



ADM40  
Bylaw 9054

**PESTICIDE BYLAW.**

Final Reading of the "Pesticide Bylaw, 2010, No. 9054", approval of the Integrated Pest Management Council Policy, and endorsement of the Pesticide Bylaw Enforcement Administrative Policy and the Education Plan. To regulate the use of pesticides on residential and municipal properties within Saanich.

**MOVED by Councillor Wergeland and Seconded by Councillor Brownoff: "That Bylaw No. 9054 be adopted by Council and the Seal of the Corporation be attached thereto."**

**CARRIED**

**MOVED by Councillor Brownoff and Seconded by Councillor Murdock: "That Council:**

- 1. Approve the Integrated Pest Management Council Policy; and**
- 2. Endorse the Pesticide Bylaw Enforcement Administrative Policy and the Education Plan."**

**CARRIED**

Borden Street  
Bylaw 9058

**4107 BORDEN STREET**

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2010, No. 9058". Rezoning from RS-6 to RD-1 for proposed duplex.

**MOVED by Councillor Derman and Seconded by Councillor Sanders: "That Bylaw No. 9058 be introduced and read."**

**CARRIED**

Lochside Drive  
Bylaw 9059

**5087 AND 5093 LOCHSIDE DRIVE**

First Reading of the "Zoning Bylaw, 2003, Amendment Bylaw, 2010, No. 9059". Rezoning from RS-18 to RS-12 and RS-8 for proposed 3 lot residential subdivision.

**MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That Bylaw No. 9059 be introduced and read."**

**CARRIED**

**RESOLUTIONS FOR ADOPTION**

PQS100  
Design, Printing  
and Distribution of  
Active Living  
Guide

**SOLE SOURCE REQUEST – DESIGN, PRINTING AND DISTRIBUTION OF THE SAANICH PARKS AND RECREATION ACTIVE LIVING GUIDE.**

Report of the Director of Finance dated January 14, 2010 recommending the contract for design, printing and distribution of the Saanich Parks and Recreation Active Living Guide be awarded to Black Press Group Ltd. in the net amount of \$126,295.

**MOVED by Councillor Derman and Seconded by Councillor Hunter: "That the contract for design, printing and distribution of the Saanich Parks and Recreation Active Living Guide be awarded to Black Press Group Ltd. in the net amount of \$126,295."**

**CARRIED**

ADM115-FCM  
Membership dues

**FEDERATION OF CANADIAN MUNICIPALITIES MEMBERSHIP DUES.**

Invoice from the Federation of Canadian Municipalities requesting payment of membership dues in the amount of \$13,833.13 and travel funds in the amount of \$1,894.64.

**MOVED by Councillor Brice and Seconded by Councillor Wergeland: "That Council authorize the payment of 2010 membership dues in the amount of \$13,833.13 and travel funds in the amount of \$1,894.64 to the Federation of Canadian Municipalities."**

**CARRIED**

**RECOMMENDATIONS FROM COMMITTEES**

ADM85-BIPED  
Request to  
Ministry of  
Transportation  
and Infrastructure  
on road  
improvements

**BICYCLE AND PEDESTRIAN MOBILITY ADVISORY COMMITTEE – REQUEST TO MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE REQUESTING DISCUSSIONS ON ROAD IMPROVEMENTS**

Recommendation from the November 19, 2009 Bicycle and Pedestrian Mobility Advisory Committee that Council write to the Ministry of Transportation and Infrastructure requesting discussions on how to improve the bicycle connectivity on Royal Oak Drive across the overpass and from Mann Avenue to Quadra Street overpass, and the safety aspects of the pedestrian/ bicycle walk lights along the Galloping Goose Trail at Tillicum Road and the Pat Bay Highway and at McKenzie Avenue and the Pat Bay Highway.

**MOVED by Councillor Brownoff and Seconded by Councillor Murdock: "That Council write to the Ministry of Transportation and Infrastructure requesting discussions on how to improve:**

- 1. The bicycle connectivity on Royal Oak Drive across the overpass and from Mann Avenue to the Quadra Street overpass; and**
- 2. The safety aspects of the pedestrian/bicycle walk lights along the Galloping Goose Trail at Tillicum Road and the Trans Canada Highway and at McKenzie Avenue and the Trans Canada Highway."**

Councillor Brownoff stated:

- The issues identified in the Bicycle and Pedestrian Mobility Advisory Committee's recommendation have been of concern for some time.
- The pedestrian/bicycle walk lights are problematic as the users of the Galloping Goose Trail have been crossing at the two identified intersections when highway traffic has the right of way.

**The Motion was then Put and CARRIED**

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 7:37 p.m.

The meeting reconvened at 9:00 p.m.

**RECOMMENDATIONS**

*From the Committee of the Whole Meeting held January 25, 2010*

Brookleigh Road  
ALR Subdivision  
Application

**536 AND 544 BROOKLEIGH ROAD – AGRICULTURAL LAND RESERVE APPLICATION (SUBDIVISION) – JENNIFER BERRY HYKIN**

**MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: “That Council forward the application to subdivide that part of Block 9, Section 53, Lake District, Plan 819, lying to the north of the public road as shown on said plan (536 and 544 Brookleigh Road) to the Agricultural Land Commission with a recommendation for approval.”**

**CARRIED**

In Camera Motion

**MOVED by Councillor Derman and Seconded by Councillor Murdock: “That the following meeting be closed to the public as the subject matter being considered relates to personal information about identifiable individuals being considered for appointment.”**

**CARRIED**

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 9:01 p.m.

.....  
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, JANUARY 25, 2010 AT 7:38 P.M.**

Present:

- Chair:** Councillor Derman
- Council:** Mayor Leonard and Councillors Brice, Brownoff, Gerrard, Hunter; Murdock, Sanders and Wergeland
- Staff:** Tim Wood, Administrator; Colin Doyle, Director of Engineering; Sharon Hvozdzanski, Director of Planning; Donna Dupas, Deputy Manager of Legislative Services; and Maura Brothers, Senior Committee Clerk

Brookleigh Road  
ALR Subdivision  
Application

**536 AND 544 BROOKLEIGH ROAD – AGRICULTURAL LAND RESERVE APPLICATION (SUBDIVISION) – JENNIFER BERRY HYKIN**  
Report of the Director of Planning dated December 16, 2009 recommending Council forward the application to the Agricultural Land Commission with a recommendation of approval for the proposed subdivision to create one additional lot under the current zoning and

Section 946 of the Local Government Act to accommodate the existing dwellings on separate parcels.

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

- If the application is approved, both septic fields on the existing property would be located in proposed Lot B; as a result, an easement would need to be granted on proposed Lot B for field maintenance, or another field installed on proposed Lot A.
- Additional single family dwellings could not be constructed on the proposed lots if the subdivision is approved.

The applicant, Ms. J. Berry Hykin, 544 Brookleigh Road, stated:

- She grew up on the subject property and purchased it from her parents in 2003; the co-owners, her brother and sister-in-law, live in the dwelling at 536 Brookleigh Road.
- The subdivision will provide the two families currently residing on the property with legal independence and will allow renovations to the existing one bedroom dwelling at 544 Brookleigh Road.
- The preservation of farm land is very important in this area and both families are committed to maintaining the rural character of the subject property.
- There is no intention to remove the subject property from the Agricultural Land Reserve (ALR) and the proposed subdivision will help the residents continue to maintain the property as a working farm.
- The working farm includes produce, flowers, an orchard and apiary lands; however, the land is currently lying fallow as fence repairs are needed to prevent deer from damaging crops.
- In order to allow access for maintenance to the septic field on proposed Lot B, an easement will be granted for proposed Lot A; furthermore, field testing for additional septic fields and reserves has been undertaken and approved by the Vancouver Island Health Authority, so future septic capacity has been ensured.
- The application is being made under Section 946 of the Local Government Act, not the Local Area Plan; furthermore, as the subject property is located in the ALR, it is not subject to the minimum lot sizes in the Zoning Bylaw.
- As this property has had two dwellings since 1954, which each have separate civic addresses, the intention of the subdivision is only to legally recognize the current physical reality.
- As nearby properties do not meet the unique circumstances of the subject property and are not of sufficient size to subdivide under the Section 946 of the Local Government Act, approval of this application will not set a precedent which could be applied elsewhere in the area.
- Adjacent neighbours have expressed support for the application.

Mr. L. Janse, 535 Brookleigh Road, spoke in support of the application and stated:

- Approval of the subdivision will help ensure an existing small-scale organic farm can continue to operate and will be legalizing an existing physical reality.
- The application is supportable as there is no intention to remove land

from the ALR.

Councillor Gerrard stated:

- The four elements of this application are: the Local Government Act under Section 946 permits subdivision for specified relatives; the Official Community Plan allows for subdivision within the ALR if there are already two dwellings on the parcel; no further subdivision will be possible based on current zoning; and all immediate neighbours support the application.

## MOTION

**MOVED by Councillor Gerrard and Seconded by Councillor Wergeland: “That it be recommended that Council forward the application to subdivide that part of Block 9, Section 53, Lake District, Plan 819, lying to the north of the public road as shown on said plan (536 and 544 Brookleigh Road) to the Agricultural Land Commission with a recommendation for approval.”**

Councillor Hunter stated:

- It is important to be clear that Council will not be approving the application, but will instead be forwarding the application to the Agricultural Land Commission.

Councillor Brownoff stated:

- This application will help make rural Saanich viable and keep agricultural land being farmed.

Councillor Murdock stated:

- He was initially cautious regarding the application, given the subject property’s inclusion in the ALR; however, this subdivision will allow another generation of farmers to continue using the land, promoting agriculture and local food production.

Councillor Derman stated:

- Like other members of Council, he is careful of any application for subdivision in the ALR; however, the current application is an exception in that there is a historical basis for the subdivision and a laudable intention to continuing farming.

**The Motion was then Put and CARRIED**

Braefoot Road  
Rezoning  
Application

### **4035 BRAEFOOT ROAD – REZONING APPLICATION – DAVE SMITH, FOCUS CORPORATION.**

Report of the Director of Planning dated January 11, 2010 recommending that the rezoning from A-1 to RS-8 and a new zone RS-BR (single family dwelling Braefoot) and Development Variance Permit DVP00270 be approved for a proposed 9 lot residential subdivision, and that a covenant be registered prior to final reading to require the protection of conservation areas, tree protection areas, and buildings and structures on proposed Strata Lots 1 and 2 to be sited at least 7.0 m from the external lot line abutting Braefoot Road.

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

- The restrictions on setbacks and height of dwellings would be outlined in the new RS-BR zone.

The applicant, Mr. D. Smith, Focus Corporation, stated:

- The subject property is 2.42 acres in size and currently has a single family dwelling and several accessory buildings on site.
- The owner, Mamic Development Ltd., is a well-known development and house construction company, that has created many successful neighbourhoods within the District of Saanich.
- Over the years, the subject property has been significantly altered with introduced grasses and trees.
- The intent of the rezoning application is to allow the development of nine single family dwelling units on the subject property.
- The first component of the proposal is a 3 lot, fee simple subdivision, along Malton Avenue; the proposed RS-8 zoning will match that of the neighbouring properties.
- The proposal's second component is a 6 lot, bare land strata subdivision, with cul-de-sac access provided from Braefoot Road; using strata lot averaging, the net area of these lots would not exceed the RS-12 density recommended in the Braefoot Action Plan.
- The purpose of clustering the proposed lots is to maximize tree retention and environmental protection, allowing 32% of the subject property to be preserved in its current state.
- Off-site servicing extensions will not be required for the proposed lots due to the existing municipal servicing along Braefoot Road and Malton Avenue.
- Owners and residents of dwellings located within a 90 metre radius of the subject property were invited to an open house reviewing the proposal on May 7, 2009.
- The proposal was generally understood and well received by the 18 attendees that signed in at the May open house; responses by the attendees indicated that 82% agreed the proposal "strikes a balance between development and environmental preservation", and 64% agreed the proposal "recognizes and preserves to a great extent the Garry oaks on site".
- The project team has carefully aligned the application with relevant municipal policies in the Official Community Plan, the Gordon Head Local Area Plan, and the guiding principles of the Braefoot Action Plan.
- The proposal also supports the general goals of the Regional Growth Strategy (RGS) by: avoiding urban sprawl; supporting settlement patterns that minimize automobile use and encourage alternative transportation modes; and striking a balance between development and preservation.
- The proposal will ensure the retention of 70% of the trees and 73% of the Garry oaks currently located on the subject property; furthermore, a certified arborist will be on site during construction to ensure that the trees identified for retention are preserved.
- On site, the proposed covenanted areas include 8% of the subject property for tree preservation and 24% for conservation.
- Boulevard trees will be planted, contributing to the aesthetic and environmental quality of the neighbourhood.
- Though the proposed lot sizes on the west of the site are smaller

than the neighbouring properties along Braefoot Road, the reduced size is needed to provide the space on site for the covenanted areas while retaining the needed density.

- To provide additional environmental protection, staff strongly supported separating the covenanted areas in common property lots; however, the original proposal included the covenanted areas within private lots, which allowed for significantly increased lot sizes.
- If preferred by Council, the application could be submitted using the original proposal, with larger lot sizes that incorporate the covenanted areas; the development to the north of the subject property incorporated covenanted areas in a similar manner.
- Best practices for sustainable stormwater management that minimize site disturbance are proposed for the development, and some methods under consideration include: controlled surface discharges; rain gardens; and infiltration systems.
- The proposed location of buildings, driveways, and utility corridors will minimize encroachment into the protected root zone areas of the trees to be retained.
- Sustainable building materials and construction methods will be used to add value to the proposed development.
- A building scheme will be put in place for the proposed development to ensure the aesthetic quality of all new dwellings.

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

- Various lot configurations were considered, but all options included three lots on Malton Avenue.
- Meandering the strata road to avoid fir trees 1016 and 1061 would damage 3 Garry oak trees.
- Residents of the development would not be allowed onto the natural state covenanted areas and it would be the strata's responsibility to ensure compliance with the covenants.
- The small size of the lots on Braefoot Road resulted from providing space for covenanted areas while trying to meet the density required for a strata road.
- Though the geotechnical reviews have not yet been undertaken to finalize the location of the stormwater management methods, some treatment trains will be used for stormwater management, as the subject property is in a Type 1 watershed; furthermore, Engineering staff will likely be looking for some curb work with water draining into a treatment train on Braefoot Road.
- Consideration could be given to incorporating a footpath connecting Braefoot Road and Malton Avenue through the proposed development.
- A sustainability statement, indicating the level of energy efficiency and of Built Green standard for the proposed dwellings, can be provided prior to the Public Hearing.

Ms. J. Gardiner, 4043 Braefoot Road, stated:

- She opposes the application as the proposed density is out of character with the neighbourhood.
- Due to the rural quality of Braefoot Road and the environmentally sensitive nature of the area, properties should be zoned RS-12 at the minimum and the use of strata lot averaging is inappropriate.

- Most other developments recently undertaken along Braefoot Road have resulted in large lots and no removal of trees.
- The number of Garry oaks to be removed from the proposed lots on Malton Avenue is cause for concern.

Mr. C. Fairlie, 4045 Braefoot Road, stated:

- He chose to live on Braefoot Road due to the open quality of the area.
- Though the subject property is currently under utilized, future redevelopment should be consistent with the existing RS-12 zoning of the properties along Braefoot Road.
- The proposal does not provide sufficient parking for residents and their visitors.

Mr. K. Whitcroft, 1044 Inverness Road, stated:

- Aligning the application with the Gordon Head Local Area Plan is problematic as that document is now 13 years old and due for revision.
- The trees being removed for the proposed development will impact the urban forest; furthermore, even though the subject property has been altered over the years, restoration can still be considered.
- The proposed development will not help Saanich reach our goals for reduction in greenhouse gas emissions, as its location is oriented towards vehicle use.

Mr. Kang, 4041 Braefoot Road, stated:

- As a property developer, he is sympathetic to the challenge of balancing the requirements from various stakeholders in the development process.
- It is important that developments maintain consistency with the existing neighbourhood; however, his property is approximately the same size as the cumulative total of all three lots proposed along Braefoot Road.
- The proposed development will negatively impact the value of the surrounding properties.
- Other recent developments along Braefoot Road have not been allowed to use strata lot averaging.
- The impact of the proposed development on parking and traffic along Braefoot Road needs to be addressed.
- As a resident of the property directly adjacent to the proposed development, he would have appreciated an invitation to discuss the proposal directly with the project team.

Mr. Pandher 4020 Braefoot Road, stated:

- The density proposed for the development is problematic, especially for the smallest lot on Braefoot Road.
- A development with larger lots and more green space would be preferable.

Mr. J. Gardiner, 4043 Braefoot Road, stated:

- Previous developments in this area have used the Braefoot Action Plan and consistency in the municipality's approach is important for the business community.

- Though he supports some kind of development on this property, this application does not meet the guidelines in the Braefoot Action Plan.
- The covenants offered in the application are the bare minimum and should be included to protect the many oak trees on site.
- An alternate proposal with RS-12 lots and the existing covenant areas might be supportable.

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

- Based on the Braefoot Action Plan, staff recommended clustering lots in the proposed development in order to locate conservation covenant areas in the common property; over the long term, covenant areas located in the back yards of single family dwellings do not allow for the highest caliber of conservation.
- The gross floor area for dwellings in the new RS-BR zone on lots less than 930 square metres can be provided to Council prior the application being considered at Public Hearing; additional research on the requirements for previous developments along Braefoot Road can also be provided.

Councillor Gerrard stated:

- He does not support the proposed three lots on Braefoot Road, though two lots might be supportable.
- Previous owners and developers have adhered to the RS-12 zoning in this area and approving the current proposal could set a precedent for smaller lots; furthermore, even though many will be preserved, the proposal will result in the removal of 40 trees.

Councillor Hunter stated:

- The proposed development is too dense and effort should be made to make the application a better fit for the existing neighbourhood.
- The covenants offered in the proposal are only what he would expect given the number of Garry oaks on the subject property.

Mayor Leonard stated:

- Planning staff recommended approval of the application based on the Braefoot Action Plan, and supported the use of strata lot averaging in this proposal to provide common covenanted areas; however, it seems that this interpretation of the action plan by staff does not match the expectations of Council or the Braefoot Road neighbourhood.
- Instead of rejecting the application, a postponement would allow both the applicant and Planning staff to reconsider the proposal and address the following issues: improving the size and clustering of the lots proposed on Braefoot Road; reducing the number of trees to be removed from proposed Lot 3 on Malton Avenue while achieving the needed density, perhaps through a well designed duplex similar to those found in the Broadmead area; and including a footpath in the proposed development between Malton Avenue and Braefoot Road.

**MOTION**

**MOVED by Mayor Leonard and Seconded by Councillor Wergeland:  
"That further consideration of the rezoning application for 4035 Braefoot Road be postponed to allow the applicant to amend the proposal in discussion with the Planning Department."**

Councillor Wergeland stated:

- The lots proposed on Malton Avenue are too dense.
- The applicant should discuss the proposal with Planning staff to see how the lot configuration on Braefoot Road could be improved.

Councillor Brownoff stated:

- The applicant needs to address the following issues: Lot 3 on Malton Avenue; the lots on Braefoot Road; and incorporating a connection between Braefoot Road and Malton Avenue.
- She would like more information from staff on the historical use of strata lot averaging on Braefoot Road – specifically why it was not allowed for use in other recent developments in this area.

Councillor Brice stated:

- Typically, postponing an application allows for minor changes while rejection requires an applicant to undertake a complete revision.
- More sensitivity and ingenuity needs to be displayed by the applicant in regards to: reducing the impact of the proposed development on the immediate neighbourhood while meeting the long term needs of the community for conservation; the removal of trees from proposed Lot 3 off of Malton Avenue; the total number of lots proposed for the subject property; the access to the proposed lots; and the placement of lots in the proposed development.

Councillor Sanders stated:

- When this application returns to Council, she expects to see more than minor amendments to the current proposal; however, she is sympathetic to the challenge of developing this site, while conserving environmentally sensitive areas, and agrees that conservation of covenanted areas is better achieved on common property rather than individual back yards.
- The applicant needs to address the following: the size of the lots on Braefoot Road and their consistency with neighbouring properties; the impact on the existing trees by proposed Lot 3 on Malton Avenue; incorporating a footpath into the development; and the provision of onsite parking for residents and their visitors.

Councillor Murdock stated:

- Significant revision of the proposal, not minor modification, is needed before it is brought back for further consideration by Council.
- The amount of trees to be removed from proposed Lot 3 on Malton Avenue is cause for concern and the amount of density proposed by the applicant does not fit the existing neighbourhood.

Councillor Derman stated:

- Like other members of Council, he typically considers postponing applications that need only small amendments; however, if this application is postponed, it will require more extensive revisions.
- He is very concerned about the number of trees identified for removal from proposed Lot 3 on Malton Avenue, considering that the Braefoot Action Plan identifies this area as a Garry oak forest; furthermore, the application must be amended to better suit the rural values of the Braefoot Road area.

**The Motion was then Put and CARRIED**

Gordon Head Road  
Heritage  
Designation

**4305 GORDON HEAD ROAD – PROPOSED DESIGNATION OF DWELLING AND SUMMERHOUSE AS A MUNICIPAL HERITAGE SITE**

Report of the Director of Planning dated January 14, 2010 recommending Council designate the dwelling and summerhouse at 4305 Gordon Head Road as a municipal heritage site.

The applicant, Mr. P. Bulmer, 4305 Gordon Head Road, circulated plans to Council indicating the correct location of the summerhouse on the subject property, and stated:

- Previously, when considering a subdivision and development variance permit for the subject property, Council expressed interest in the dwelling and summerhouse receiving heritage designation.
- The subdivision has now been finalized and a new dwelling with a complimentary design will be placed on the new RS-12 lot.
- He intends to place a covenant on the balance of the property to ensure future owners do not engage in further development.

In response to questions from Council, the applicant stated:

- The Saanich Heritage Foundation supports the most recent design proposed for an additional dormer to the existing shed, which will require a height variance in the future; however, this design is preferable to a gabled dormer, which would not require a variance, but is not as sympathetic to the heritage character of the shed.

Mr. B. Shuya, President of the Saanich Heritage Foundation, 760 Ralph Street, spoke in support of the application for heritage designation.

**MOTION**

**MOVED by Councillor Sanders and Seconded by Councillor Wergeland: “That a Public Hearing be called to further consider designating the dwelling and summerhouse located on Lot B, Section 45, Victoria District, Plan VIP73834 (4305 Gordon Head Road) as a Municipal Heritage Site.”**

Councillor Sanders stated:

- She commends the applicant on the proposal for heritage designation and on the actions taken to restore and maintain the property in a fashion sympathetic to its heritage value.

**The Motion was then Put and CARRIED**

Adjournment

On a motion from Councillor Hunter, the meeting adjourned at 9:00 p.m.

.....  
CHAIR

I hereby certify these Minutes are accurate

.....  
MUNICIPAL CLERK