

DISTRICT OF SAANICH  
MINUTES OF THE COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**MONDAY, FEBRUARY 13, 2012 AT 7:30 P.M.**

Present:

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

**PUBLIC HEARING**

2860-02  
Development Permit  
Area Guidelines

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2012, NO. 9164”

**PROPOSED ENVIRONMENTAL DEVELOPMENT PERMIT AREA AND ATLAS**

The intent of this proposed bylaw is to amend Appendix “N” - Development Permit Areas Justification and Guidelines – of the Official Community Plan by adding a new Environmental Development Permit Area (EDPA) and a new EDPA Atlas which will extend environmental protection for significant ecological features. The new EDPA will be included among the Development Permit Areas that do not exempt: the construction or alteration of single family dwellings, accessory buildings or structures; or subdivision. A proposed new guideline for general environmental protection will also be added to the existing form and character Development Permit Areas.

The Clerk introduced the following:

- Notice of Public Hearing
- Report from the Director of Planning dated September 12, 2011 recommending that Council:
  - a) Adopt amendments to the Development Permit Area Guidelines to include the Environmental Development Permit Area in the list of Development Permit Areas that do not exempt: the construction or alteration of single family dwellings, accessory buildings, or structures; or subdivision;
  - b) Approve the deletion of redundant guidelines and adopt a new guideline for general environmental protection in existing form and character Development Permit Areas; and
  - c) Adopt the Environmental Development Permit Area, including Schedule 3 (Atlas).
- Letter from a resident commenting on the application.

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Councillor Wade declared, pursuant to Section 85 of the Council Procedure Bylaw, that she owns property in the proposed Environmental Development Permit Area and therefore will not be taking part in the discussion or voting on the proposed bylaw amendment. Councillor Wade then left the meeting at 7:34 pm.  
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**APPLICANT:**

The District of Saanich.

**PUBLIC:**

Mr. F. Haynes, President, Prospect Lake and District Community Association, 5358 Sparton Road stated:

- The areas around Prospect Lake are environmentally sensitive.
- He is very pleased to see that the Environmental Development Permit Area has been included in the Development Permit Area Guidelines.

**MOTION:**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:  
“That Council:**

- 1. Adopt amendments to the Development Permit Area Guidelines to include the Environmental Development Permit Area in the list of Development Permit Areas that do not exempt: the construction or alteration of single family dwellings, accessory buildings, or structures; or subdivision;**
- 2. Approve the deletion of redundant guidelines and adopt a new guideline for general environmental protection in existing form and character Development Permit Areas; and**
- 3. Adopt the Environmental Development Permit Area, including Schedule 3 (Atlas).”**

Councillor Sanders stated:

- It is good to have the various regulations included in the Development Permit Area Guidelines.
- Other municipalities have a similar approach to these regulations and the proposed amendments have been reviewed by the Environmental Advisory Committee.

In response to questions from Council, the Manager of Environmental Services stated that the informational brochure on the Environmental Development Permit Area will have a similar format to that used for the Streamside Development Permit Area and should be ready for release quickly following adoption.

**The Motion was then Put and CARRIED**

2860-02  
Development Permit  
Area Guidelines

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2012,  
NO. 9164”  
Second and Third Readings

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:  
“That Bylaw No. 9164 be read a second time.”**

**CARRIED**

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:  
“That Bylaw No. 9164 be now passed.”**

**CARRIED**

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 Councillor Wade returned to the meeting at 7:36 pm.  
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Minutes

**ADOPTION OF MINUTES**

**MOVED by Councillor Brice and Seconded by Councillor Brownoff: “That Council adopt the minutes of the February 6, 2012 Special Council, Council, and Committee of the Whole Meetings.”**

**CARRIED**

**RESOLUTION FOR ADOPTION**

5370-30  
RFP 38/11

**REQUEST FOR PROPOSAL (RFP) 38/11 – CONSULTING ENGINEERING SERVICES – RITHET RESERVOIR UPGRADE PROJECT**

Report of the Director of Finance dated February 9, 2012 recommending RFP38/11 for consulting engineering services for the Rithet Reservoir upgrade project be awarded to Opus Dayton Knight Consultants Ltd. in the amount of \$320,324 as the best overall proposal.

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

- The method of evaluation was included in the report and was not based on a triple bottom line approach.
- Saanich’s climate change policies were not included in the evaluation for this request for proposal (RFP). Staff members are considering the potential for updating Saanich’s purchasing policies this year and incorporating a higher degree of sustainable purchasing practices.
- Staff members could provide Council with a more detailed assessment of the different proposals, including the prices.

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

- The scope of the RFP is for the detailed design, tender document preparation and construction supervision of the Rithet Reservoir Upgrade Project. The timeline is estimated at 20 weeks.
- Price is just one component of the overall assessment for the RFP process.

Councillor Derman stated that, though he values the advice of staff, members of Council need to be able to defend the decisions made; this is difficult without information on the pricing and rationale for awarding the proposal.

Councillor Gerrard stated he too would like to see more of the rationale behind RFP recommendation, beyond just the recommended price.

**MOVED by Councillor Brownoff and Seconded by Councillor Derman: “That RFP 38/11 for consulting engineering services for the Rithet Reservoir upgrade project be awarded to Opus Dayton Knight Consultants Ltd. in the amount of \$320,324 as the best overall proposal.”**

**CARRIED**

5170-20  
UBCM Age Friendly  
Project Grant

### **UBCM AGE FRIENDLY PROJECT GRANT 2012**

Report of the Director of Parks and Recreation dated February 8, 2012 recommending Council support the Seniors Community Kitchen and Nutrition Program and direct Finance and Parks and Recreation staff to provide overall grant management for the UBCM 2012 Age Friendly Community Planning and Project Grant.

**MOVED by Councillor Brownoff and Seconded by Councillor Sanders: “That Council support the Seniors Community Kitchen and Nutrition Program and direct Finance and Parks and Recreation staff to provide overall grant management for the UBCM 2012 Age Friendly Community Planning and Project Grant.”**

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

- The original application for the UBCM 2012 Age Friendly Community Planning and Project Grant was approved by Council in September 2011.
- The intent of the current motion is to indicate Saanich’s willingness to manage the grant, now that it has been received.

Councillor Brownoff stated:

- At one of the active aging strategy engagement meetings, seniors mentioned the need for a program similar to this that would encourage gathering together to make and share meals.
- This is a positive initiative to encourage good nutrition among seniors.

Councillor Murdock stated:

- It is important that this initiative targets single low-income seniors, as food is often sacrificed to balance a tight household budget.
- Helping seniors find healthy options at affordable prices while providing for social engagement makes this a tremendous initiative.

**The Motion was then Put and CARRIED**

### **RECOMMENDATIONS FROM COMMITTEES**

2110-45  
Rooftop Gardens

#### **ROOFTOP GARDENS**

Recommendation from the January 19, 2012 Healthy Saanich Advisory Committee recommending Council direct staff to review options to include rooftop gardens as part of the development permit guidelines for multi-family residential and commercial development, and report the findings and recommendations to the Healthy Saanich Advisory Committee and Council.

Councillor Murdock stated:

- This recommendation refers to intensive green roofs, where gardening would occur.
- Rooftop gardens offer many benefits including: providing additional green space in an urban environment; promoting food security; improving building retention of heat and energy; collecting and using stormwater; and providing great social opportunities.

- There are a number of variables that need to be considered with regards to rooftop gardens including the approaches by other jurisdictions and the impacts to both the buildings and the communities where rooftop gardens would be incorporated.
- HSAC discussion focused on rooftop gardens located on large, multi-storey, concrete and steel buildings; compared to wood-frame buildings, these would better accommodate rooftop gardens.
- The intent of the motion was only that consideration be given to incorporating rooftop gardens into the development permit guidelines as a suggestion, not a requirement.

**MOVED by Councillor Murdock and Seconded by Councillor Derman: "That Council direct staff to review options to include rooftop gardens as part of the development permit guidelines for multi-family residential and commercial development, and report the findings and recommendations to the Committee and Council."**

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

- She was not consulted by the HSAC about the recommendation, though other staff may have been.
- She would anticipate the new development permit guidelines being submitted for Council review in the fall.

Councillor Wergeland stated:

- He has concerns with regards to the recommendation and questions whether sufficient consideration has been given to issues such as home warranties, safety, and insurance.
- He questions why Council is considering this issue at this time, given staff workloads, and whether the development community was consulted prior to HSAC making the recommendation to Council.

Councillor Derman stated:

- At this point, green roofs are a mature technology and building membranes have also improved.
- The recommendation is that the options be reviewed with regards to this advantageous technology, not that action be taken at this time.
- As Saanich works to create a more dense community, roof tops may become a good location for green space. He would prefer to address this issue proactively.

Councillor Brice stated:

- Initially, she had some hesitation regarding the action-oriented wording of the motion, but she is prepared to support it at this time, having heard Councillor Murdock's clarification on the intentions behind the committee's recommendation.
- The idea of roof top gardens is still in the early stages of consideration. Questions of implementation and interest will need to be addressed.
- The members of the Planning, Transportation and Economic Development Advisory Committee could add value to the discussions on this issue.

Councillor Brownoff stated:

- Though the report mentioned green roofs the motion only mentioned roof top gardens. Staff should consider both options and incorporate any findings into the new development permit guidelines.
- She agrees that, as Saanich works to create a more dense community, roof tops may become a good location for green space and public space; however, issues of safety, height, soil use, building impact, and maintenance could be problematic. Staff should also consider the issues that result when green roofs fail.
- The benefits of incorporating green roofs for the developer need to be showcased, especially the savings from energy conservation; a study undertaken by BCIT (British Columbia Institute of Technology) may be a good source of information for staff.
- Consideration could be given to amending the motion to recommend reviewing options around green roofs, including roof top gardens.

Councillor Sanders stated:

- She was initially confused regarding the recommendation, but Councillor Murdock's comments provided clarification.
- It would have been helpful if this report included bylaws from other jurisdictions that permit green roofs.
- She feels that this is a good item to refer to staff and that staff should consider green roofs as a whole; issues regarding membranes and irrigation will need to be addressed.

Councillor Gerrard stated:

- He had concerns regarding the wording of the recommendation. Some members of the public were under the incorrect impression that Council was considering making roof top gardens mandatory.
- Providing elevators to access roof top gardens will increase building height, which may be problematic. Safety measures will also need to be considered.
- In regards to this issue, the Canadian Homebuilders Association, the Urban Development Institute and other architectural and construction associations should be contacted. Saanich should proceed carefully on this issue.

Councillor Wade stated:

- She too had some concerns with regards to the wording of the recommendation; she would not consider roof top container gardening to be the same as a green roof.
- Compared to wood, cement is a more carbon intensive material.
- The staff response to this recommendation should address the complexity of the issue.

In response to comments by Council, Councillor Murdock stated:

- Consultation and review of other jurisdictions will be a necessary part of this process. Even if roof top gardens would not work for Saanich now, they may in the future.
- Research indicates that roof top gardens are a commonly accepted form of intensive green roofs.

- Though the committee’s discussion focused particularly on food production through roof top gardens, it would be worth undertaking a broader consideration of green roofs.

Mayor Leonard stated:

- It is appropriate that the committee make a recommendation to Council to request staff undertake a report.
- He is supportive of HSAC discussing green roofs and roof top gardens.

**The Motion was then Put and CARRIED**

Adjournment                    On a motion from Councillor Brownoff, the meeting adjourned at 8:11 pm.

The Meeting reconvened at 9:37 pm.

Recommendations        **RECOMMENDATIONS**

*From the Committee of the Whole Meeting held February 13, 2012*

2860-40  
Telegraph Bay Road

**3941 TELEGRAPH BAY ROAD – DEVELOPMENT VARIANCE PERMIT – AMARDEEP & SUKHMINDER TUNG**

**MOVED by Councillor Brownoff and Seconded by Councillor Gerrard: “That Council approve and issue Development Variance Permit DVP00306 on Lot 5, Block B, Section 44, Victoria District, Plan 501, Except That Part in Plan 15890 (3941 Telegraph Bay Road).”**

**CARRIED**

In Camera Motion        **MOVED by Councillor Brice and Seconded by Councillor Gerrard: “That the following meeting be closed to the public as the subject matters being considered relate to: the proposed acquisition or disposition of land and/or improvements; and labour relations and other employee relations.”**

**CARRIED**

Adjournment                    On a motion from Councillor Derman, the meeting adjourned at 9:38 pm.

.....  
MAYOR

I hereby certify these Minutes are accurate.

.....  
MUNICIPAL CLERK



- Consideration will not be given to covenanting trees well within the property boundary.
- If the DVP is not approved, the owners will submit a new subdivision application and demolish the existing dwelling.
- The owners would like to retain the existing dwelling, which is in relatively good condition and currently occupied by tenants.
- Planting replacement hedge material is proposed.
- The DVP is requested to vary the front yard setback for the existing dwelling.
- Though the owners have met with the neighbours, the requests for further relocation of the proposed dwelling and additional tree protection cannot be accommodated.

Ms. M. Nixon, 2735 Green Vale Avenue stated:

- Tree preservation is an important issue.
- Green Vale Avenue is a single lane country road that has a significant grade.
- Her main concern is with regards to the trees impacted by the footprint of the proposed dwelling.
- Planting hedge material will not be sufficient to replace the significant canopy currently provided by the trees on the subject property that are going to be removed.
- She is willing to support the request for a variance provided that the applicants preserve the perimeter and specific signature trees by: employing root-friendly excavation and tunneling techniques; and relocating the proposed dwelling by 3 metres downhill.
- She requests that Council make approval of the DVP conditional on the preservation of the following trees, to be secured by covenant: Maple 449; Arbutus 207; Arbutus 208; unmarked Douglas Fir and 7 young Grand Fir on the southeast lotline of Lot B; unmarked Grand Fir in the southeast area of Lot B; Douglas Fir 201; Arbutus 205; and all other trees and shrubs on the edge of the subject property along Telegraph Bay Road.
- Consequences should be included in the covenant if the identified trees are not protected

In response to questions from Council, Ms. Nixon stated that she is aware the existing dwelling would be removed if the DVP is not granted.

Mr. B. Furber, 2751 Arbutus Road stated:

- The residents of this neighbourhood strongly value the trees, shrubs and habitat of the area.
- There are root-friendly techniques that would allow for the retention of the Grand fir and Maple trees while installing services to the site.
- Trees number 221 and 223 are healthy and should not be removed.

Mrs. D. Dickson, Cadboro Bay Resident's Association, 4059 Monarch Place stated:

- Green Vale Avenue should not be widened, as this will result in tree root damage.

- The trees on the easement should be preserved, due to the value placed on natural green space by neighbouring residents and the need for natural corridors to allow for safe migration of wildlife.
- The Zoning Bylaw needs to be updated to reduce the permitted lot coverage before further developments occur that are in conflict with the current Cadboro Bay Local Area Plan.
- The Cadboro Bay Resident's Association requests that Green Vale Avenue be designated as a no parking street.
- The association questions the best method for members to address the issues with the Zoning bylaw.

In response to questions from Council, Mrs. Dickson stated:

- The association continues to support and value green space in this community and endorses documents such as the Urban Forest Strategy and the new Environmental Development Permit Area Atlas.
- Updating bylaws will reduce the time and money spent reviewing the same issues for multiple applications.
- Having attended 3 meetings with residents on Green Vale Avenue, it is her understanding that they would support the road being identified as a no parking street.

Ms. K. Jensen, 2745 Green Vale Avenue stated:

- Written by Judith Cullington, "Planting our Future: A Tree Toolkit for Communities" speaks to the value of and the challenges to preserving urban forests.
- Saanich's Urban Forest has been strongly impacted over the last decade and yet decisions regarding the urban forest continue to be made on a case by case basis.
- She strongly values the existing trees in her neighbourhood.
- The DVP should only be granted if the applicant enters into a covenant to protect all the perimeter trees on the subject property. Consequences should be included in the covenant if the identified trees are not protected.
- A significant construction bond should be imposed to insure that accidents impacting trees and vegetation will be minimized.

Ms. H. Harper, 2770 Sea View Road stated:

- She values the rural character of this neighbourhood.
- It is problematic to lose the existing urban forest and then try to replace it.

Ms. J. Funke-Furber, 2751 Arbutus Road stated:

- The members of Council have the opportunity to stop the loss of the urban forest and to support their statements made regarding preservation of the urban forest.
- Approval of the DVP should be contingent on tree preservation and use of root-friendly servicing techniques, secured through a covenant with consequences for tree loss.
- Retaining trees will enhance the value of the subject property.

Mr. B. Nadasen, 2739 Green Vale Avenue stated:

- Though he has seen Green Vale Avenue change since he moved to this area, he is still able to enjoy the privacy of his property.
- He is sympathetic to his neighbours whose properties will be impacted by this development.
- Unfortunately, he and the other neighbours have been unable to convince the owners to amend their proposal.
- He is aware that there can be challenges in enforcing covenants.
- When a parking issue arose previously on Green Vale Avenue, he was able to address it personally.

Mr. F. Haynes, President, Prospect Lake and District Community Association, 5358 Sparton Road stated:

- The loss of the urban forest is a significant issue which is not being sufficiently addressed by Saanich's current bylaws.
- The proposed dwelling could be relocated to preserve more trees.
- The current DVP is a kind of test case to see how Council will address the issues of tree preservation and balancing private property rights with the needs of the community.
- Members of the Saanich Community Association Network are interested in participating in discussions with regards to these issues and are unsure how best to interface with Council.

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

- Saanich's plans with regards to the frontage on Telegraph Bay Road are as described in the supplementary staff report.
- It is his understanding that a shared driveway will be provided for the site and the existing driveway abandoned.
- Staff members do not anticipate the need for new parking regulations on Green Vale Avenue and there are no plans to widen the road. Any subsequent parking issues that arise can be brought to the attention of staff.

In response to questions from the public, Councillor Derman stated that community associations can discuss their concerns regarding the Zoning Bylaw by speaking with individual Councillors, contributing to any consultation processes, participating in the Saanich Community Association Network and attending advisory committee meetings.

In response to questions from the public, Mr. McNiel stated:

- The English laurels were not included in the arborist's report as they are not considered trees.
- The location of the proposed dwelling is partially in response to the driveway configuration, which will allow for sufficient space to turn around on site. The owners also want to have the proposed dwelling located close to the centre of the lot, not off to the side.
- The owners are willing to have the updated arborist's report form part of the covenant.
- The English laurels are not identified for retention. Preserving them would require significantly relocating the proposed dwelling.

- Parks and Engineering staff, as well as the consulting arborist, have agreed that servicing both lots will result in impact to the identified trees, regardless of the techniques used.
- Placing the driveway elsewhere on the lot would result in more tree loss.

In response to questions from Council, Mr. G. McKenzie, Consulting Arborist, stated that only bylaw-protected trees were included in the tree report.

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

- A covenant will not be in effect to protect the boulevard trees on Green Vale Avenue, as they are located on Saanich property.
- In consultation with an arborist and Saanich staff, the proposed driveway is located to minimize the impact on the boulevard trees.
- There will be 2 new trees planted on the Green Vale Avenue boulevard.
- She will provide clarification on whether it would be required to plant any replacement trees on the subject property, or if they could be planted elsewhere.
- The applicant has indicated that the perimeter trees on proposed lot A that fall outside the building envelope would be protected by covenant.
- The impact to trees 218, 219, 224 and 228 is related to servicing the lot, not to the additional driveway.
- The tree preservation covenant would be addressed by the Approving Officer through the subdivision process.

Councillor Brice stated:

- Rejecting the DVP could be a symbolic gesture to preserve the trees on the subject property, but could result in greater tree loss.
- She would hope that any resident in this area would share the desire to preserve as many trees as possible.
- Though the postponement did not result in a compromise with the proponents, it allowed staff time to clarify Saanich's position regarding the rural nature of this area.

Councillor Gerrard stated:

- It is distressing to see the amount of tree removal that has occurred in this area of Saanich.
- There are supportable elements to the application including: the applicants' commitments to not park on Green Vale Avenue and to plant replacement hedge material; the size of the proposed dwelling is in keeping with the zoning of the property; the slope of the subject property will result in a greater impact on the privacy of the proposed dwelling than on the neighbouring dwelling; and the trees to be removed meet the statutory requirements;.
- The alternative standard of infrastructure recommended by Saanich staff along Telegraph Bay Road is supportable, in order to retain the rural atmosphere of the area.

Councillor Sanders stated:

- Though Council is aware of the value of tree preservation, the urban forest is still being reduced. Subdivisions that do not require Council's approval have resulted in significant tree loss.
- This is a difficult situation, but she feels that the DVP is appropriate in order to maintain the existing dwelling. She would encourage the applicant to consider low-impact development, including pervious surfaces for driveways and walkways.
- The applicant has agreed not to park on Green Vale Avenue. If parking issues arise, residents can contact staff.

Councillor Murdock stated:

- Though he is glad that the postponement allowed for more discussion between the applicant and neighbouring residents, he regrets that there was not a more mutually favourable outcome.
- Requesting relocation of the proposed dwelling or driveway would likely result the removal of the existing dwelling, with the associated loss of more trees and of the embodied energy in the existing dwelling.
- The DVP allows for the greatest amount of input by Council.

Councillor Wade stated:

- Council has had an opportunity to consider the application and to provide the Approving Officer with comments on Council's concerns regarding tree loss.
- Saanich can protect the road frontage along Telegraph Bay and provide an alternative standard of infrastructure. It also makes sense to designate Green Vale Avenue as a no parking street.
- For the subdivision, she support the buildings and land being developed in accordance with the consulting arborist's recommendation.

Councillor Brownoff stated:

- She had hoped that the applicant would have considered revising the subdividing property line and relocating the proposed dwelling in order to retain more trees.
- The public should be aware that, after subdivision occurs, the existing dwelling on the subject property can be removed and a much large dwelling constructed.
- She supports the reports of the consulting arborist being incorporated into the covenant through the subdivision process. The applicants should minimize tree loss where possible.

Councillor Wergeland stated:

- He questions how many residents would support down-zoning their own properties.
- There has been a tremendous change over the last 30 years in how the public values trees.
- There will be a long-term benefit for future residents in replanting trees lost to development.

Mayor Leonard stated:

- In regards to the application, the discussion of property rights is important. He would assume that the purchase price for the subject property reflected the potential for subdivision.
- The DVP will allow the applicants to retain the existing dwelling and phase the development on the site. The community benefits from the tree protection covenant and the suggestions to be forwarded to the Approving Officer; he is concerned that rejecting the DVP or approving the variance with further conditions risks these benefits.
- Approving the DVP is the most prudent choice.

Councillor Derman stated:

- This application has to be considered under the current bylaws. With regret, he has to agree that the most prudent choice available to Council at this time is the approval of the DVP.
- Rejecting the DVP or approving the variance with further conditions would likely result in an outcome that was less desirable to the community.
- Consideration needs to be given to strengthening protection of the urban forest and to maintaining unique neighbourhoods and streetscapes.

**The Motion was then Put and CARRIED**

Adjournment

On a motion from Mayor Leonard the meeting adjourned at 9:36 pm.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK