

**DISTRICT OF SAANICH
MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, SEPTEMBER 28, 2015 AT 7:00 PM**

Present: **Chair:** Mayor Atwell
Council: Councillors Brice, Brownoff, Derman, Murdock, Plant, Sanders and Wergeland
Staff: Andy Laidlaw, Chief Administrative Officer; Harley Machielse, Director of Engineering; Jarret Matanowitsch, Acting Director of Planning; Sharon Froud, Deputy Legislative Manager; Adriane Pollard, Manager of Environmental Services; and Lynn Merry, Senior Committee Clerk

DELEGATION

1410-01
The Canadian
Heritage Arts
Society

THE CANADIAN HERITAGE ARTS SOCIETY/CANADIAN COLLEGE OF PERFORMING ARTS

Subject: Potential relocation of the Canadian College of Performing Arts to Saanich.

R. Schuster, Director, Canadian Heritage Arts Society and M. Rowe, President, Canadian College of Performing Arts (CCPA) presented an overview of the CCPA and expressed the desire to relocate the college to Saanich. The CCPA is requesting a one-time interest free loan to assist with purchasing a building. In order to trigger Federal funding, municipal support is needed.

Minutes

ADOPTION OF MINUTES

MOVED by Councillor Brice and Seconded by Councillor Wergeland:
“That Council adopt the minutes of the September 14, 2015 Council and Committee of the Whole meetings.”

CARRIED

BYLAWS

2870-30
Blackberry Road

MULTI-FAMILY COMMERCIAL CHRISTMAS HILL ZONE (MFC-CH) – ZONING BYLAW AMENDMENT

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2015, No. 9349”.
To increase the permitted gross floor area for all commercial uses to 585 m².

MOVED by Councillor Wergeland and Seconded by Councillor Brice:
“That Bylaw No. 9349 be introduced and read.”

CARRIED

2870-30
Clovelly Terrace

1167 CLOVELLY TERRACE – REZONING TO RS-4

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2015, No. 9351”.
To rezone from RS-6 (Single Family Dwelling) zone to RS-4 (Single Family Dwelling) zone for proposed subdivision to create one additional lot.

**MOVED by Councillor Sanders and Seconded by Councillor Brownoff:
“That Bylaw No. 9351 be introduced and read.”**

CARRIED

2870-30
Dieppe Road

ZONING BYLAW AMENDMENT – NEW ZONE CD-4DR

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2015, No. 9353”.
To create a new zone CD-4DR (Comprehensive Development Dieppe Road).

**MOVED by Councillor Brice and Seconded by Councillor Wergeland:
“That Bylaw No. 9353 be introduced and read.”**

**CARRIED
with Councillor Derman OPPOSED**

2870-30
Dieppe Road

4247, 4253 AND 4255 DIEPPE ROAD – REZONING TO CD-4DR

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2015, No. 9354”.
To rezone from A-1 (Rural) and M-5 (Food Processing) zones to a new zone
CD-4DR (Comprehensive Development Dieppe Road), RS-6 (Single Family
Dwelling) zone and RS-4 (Single Family Dwelling) zone in order to construct a
mixed-used development.

**MOVED by Councillor Brice and Seconded by Councillor Sanders: “That
Bylaw No. 9354 be introduced and read.”**

**CARRIED
with Councillor Derman OPPOSED**

1110-30
Official
Community Plan
Bylaw

OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW

First Reading of the “Official Community Plan Bylaw, 2008, Amendment Bylaw,
2015, No. 9355”. To make proposed amendments to the Streamside and
Environmental Development Permit Area Atlases.

**MOVED by Councillor Derman and Seconded by Councillor Murdock:
“That Bylaw No. 9355 be introduced and read.”**

CARRIED

PUBLIC INPUT ON COUNCIL AGENDA ITEMS

Public Input on
Council Agenda
Items

Nil

RESOLUTIONS FOR ADOPTION

5370-30
RFP 33/15

RFP 33/15 – COMPUTER WORKSTATIONS FOR POLICE DEPARTMENT

Report from the Chief Constable dated September 15, 2015 recommending
that Council award Request for Proposal 33/15 for computer workstations for
the Police Department to Island Key Computers for an estimated \$205,440
(excluding taxes).

MOVED by Councillor Derman and Seconded by Councillor Wergeland: “That Request for Proposal 33/15 for computer workstations for the Police Department be awarded to Island Key Computers for an estimated \$205,440 (excluding taxes).”

CARRIED

1110-30
Municipal Finance
Authority
Borrowing

MUNICIPAL FINANCE AUTHORITY (MFA) BORROWING – 2016 SPRING ISSUE

Report from the Director of Finance dated September 22, 2015 recommending that Council approve the resolution to authorize long term borrowing with the MFA 2016 spring debt issue for the projects specified in this report.

MOVED by Councillor Brice and Seconded by Councillor Brownoff: “That Council approve the resolution to authorize long term borrowing with the Municipal Finance Authority 2016 spring debt issue for the projects specified in the report from the Director of Finance dated September 22, 2015.”

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

- Borrowing takes place to fund long-term capital projects; this allows the costs of the loan to be shared by all residents over time.

The Motion was then Put and CARRIED

RECOMMENDATIONS FROM COMMITTEES

1310-40
CRD Fairness &
Transparency
Advisor

CRD FAIRNESS AND TRANSPARENCY ADVISOR (FTA) – REFERRAL TO MUNICIPALITIES

Recommendation from the September 9, 2015 Core Area Liquid Waste Management Committee that Council provide feedback on the scope and application of the role of the FTA.

Councillor Derman stated:

- A Fairness and Transparency Advisor (FTA) was hired to oversee the Core Area Liquid Waste Management Plan and to ensure the project is fair, open and transparent to the public.
- Municipalities should have the chance to comment on the scope of the role of the FTA in relation to ruling on municipal actions.

MOVED by Councillor Brice and Seconded by Councillor Brownoff: “That the memorandum outlining the Role of the Capital Regional District Fairness and Transparency Advisor be received; and that should the Fairness and Transparency Advisor have reason to engage with Saanich on properties within Saanich that there will be cooperation with that office.”

Councillor Brice stated:

- There may be reason for the FTA to interact with the municipality; a protocol may be necessary to ensure that assistance is available.

Councillor Plant stated:

- The FTA should keep the scope of work at the CRD level.

Councillor Derman stated:

- There may be a need for the FTA to be involved with Saanich staff; a process should be in place to ensure that staff and Council are made aware of issues.

Councillor Brownoff stated:

- There should be a process put in place to ensure that staff can provide assistance.

MOVED by Councillor Derman and Seconded by Councillor Plant: “That the motion be amended to include: that a protocol be established to determine how the Fairness and Transparency Advisor would interact with staff and ultimately with Council.”

The Amendment was CARRIED

The Main Motion as amended was CARRIED

Motion as amended

“That the memorandum outlining the Role of the Capital Regional District Fairness and Transparency Advisor be received; And that should the Fairness and Transparency Advisor have reason to engage with Saanich on properties within Saanich that there will be cooperation with the office; And Furthermore that a protocol be established to determine how the Fairness and Transparency Advisor would interact with staff and ultimately with Council.”

REPORTS FROM MEMBERS OF COUNCIL

1410-04
Report from
Council

FINANCE, AUDIT AND PERSONNEL STANDING COMMITTEE

Memo from Councillor Murdock dated September 15, 2015 requesting Council direction on the membership of the Finance, Audit and Personnel Standing Committee.

Councillor Murdock stated:

- He had provided Mayor Atwell with his resignation from the Finance, Audit and Personnel Standing Committee (FAP) on May 28, 2015; he met with the Mayor in June to discuss and left the meeting understanding that his resignation had been accepted.
- In the September FAP minutes, it was noted that he sent his regrets for the meeting; Councillor Murdock would like confirmation of his resignation.

Mayor Atwell stated:

- Mayors appoint Council members to Standing Committees and can rescind appointments; a letter of resignation is not typically the practice.
- It is a Council member’s responsibility to respond to the Mayor’s appointments and to fulfil their mandate under the *Community Charter* which is to participate in meetings to which they are appointed.
- He would like to defer the discussion about committee membership and revisit Councillor Murdock’s resignation.

Councillor Murdock stated:

- He is open to discussing committee membership but it is not his intention to participate further on FAP.

Mayor Atwell stated:

- Council members have a responsibility to participate on committees; further discussion should take place and a replacement could be appointed.

Councillor Wergeland stated:

- He is interested in serving on the FAP committee.
- He is concerned that this item has come forward at a Council meeting.

Councillor Derman stated:

- It is the prerogative of the Mayor to appoint Standing Committee members; the *Community Charter* does not state that “members must serve”; it speaks to “members who are willing to serve”.
- Councillors should have the right to decline serving on a committee if they choose.

Councillor Brownoff stated:

- Standing Committees are appointed by the Mayor; Council needs to recognize that Councillors’ workloads are different.

Councillor Sanders stated:

- Councillors may have work and family obligations which may make attending meetings difficult; we don’t want to preclude residents who work full time from running for municipal Council.

MOVED by Councillor Brice and Seconded by Councillor Murdock: “That the report from Councillor Murdock dated September 15, 2015 be received; and that the item be referred to a future meeting for further discussion.”

CARRIED

Adjournment

On a motion from Councillor Derman, the meeting adjourned at 7:45 pm.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
DEPUTY MUNICIPAL CLERK

Rise and Report **RISE AND REPORT FROM THE SEPTEMBER 14, 2015 IN CAMERA MEETING**

4500-30
Appointments

APPOINTMENT OF APPROVING OFFICER

“That:

1. **Liz Gudavicius be appointed as Approving Officer, effective immediately;**
2. **The Manager of Current Planning’s appointment as Approving Officer be rescinded, and;**
3. **The Manager of Current Planning be appointed as Deputy Approving Officer, effective immediately.”**

DISTRICT OF SAANICH
MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, SEPTEMBER 28, 2015 AT 7:47 PM

Present: **Chair:** Mayor Atwell (7:47 pm); Councillor Murdock (10:08 pm)
Council: Councillors Brice, Brownoff, Derman, Murdock, Plant, Sanders and Wergeland
Staff: Andy Laidlaw, Chief Administrative Officer; Harley Machielse, Director of Engineering; Jarret Matanowitsch, Acting Director of Planning; Sharon Froud, Deputy Legislative Manager; Adriane Pollard, Manager of Environmental Services; and Lynn Merry, Senior Committee Clerk

2860-25
Rainbow Street

4007 AND 4011 RAINBOW STREET – REQUEST TO REMOVE TWO PROPERTIES FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA) ATLAS

Report of the Director of Planning dated September 17, 2015 recommending Council approve Option 1, as outlined in the report, and that Council not approve the request for removal from the EDPA Atlas; encourage the property owners or applicants to work with staff to explore EDPA exemptions 14 and 15; and request staff to look at potential amendments to the bylaw to give further flexibility and options for landowners at the conclusion of the current public process.

A. Pollard, Manager of Environmental Services presented and highlighted:

- The two properties are mapped as woodland polygons of the Sensitive Ecosystems Inventory (SEI); Garry oak ecosystems are the predominant type of woodland in Saanich and they are one of the top three rarest ecosystems in Canada.
- The EDPA uses the polygons (small mapped areas) to highlight the areas of remnant ecosystems where continuous tree canopy connects areas.
- The properties are included in the statistic of 5% of the remaining Garry oak ecosystems in Saanich.
- Mapping could be fine-tuned on a property by property basis.
- Garry oak canopy is the best indicator of Garry oak ecosystems.

APPLICANT:

- A. Bull, on behalf of the applicants, presented to Council and highlighted:
- The applicants request that their properties be removed from the EDPA Atlas because the properties do not have sensitive ecosystems on them.
 - The properties will not be developed; owners are anxious to resolve the issue in the event that they have to sell their properties.
 - The Atlas has diminished the value of properties.
 - The owners were told if they wanted an exemption under Section 14 of the EDPA Guidelines that they should hire a registered professional biologist at their own expense.
 - The biologists' report was submitted but staff did not accept the validity of the report.
 - Provincial mapping standards are not being followed; standards are not being applied consistently.
 - Precedent has already been set when the Alberg property was removed from the EDPA Atlas.
 - The implementation of the bylaw has brought about unintended consequences.
- T. Lea, Registered Professional Biologist, on behalf of the applicants, presented and highlighted:
- There are no sensitive ecosystems on either property and there haven't been for over 60 years; the properties should be removed from the EDPA Atlas.
 - The Garry oak trees on the properties are protected under the Tree Preservation Bylaw.
 - To be included in the Atlas, data must be from a comprehensive environmental inventory using technically acceptable standards; it should be used as a flagging tool and should not be used in place of individual site assessments.
 - Mapping should not include polygons dominated by lawn or ornamentals.
 - Sensitive ecosystems should be kept to as natural a state as possible; the Sensitive Ecosystem Inventory (SEI) does not address restoration potential.
 - The Alberg property was correctly removed from the EDPA Atlas.
 - There are no Garry oak corridors in this neighbourhood.
 - Leaving areas alone will result in invasive species taking over the area.
- T. Bijold, owner, 4007 Rainbow Street, stated:
- The property was purchased in 1952; in 2012, the owners were surprised to learn that there was something significant on their property that needed to be protected.
 - The owners were advised to hire a professionally registered biologist, at their expense, and if the report showed no sensitive ecosystem on the property, the owners could apply to remove the property from the EDPA Atlas.
 - Upon receiving the report, Saanich staff advised that the property could not be removed from the EDPA due to the potential restoration of the site.
 - There may be a point when the owners have to sell the property; the property has been devalued as a result of the inclusion in the Atlas.
 - Left alone, the property will soon be covered in invasive species.
- R. Burrell, Coast Appraiser, stated:
- The EDPA Atlas reduces the amount of developable land which reduces the potential value of the property; the owners of the property will be financially impacted when they sell.

K. Love, Re/Max Alliance, stated:

- There is a concern about the effect of the EDPA Atlas on the value of properties in Saanich; use and enjoyment of properties is a consideration for potential buyers.

PUBLIC INPUT:

L. Green, McAnally Road, stated:

- The current EDPA bylaw does little to encourage support of home owners and will have long term negative impacts.
- The bylaw is not interpreted consistently; staff should be directed to accept reports from any recognized biologists.
- Consultation should take place to redraft a new bylaw that balances the rights of property owners with the protection of sensitive ecosystems.
- The subject properties should be removed from the EDPA Atlas.

C. Phillips, Gordon Head Road, stated:

- He had multiple occasions to discuss his property with staff and at no time was he advised that his property was included in the EDPA Atlas.
- Staff advised him to get a biologist report but the report was not accepted by staff.
- The property has been devalued because of its' inclusion in the Atlas.

J. Miskelly, Durrance Road, stated:

- Once you begin mowing a native meadow, it starts to look like a lawn.
- Some properties have been added to the EDPA Atlas in error and some properties that should be included in the Atlas are missing.
- A high standard for evidence should be set when amending the bylaw.

J. Ball, Cordova Bay Road, stated:

- The EDPA Atlas is flawed and the bylaw should be repealed.
- Mapping is not complete; the science behind the EDPA is in question.
- A report to residents should be provided outlining scientific evidence of the environmental impact of each component of the EDPA.

M. Ross, McAnally Road, stated:

- The EDPA Atlas has created disharmony within Saanich.
- Proper public consultation was not done.
- If the bylaw is an attempt to protect native species, it is important to identify correctly where native species are.

L. Lea, Cedarglen Road, stated:

- Restoration is supportable where appropriate; invasive species spread quickly when left alone.
- The priority and focus of restoration should be within Saanich parks; Saanich parks has the greatest percentage of biodiversity but they are degrading rapidly.
- It is unfair and unrealistic to force property owners to restore areas on their properties; lawn and garden under Garry oak trees should not be considered sensitive ecosystems.
- Residents should be encouraged, not forced, to remove invasive plants and to maintain sensitive ecosystems on their properties.

K. Miskelly, Durrance Road, stated:

- Restoration of Saanich parks should be considered; a lot of the concerns expressed tonight are financially based.
- We need to be stewards for the future and help maintain ecosystem health; work should continue on identifying locations of sensitive ecosystems.
- Some of the highest valued properties in the region are the ones that are the least ecologically degraded.
- Some residents of Saanich do support the EDPA Atlas.

G. Morrison, McAnally Road, stated:

- The EDPA Atlas needs to be overhauled; it has resulted in financial impacts to property owners.
- Notification to home owners was not adequate; there is a need for scientific justification by an independent third party to identify an inventory of endangered species.

J. Stark, Cedarglen Road, stated:

- Invasive species are running rampant throughout Saanich.
- Stewardship should be fostered through positive incentives.

P. Lewis, Duke Street, stated:

- The EDPA Atlas contains mapping errors; the guidelines as written do not speak to Council's intention to protect SEI polygons regardless of their condition.
- Garry oaks over lawn and garden should not be considered sensitive ecosystems; Garry oak trees are protected under the Tree Preservation Bylaw.
- Consideration should be given to preservation of Saanich-owned properties; invasive species are a problem.
- Saanich needs to find a way to work with property owners which may include providing incentives.

Resident, Tudor Avenue, stated:

- Inclusion in the EDPA Atlas reduces the value of properties.
- Developers buy properties based on risk; the more bureaucratic red tape that is involved, the less likely a property will sell.

K. Cuddihy, Tudor Avenue, stated:

- The EDPA Atlas has put a burden on home owners; it is more difficult to make changes to properties.

H. Reuten, Malton Avenue, stated:

- One-third of their property, including their kitchen, garage and driveway, is included in the buffer zone; she wonders if there was a fire in the kitchen, would insurance cover the loss.
- Because some of the property is in the buffer zone and unusable, will the property taxes be lowered.

T. Pilkington, Cedarglen Road, stated:

- His property backs onto the Alberg property and is in the 10 metre buffer zone; the Alberg property has now been removed from the EDPA Atlas therefore his property should also be removed.

A. Bickerton, Burnside Road West, stated:

- The EDPA Atlas should not exist; residents cannot afford to live in Saanich.

H. Charania, on behalf of the North Quadra Land Use Protection Association, stated:

- The Community Association supports option 1 outlined in the report; removal of properties from the EDPA Atlas would make the Atlas and bylaw ineffective.
- The Garry Oak Ecosystems Recovery Team and the Garry Oak Meadow Preservation Society supports the EDPA, as do Dr. Nancy Turner and Ms. Deborah Curran.
- Removing the properties would pre-empt the process that is currently underway.
- There is no compelling reason to remove the properties from the EDPA Atlas now.

K. Harper, Bonair Place, stated:

- The EDPA Atlas is based on bad science and bad mapping; property owners have had to spent thousands of dollars to find out their status within the Atlas.
- The bylaw should be repealed; there must be a better way.

P. Rantucci, Mountain Avenue, stated:

- His property has been devalued because of the EDPA; he wouldn't have bought the property if he had known that the property was included in the EDPA Atlas.
- The bylaw should be repealed and rebuilt; BC Assessment should be provided with the addresses of properties included in the EDPA Atlas so that the properties could be properly assessed.
- Home owners should only be paying taxes on what the property is worth.

W. Wright, Seaview Road, stated:

- He has had positive experiences when dealing with Saanich staff.
- Removing the properties from the EDPA Atlas will be a message of hope to other property owners.

P. McGuire, Admirals Road, stated:

- He supports removing the properties from the EDPA Atlas.
- Legal action could be taken if the properties are not removed.

D. Watson, Camcrest Place, stated:

- Including properties in the EDPA does not promote stewardship.
- A transparent process is needed.
- Property owners should not have to pay out of their own pocket for a biologist to determine if their property should be in the EDPA Atlas.

N. Webb, owner of 4011 Rainbow Street, via video:

- The EDPA mapping was prepared using aerial photos from the 1990's.
- The owners were advised to get a biologist report; it confirmed that there are no sensitive ecosystems on the property.
- Saanich should do the right thing and remove the property from the EDPA Atlas.

MOVED by Councillor Plant and Seconded by Councillor Brice: "That Council take a five minute recess at 10:02 pm."

CARRIED

Council reconvened at 10:07 pm.

Mayor Atwell requested that Councillor Murdock assume the Chair.

Councillor Murdock assumed the Chair at 10:08 pm.

COUNCIL DELIBERATIONS:

Motion: MOVED by Mayor Atwell and Seconded by Councillor Plant: “That Appendix “N”, Development Permit Areas, Justification and Guidelines, of the Official Community Plan Bylaw, 2008, No. 8940, be amended by repealing Development Permit Area 29 - Environmental Development Permit Area and Schedule 3 – Environmental Development Permit Area Atlas.”

Mayor Atwell stated:

- Some properties in the EDPA Atlas contain lawn and garden which may mean they are not sensitive ecosystems; because of the EDPA, properties have been devalued and it is difficult to sell them.
- There are mapping errors; restoration may not be practical given the amount of invasive species.
- It may be appropriate to focus on restoration of Saanich parks.
- The financial burden placed on owners of property in the Atlas may result in owners not being able to age-in-place.
- The bylaw should be repealed and a new bylaw drafted that recognizes financial impacts and the needs of future generations.

Councillor Plant stated:

- Residents feel that the bylaw is not fair to property owners.
- The EDPA Atlas is a great idea but implementation of the bylaw has been a concern; there is a need to revise the bylaw.

Councillor Derman stated:

- The goals of the EDPA are legitimate and change is needed to rectify the damage done to sensitive ecosystems.
- Other municipalities have EDPA Guidelines; staff should take the opportunity to review them for comparison.
- The Community Association is in support of continuing with the current process.

Councillor Wergeland stated:

- The concerns of the public has been heard; there will be future opportunities to discuss the EDPA Guidelines.
- Although he does not support repealing the bylaw, he would be in favour of removing the two properties from the EDPA Atlas.

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

- The properties have been identified correctly as Sensitive Ecosystem Inventory and belong in the EDPA Atlas.
- The SEI was mapped and offered to local governments by the federal and provincial governments; there is no jurisdiction that comes with use of the mapping.
- The two properties meet the guidelines of the EDPA bylaw as Sensitive Ecosystem Inventory.

Councillor Brice stated:

- She is sympathetic to the concerns of the residents but believes in the process.
- Further public consultation will be taking place as part of the process; other municipalities have EDPA Guidelines and they should be reviewed.
- After the public consultation, the guidelines will be reviewed and be can revised if necessary.

Mayor Atwell stated:

- The engagement process should be used to build a bylaw that works; it is important to preserve Saanich for future generations but it is also important not to burden home owners.

Councillor Sanders stated:

- The process underway should not be pre-empted; the public will have the opportunity to provide further input.
- The EDPA is a tool that is used across the province; Saanich believes in sustainability.
- The work on the EDPA has been ongoing for years; it is important to continue with the process.

Councillor Brownoff stated:

- The input received from the public will be incorporated into the process; it is possible that more could be done in relation to restoration in Saanich parks.
- After public consultation, staff will provide a report for consideration; at that time, it will be determined if changes to the bylaw are needed.
- It is important to complete the process.

Councillor Derman stated:

- It is important to receive all possible information to make a decision.
- If repealing the bylaw was to be considered, it would have to be properly advertised to ensure that the public was aware and had a chance to provide input.

Councillor Murdock stated:

- The process should be completed; there will be the opportunity to provide further input on the EDPA at a drop in Open House on October 3, 2015.

**The Motion was DEFEATED
with Councillors Brice, Brownoff, Derman, Murdock, Sanders and Wergeland
OPPOSED**

Motion:

MOVED by Councillor Plant and Seconded by Councillor Wergeland: "That staff be requested to prepare an amendment to Plate 18 of Schedule 3 to Appendix "N" of the Official Community Plan Bylaw, 2008, No. 8940 for the potential removal of the lands at 4007 and 4011 Rainbow Road from the Environmental Development Permit Area Atlas, and that a Public Hearing be called to consider the amendment."

Councillor Plant stated:

- The properties do not have sensitive ecosystems on them.
- The process should continue but in the interim, the properties should be removed from the EDPA Atlas.
- The trees on the property are protected through the Tree Preservation Bylaw.

Councillor Wergeland stated:

- It may be necessary to revise the EDPA bylaw in the future; in the meantime, the two properties should be removed from the EDPA Atlas.

Councillor Derman stated:

- There is no immediate intent to develop these properties therefore there is time to gather further information before making a decision.
- Other municipalities have EDPA Guidelines and they should be reviewed as part of the process.

Mayor Atwell stated:

- The properties should be removed from the EDPA Atlas.
- The bylaw is to be used as a flagging tool and as a guide but individual properties should be inspected by professionals.

Councillor Brice stated:

- The EDPA can be revised after public consultation.
- Removing the properties now is not a decision based on the principles of the bylaw.

Councillor Sanders stated:

- The two properties meet the EDPA Guidelines therefore should not be removed at this time.
- Once the public consultation process is complete, further discussion can take place.

Motion: MOVED by Councillor Brice and Seconded by Councillor Derman: “That the meeting continue past 11:00 pm.”

CARRIED

Motion: MOVED by Councillor Brownoff and Seconded by Councillor Sanders: “That Council postpone further consideration of the request to remove the properties at 4007 and 4011 Rainbow Street from the Environmental Development Permit Area Atlas until after the public engagement process is complete.”

Mayor Atwell stated:

- Bylaws are not meant to devalue properties; the issue has been ongoing for some time therefore a postponement is not supportable.

Councillor Derman stated:

- A postponement will allow the process to be completed, for all information to be gathered and a decision to be made based on the information.

Councillor Brownoff stated:

- A postponement allows for a full public process to take place; the option to remove the properties from the EDPA Atlas can be considered after the process is complete.

**The Motion to Postpone was CARRIED
with Mayor Atwell and Councillors Plant and Wergeland OPPOSED**

2870-30
Cordova Bay
Road

4655 CORDOVA BAY ROAD – SUBDIVISION, DEVELOPMENT VARIANCE PERMIT AND REZONING APPLICATION

Report from the Director of Planning dated September 9, 2015 recommending that Council support Option 1 as outlined in the report and that Council postpone further consideration of the application to allow the applicant to reconsider the proposal.

APPLICANT:

L. Mari, Planster Consulting, presented to Council and highlighted:

- The proposed development fits within the character of the neighbourhood; the applicant is committed to providing design guidelines.
- The proposed development will include 37 parking stalls on site; there will be negligible impact on traffic volume.
- Traffic consultants have confirmed that there are adequate site lines.
- The proposed development is close to public transit.
- Consultation took place with neighbours and none are opposed; the Cordova Bay Association for Community Affairs is in favour of seven lots.
- The existing dwelling will be deconstructed; 22% of the site will be covenanted as a protected area.
- Bare Land Strata regulations allow for lot averaging whereby an average is taken of all lots in a proposed subdivision to arrive at lot size; lot averaging can be used to comply with the minimum lot size requirements for a specific zone.
- A variance for lot width is requested.

PUBLIC INPUT:

K. Whitcroft, Inverness Road, stated:

- Density should be focused in major centres; this is a car-oriented development.

COUNCIL DELIBERATIONS:

In response to questions from Council, the applicant stated:

- The proposed dedicated road would be municipally-owned and could be expanded if development occurs on the neighbouring property.
- Trees on the west side of the road would be removed if the road was widened for future development.
- The road will be curb and gutter with oil separators; storm water may be treated onsite through rain gardens; further information will be provided at the Public Hearing.

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

- As part of a servicing agreement, parking will not be permitted on the road.

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

- Lot averaging is used for the purpose of clustering to protect sensitive areas.
- The Cordova Bay Local Area Plan states that the maximum lot size in this area is 930 m²; this is applied equally to Bare Land Strata and Fee Simple lots.
- The Zoning Bylaw does not allow Fee Simple lots to be less than 930 m²; as a matter of fairness of application of the policy, that would also extend to Bare Land Strata lots.
- In this proposal, limited common property can be included in the 930 m² calculation because limited common property is connected to one lot; other lots do not have access to the limited common property.

In response to questions from Council, the applicant stated:

- Sea level rise is not a consideration for this proposed development because of the siting on a slope.
- The existing dwellings will be deconstructed.
- The watercourse will be protected through a covenant.
- Neighbours support an eight lot subdivision.

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

- The watercourse was checked by a qualified environmental professional and it was determined that the original source of water has disappeared and there is no fish habitat.

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

- The road could have been up to 20 metres wide; the road will provide public access to the water.

Motion:

MOVED by Councillor Derman and Seconded by Councillor Sanders: "That Council support Option 1 and postpone further consideration of the application to allow the applicant to reconsider the proposal."

Councillor Derman stated:

- The cumulative impact of development should be considered as part of climate change.
- This is an attractive development but there is a concern with lot averaging; it is not an effective use of land.
- It is a remote location and will be car-oriented.

Councillor Wergeland stated:

- This is a good location for infill.

Councillor Brownoff stated:

- There is concern about tree loss, siting and the lot width variance; impervious surfaces should be reduced.

Councillor Sanders stated:

- The applicant should consider mitigating tree loss, a better design and access onto Cordova Bay Road.
- The development should meet the requirements of the Cadboro Bay Local Area Plan.

Councillor Plant stated:

- Eight dwellings on the site is appropriate; some of the trees on the site are derelict and should be removed.
- The proposed development will be an improvement of the current situation.

Mayor Atwell stated:

- Reducing the proposed development by one dwelling will not have a significant impact.

Councillor Brice stated:

- The development fits within the character of the neighbourhood; having one less lot may not mean that trees are retained.

**The Motion was then Put and DEFEATED due to a tie vote
With Mayor Atwell and Councillors Brice, Plant and Wergeland OPPOSED**

Motion: MOVED by Councillor Derman and Seconded by Councillor Brice: “That Council postpone further consideration of the rezoning application on 4655 Cordova Bay Road until a future Council meeting where all Council members are in attendance.”

CARRIED

Adjournment On a motion from Councillor Brice, the meeting adjourned at 12:01 am.

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CHAIR

I hereby certify these Minutes are accurate

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DEPUTY MUNICIPAL CLERK