

DISTRICT OF SAANICH
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, MARCH 25, 2014 AT 7:30 P.M.

Present: **Chair:** Acting Mayor Wergeland
Council: Councillors Brice, Brownoff, Gerrard, Murdock, Sanders, and Wade
Staff: J. Matanowitsch, Manager of Current Planning; J. Bains, Development Coordinator; and A. Park, Senior Committee Clerk

PUBLIC HEARING

2870-30
Wilkinson Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2014, NO. 9263”

PROPOSED REZONING FOR RESIDENTIAL DEVELOPMENT ON WILKINSON ROAD

To rezone Lot A, Section 16, Victoria District, Plan 19555 (**3929 WILKINSON ROAD**) and Lot B, Section 16, Victoria District, Plan 19555 (**3925 WILKINSON ROAD**) from Zone A-1 (Rural) to Zones RS-6 (Single Family Dwelling - minimum lot size 560m²), RS-10 (Single Family Dwelling - minimum lot size 780m²), RT-2 (Attached Housing), and P-4 (Recreation and Open Space) for the purpose of subdivision in order to construct a residential development with five single family lots, a four-unit townhouse project, and an extension of South Valley Park. A **DEVELOPMENT PERMIT** will be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted and to allow variances in the townhouse project for building separation and front, rear and interior side yard setbacks. 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
- Reports from the Director of Planning dated June 10, 2013, July 17, 2013, and February 19, 2014, the latter recommending as follows:
 - 1) that the application to rezone from A-1 to RS-10, RS-6, RT-2 and P-4 be approved;
 - 2) that Development Permit DPR00501 be approved;
 - 3) that Final Reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending:
 - Registration of a covenant requiring that the proposed new single family dwellings and townhouses conform to a minimum BuiltGreen™ Gold or equivalent energy efficiency building design and construction standard.
 - Registration of a covenant to prohibit subdivision of the subject parcel until the areas shown as proposed park are dedicated to the Municipality.
 - Registration of a statutory right-of-way to provide for municipal vehicles, or those vehicles conducting business of the municipality, to gain access to the foot of the escarpment for park maintenance purposes. The proposed right-of-way would connect with the existing rights-of-way over 1100 Tulip Avenue and 3957 South Valley Drive.

- Advisory Design Panel report dated September 12, 2012
- Letter from the Residents Association of Strawberry Vale, Marigold and Glanford dated October 26, 2012.
- Letter dated January 27, 2012 from the applicant regarding consultation.
- Letters dated November 25, 2013 and July 27, 2012 from Swell Environmental Consulting regarding the restoration plan for the creek and forest.
- Fourteen letters from residents.

APPLICANT:

Mr. M. Mawson, 7942 Polo Park Crescent, attended on behalf of the applicant, Wilkinson Valley Holdings Inc., and the owners, D. Munro and M. Conforti, along with W. Peereboom of Victoria Design Group, D. Ensing of Duane Ensing Landscape Design, S. Stallard of Swell Environmental Consulting, J. Gye, Gye & Associates Ltd., and stated:

- The proposed development is consistent with the goals of the Official Community Plan, the Carey Local Area Plan and the South Wilkinson Valley Action Plan (SWVAP).
- Site constraints include the creek running through the properties, the completion of the last section of South Valley Drive, the necessity of lining up the new homes with the adjacent townhome projects to the north and south, and the parkland to the rear.
- Greater setbacks are required adjacent to creeks and parkland and therefore the townhouse blocks will require variances for front, rear and interior side yard setback and building separation which are similar to the variances granted for the adjacent townhome projects.
- The applicants consulted with nearby residents and with the local Community Association. Concerns were expressed about the increased traffic and safety issues that would result from completion of the last section of South Valley Drive.
- The two existing homes facing Wilkinson Road will remain on the lots for the time being.
- The townhouse project will be in two duplex-style blocks of one level with exteriors in keeping with the homes to the north and south. Four visitor parking spaces are proposed. An entrance driveway to the townhouses will bridge the revitalized creek area, pass between the two blocks, with parking at the rear. Permeable pavers are proposed.
- The existing pedestrian path between South Valley Drive and the creek will be completed.
- Native plant materials are proposed near the creek with ornamentals for the central area and native plants at the rear; a retaining wall is proposed along the southerly property line.
- Rainwater management includes French drains at the rear, bioswales, and four raingardens, with any overflow to the creek.
- 100 tree plugs plus shrubs and trees will be planted in the park escarpment.
- The plan for revitalization of the former agricultural ditch (Peers Creek) was approved by Federal, Provincial and local agencies; it has been successfully transformed with native vegetation, wildlife habitat, and improved water quality. Any creek crossing is designed to be fish

passable.

- With this proposed development, there is now the opportunity to complete the restoration of the creek.
- Many trees on the site will be retained with more planted than removed.
- This development meets the spirit of the Action Plan.

In response to questions from Council, the applicant stated:

- Blackberry removal in the park area will be done thoroughly under the supervision of the Parks Department.
- Stability of the park slope has never been questioned as it is on bedrock.
- New plantings will be irrigated and maintained as required by the Parks Department.

PUBLIC INPUT:

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

- The Association continues to oppose this application as it does not conform to Saanich bylaws, in particular, the SWVAP.
- No crossing of the watercourse can be permitted according to the SWVAP.
- There is opposition to the completion of the South Valley Drive roadway.
- This project does not respect the rural and natural character of the area.
- The proposed new townhomes are not accessible; the roofs are not low profile.

K. Klear, President of Strata 6566, 3957 South Valley Drive, stated:

- The Strata Council supports Option 2 in the Planning report which would eliminate the public trail connection through the new development.
- They support removal of the public pedestrian right-of-way through their townhome property as well; early action on this request would be appreciated.
- A pedestrian pathway exists already along South Valley Drive which will be completed if this development goes ahead.
- They support the requirement for designated visitor parking on the site as the lack of it has become a problem on their property.

B. Weaver, 3957 South Valley Drive, submitted a letter and stated:

- He supports Option 2 which does not allow for a connection from their strata road to the new development.
- There is presently an unsightly construction zone adjacent to his home and he would request that sewer construction be completed early when the section of South Valley Drive is completed.
- Removal of the right-of-way on their strata property would create some needed parking space.

P. Wishart and T. Adley, 1100 Tulip Avenue, stated:

- They would support removal of the pedestrian right-of-way on their strata property; this would create needed parking space on the lane.

T. Greaves, 3957 South Valley Drive, stated:

- The SWVAP can be seen as guideline as it does not appear to be relevant to the present situation.
- He supports Option 2 in the Planning report.
- He looks forward to the completion of the Peers Creek restoration which will be done in the same manner for this development.
- A second parallel pedestrian trail is not necessary.

J. Zolpys, 3957 South Valley Drive, stated:

- There is already a pedestrian path that fulfills the trail function mentioned in the SWVAP.
- He supports the position of the Strata Council and the removal of the right-of-way from their private property; additional parking space would be created.

N. Harris, 3957 South Valley Drive, stated:

- She supports Option 2 in the Planning report.
- Parking is an issue in their development and removal of the public right-of-way from their strata property would allow for additional parking space.

E. Greaves, 3957 South Valley Drive, submitted three additional letters from strata owners, and stated:

- She supports Option 2 and the recommendations in the Planning report.
- The problems experienced by their strata with the pedestrian right-of-way should not be repeated in the new strata development and it should be removed from their property.
- It is redundant to have a pedestrian path through the strata property when an excellent trail already exists across the road.
- The Creek restoration is appreciated.

APPLICANTS RESPONSE:

- The applicant was asked to design this development to conform with the neighbouring properties.
- Minimal adaptation would be necessary to make the proposed townhomes accessible.
- The applicant was directed to complete the connection of South Valley Drive.
- In 2004 this Council dealt with and resolved the issue of creek crossings.
- The sewer construction will be done as part of the site servicing.
- The public easement over the adjacent strata properties appears to be a poorly conceived plan; it does not seem appropriate that a connection be made now.
- The Parks Department indicated to the applicant that the parkland would be a natural park and not an active neighbourhood park for the public; Saanich plans to keep access for maintenance purposes only.
- Once approval is received, servicing drawings will be prepared in order to start construction.

In response to questions from Council, the Development Coordinator stated:

- Following subdivision approval, servicing for all of the lots will be done at the same time.

The Manager of Community Planning stated:

- It is the position of staff that this application is consistent with the South Wilkinson Valley Action Plan and appropriate for this remnant property.
- Planning Department has recommended approval of Option 2 in the report.

COUNCIL DELIBERATIONS:

MOVED by Councillor Brice and Seconded by Councillor Gerrard:
“That:

- 1) the application to rezone Lot A, Section 16, Victoria District, Plan 19555(3929 WILKINSON ROAD) and Lot B, Section 16, Victoria District, Plan 19555 (3925 WILKINSON ROAD) from Zone A-1 (Rural) to Zone RS-6 (Single Family Dwelling – minimum lot size 560 m²) , Zone RS-10 (Single Family Dwelling-minimum lot size 780 m²), Zone RT-2 (Attached Housing) and Zone P-4 (Recreation and Open Space) be approved; and**
- 2) that final reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending:**
 - a) Registration of a covenant requiring that the proposed new single family dwellings and townhouses conform to a minimum BuiltGreen™ Gold or equivalent energy efficiency building design and construction standard;**
 - b) Registration of a covenant to prohibit subdivision of the subject parcel until the areas shown as proposed park are dedicated to the Municipality;**
 - c) Registration of a statutory right-of-way to provide for municipal vehicles, or those vehicles conducting business of the municipality, to gain access to the foot of the escarpment for park maintenance purposes. The proposed right-of-way would connect with the existing rights-of-way over 1100 Tulip Avenue and 3957 South Valley Drive.”**

Councillor Brice stated:

- Option 2 in the Planning Director’s report will allow the needs of the community to be met.
- The SWVAP was a forward-looking document capturing important principles and it could not have foreseen the present situation; however, this application does meet the spirit of the Plan.
- It is appropriate that the same design is proposed for this townhouse development; the setback variances are supportable.
- Generous tree planting is proposed.

Councillor Gerrard stated:

- It makes sense to complete the road connection; the proposed land use is appropriate for the site and the buildings have been designed in the context of the street.
- The expert creek design and restoration can now be completed; the amount of parkland dedication is generous and the greenspace can be considered as a wildlife corridor and natural area.
- The application meets the spirit of the Action Plan.
- The rights-of-way on the adjacent townhome properties affect the owners' privacy and a second look at the existing rights-of-way would be beneficial.

Councillor Wade stated:

- The SWVAP was created as an ambitious plan for the valley with a vision for connectivity of greenspace. The location of the proposed trail may seem questionable now.
- The Peers Creek restoration has exceeded her expectations.
- The existing rights-of-way on adjacent strata properties can be considered through a subsequent process.

Councillor Sanders stated:

- There was support for trail connectivity at the time valley development was under consideration.
- Natural parks are also meant to be available for public access; perhaps there may be a way to keep a trail connection.
- The Peers Creek restoration has been a wonderful success.

Councillor Brownoff stated:

- The park on the escarpment was an important issue for residents at the time and a pedestrian trail was to be included; access to the park should not be cut off.
- The extra density granted to the existing strata developments affected their roadways.
- The proposed townhouses are large and the loss of park access is disappointing.
- She does not support the application.

Councillor Murdock stated:

- It seems clear that the intent of previous Councils was to keep the greenspace as a natural park for all of Saanich.
- Unfortunately, the use of rights-of-way has negatively affected the townhouse owners.
- Without securing a right-of-way, we are limiting access to the park.
- Securing access to the parkland in some way should still be considered, without necessarily undoing rights-of-way which were created for good reasons.

Councillor Wergeland stated:

- There have been tradeoffs since the Action Plan was created. The escarpment park, although meant to be accessible to the public, may best be left natural due to its topography.

- There was an understanding that the remnant parcels, which are the subject of this application, would be developed according to the initial overall plans.
- He supports the application.

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

2870-30
Wilkinson Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2013, NO. 9263”
Second and Third Reading

**MOVED by Councillor Wade and Seconded by Councillor Gerrard:
“That Bylaw No. 9263 be read a second time.”**

CARRIED
Councillors Brownoff, Murdock and Sanders OPPOSED

**MOVED by Councillor Wade and Seconded by Councillor Gerrard:
“That Bylaw No. 9263 be now passed.”**

CARRIED
Councillors Brownoff, Murdock and Sanders OPPOSED

**MOVED by Councillor Brice and Seconded by Councillor Gerrard:
“That it be recommended that Council approve Development Permit
DPR00501 on Lot A, Section 16, Victoria District, Plan 19555 (3929
WILKINSON ROAD) and Lot B, Section 16, Victoria District, Plan
19555 (3925 WILKINSON ROAD).”**

CARRIED
Councillors Brownoff, Murdock and Sanders OPPOSED

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 9:15 pm.

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ACTING MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK