. Bergstrom, President of the Mount Tolmie Community Association (MTCA), stated:

- The Community Association supports the application; a community kitchen benefits the community and promotes local food security.
- A collaborative effort better utilizes resources and promotes fellowship.
- This is an ideal location; the project fits within the vision of the MTCA and Saanich's Strategic Plan.

A. Topley, on behalf of Capital Region Food and Agriculture Initiative Roundtable (CR-FAIR), stated:

- CR-FAIR supports this application which promotes food literacy, urban agriculture and food security.
- Community kitchens help build community by bringing people together around food.

F. Haynes, Chair, Saanich Community Association Network (SCAN), stated:

- SCAN supports the application; gathering people around food helps build community.
- The five stakeholders are a dedicated group that has the capability and passion to make the community kitchen a success.

**Motion:**

**MOVED by Councillor Derman and Seconded by Councillor Brice: "That a Public Hearing be called to further consider the Zoning Bylaw Amendment and Temporary Use Permit TUP00006 on Lot 4, Block 4, Section 37, Victoria District, Plan 1722 except the west 4 feet 6 inches thereof taken for road purposes as shown on said plan (3541 Shelbourne Street)."**

Councillor Derman stated:

- The community kitchen offers a new direction in community building.
- He has been impressed with the variety of new activities that Community Associations are embarking on.
- The proposed location is a good choice, close to transit; the provision of bike racks is appreciated.

Councillor Gerrard stated:

- This collaboration between community partners is a positive initiative and supports a healthy community; he is pleased that there is a business plan and a commitment to a Code of Conduct for participants.
- The proposed location is on a major transit route, bike racks will be available and additional parking has been arranged by agreement with the nearby Shelbourne Street Church of Christ.



Councillor Brownoff stated:

- Her experience with a Saanich seniors community kitchen helped her understand what a valuable service this can be – for socializing, learning about food and connecting with others in the community.
- This community kitchen project will be a model for other communities.
- Learning to grow food is also an important aspect of this project.

Councillor Wergeland stated:

- This is a great initiative; he encourages the applicants to share their story.

**The Motion was then Put and CARRIED**

2870-30  
Haliburton  
Road/Wesley  
Road

**785 HALIBURTON ROAD/4932 WESLEY ROAD – REZONING APPLICATION – JAMES GARDINER**

Report of the Director of Planning dated August 5, 2014 recommending Council approve the rezoning from A-1 to RS-10 for a proposed six lot residential subdivision; and that final reading be withheld pending registration of a covenant requiring that new dwellings on proposed Lots 1-6 conform to a minimum BuiltGreen™ Gold, EnerGuide 82 or an equivalent energy efficient building design and construction standard, and that construction of new dwellings include rough-in for future solar capabilities; and the applicant provide a \$13,200 performance surety for planting of replacement trees on-site and/or elsewhere in the local community when no room can be found to plant replacement trees on-site.

\*\*\*\*\*

Councillor Wergeland declared, pursuant to Section 85 of the Council Procedure Bylaw, that he is not entitled to participate in the discussion of the Rezoning Application for 785 Haliburton Road/4932 Wesley Road as he owns property in the neighbourhood.

Councillor Wergeland left the meeting at 8:50 pm.

Councillor Sanders returned to the meeting at 8:50 pm.

Mayor Leonard assumed the Chair.

\*\*\*\*\*

The applicant, J. Gardiner, Braefoot Road, presented to Council and highlighted the following:

- An original application for this property had proposed a 7 lot subdivision with three panhandle lots; concerns raised by neighbours and the community association resulted in the application being revised to propose a six lot subdivision, with no panhandle lots and no variances necessary.
- The proposed dwellings have been designed to fit the character of the neighbourhood.
- RS-10 zoning is proposed although the lots are larger than required; this will assist in minimizing the size and massing of the new dwellings.
- Four separate access points to the new subdivision will mitigate traffic concerns.
- Storm water will be managed on each lot through bio-swales and rock pits.

- Road improvements will include road widening and the addition of concrete curb and gutter in front of Lot 6 on Wesley Road.
- 41 trees will be retained; replacement trees will be planted on-site or in the community.
- Residents expressed a concern with the lack of water pressure; Saanich staff tested the water pressure and it meets standards; the proposed four additional lots at the end of the water system will not have an impact on the water pressure.
- The applicant is committed to a BuiltGreen™ Gold or EnerGuide 82 energy efficiency standard of construction.

In response to questions from Council, the applicant stated:

- The Lemaire Place cul-de-sac will be extended to provide access to a common driveway for Lots 2, 3 and 5.
- The applicant will register a covenant securing the form and character of the proposed dwellings.
- The proposed dwellings will be complimentary to the existing dwellings.
- All boulevard trees will be retained.
- The size of the proposed dwellings will comply with the RS-10 zoning.

**PUBLIC INPUT:**

J. Hicks, Wesley Road, stated:

- The recommendation by the arborist to locate the driveway on the north side of the property on Lot 6 is preferable.
- The applicant addressed neighbours' concerns by moving to a four lot addition, committing to RS-10 zoning and removing the panhandle lots.

L. Teele, Lemaire Place, stated:

- The property was left in its natural state by the former owner and not maintained; the trees on the property are in poor shape.
- Rats are a concern to neighbours; remediating the property may assist with reducing the rat population.
- An increase in vehicles on Lemaire Place could be a safety issue.
- Water pressure will be a concern with the addition of the proposed dwellings.

T. Hughes, Lemaire Place, stated:

- Water pressure testing was done during off peak hours; the resident questions if re-testing of the water pressure could take place during peak hours.
- Double driveways may alleviate on-street parking concerns.
- Tree replacement should be kept in the immediate neighbourhood.
- Strategically-placed trees may lessen noise from Haliburton Road.

E. Boomars, on behalf of the Cordova Bay Association for Community Affairs, stated:

- The Community Association supports the application.
- Water pressure is a concern.

P. Brix, Haliburton Road, stated:

- Water pressure and rats are a concern.
- Removal of trees and the siting of proposed dwellings may cause privacy issues for neighbours.

M. Barlow, Wesley Road, stated:

- Rats are a problem.
- The resident questions what road improvements will take place in front of Lot 6 on Wesley Road.

E. Lavdovsky, Lemaire Place, stated:

- The former owners did not maintain the property.
- Mature trees should be retained; the proposed dwellings should fit within the character of the neighbourhood.
- Concerns include the rats, the lack of water pressure, increased traffic on Lemaire Place and that lots will be sold instead of developed.

L. Gerlinsky, Lemaire Place, stated:

- The resident questions what can and cannot be covenanted and the difference between public versus strata ownership.

In response to questions, the applicant stated:

- An exterminator has been retained to deal with the rat population in the existing dwellings.
- He is willing to register a covenant to include parking for six vehicles on each lot.
- He will work with neighbours to alleviate privacy concerns.
- Wesley Road, in front of Lot 6, will be widened by 6 metres and curb and gutter will be installed.
- A covenant will be registered for BuiltGreen™ Gold or EnerGuide 82 standard of construction, form and character of the proposed dwellings and rough-in for future solar capabilities.

In response to a question, the Acting Director of Engineering stated that if the road extension belonged to the municipality, the municipality would be responsible to maintain it.

**Motion:**

**MOVED by Councillor Brice and Seconded by Councillor Gerrard: “That a Public Hearing be called to further consider the rezoning application on Lot C, Section 28, Lake District, Plan 9499 (785 Haliburton Road) and Lot 5, Section 28, Lake District, Plan 9380 (4932 Wesley Road).”**

Councillor Brice stated:

- The applicant has shown good faith in working with the neighbours and plans to continue discussions.
- This is an appropriate location for infill.

Councillor Derman stated:

- This property is in disrepair; many neighbours will be affected by this development due to the nature of the property.
- This is not a location that encourages walking and bicycling and there is limited public transit in this area.
- He does not support infill in this location.

In response to a question from Council, the Acting Director of Engineering stated that staff will attempt to re-confirm the water pressure before the Public Hearing.

In response to a question from Council, the Director of Planning stated tree removal recommendations are based on proximity of the tree to the proposed development and the quality of the specimen. If this application goes to Public Hearing, Parks staff will be in attendance.

Councillor Gerrard stated:

- The applicant addressed neighbours' concerns; RS-10 zoning ensures that smaller dwellings are built on the property.
- The Community Association is in favour of the application.

Councillor Sanders stated:

- The commitment to form and character should respect the community and be sensitive to neighbours' concerns.
- She has a concern about the possibility of on-street parking on Lemaire Place.

Councillor Brownoff stated:

- She is pleased to see that there are no panhandle lots proposed; she has concerns with the additional vehicles on Lemaire Place.
- The applicant should provide more detail in relation to form and character and address the privacy concerns of existing neighbours.

Councillor Murdock stated:

- He would like more information around building height, privacy concerns of neighbours and how the dwellings will fit within the context of the neighbourhood.
- This is a complex and creative design.

Mayor Leonard stated:

- The applicant needs to address neighbours' concerns and questions before the Public Hearing so that neighbours have a sense of certainty.

**CARRIED  
with Councillor Derman OPPOSED**

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

.....  
CHAIR

I hereby certify these Minutes are accurate

.....  
MUNICIPAL CLERK