

MOTION: **MOVED by Councillor Derman and Seconded by Councillor Brownoff:**
“That:
 1) **the application to rezone from RS-6 to RD-1 be approved;**
 2) **that a covenant be registered prior to final reading of the zoning bylaw to require that the design and construction of the dwelling conforms to a minimum Built Green Gold, Energuide 80, or equivalent energy efficiency standard and that secondary suites are prohibited.”**

CARRIED

2870-30
 Hastings Street

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2012, NO. 9202”
 Second and Third Readings

MOVED by Councillor Wade and Seconded by Councillor Gerrard:
“That Bylaw No. 9202 be read a second time.”

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Brownoff:
“That Bylaw No. 9202 be now passed.”

CARRIED

MOVED by Councillor Brownoff and Seconded by Councillor Sanders: **“That it be recommended that Council approve and issue Development Permit DPR00468 on Lot 6A, Block B, Section 5, Lake District, Plan 1341A (1256 Hastings Street).”**

CARRIED

PUBLIC HEARING

2870-30
 Wilkinson Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2012, NO. 9203”

PROPOSED REZONING FOR RESIDENTIAL SUBDIVISION ON WILKINSON ROAD

To rezone Lot 1, Section 16, Victoria District, Plan 5002 (**3954 WILKINSON ROAD**) from Zone A-1(Rural) to Zone RS-10 (Single Family Dwelling) for the purpose of subdivision to create three additional lots for single family dwelling use. A **COVENANT** will also be considered to further regulate the use of the lands and buildings.

The Clerk introduced the following:

- Notice of Public Hearing.
- Memo from the Director of Planning dated November 13, 2012 with attached letter from the applicant dated November 4, 2012.
- Report from the Director of Planning dated September 20, 2012.
- Letter dated September 20, 2012 from the Residents Association of Strawberry Vale, Marigold and Glanford commenting on the application.
- Letters from five residents commenting on the application.

APPLICANT:

Mr. D. Kitchen, 3954 Wilkinson Road, was present along with engineering consultant, Gary Carrothers, and highlighted the following:

- The proposed subdivision conforms to the South Wilkinson Valley Action Plan; a rock bluff and vegetation occupy from 40-70% of the lots on the west and north sides and these areas will be protected by a natural state covenant.
- The four lots proposed will be larger than required under the RS-10 zoning; modest new dwellings will be constructed to a Built Green Gold level of energy efficiency.
- If feasible, the existing house will be rotated and placed on a foundation on Lot 2, facing Wilkinson Road.
- Two shared driveways with a turn-around area will provide access to the homes from Wilkinson Road.
- As directed by Council, an additional public meeting was advertised and held on October 30, 2012 with only one neighbour attending.
- Blasting and siting concerns have been discussed with his neighbour to the south; he has committed to situating any house on Lot 1 a minimum of 3 metres (1.5m required) from their shared property line; additional consideration from the blasting company has also been arranged.
- Based on geodetic data from the District of Saanich and survey points taken by land surveyor, Michael Claxton, he has prepared a conservative estimate showing that no house will exceed 36 metres geodetic.

PUBLIC INPUT:

Mr. C. Pelter, 1222 Knockan Close, stated:

- He is opposed to the application; although he is now satisfied with the proposed covenant area, the rooftops of the proposed homes will spoil his view.
- The BC Assessment Authority has confirmed that his property has been assessed as a view property and his taxes are calculated accordingly; he feels therefore entitled to his view.
- There may still be inaccuracies in the height measurements given by the applicant as the geodetic data may have been taken from the road and not from the location of the house.
- He would prefer that the height of the homes be limited to 8.6 metres above geodetic road elevations.

Mr. M. Pasta, 3944 Wilkinson Road, stated:

- His home is adjacent to proposed Lot 1 of the subdivision; he is concerned about the location of the dwelling next to his property and with the impact of any blasting on his home.
- Also if trees are to be removed, that will impact his privacy.
- The applicant had suggested that perhaps the house could be situated further back and he would like to secure this option.

Mr. J. Brown, 1219 Knockan Close, stated:

- The house elevations are not accurate; the rooflines will be much higher than shown and will impact his views.
- He is in favour of the covenant but would prefer the driveways and roofs be lowered as he does not wish to see the roofs from his property.

APPLICANT RESPONSE:

Mr. Kitchen stated:

- The elevations he submitted were based in part on the Saanich GIS system's geodetic data and on survey data taken by Michael Claxton Land Surveyor at the road and at the garage on proposed Lot 3.
- The impact of the roofline on the existing home will be lessened after the house is resituated closer to the road and facing Wilkinson Road.
- He has already made a commitment that any house on Lot 1 will be situated a minimum of three metres from the shared property line to the south; moving it any further would require additional blasting which is less desirable.

The Director of Planning stated:

- The siting and position of the dwellings will be determined prior to subdivision approval.
- The proposed house on Lot 1 will be set back a minimum of 3 metres from the shared property line; this can be secured by covenant during the subdivision approval process.

MOTION:

COUNCIL DELIBERATIONS:

MOVED by Councillor Derman and Seconded by Councillor Gerrard:

“That:

- 1) the application to rezone from A-1 to RS-10 be approved;**
- 2) that prior to final reading of the zoning bylaw, a covenant be registered to require the following:**
 - a) the design and construction of the single family dwellings conform to a minimum Built Green Gold, Energuide 80, or equivalent energy efficiency standard;**
 - b) protection of the proposed conservation covenant area at the rear of the proposed lots; and**
- 3) that prior to final reading of the zoning bylaw, the applicant provide a suitable cost estimate and performance surety for planting of replacement trees at a 2:1 ratio.”**

Councillor Derman stated:

- The applicant has taken a reasonable approach, made a commitment to energy efficiency and will provide a conservation covenant; he has consulted as requested with his neighbours and offered to increase the side yard setback for the property to the south.

The Motion was then Put and CARRIED

2870-30
Wilkinson Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2012, NO. 9203”
Second and Third Readings

MOVED by Councillor Derman and Seconded by Councillor Gerrard:
“That Bylaw No. 9203 be read a second time.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland: **“That Bylaw No. 9203 be now passed.”**

CARRIED

PUBLIC HEARING

1110-30
Zoning Bylaw
XRef: Animals
Bylaw

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2012, NO. 9189”

PROPOSED HOUSEKEEPING AMENDMENT TO THE ZONING BYLAW TO INCLUDE SITING REGULATIONS FROM THE ANIMALS BYLAW

The intent of this bylaw is to add to the Zoning Bylaw, 2003, provisions from the Animals Bylaw, 2004, respecting the siting and size of buildings or structures used for the keeping, housing, or harbouring of animals.

The Clerk introduced the following:

- Notice of Public Hearing.
- Report from the Director of Legislative Services dated October 17, 2012.

APPLICANT:

The District of Saanich

PUBLIC INPUT:

Mr. John Alexander, Cox Taylor, Barristers and Solicitors, 26 Bastion Square, made a presentation highlighting the following:

- He would ask Council not to proceed with the proposed zoning bylaw amendments at this time; Council has previously received his letter presenting the views of the Alberg family with respect to proposed uses on their property at 1516 Mount Douglas Cross Road, which is potentially affected by such changes.
- For this public hearing, the Municipality gave notice of proposed “housekeeping” amendments to the Zoning Bylaw to incorporate certain provisions from the Animals Bylaw, but, the amendments also include new requirements. Not all of the Schedules to the Zoning Bylaw include reference to the Animals Bylaw and Schedule 295 for RS-18 zoning, which applies to 1516 Mount Doug Cross Road, has never incorporated a reference to the Animals Bylaw. The notice given may be defective and should be redone.
- It may appear that this change was driven by concerns raised about the redevelopment of the property at 1516 Mount Doug Cross Road and the public may therefore erroneously conclude that these proposed amendments to the zoning bylaw will resolve the problem of the agricultural use. Provincial legislation states that for land in the Agricultural Land Reserve, municipal bylaws that are inconsistent with farming use are of no application.
- The owners of 1516 Mount Doug would like to put a residential use on their land and this would be supported by many of their neighbours. Council will be looking further at potential ways of dealing with this piece of land at a meeting to be held on December 10, 2012.
- Unless there is a pressing need to proceed with this amendment due to a problem elsewhere in Saanich, there is no need to take this action now. The owners of 1516 Mount Douglas Cross Road have made a commitment to make no changes on their land until they have an opportunity to further discuss their development options.

- Council might consider redoing a fuller Public Hearing notice regarding these amendments to avoid any future legal challenge.

In response to questions from Council, the Director of Planning stated that depending on the matter, either the BC Building Code or the Farm Building Code could apply to the property at 1516 Mount Douglas Cross Road.

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

- The setback requirements under discussion already exist in the Animals Bylaw; not all of the Zone Schedules contain a reference to the Animals Bylaw, but that does not mean that those setbacks do not apply.
- Staff have been considering the proposed changes to the zoning and animals bylaws since the spring of 2012 because of feedback received from residents that not all the information they needed, for the keeping of chickens for example, was in one place.
- No new setbacks are being created – they already exist in the Animals Bylaw.
- Staff believe the intent of the legislation has been met by the notification given.
- Delaying this amendment would not be supported by staff; however, a delay in final reading of the Animals Bylaw amendment could be considered.

COUNCIL DELIBERATIONS:

MOTION:

MOVED by Councillor Wade and Seconded by Councillor Murdock:
“That, in accordance with the report of the Director of Legislative Services dated October 17, 2012, the amendments to the Zoning Bylaw incorporating the provisions from the Animals Bylaw respecting the siting or size of buildings or structures used for the keeping, housing or harbouring of animals, be approved.”

Councillor Wergeland stated:

- There may be a perception that this amendment is being rushed and if there will be no negative impact, he would recommend postponing this action.

**The Motion was then Put and CARRIED
 Councillor Wergeland Opposed**

1110-30
 Zoning Bylaw
 XRef: Animals
 Bylaw

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2012, NO. 9189”
 Second, Third and Final Readings

MOVED by Councillor Wade and Seconded by Councillor Gerrard:
“That Bylaw No. 9189 be read a second time.”

**CARRIED
 Councillor Wergeland Opposed**

MOVED by Councillor Wade and Seconded by Councillor Murdock:
“That Bylaw No. 9189 be now passed.”

CARRIED

Councillor Wergeland Opposed

**MOVED by Councillor Wade and Seconded by Councillor Murdock:
“That Bylaw No. 9189 be adopted by Council and the Seal of the Corporation be attached thereto.”**

**CARRIED
Councillor Wergeland Opposed**

BYLAWS

1110-30
Animals Bylaw
XRef: Zoning
Bylaw

ANIMALS BYLAW – HOUSEKEEPING AMENDMENT TO MOVE SITING REGULATIONS TO THE ZONING BYLAW

Final Reading of the “Animals Bylaw, 2004, Amendment Bylaw, 2012, No. 9188” . Housekeeping amendment to move siting regulations to the Zoning Bylaw.

It was agreed that Council not consider the bylaw for final reading at this time.

In Camera Motion

**MOVED by Councillor Gerrard and Seconded by Councillor Derman:
“That the following meeting be closed to the public as the subject matter being considered relates to the acquisition and/or disposition of land and/or improvements.”**

CARRIED

Adjournment

On a motion from Councillor Gerrard, the meeting adjourned at 8:35 pm.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK