

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

Minutes of the **PLANNING AND DEVELOPMENT COMMITTEE** Meeting  
Monday, May 29, 2006 at 7:00 pm  
Central Saanich Municipal Council Chamber

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**PRESENT:** Councillor Robert Thompson, Chair  
Mayor Jack Mar  
Councillors: Bryson, Graham, King and Mason  
Gary C. Nason, Administrator  
Trish Flanders, Municipal Clerk  
Hope V. Burns, Director of Planning & Building Services  
Nirmal Bhattacharya, Municipal Engineer  
Ruby Shea, Administrative Assistant

**ABSENT:** Councillor Garrison

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**APPROVAL OF THE AGENDA:**

Councillor Thompson noted the following correction to the order of this evening's agenda:

- Item 3 is on pages 31 to 41, and Item 4 is on pages 24 -30;

The Administrator, Mr. Gary C. Nason, noted the addition to the agenda of the following late items:

- Correspondence from Shirley Bond Re: 8129 Derrinberg Road, to be included with Item 1;
- Correspondence from Barbara Kelly and William Appleby Re: Development Variance Permit Application; 8338 West Saanich Road Private Moorage Facility, to be included with Item 4;

611.06 MOVED BY COUNCILLOR MASON  
NO SECONDER

*That the Agenda for the Planning & Development Committee Meeting held on May 29, 2006 be approved as amended.*  
CARRIED UNANIMOUSLY

**1. Agricultural Land Commission Application for Three Additional Dwellings on Lot A, Section 3, Range 3 East, Plan 18448 (8129 Derrinberg Road, Woodgate Stables)**

- a. Staff Memorandum dated May 2, 2006 from Hope V. Burns, Director of Planning & Building Services Re: Agricultural Land Commission Application for Three Additional Dwellings on Lot A, Section 3, Range 3 East, Plan 18448 (8129 Derrinberg Road, Woodgate Stables); and
- b. Correspondence dated May 26, 2006 from Shirley Bond Re: 8129 Derrinberg Road.

The Director of Planning & Building Services, Ms. Hope V. Burns, gave a comprehensive overview of the Staff Memorandum pertaining to the Agricultural Land Commission Application for three additional dwellings on property located at 8129 Derrinberg Road, and responded to questions from members of the Committee.

Mr. C.J. (Kip) Wilson, Solicitor for the Applicant, advised that the Applicant would like to defer consideration of this matter to afford additional time to relocate the portable structures on the property, and asked that the cottage be retained for a farm use residence.

The Committee held a brief discussion in regards to the Applicant submitting an application to the Agricultural Land Commission (ALC) for one additional dwelling unit, and Council giving the Applicant additional time to relocate the portable structures.

Mr. Wilson suggested that, in consideration of the Applicant's circumstances, she may require an additional two or three months to comply.

Mr. Wilson requested that Council give him one week to explore a workable timeline and put together a proper application to the ALC for the cottage.

- 612.06            MOVED BY COUNCILLOR GRAHAM  
                     NO SECONDER  
                     *That It Be Recommended To Council:*

*That the Staff Memorandum dated May 2, 2006 entitled "Agricultural Land Commission Application for Three Additional Dwellings on Lot A, Section 3, Range 3 East, Plan 18448 (8129 Derrinberg Road, Woodgate Stables)" be received, and the applicant and/or her representative be requested to submit within one week a proposed approach and timeline to bring the property in question in compliance with the Agricultural Land Commission regulations and the District's Land Use Bylaw.*

CARRIED UNANIMOUSLY

**2. C & C Porter Re: Covered Deck at 2526 Monte Vista Place**

- a. Correspondence dated April 20, 2006 from Cory and Candace Porter Re: Covered Deck at 2526 Monte Vista Place

The Director of Planning & Building Services gave an overview of the correspondence in regards to the covered deck at 2526 Monte Vista Place.

Mr. Cory Porter, 2526 Monte Vista Place, briefly addressed his request for permission to exceed the maximum site coverage for his lot to accommodate the covered deck which was constructed without a building permit.

A brief discussion took place.

- \*\* DEFEATED \*\***  
613.06            MOVED BY COUNCILLOR KING  
                     NO SECONDER  
                     *That It Be Recommended To Council:*

*That the correspondence dated April 20, 2006 from Mr. Corey Porter pertaining to the unauthorized covered deck which has been constructed at 2526 Monte Vista Place be received, and it be indicated to Mr. Porter that Council's preference would be that the current lot coverage on his property be reduced so as to comply with the District's Land Use Bylaw.*

**MOTION DEFEATED**

- 614.06            MOVED BY COUNCILLOR GRAHAM  
                     NO SECONDER  
                     *That It Be Recommended To Council:*

*That Mr. Porter be requested to pursue a resolution to the situation at hand either by reducing the current lot coverage on his property or by submitting an appropriate Land Use Bylaw Amendment application to amend the lot coverage for this particular property so as to bring it into compliance with the District's regulations.*

CARRIED  
OPPOSED: COUNCILLOR KING

**3. Development Variance Permit Application for Parking Lot Encroachment into Watercourse Setback (Graham Creek) – 1445 Benvenuto Avenue – Church and State Wines**

- a. Staff Memorandum dated May 24, 2006 from Hope V. Burns, Director of Planning & Building Services Re: Development Variance Permit Application for Parking Lot Encroachment into Watercourse Setback (Graham Creek) – 1445 Benvenuto Avenue – Church and State Wines.

The Director of Planning & Building Services gave a comprehensive overview of the Staff Memorandum in regards to the proposed Development Variance Permit Application for a parking lot encroachment into a watercourse setback (Graham Creek) on property located at 1445 Benvenuto Avenue (Church & State Wines), and responded to questions from members of the Committee.

It was noted that there was no representation from Church and State Wines in attendance at the meeting.

A lengthy discussion took place.

Councillor Graham requested that the Applicant and Staff provide assurance that contaminants have not been deposited on the creek bank, and look at how run-off from the parking lot affects the creek.

615.06            MOVED BY COUNCILLOR GRAHAM  
                      NO SECONDER  
                      *That It Be Recommended To Council:*

*That the Staff Memorandum dated May 24, 2006 entitled "Development Variance Permit Application for Parking Lot Encroachment into Watercourse Setback (Graham Creek) – 1445 Benvenuto Avenue – Church and State Wines" be received, and prior to Council's further consideration of a Development Variance Permit (DVP) for this particular property, the Applicants be requested to provide commentary or commitments in regards to their willingness to register, as a condition of the District's issuance of a DVP, an appropriate environmental protection covenant or other suitable legal mechanism, as well as provide assurances or undertakings to address any contamination or run-off into Graham Creek from the parking lot or from the related deposit of gravel and fill material on the site.*

CARRIED UNANIMOUSLY

**4. Development Variance Permit Application; 8338 West Saanich Road Private Moorage Facility (William Appleby and Barbara Kelly)**

- a) Staff Memorandum dated May 24, 2006 from Hope V. Burns, Director of Planning & Building Services Re: Development Variance Permit Application; 8338 West Saanich Road, Private Moorage Facility (William Appleby and Barbara Kelly); and
- b) Correspondence dated May 27, 2006 from Barbara Kelly and William Appleby, 8338 West Saanich Road Re: Development Variance Permit Application; 8338 West Saanich Road, Private Moorage Facility.

It was noted that the Applicants, Barbara Kelly and William Appleby, were not in attendance at the meeting to address their application.

The Director of Planning & Building Services gave a comprehensive overview of the Staff Memorandum in regards to the Development Variance Permit Application to authorize the reconfigured private moorage/dock facility.

A brief discussion took place.

616.06            MOVED BY COUNCILLOR BRYSON  
                      NO SECONDER  
                      *That It Be Recommended To Council:*

*That the Staff Memorandum dated May 2, 2006 entitled "Development Variance Permit Application; 8338 West Saanich Road Private Moorage Facility (William Appleby and Barbara Kelly)" be received, and in connection with the proposed Development Variance Permit Application for the existing private moorage facility within the foreshore lease area No. 1406667 adjacent to Lot 3, Section 1, Range 3 West, Plan 2100 addressed as 8338 West Saanich Road:*

1. Council propose to consider the issuance of a Development Variance Permit to vary the following regulations of the Water Area W-1 Zone:
  - increase the maximum permitted length of a private float or walkway from 30 m (98 ft.) to 39.5 m (130 ft.); and
  - increase the maximum permitted width of a private float or walkway from 3 m (10 ft.) to 6.2 m (20 ft.);
2. Staff be instructed to undertake the required statutory notification procedures; and
3. Council stipulate the condition that any issuance of a Development Variance Permit would be subject to the Applicant being required to amend the foreshore lease area to remove that portion that lies south of the westerly extension of the property boundary adjacent to the Nimmo Road right-of-way.

The Committee requested that the foregoing resolution be considered seriatim.

THE QUESTION WAS THEN CALLED ON SECTIONS 1 AND 2 OF THE RESOLUTION  
CARRIED UNANIMOUSLY

THE MOVER AGREED TO WITHDRAW SECTION 3 OF THE RESOLUTION

617.06

MOVED BY COUNCILLOR GRAHAM  
NO SECONDER  
*That It Be Recommended To Council:*

- That:*
1. Correspondence be written to the appropriate Provincial Government agency requesting that the Province amend the foreshore lease area to remove that portion that lies south of the westerly extension of the property boundary adjacent to the Nimmo Road right-of-way, or alternatively, agree to amend the foreshore lease when the lease is next considered for renewal; and
  2. Council stipulate the condition that any issuance of a Development Variance Permit would be subject to the Applicants providing an appropriate assurance or undertaking that they will take the necessary steps, when the foreshore lease next comes up for renewal, to amend the lease area to remove that portion that lies south of the westerly extension of the property boundary adjacent to the Nimmo Road right-of-way.

CARRIED UNANIMOUSLY

**ADJOURNMENT:**

*On motion, the Planning & Development Committee Meeting held on May 29, 2006 adjourned at 7:53 pm.*

Recorded By: Trish Flanders  
Municipal Clerk