

DISTRICT OF SAANICH
MINUTES OF THE COUNCIL MEETING
HELD AT THE SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, AUGUST 8, 2016

Present: **Chair:** Acting Mayor Sanders
 Council: Councillors Brice, Brownoff, Derman, Haynes, Murdock, Plant and Wergeland
 Staff: Paul Thorkelsson, Chief Administrative Officer; Carrie MacPhee, Director of Legislative Services; Sharon Hvozdzanski, Director of Planning; Harley Machielse, Director of Engineering; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

Acting Mayor Sanders called the regular Council meeting to order at 6:00 p.m. in Committee Room No. 2.

In Camera Motion **MOVED by Councillor Derman and Seconded by Councillor Plant: “That pursuant to Sections 90 (1) (c) and (i) of the *Community Charter*, the following meeting be closed to the public as the subject matters being considered relate to labour relations or other employee relations and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.”**

CARRIED

Adjournment On a motion from Councillor Wergeland, the meeting adjourned to In Camera at 6:02 p.m.

The regular Council meeting reconvened in Council Chambers at 7:00 p.m.

Minutes **ADOPTION OF MINUTES**

MOVED by Councillor Plant and Seconded by Councillor Brice: “That Council adopt the minutes of the June 20, 2016 Special Council meeting and the July 18, 2016 Council and Committee of the Whole meetings.”

CARRIED

BYLAWS FOR FINAL READING

1110-30
Sewer Capital
Program Loan
Authorization
Bylaw

SEWER CAPITAL PROGRAM LOAN AUTHORIZATION BYLAW
Final Reading of the “Sewer Capital Program Loan Authorization Bylaw, 2016, No. 9380”. To authorize borrowing of a sum not exceeding \$1,500,000 for the construction of improvements to the sewer system in the Sewer Service Area.

MOVED by Councillor Derman and Seconded by Councillor Haynes: “That Bylaw No. 9380 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

1110-30

Storm Drainage
Capital Program
Loan Authorization
Bylaw

STORM DRAINAGE CAPITAL PROGRAM LOAN AUTHORIZATION BYLAW

Final Reading of the "Storm Drainage Capital Program Loan Authorization Bylaw, 2016, No. 9381". To authorize borrowing of a sum not exceeding \$1,500,000 for the construction of improvements to the storm drainage system.

MOVED by Councillor Haynes and Seconded by Councillor Brownoff: "That Bylaw No. 9381 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

1110-30

Transportation
Capital Project
Loan Authorization
Bylaw

TRANSPORTATION CAPITAL PROJECTS LOAN AUTHORIZATION BYLAW

Final Reading of the "Transportation Capital Projects Loan Authorization Bylaw, 2016, No. 9382". To authorize borrowing of a sum not exceeding \$2,000,000 for the construction of improvements to transportation infrastructure.

MOVED by Councillor Plant and Seconded by Councillor Brownoff: "That Bylaw No. 9382 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

1110-30

Parks Capital
Projects Loan
Authorization
Bylaw

PARKS CAPITAL PROJECTS LOAN AUTHORIZATION BYLAW

Final Reading of the "Parks Capital Projects Loan Authorization Bylaw, 2016, No. 9383". To authorize borrowing of a sum not exceeding \$1,300,000 for the construction of improvements to parks infrastructure.

MOVED by Councillor Brice and Seconded by Councillor Haynes: "That Bylaw No. 9383 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

1110-30

Community
Facilities Capital
Projects Loan
Authorization
Bylaw

COMMUNITY FACILITIES CAPITAL PROJECTS LOAN AUTHORIZATION BYLAW

Final Reading of the "Community Facilities Capital Projects Loan Authorization Bylaw, 2016, No. 9384". To authorize borrowing of a sum not exceeding \$195,800 for the construction of improvements to community facilities.

MOVED by Councillor Wergeland and Seconded by Councillor Derman: "That Bylaw No. 9384 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

1110-30

Gordon Head
Recreation Centre
Loan Authorization
Bylaw

GORDON HEAD RECREATION CENTRE LOAN AUTHORIZATION BYLAW

Final Reading of the "Gordon Head Recreation Centre Loan Authorization Bylaw, 2016, No. 9386". To authorize borrowing of a sum not exceeding \$836,630 for the Gordon Head Recreation Centre boiler replacement.

MOVED by Councillor Derman and Seconded by Councillor Wergeland: "That Bylaw No. 9386 be adopted by Council and the Seal of the Corporation be attached thereto."

CARRIED

PUBLIC INPUT ON COUNCIL AGENDA ITEMS

Public Input on
Council Agenda
Items

1050-20
Goward House
Lease Agreement

D. Eyles, President, Goward House Society:

Goward House Society Request for Review of Lease Agreement:

- The study on grant funding has been broadened in scope and awaits a special meeting of Council for consideration; a more limited and focused review may speak to Goward House Society's more immediate concerns.
- Staff were asked to report on lease agreements; other seniors organizations do not have lease agreements and therefore were not included in the study.
- It is requested that a review take place to compare Goward House Society to other seniors organizations; it may be appropriate to change the lease agreement to a management or facility use agreement.
- Changes may better serve Goward House Society and the municipality.

E. Leonard, Administrator, Goward House Society:

Goward House Society Request for Review of Lease Agreement:

- Goward House Society employs one full time and three part time support workers; the Society offers services to seniors at a reasonable and affordable price.
- The Society has approximately 460 members, approximately the same number as Silver Threads.
- Donations from members have been used as operating funds and for capital improvements; no other seniors organizations ask their members for donations to run their programs.
- A management agreement may be more appropriate; the Saanich Capital Budget would not be impacted as the Goward House property would be included in the annual capital expenditures that Saanich currently manages.

BYLAWS FOR THREE READINGS

1110-30
Ticket Bylaw

TICKET BYLAW AMENDMENT

Three Readings of the "Ticket Bylaw, 2010, Amendment Bylaw, 2016, No. 9375". To remove the position of "Captain Inspector" and replace with "Captain" and add "Assistant Deputy Chief and Lieutenant" to the list of officials authorized to issue tickets under the Fire Prevention, Smoke Alarm and False Alarm Bylaws.

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 9375 be introduced and read."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 9375 be read a second time."

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Brice: "That Bylaw No. 9375 be now passed."

CARRIED

1110-30
Housing
Agreement
Authorization
Bylaw

HOUSING AGREEMENT AUTHORIZATION BYLAW – 4396 WEST SAANICH ROAD

Three Readings of the “Housing Agreement Authorization Bylaw (4396 West Saanich Road), 2016, No. 9395”. To prohibit a Strata Bylaw or Strata Council from restricting rental of an apartment dwelling unit for residential purposes.

xref: 2860-20
West Saanich
Road

**MOVED by Councillor Wergeland and Seconded by Councillor Haynes:
“That Bylaw No. 9395 be introduced and read.”**

CARRIED

**MOVED by Councillor Wergeland and Seconded by Councillor Haynes:
“That Bylaw No. 9395 be read a second time.”**

CARRIED

**MOVED by Councillor Wergeland and Seconded by Councillor Haynes:
“That Bylaw No. 9395 be now passed.”**

CARRIED

RESOLUTIONS FOR ADOPTION

1410-04
Report –
Engineering

TENDER 18/16 – QUADRA STREET WATER MAIN AND SANITARY SEWER UPGRADE - ROGERS AVENUE TO NICHOLSON STREET

Report of the Director of Engineering dated July 28, 2016 recommending that Council award Tender 18/16 for Quadra Street Water Main and Sanitary Sewer Upgrade – Rogers Avenue to Nicholson Street, and change orders within the project budget, to G&E Contracting LP, in the amount of \$1,024,100 (excluding GST).

Xref: 5370-30
Tender 18/16

MOVED by Councillor Brice and Seconded by Councillor Haynes: “That Council award Tender 18/16 for Quadra Street Water Main and Sanitary Sewer Upgrade – Rogers Avenue to Nicholson Street, and change orders within project budget, to G&E Contracting LP, in the amount of \$1,024,100 (excluding GST).”

CARRIED

REPORTS FROM COMMITTEES

1420-40
BIPED

PROVINCIAL SALES TAX (PST) EXEMPTION FOR ELECTRIC BICYCLES

Recommendation from the June 23, 2016 Bicycle and Pedestrian Mobility Advisory Committee meeting that Council request the Province restore the Provincial Sales Tax exemption for electric bicycles that are torque (pedal) assist.

**MOVED by Councillor Derman and Seconded by Councillor Haynes:
“That Council call on the Province to restore the Provincial Sales Tax Exemption for electric bicycles that are torque (pedal) assist.”**

Councillor Derman stated:

- Cycling organizations feel that all electric bicycles should be exempted from Provincial Sales Tax; after further discussion, the Bicycle and Pedestrian Mobility Advisory Committee (BIPED) recommended that only electric bicycles that are torque assist should be exempted.
- In the past, there were tax exemptions available for the purchase of electric bicycles; consideration of the broaden issue of electric bicycles will take place at a future BIPED meeting.

Councillor Brownoff stated:

- A tax exemption for pedal assist electric bicycles is supportable.

Councillor Haynes stated:

- It may be appropriate to have further discussion on what types of electric bicycles should be allowed on regional trails.

The Motion was then Put and CARRIED

REPORTS FROM MEMBERS OF COUNCIL

1410-04
Report – Council

xref: 1050-20
Goward House
Lease Agreement

GOWARD HOUSE SOCIETY REQUEST FOR REVIEW OF LEASE AGREEMENT

Further to the Notice of Motion from the July 18, 2016 Council meeting, report from Councillor Haynes dated July 28, 2016 recommending that Council direct staff to undertake a review of the lease agreement and funding model for the Goward House Society and report to Council on options for consideration.

MOVED by Councillor Haynes and Seconded by Councillor Plant: “That Council direct staff to undertake a review of the lease agreement and funding model for the Goward House Society and report to Council on options for consideration.”

Councillor Haynes stated:

- It is appropriate to provide Goward House Society with certainty around funding arrangements; the Society is agreeable to the possibly of changing from a lease agreement to an alternative type of agreement.

Councillor Derman stated:

- Goward House initially chose to enter into a Lease Agreement; the nature of what services Goward House offers and its' clients have changed over time.
- Goward House is similar to other seniors organizations; the review may recommend that Goward House be managed in a similar manner to other seniors organizations in the municipality.

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

- The Engineering, Parks and Recreation, Legislative Services and Finance Departments would need to be included in a review of the lease agreement and to provide options for consideration; a timeline for the review would depend on the availability of staff.
- Staff would target having the review completed for Council's 2017 budget deliberations.

In response to questions from Council, the Director of Finance stated the community grants program has been referred to another process.

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

- The discussion on the lease agreement and funding model would be separate from the grants program review.

Councillor Murdock stated:

- It is important to avoid asking staff to undertake work that another group may already be doing; staff already have heavy workloads.

Councillor Derman stated:

- A review may not be completed in time for this budget cycle; it is important to find a way to make Goward House viable in the long term.
- A membership-pay model is not sustainable.

Councillor Brownoff stated:

- Adding to staff's workload may mean that other initiatives have to be deferred; it is important that staff are not asked to duplicate work that another group may be doing.
- There may be opportunities to use the space for municipal programs after hours.

Councillor Haynes stated:

- Feedback from seniors on the services available is being sought; the review of the lease agreement may assist Goward House with viability for the future.

The Motion was then Put and CARRIED

Adjournment

On a motion from Councillor Derman, the meeting adjourned at 7:35 p.m.

The meeting reconvened at 8:41 pm.

RECOMMENDATIONS

From the Committee of the Whole Meeting held August 8, 2016

5700-40
Liquor Licence
Application

**761 ENTERPRISE CRESCENT – LIQUOR LICENCE – BREWERY
DISTILLERY LOUNGE**

MOVED by Councillor Derman and Seconded by Councillor Plant: “That Council waive the Public Hearing requirements of Council Policy, “Liquor Licensing Public Consultation Process for Liquor-Primary and Food-Primary Licenses”.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Plant: “That:
1. Council support the application to the BC Liquor Control and Licensing Branch for a Brewery and Distillery Lounge Endorsement in order to sell liquor by the glass in designated tasting (lounge) areas at the brewery/distillery at 761 Enterprise Crescent, as outlined in the report of the Director of Planning dated July 28, 2016; and
2. the minutes of the Committee of the Whole meeting and correspondence received be provided to the BC Liquor Control and Licensing Branch, as representing the views of residents with respect to the application.”

CARRIED

Adjournment

On a motion from Councillor Brice, the meeting adjourned at 8:44 p.m.

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ACTING MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK

DISTRICT OF SAANICH
 MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
 HELD IN THE COUNCIL CHAMBERS
 SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, AUGUST 8, 2016 AT 7:37 P.M.

Present: **Chair:** Councillor Murdock
Council: Councillors Brice, Brownoff, Derman, Haynes, Plant, Sanders and Wergeland
Staff: Paul Thorkelsson, Chief Administrative Officer; Carrie MacPhee, Director of Legislative Services; Sharon Hvozdzanski, Director of Planning; Harley Machielse, Director of Engineering; Donna Dupas, Legislative Manager; and Lynn Merry, Senior Committee Clerk

2860-25
 Roy Road

1136 ROY ROAD – DEVELOPMENT PERMIT APPLICATION

From the Committee of the Whole meeting of July 11, 2016. Report of the Director of Planning dated June 29, 2016 recommending that Council approve Development Permit DPR00628 to construct a new agricultural building within the Floodplain Development Permit Area, and that ratification of the Development Permit be withheld pending registration of a covenant to secure the items outlined in the report.

APPLICANT:

L. Mari, Planster Consulting and J. Steingard, Westbrook Consulting Ltd., presented to Council and highlighted:

- An 800 square foot agricultural building is proposed for the site.
- Consultation with neighbours took place via home visits and letters; the Residents Association of Strawberry Vale, Marigold and Glanford provided feedback.
- Screening along the front property line would be provided and landscape plans will be secured by covenant.
- The proposed building would be constructed with flow through passages at floor level which would allow flood water to flow through the building without impacting the floodplain storage capacity of the site.
- To minimize the disturbance to the lot, void space could be created by excavating half a metre of soil under the building and filling it with blasted rock.

In response to questions from Council, the applicant stated:

- The soil that is excavated could be used in the gardens proposed for the site.

PUBLIC INPUT:

G. Maurer, Roy Road, stated:

- The soil on the property consists of clay and may not be appropriate for gardens; he is concerned with the height of the proposed building and that the building footprint will impact the floodplain storage capacity.
- The proposed building would not fit within the rural character of the neighbourhood; the attempt to screen the property is appreciated.
- If the property is used for commercial purposes, there would be concerns with increased traffic and noise.
- The Residents Association had concerns with the visual impact on the neighbourhood.

In response to questions from Council, the Director of Planning stated that the height of the proposed building would be 19.25 feet.

Z. Fisher, Cherry Road, stated:

- The flow through passages would not be adequate to preserve the environmental benefit of the floodplain; the height of the proposed building is a concern.
- He questions if the proposed building would be one storey.

D. Thompson, Roy Road, stated:

- He did not receive notification that the application was being considered; all residents on the street should have been informed.
- There is concern that if chemicals are stored on the floor of the proposed building, there may be a risk of the floodplain being contaminated.

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

- The applicant has addressed many of the concerns outlined by the Association; the addition of landscape screening is appreciated.
- The Ministry of the Environment should re-consider their position on allowing building on a floodplain.
- The Residents Association asks that approval of the Development Permit be contingent on the site being used for agriculture only.
- Off-street parking should be provided for retail customers to alleviate concerns of increased parking on the street.

A. Boutilier, Roy Road, stated:

- Storing materials that may danger the fish in the floodplain and nearby stream is a concern; she wonders if Fisheries and Oceans Canada have been notified in relation to this application.
- Currently, there are concerns with the volume of traffic on Roy Road and this application may add to that issue.

APPLICANT'S RESPONSE:

- The height from the ground to the peak of the proposed building would be 19.25 feet; the intent is to have storage off the floor therefore there is no concern with the possibility of contamination of the floodplain.
- No commercial use or retail sales are proposed; the intention is to grow ornamental plants for residential landscaping projects.
- The owner believes that planting on the property would be successful.
- The addition of off-street parking would increase impervious surfaces and may contribute to additional flooding; parking is only required for a single vehicle.
- There is no requirement to contact Fisheries and Oceans Canada.
- Hazardous materials would not be stored on the property; only materials for landscaping and plantings would be stored in the proposed building.
- Notification took place to residents within a 100 metre radius of the site; consultation was focused on residents who may be immediately impacted.
- Flow through passages would accommodate the flow of water from the floodplain.
- A small poplar tree on the property will be removed through a Tree Permit.

The Legislative Manager stated:

- All residents within 50 metres from a property that is subject to a Development Permit would receive notification from the municipality.

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

- The *Local Government Act* outlines what a Development Permit application can be adjudicated against; a Floodplain Development Permit Application is to be adjudicated by Council based on the guidelines outlined in the relevant Bylaw.
- A Restrictive Covenant cannot be secured through the Floodplain Development Permit process to restrict the design/height/use of the property.
- A range of agricultural goods could be stored in the proposed building.
- The design of the proposed building is not a consideration of this Development Permit application.
- In accordance with the Zoning Bylaw, the height of the proposed building could be higher than what is proposed by the applicant.
- A Restrictive Covenant is required to save the District and Province harmless in case of flooding and is allowable under the *Local Government Act*.

Motion:

MOVED by Councillor Derman and Seconded by Councillor Plant: "That it be recommended that:

- 1. Council approve and issue Development Permit DPR00628; and**
- 2. Ratification of the Development Permit be withheld pending registration of a covenant requiring that:**
 - a. the owner will save the District and Province harmless in case of flooding on the property, and;**
 - b. that plantings occur as per the Landscape Plan by Planster Consulting received and date stamped June 29, 2016."**

Councillor Derman stated:

- Council's discretion for approving or not approving a Development Permit is limited; it appears the applicant has met the necessary conditions for building in the floodplain.

Councillor Haynes stated:

- It is appreciated that the applicant addressed the concerns of residents.

Councillor Plant stated:

- This is a small gesture in supporting agriculture; the height concern has been addressed.
- The covenant saves the District harmless in case of flooding.

Councillor Brownoff stated:

- Council has approved building on the floodplain in the past; it may be appropriate to ask the Province to reconsider their position on building on the floodplain in light of climate change concerns and significant flooding that has taken place.

Councillor Wergeland stated:

- Although considering future ramifications is important, Council should consider applications that are before them today; the applicant has addressed the concerns of building on the floodplain.

Councillor Brice stated:

- There is no legitimate reason why the application should not be supported; this is an extraordinary investment for the stated purpose.

Councillor Murdock stated:

- There is potential for recurring flooding in this area; it is not appropriate to construct a building on the floodplain under these conditions.

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

1410-04
Report –
Planning

xref: 5700-40
Liquor Licence
Application

761 ENTERPRISE CRESCENT – LIQUOR LICENCE – BREWERY DISTILLERY LOUNGE

Report of the Director of Planning dated July 28, 2016 recommending that Council support the application to the BC Liquor Control and Licensing Branch for a Brewery and Distillery Lounge endorsement to allow the sales of liquor by the glass in designated tasting (lounge) areas at 761 Enterprise Crescent; and that the minutes of the Public Hearing and correspondence received be provided to the Liquor Control and Licensing Branch as representing the views of residents with respect to the application.

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

- Council Policy requires that a Public Hearing be held for new liquor-primary applications; a Committee of the Whole meeting and a Public Hearing were recently held for the rezoning and development permit process where the public had the opportunity to provide input on the entire project including liquor sales.
- Staff are satisfied that the public has had sufficient opportunities for comment.

In response to questions from Council, the Director of Planning stated that since the recent Public Hearing, two or three businesses provided letters of support for the application.

APPLICANT:

G. Macaloney, Macaloney Brewers & Distillers Ltd., presented to Council and highlighted:

- The number of applications for distilleries at the provincial level resulted in the request for support from BC Liquor Control and Licensing Branch (BCLCLB) being received after the rezoning and development permit process had taken place; due process has already taken place.

PUBLIC INPUT:

P. Whitworth, Viewmont Avenue, stated:

- The Royal Oak Community Association had no objections to the application.
- There are several places on the BCLCLB application summary that are blank; he has questions in relation to the blanks on this application, the secondary liquor licence and the reference to a kitchen.

K. Whitworth, Viewmont Avenue, stated:

- There is concern that the BCLCLB application summary is not completed in its entirety and there is a reference to having a kitchen; the application is supportable but further information would be helpful.

In response to a question, the Director of Planning stated that no further information in relation to the BCLCLB application summary was received.

APPLICANT’S RESPONSE:

- The provincial and municipal processes are separate but there is some overlap; the information provided to Saanich was what was needed for the municipal process; no information was withheld.
- There is no intention to have kitchen service; it is a provincial requirement that when liquor is served, food be available, but that food can be packaged or reheated.
- The Province permits up to 20% by volume of alcohol sales of another company’s product; it takes three years for whiskey to mature.
- The Province allows distilleries to purchase bulk whiskey and bottle it and it would be deemed as your own product; there is no intention of selling other company’s brands of beer or whiskey.

Motion:

MOVED by Councillor Brice and Seconded by Councillor Haynes: “That it be recommended that Council waive the Public Hearing requirements of Council Policy, “Liquor Licensing Public Consultation Process for Liquor-Primary and Food-Primary Licenses”.”

CARRIED

MOVED by Councillor Brice and Seconded by Councillor Haynes: “That it be recommended that:

- 3. Council support the application to the BC Liquor Control and Licensing Branch for a Brewery and Distillery Lounge Endorsement in order to sell liquor by the glass in designated tasting (lounge) areas at the brewery/distillery at 761 Enterprise Crescent, as outlined in the report of the Director of Planning dated July 28, 2016; and**
- 4. the minutes of the Committee of the Whole meeting and correspondence received be provided to the BC Liquor Control and Licensing Branch, as representing the views of residents with respect to the application.”**

CARRIED

Adjournment

On a motion from Councillor Brownoff, the meeting adjourned at 8:40 p.m.

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CHAIR

I hereby certify these Minutes are accurate

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MUNICIPAL CLERK