

DISTRICT OF SAANICH
MINUTES OF THE COUNCIL MEETING
HELD AT THE SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, MARCH 27, 2017

Present: **Chair:** Mayor Atwell
 Council: Councillors Brice, Brownoff, Haynes, Murdock, Plant, Sanders and Wergeland
 Staff: Paul Thorkelsson, Chief Administrative Officer; Sharon Hvozanski, Director of Planning (7:30 p.m.); Harley Machielse, Director of Engineering (7:30 p.m.); Adriane Pollard, Manager of Environmental Services (7:30 p.m.); Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk (7:30 p.m.)

Mayor Atwell called the regular Council meeting to order at 6:05 p.m. in Committee Room No. 2.

In Camera Motion **MOVED by Councillor Sanders and Seconded by Councillor Brice: “That pursuant to Section 90 (1) (a) of the *Community Charter*, the following meeting be closed to the public as the subject matter being considered relates to personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.”**

CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned to In Camera at 6:06 p.m.

The regular Council meeting reconvened in Council Chambers at 7:32 p.m.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Wergeland and Seconded by Councillor Brice: “That Council adopt the minutes of the February 28, 2017, March 1, 2017, and March 8, 2017 Special Committee of the Whole meetings; March 13, 2017 Special Council meeting; and March 20, 2017 Council and Committee of the Whole meetings.”

CARRIED

BYLAW FOR FINAL READING

1110-30
Parks &
Recreation Fees
and Charges
Bylaw

PARKS AND RECREATION FEES AND CHARGES BYLAW
Final Reading of “Parks and Recreation Fees and Charges Bylaw, 2017, No. 9418”. To set rates, fees and charges in effect from April 1, 2017 to March 31, 2018.

MOVED by Councillor Murdock and Seconded by Councillor Brice: “That Bylaw No. 9418 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

BYLAW FOR FIRST READING (SUBJECT TO A PUBLIC HEARING)

1410-04
Report – Planning

xref: 1110-30
Official
Community Plan
Bylaw

xref: 2310-20
Shelbourne Valley
Action Plan

OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW

First Reading of “Official Community Plan Bylaw, 2008, Amendment Bylaw, 2017, No. 9419”. To update the appendices to include Appendix “O” Shelbourne Valley Action Plan, and make necessary housekeeping amendments as outlined in the amendment bylaw.

**MOVED by Councillor Haynes and Seconded by Councillor Wergeland:
“That Bylaw No. 9419 be introduced and read.”**

CARRIED

PUBLIC INPUT ON COUNCIL AGENDA ITEMS

Public Input on
Council Agenda
Items

1050-20
Goward House
Lease Agreement

5370-30
Tender 02/17

D. Eyles, Past President of Goward House Society, stated:

- It is appreciated that staff prepared the report in a timely manner; a change to a facility-use agreement would be helpful to the Goward House Society.
- In return, the Society is, in principle, willing to open Goward House for use by Saanich; the Society looks forward to further discussions with staff.

E. Dahli, Mount Baker View Road, stated:

- Goward House is a great place; the change to a facility-use agreement is supportable.

K. Whitcroft, Inverness Road, stated:

- The sidewalk upgrades are appreciated; Linwood Avenue is part of the Safe Routes to School for Cloverdale Traditional School.
- There is concern that some of the driveway accesses are not being used as driveways and do not allow vehicles to drive all the way onto the properties.
- With the new sidewalk, there may be concerns with boulevard parking.

RESOLUTIONS FOR ADOPTION

1410-04
Report -
Engineering

xref: 5370-30
RFP 12/15
Contract
Extension

CONTRACT EXTENSION FOR CONSULTING ENGINEERING AND CONTRACT ADMINISTRATION FOR 2016 WATERWORKS CAPITAL PROJECTS

Report of the Director of Engineering dated March 14, 2017 recommending that Council approve an increase of \$280,000 (excluding taxes and subject to change orders within project budget) to RFP 12/15 for Consulting Engineering Services and Contract Administration for 2016 Waterworks Capital Projects.

The Director of Engineering stated:

- RFP 12/15 was awarded to Parsons Inc. for detailed design work for the replacement of asbestos cement and cast iron water mains in multiple locations in Saanich; the RFP also included optional work for contract administration.
- There is the need for contract administration for the duration of two projects that are taking longer than anticipated; costs have increased as a result of the extended timelines and have exceeded the \$200,000 threshold as required by the Signing Authority Bylaw and Purchasing Policy.

MOVED by Councillor Haynes and Seconded by Councillor Brice: “That Council approve that the amount awarded in RFP 12/15 for Consulting Engineering Services and Contract Administration for 2016 Waterworks Capital Projects be increased by \$280,000 (excluding taxes and subject to change orders within project budget).”

CARRIED

1410-04
Report –
Engineering

xref: 5370-30
Tender 02/17

TENDER 02/17 – SIDEWALK UPGRADES: LINWOOD AVENUE

Report of the Director of Engineering dated March 17, 2017 recommending that Council award Tender 02/17 for Sidewalk Upgrades: Linwood Avenue, and change orders within project budget, to Don Mann Excavating in the amount of \$586,411 (excluding GST).

MOVED by Councillor Brice and Seconded by Councillor Brownoff: “That Tender 02/17 for Sidewalk Upgrades: Linwood Avenue, and change orders within project budget, be awarded to Don Mann Excavating in the amount of \$586,411 (excluding GST).”

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

- The tender includes both sidewalk and sewer construction.
- Further exploration would take place in relation to the driveways that do not allow vehicles to pull completely onto properties.
- Sidewalks without curb and gutter are being constructed therefore boulevard parking may be a concern; this could be alleviated through enforcement, tree placement or signage.

The Motion was then Put and CARRIED

1410-04
Report –
Engineering

xref: 5370-30
Tender 03/17

TENDER 03/17 – TRAFFIC CONTROL SERVICES

Report of the Director of Engineering dated March 15, 2017 recommending that Council award Tender 03/17 for Traffic Control Services to Western Traffic Ltd. in the amount of \$93,225 (based on annual estimated quantities and excluding GST).

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

- Traffic control services are contracted to direct traffic while Saanich crews are doing work at intersections and on roads.
- Traffic control needs vary from project to project; in-house staff could be used for smaller projects.

MOVED by Councillor Plant and Seconded by Councillor Haynes: “That Tender 03/17 for Traffic Control Services be awarded to Western Traffic Ltd. in the amount of \$93,225 (based on annual estimated quantities and excluding GST).”

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

- Costs for traffic control services are based on an as and when needed basis and the municipality is billed for actual hours worked; the RFP is based on upcoming projects and the estimated hours expected for maintenance or capital work.

The Motion was then Put and CARRIED

1410-04
Report –
Engineering

xref: 5370-30
Tender 04/17

TENDER 04/17 – OPEN CUT STORM AND SANITARY REPLACEMENT

Report of the Director of Engineering dated March 17, 2017 recommending that Council award Tender 04/17 for Open Cut Storm and Sanitary Replacement, plus change orders within project budget, to Brunnell Construction Ltd. in the amount of \$1,746,957 (excluding GST).

MOVED by Councillor Wergeland and Seconded by Councillor Brice: “That Tender 04/17 for Open Cut Storm and Sanitary Replacement be awarded to Brunnell Construction Ltd. in the amount of \$1,746,957 (excluding GST).”

CARRIED

1410-04
Report –
Engineering

xref: 5370-30
Tender 05/17

TENDER 05/17 – WATERWORKS FITTINGS

Report of the Director of Engineering dated March 17, 2017 recommending that Council award Tender 05/17 for Waterworks Fittings, for goods as and when ordered, to three vendors as outlined in the report with estimated annual values (based on estimated annual quantities and excluding taxes) as follows: Emco Corporation Ltd. “Waterworks” for \$232,130.90; Andrew Sheret Limited for \$40,968.53; and Fred Surridge Ltd. for \$61,552.03.

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

- The waterworks fittings are part of the regular inventory; different methods are considered to limit the impacts of an earthquake and climate change.
- Each section in the tender was bid upon separately in order to get best value.

MOVED by Councillor Haynes and Seconded by Councillor Brownoff: “That Tender 05/17 for Waterworks Fittings, for goods as and when ordered, be awarded with estimated annual values (based on estimated annual quantities and excluding taxes), as follows: Emco Corporation Ltd. “Waterworks” in the amount of \$232,130.90; Andrew Sheret Limited in the amount of \$40,968.53; and Fred Surridge Ltd. in the amount of \$61,552.03.”

CARRIED

1410-04
Report –
Engineering

xref: 5370-30
Tender 06/17

TENDER 06/17 – ASPHALT PAVING WORKS

Report of the Director of Engineering dated March 17, 2017 recommending that Council award Tender 06/17 for Asphalt Paving Works to Island Asphalt Company (Division of O.K. Industries Ltd.) in the amount of \$1,705,138 (based on estimated quantities and excluding GST).

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

- The intention is to pave a portion of Quadra Street from Rogers Avenue to Nicholson Street; staff are also investigating paving Quadra Street from Nicholson to McKenzie but that will be dependent on any potential conflicts with underground utilities which is currently being reviewed.

MOVED by Councillor Brownoff and Seconded by Councillor Haynes: “That Tender 06/17 for Asphalt Paving Works be awarded to Island Asphalt Company (Division of O.K. Industries Ltd.) in the amount of \$1,705,138 (based on estimated quantities and excluding GST).”

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

- The majority of the roadways listed in the tender are to be paved with full pavement overlays; a few require major repair only.

The Motion was then Put and CARRIED

1410-04
Report –
Engineering

xref: 5370-30
Tender 07/17

TENDER 07/17 – CONSTRUCTION OF CONCRETE WORKS

Report of the Director of Engineering dated March 17, 2017 recommending Council award Tender 07/17 for Construction of Concrete Works to Island Asphalt Company (Division of O.K. Industries Ltd.) in the amount of \$995,875 (based on estimated quantities and excluding GST).

MOVED by Councillor Plant and Seconded by Councillor Wergeland: “That Tender 07/17 for Construction of Concrete Works be awarded to Island Asphalt Company (Division of O.K. Industries Ltd.) in the amount of \$995,875 (based on estimated quantities and excluding GST).”

CARRIED

1410-04
Report –
Engineering

xref: 5370-30
Tender 08/17

TENDER 08/17 – COLD ASPHALT MILLING

Report of the Director of Engineering dated March 17, 2017 recommending that Council award Tender 08/17 for Cold Asphalt Milling to Capital City Paving Ltd. in the amount of \$631,600 (based on estimated quantities and excluding GST).

MOVED by Councillor Brice and Seconded by Councillor Plant: “That Tender 08/17 for Cold Asphalt Milling be awarded to Capital City Paving Ltd. in the amount of \$631,600 (based on estimated quantities and excluding GST).”

CARRIED

1410-40
Report – Parks &
Recreation and
Corporate
Services

xref: 5370-30
RFP 06/17

RFP 06/17 – PARKS AND RECREATION ENTERPRISE SYSTEM REPLACEMENT PROJECT

Report of the Directors of Parks and Recreation and Corporate Services dated March 22, 2017 recommending that Council award RFP 06/17 for Parks and Recreation Enterprise System Replacement Project to ACTIVE Network, LLC, subject to successful contract negotiations and change orders within approved budget, for an estimated cost of \$772,850.45 for implementation and the first three (3) years.

In response to questions from Council, the Director of Parks and Recreation stated:

- It is a three year contract with the ability to extend for three 1 year periods; the estimated cost in the RFP is for the initial three year period; subsequent years would not include implementation costs.
- ACTIVE Networks have provided this type of software implementation before.

MOVED by Councillor Plant and Seconded by Councillor Murdock: “That RFP 06/17 for the Parks and Recreation Enterprise System Replacement Project be awarded to ACTIVE Network, LLC, subject to successful contract negotiations and change orders within approved budget, for an estimated cost of \$772,850.45 for implementation and the first three (3) years.”

CARRIED

1410-04
Report –
Engineering

xref: 1050-20
Goward House
Lease Agreement

GOWARD HOUSE LEASE AGREEMENT

Report of the Director of Engineering dated March 15, 2017 recommending that Council authorize the Director of Legislative Services to amend the Goward House Society’s lease to a facility-use agreement as outlined in the report, and that Council instruct staff to include the increase in Capital and Operating budgets for Facility Operations in the 2017 Financial Plan.

The Director of Engineering stated:

- Council requested staff to review Goward House’s lease agreement and funding model and report back to Council with options for consideration.
- The Goward House Society met with staff and their preference is a facility-use agreement that includes utility costs, maintenance costs and major repairs; an option would be to transfer responsibility to the municipality for utilities, maintenance, major repairs, janitorial and landscaping; the third option is to leave the agreement as it is currently.

MOVED by Councillor Haynes and Seconded by Councillor Wergeland: “That Council:

- 1. Authorize the Director of Legislative Services to amend the Goward House Society’s lease to a facility-use agreement that transfers responsibility for maintenance, utilities and major repair expenses to the municipality, and allows municipal use of the facility and grounds after regular operating hours; and**
- 2. Instruct staff to include the increase in Capital and Operating budgets for Facility Operations in the 2017 Financial Plan.”**

Councillor Plant stated:

- The opportunity to support the organization is appreciated; taking care of seniors and keeping the building in existence for future generations is important.

Councillor Brownoff stated:

- There may be further financial implications if other tenants come forward and request that their leases be amended to transfer responsibility for costs to Saanich.

In response to questions from Council, the Chief Administrative Officer stated:

- Staff were specifically asked to look at the Goward House Society lease agreement; other organizations may come forward to have their agreements reviewed and Council can consider them on a case-by-case basis.
- The costs associated with the facility-use agreement would be considered in the 2017 Financial Plan; the grant application from Goward House would be considered separately from the facility-use agreement.

Councillor Murdock stated:

- Where there would be a cost increase to Saanich as a result of the facility-use agreement, there may be a decrease in the grant application from Goward House Society because the maintenance costs would become part of the facility-use agreement.

In response to questions from Council, the Chief Administrative Officer stated:

- The intent of Goward House would be to have the grant application go forward as submitted; the change to a facility-use agreement may impact the funding requested in that application.
- Grant applications will be discussed during Financial Plan deliberations.

Councillor Haynes stated:

- Goward House may provide further information regarding the grant request.

Councillor Sanders stated:

- Lease agreements should outline that tenants are not to do major renovations of Saanich-owned buildings unless they have permission from the municipality.
- Tenants should be responsible for paying for their own utilities.

In response from questions from Council, the Director of Engineering stated:

- Utilities that would be paid via the lease agreement include BC Hydro, gas, water, and sewer.
- There may be challenges in terms of conservation of utilities if tenants are not responsible for paying them but there is the ability to monitor use; other lease agreements include municipal responsibility for utilities.

Mayor Atwell stated:

- The Society needs some assistance in maintaining the building but it is unclear how utility costs fit with the maintenance and repair of the building.
- When grant applications are considered, the organization's budgets are reviewed; removing the utilities and maintenance from the budget may have an impact on the grant request.
- The direction given to staff was to provide options on getting the Goward House agreement more in alignment with other leases.

In response to questions from Council, the Chief Administrative Officer stated:

- The municipality is responsible for utility costs of other properties that it owns.

Councillor Brice stated:

- Capital projects should be the responsibility of the owner of the property; the operating grant application may have to be adjusted.
- If more information is required, Goward House can be asked to provide it.

Councillor Haynes stated:

- The intent of the review was to ensure the lease agreement was comparable to other lease agreements; having the municipality take on the responsibility for maintenance, repairs and utilities is similar to other lease agreements.

In response to questions from Council, the Chief Administrative Officer stated:

- If Saanich is responsible for capital repairs, it will be important that the building is properly maintained.
- It is not uncommon that the municipality be responsible for utility costs as part of lease agreements; lease agreements are unique and there are historic reasons why decisions were made at various points of time.

Councillor Haynes stated:

- The Society has offered the facility for use by Saanich; if Saanich uses the facility, additional costs for utilities would be incurred and it would be difficult to separate those costs out.

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

- There is no immediate plan to utilize the facility but it could be used for programs under the Older Adult Strategy.

In response to questions from Council, the Chief Administrative Officer stated:

- It is typical with this type of agreement for the municipality to have use of the facility.

Councillor Wergeland stated:

- It would be preferable if Saanich could control the use of utilities to ensure that costs are kept to a reasonable amount.

The Motion was then Put and CARRIED

RECOMMENDATIONS FROM COMMITTEES

1420-40
Personnel
Standing
Committee

PROTECTIVE SERVICES – PERSONNEL COSTS

Recommendation from the March 9, 2017 Personnel Standing Committee meeting that Council support Councillor Haynes in creating a response to arbitrated costs of protective services and to include consultation with the Chief Constable, the Fire Chief and interested parties.

MOVED by Councillor Haynes and Seconded by Councillor Plant: “That Council support Councillor Haynes in creating a response to arbitrated costs of protective services, and to include consultation with the Chief Constable, the Fire Chief and interested parties.”

Councillor Haynes stated:

- Pay increases for protective services are often determined by arbitrated agreements of larger cities.
- Protective Services within BC are looking to moving away from using arbitrated awards as part of collective bargaining.
- The Personnel Standing Committee can make recommendations to Council.

In response to questions from Council, the Chief Administrative Officer stated:

- The Personnel Standing Committee does not have the delegated authority to take action but Council can direct the Committee to prepare correspondence to the Province.
- This matter has been before the Association of Vancouver Island and Coastal Communities (AVICC) and the Union of BC Municipalities (UBCM) before.

Councillor Murdock stated:

- He is supportive of having a letter drafted and brought back to Council for further discussion.

Councillor Haynes stated:

- "Interested parties" as outlined in the motion may include protective services staff or unions; the interested parties will be determined after further discussion with the Chief Constable and the Fire Chief.

Councillor Brice stated:

- It is unlikely that there will be an agreed upon position that can be conveyed in a letter that has support of management and unions.

Councillor Haynes stated:

- It was not his intention to try to get an agreed upon position; the aim is to get feedback from interested parties to assist with preparing a letter.

Councillor Wergeland stated:

- This item has previously been before Council, AVICC, UBCM and the Province; Saanich should be cautious of the amount of letters sent to the Province.

MOVED by Councillor Brownoff and Seconded by Councillor Brice: "That the motion be amended to delete "and interested parties"."

The Amendment to the Motion was then Put and CARRIED with Councillors Plant and Wergeland OPPOSED

Councillor Brownoff stated:

- A letter to the Province may have more strength if other municipalities were supportive.

Mayor Atwell stated:

- The Mayor's Caucus have discussed the item and other municipalities have also expressed their frustration; a unified message is being considered.
- He expects the Executive Team to formulate a message to be voted on at the next UBCM meeting.

Councillor Brownoff stated:

- The Province must consider any motions passed at the UBCM meeting.

Councillor Plant stated:

- Councillor Haynes, as Chair of the Personnel Standing Committee, was directed by the committee, to bring the item forward to Council.

The Motion, as Amended, was then Put and CARRIED with Councillors Sanders and Wergeland OPPOSED

Motion, as Amended:

"That Council support Councillor Haynes in creating a response to arbitrated costs of protective services, and to include consultation with the Chief Constable and the Fire Chief."

Adjournment On a motion from Councillor Brice, the meeting adjourned at 8:35 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

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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, MARCH 27, 2017 AT 8:37 P.M.

Present: **Chair:** Councillor Wergeland
Council: Mayor Atwell and Councillors Brice, Brownoff, Haynes, Murdock, Plant, and Sanders
Staff: Paul Thorkelsson, Chief Administrative Officer; Sharon Hvozdzanski, Director of Planning; Adriane Pollard, Manager of Environmental Services; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

1410-04
Report -
Planning

2893 SEA VIEW ROAD – REQUEST FOR REMOVAL FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

xref: 2860-25
Sea View Road

From the November 14, 2016 Committee of the Whole meeting where a Public Hearing was called. Supplemental report of the Director of Planning dated March 13, 2017 to provide a recommendation in relation to including the existing 15 meter buffer as an option for this property.

APPLICANT:

T. Luchies, on behalf of the owners of Sea View Road, presented to Council and highlighted:

- The definitions in the EDPA Guidelines of the Marine Backshore and the Buffer are the same; the 15 meter Marine Backshore ESA is measured from the natural boundary and is the same area on the ground as defined for the Buffer; no additional buffer is required for the Marine Backshore Environmentally Sensitive Areas (ESA).
- No ecological justification has been provided for the Marine Backshore Buffer; buffers restrict property owners' rights.
- Other jurisdictions have 15 meter buffers above the natural boundary and most do not have buffers for marine shoreline areas; there is no scientific evidence that a 15 meter Marine Backshore ESA is necessary.
- There is other legislation that protects and restricts development with 11 meters of the marine backshore.
- A buffer should not be required on this property.

In response to questions from Council, the applicant stated:

- The buffer places restrictions on the property and is not appropriate; other jurisdictions do not have buffers.

PUBLIC INPUT:

T. Lea, Cedarglen Road, stated:

- Buffers are important if there are ecological reasons for them; a buffer could be considered on land that is above a wetland area in order to ensure that the wetland continues to receive moisture.
- In this case, the land above the natural area would not have an impact on the natural area below.

K. Harper, Bonair Place, stated:

- The Official Community Plan (OCP) is a statement of policy and cannot directly regulate the use of private property; the rules of the EDPA bylaw should be applied and it does not include buffers.
- Residents are in favour of good environmental practices.

COUNCIL DELIBERATIONS:

In response to questions from Council, the Manager of Environmental Services stated:

- The definition of the Marine Backshore in the EDPA Guidelines is the upland area 15 meters measured from the natural boundary of the marine environment; Table 1 of the staff report measures the buffer at 15 meters from the natural boundary as well; they are both parallel to the natural boundary.
- The EDPA Atlas shows the 15 meter marine backshore and a 15 meter marine backshore buffer, both measured from the natural boundary.
- Every municipality uses different terminology, measurements and techniques in relation to Shoreline ESA's and buffers and it is difficult to compare; Saanich defines a buffer so that it is clear to property owners what is required for a permit and so that a biologist would not have to be hired to determine the buffer.
- A predetermined buffer allows property owners to more easily prepare plans for development.
- Central Saanich, North Saanich and Oak Bay all have 15 meter setbacks and Central Saanich and Oak Bay also have 15 meters below the natural boundary added onto their marine backshore areas.
- The Migratory Bird Sanctuary is mostly open water but 20% of it is land based; it is unclear if this property has Migratory Bird Sanctuary attributes on it.

In response to questions from Council, the Chief Administrative Officer stated:

- Exclusion of the buffer from this property may have implications for other applications.

Councillor Plant stated:

- Future applications for removal of buffers would be considered on a case-by-case basis; it is not logical to remove buffers from all marine backshore areas.

Motion:

MOVED by Councillor Plant and Seconded by Councillor Haynes: "That the proposed bylaw amendment for the removal of the Marine Backshore on the property at 2893 Sea View Road from the EDPA, include the removal of the associated 15 meter buffer."

In response to questions from Council, the Manager of Environmental Services stated:

- Without a buffer, this property would be an exception to the definition of Marine Backshore; because the Marine Backshore as defined is measured upland from the natural boundary, the area Mr. Lea is suggesting be protected is below the natural boundary; as such to be legal the definition in the bylaw would need to be amended so that this request can be accommodated.

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

- If this property does not have a buffer, the only portion of the property that would be protected is the area outlined in the mapping provided Mr. Lea.

In response to questions from Council, the Chief Administrative Officer stated:

- The definition of Marine Backshore must be amended to specifically exclude this property from the definition.

Councillor Murdock stated:

- Exclusion of specific properties is not good public policy and may have implications for future applications.

Councillor Haynes stated:

- Council made a commitment to review applications on a case-by-case basis.

Councillor Wergeland stated:

- It is important to consider how the buffer will contribute to protection of the marine backshore; it may be appropriate to clarify how other municipalities apply the buffers.

The Motion was then Put and CARRIED

1410-04
Report –
Planning

xref: 2860-25
Treetop Heights
& Cordova Bay
Road

4727, 4731, 4735, 4739, 4740 TREETOP HEIGHTS AND 4755 AND 4769 CORDOVA BAY ROAD – REQUEST FOR REMOVAL FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA)

Report of the Director of Planning dated February 15, 2017 recommending that Council support Option 3 to improve the accuracy of the mapping as outlined in the report.

In response to questions from Council, the Manager of Environmental Services stated:

- Applicants did not grant access to their properties as part of the applications currently being considered by Council; previously access was granted to many of the properties currently under review.
- October is not the optimal time for a complete inventory of species, but it is possible to identify an ecosystem at any time of year; the level of detail on percent coverage is different at different times of the year.
- Property owners indicate on their applications whether or not staff can attend their properties.

In response to questions from Council, the Chief Administrative Officer stated:

- If a property owner indicates on their application that staff are not invited to attend their properties, staff do not make further contact with them.

APPLICANTS:

J. Barrand, Treetop Heights, presented to Council and highlighted:

- Invasive species removal has taken place on their property; they have no development plans.
- Inclusion in the EDPA has a financial impact on the property value.
- They have followed the process to correct the mapping error; a report from a registered professional biologist states that there is no significant ESA on the property.

J. Barrand read letters from two applicants / property owners at 4769 Cordova Bay Road and 4731 Treetop Heights who could not attend the meeting, and highlighted:

- A report from a registered professional biologist states that there are no ESAs on the properties; the properties have been included in the EDPA because of a mapping error.
- There are no plans to develop the properties.
- The EDPA goes through the centre of their home and decreases the property value; removing the properties from the EDPA is the right thing to do.

B. Winters, Treetop Heights, stated:

- The EDPA on the property encompasses the footprint of the house and existing landscaped gardens; the property includes a steep cliff with no development potential.
- The map used by Saanich to delineate the EDPA boundaries was a 1990's aerial map which cannot map tiny pockets of sensitive ecosystems; Ms. Grau's report states because of the technology used at the time, the boundaries of sites often need to be adjusted; ground truthing did not take place.
- A registered professional biologist has visited the property and stated there is no merit to include the property in the EDPA.

In response to questions from Council, the Chief Administrative Officer stated:

- The property owner indicated on their application that staff were not invited to attend their property.

I. Mulholland, Treetop Heights, stated:

- They have continued to maintain their property by removing invasive species; the property consists of steep terrain and non-native grasses.
- Inclusion in the EDPA has devalued the property; they have no plans for development.
- The appropriate documentation and a report from a registered professional biologist has been submitted; they request removal from the EDPA as the mapping is incorrect.

T. Lea, Cedarglen Road, stated:

- The properties are dominated by invasive species and consist of moderate to steep slopes with shallow to very shallow soil; ground truthing has taken place.
- Not one property meets the sensitive ecosystem standards in the EDPA guidelines and no sensitive ecosystems remain on the properties.
- Native species remain in small patches or as scattered individuals or have invasive grass cover intermixed with the moss.
- If the properties are left alone, they will continue to be dominated by invasive species; they are degraded and in poor ecological condition.

In response to questions from Council, Mr. Lea stated:

- He has been working free of charge with the applicants.

PUBLIC INPUT:

J. Dunster, Cliffwood Place, stated:

- The bylaw was implemented using the wrong tools and is out of scale and flawed.
- At a scale of 1:2000, drawing a line to delineate polygons would be set at about 5 or 6 points to make it visible; at that scale, that line would encompass 2-3 meters of land.
- Ground truthing would be needed to confirm the mapping.
- It is recommended that the properties be removed from the EDPA; there are no sensitive ecosystems on these properties.
- In addition, the bylaw needs to be suspended and staff instructed to ground truth and correct mapping.
- An independent review panel consisting of biologists, forestry and land use planners could be considered.

COUNCIL DELIBERATIONS:

Motion:

MOVED by Councillor Brice and Seconded by Councillor Haynes: "That staff be requested to prepare an amendment to Plate 41 of Schedule 3 of Appendix "N" of the Official Community Plan Bylaw, 2008, No. 8940 for the removal of the Terrestrial Herbaceous Environmentally Sensitive Area and associated buffer at 4727, 4731, 4735, 4739, 4740 Treetop Heights and 4755 and 4769 Cordova Bay Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment."

Councillor Brice stated:

- She supports a Public Hearing be called to consider the removal of the properties from the EDPA.

Councillor Haynes stated:

- The property owners have indicated that they are not considering development; the recommendation is supportable.

Councillor Murdock stated:

- He does not support the removal of the properties from the EDPA; there may be confusion between requests to correct the mapping and requests for removal of the property from the EDPA.
- Mapping corrections could be considered for these properties.

Councillor Brownoff stated:

- It is appropriate to wait for the consultant's report before considering applications for removal; she is supportive of correcting the mapping but does not support the application for removal from the EDPA.

Councillor Sanders stated:

- The recommendation to correct the mapping is supportable; removing the properties from the EDPA is not.
- Property assessments indicate that property values have increased overall.

- It is appropriate to wait for the consultant’s report before considering removal of properties from the EDPA.

Mayor Atwell stated:

- He supports forwarding the application to a Public Hearing; other similar applications have been approved to be considered at a Public Hearing.

In response to questions from Council, the Chief Administrative Officer stated:

- A date for the Public Hearing to consider the temporary suspension of the EDPA has not been set; properties that are currently in the EDPA, will still be in the EDPA even if there is a temporary suspension, although it would be non-applicable to properties except in the case of development applications.

Councillor Wergeland stated:

- It should be determined why areas are being protected.
- A lot of time and effort has gone into reviewing these applications; the longer the independent review process takes, the less likely residents will buy in to it.

Councillor Plant stated:

- He supports forwarding the application to Public Hearing.

The Motion was then Put and CARRIED with Councillors Brownoff, Murdock and Sanders OPPOSED

In response to questions from Council, the Legislative Manager stated:

- At the Public Hearing, Council will consider the amendments to the Official Community Plan Bylaw.
- There will be one more application for removal coming forward to Council.
- A Public Hearing will follow First Reading of the Bylaw; there are statutory requirements for notification.
- Scheduling an additional Public Hearing would not mean that the process would be accelerated as there are timelines that must be adhered to.

In response to questions from Council, the Chief Administrative Officer stated:

- Typically, it could take two months or longer for an application to be considered at a Public Hearing depending on the additional work that needs to be done; one Public Hearing will be scheduled for consideration of all of the applications for removal from the EDPA.

Adjournment On a motion from Councillor Brice, the meeting adjourned at 10:26 p.m.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK