

From: Kate Kimberley [REDACTED]
Sent: Wednesday, August 3, 2022 7:50 AM
To: Emilie Gorman
Cc: Municipal Hall; Jarret Matanowitsch; Mayor Ryan Windsor; Anne and Earl Henderson; Brian Aldous; Ivo Van der Kamp
Subject: Re: Question re Advisory Planning Commission + Council Correspondence and Administrative Fairness re 7103 Brentwood Drive – Rezoning and Development Permit

Good morning Emilie,

Thanks for your email.

I attended an informal meeting with a couple of other concerned neighbours where Mayor Windsor was present yesterday, and I'm not sure if you've had an opportunity to connect with him. As you previously noted in your email, the letters that didn't make the July 25th agenda, and which are noted as "Late correspondence" online (but have been sent in since April 2022), will be brought forward to the meeting on the 8th. The Mayor also encouraged additional letters from the community (there are several) also be submitted directly to your office (not to the planning department) for the August 8th meeting. It is important to owners and neighbours that our correspondence be reviewed on this rezoning and development application, and through Council, be sent along to the Advisory Planning Commission to support its review.

At the informal meeting with the Mayor yesterday the question of whether Council would have made a decision on July 25th to forward the application to APC had the community correspondence been included in the original agenda package was discussed; it is hard to say. On this point all I can do is reiterate my observation (from the meeting video) that neither Council discussion nor the Planner's introductory comments (or letter) referred to neighbours' correspondence. The only mention of neighbour input by planner Ms. Andrea Pickard was a reference to the developer hearing no issues from neighbours regarding the rooftop decks, a statement which has left neighbours mystified, to be honest.

I appreciate you mentioning that the Council agenda is uploaded on the Friday before Monday meetings. The question we raise, though, is the notice to the community about the dates for the review process, and what is appropriate notice for a matter that has clearly garnered interest (e.g. correspondence received, and several owner visits to the Planning department to speak directly with Ms. Pickard with questions). Several owners were following the online [listing for 7103 Brentwood Drive Rezoning and Development Permit](#) on the [Current Development and Subdivision Applications](#) page to learn when the item would go to Council. You've shared that on Friday July 22nd the listing was updated that it was scheduled for Council on Monday July 25th. We understand and appreciate that this was First Reading, but it is entirely appropriate for the community to appear, remotely or in person. It appears from the video of the July 25th meeting that the developer was present for First Reading, so maybe he was refreshing the website regularly. Or perhaps he was notified by the Planning department of the matter going to first reading on July 25th? Again I pose the question for consideration: what is appropriate notice for the Planning department to update, for the public, the [Current Development and Subdivision Applications](#) page about the Council review dates? In this case it was less than a business day. Whether it is CS policy or not, the general consensus amongst neighbours is that we did not have reasonable notice of this item, and I hope that you can understand that there is frustration as a result.

Thanks for your Terms of Reference excerpt. Yes, I am comfortable with this correspondence going to Council for August 8th, and then forwarded onto APC for its August 17th. Thank you for your kind offer.

Many thanks,

Kathryn Kimberley

Brentwood Bay, BC

On Tue, Aug 2, 2022 at 4:16 PM Emilie Gorman <Emilie.Gorman@csaanich.ca> wrote:

Hi again Kate,

The application for 7103 Brentwood will be subject to a future public hearing, and notices for that opportunity for public input will be mailed to adjacent property owners in compliance with legislated requirements. According to the Council Procedures Bylaw [s. 14.3(b)(i)], no delegation would have been able to speak to the item at the July 25th meeting as it is related to a future public hearing. It is also according to that Procedures Bylaw that agendas for the Monday regular Council meetings are published by Friday at Noon.

Regarding your request that your comments be shared with the APC, I have included an excerpt below from the Terms of Reference for APC. As they do not directly receive public input, but rather receive it via Council, **with your permission** I will add our exchange to the August 8th Council meeting.

18. All meetings of the Commission shall be open to the public. Members of the public will not, however, be provided an opportunity to address the Commission; if a member of the public wishes to comment on a matter relating to the Commission or its business, such comment may be submitted to the Council.

Regards,

Emilie

From: Kate Kimberley [REDACTED]
Sent: Tuesday, August 2, 2022 10:36 AM
To: Emilie Gorman <Emilie.Gorman@csaanich.ca>
Cc: Municipal Hall <Municipal.Hall@csaanich.ca>; Jarret Matanowitsch

<Jarret.Matanowitsch@csaanich.ca>; Mayor Ryan Windsor <Ryan.Windsor@csaanich.ca>; Anne and Earl Henderson [REDACTED] Brian Aldous [REDACTED]; Ivo Van der Kamp <Ivo.VanderKamp@csaanich.ca>

Subject: Re: Question re Advisory Planning Commission + Council Correspondence and Administrative Fairness re 7103 Brentwood Drive – Rezoning and Development Permit

Thank you Emilie.

Given that the "Current Development Application" webpage for this application was updated on Friday, July 22nd, when the original agenda was published, how could neighbours reasonably have known about the Monday July 25th meeting, less than one business day later, to attend and witness first reading from Council on this item?

This is unacceptable and under review would not meet any reasonable standard of administrative fairness. I appreciate that it is summer, and that things happen. However, as mentioned in my original email, Council and Central Saanich administration have a duty to provide legislated review processes that are transparent, fair and balanced and in this instance you have fallen short.

In addition to the Mayor raising this item again during the Council meeting on August 8th ("to highlight to Council the correspondence from the public"), which is appreciated, I suggest that it also be noted in the minutes at the August 8th meeting, and brought to the attention of the Advisory Planning Commission, that the date for first reading for 7103 Brentwood Drive – Rezoning and Development Permit was made public on Friday July 22nd, giving insufficient notice for neighbours to attend. Had there been proper notice, owners adjacent to 7103 Brentwood Drive, and other neighbours, would have been in attendance.

The alternative is to recognize that First reading of this item on July 25th was invalid, and to reschedule it for a future meeting.

Following up on my earlier request, could you please forward the membership of the Advisory Planning Commission?

Thank you,

Kate Kimberley

On Tue, Aug 2, 2022 at 10:15 AM Emilie Gorman <Emilie.Gorman@csaanich.ca> wrote:

Hi Kate,

For ease, I have provided responses in your email below.

Regards,

Emilie

From: Kate Kimberley [REDACTED]
Sent: Tuesday, August 2, 2022 9:57 AM
To: Emilie Gorman <Emilie.Gorman@csaanich.ca>
Cc: Municipal Hall <Municipal.Hall@csaanich.ca>; Jarret Matanowitsch <Jarret.Matanowitsch@csaanich.ca>; Mayor Ryan Windsor <Ryan.Windsor@csaanich.ca>; Troy Ziegler <Troy.Ziegler@csaanich.ca>; Anne and Earl Henderson [REDACTED]; Brian Aldous [REDACTED]
Subject: Re: Question re Advisory Planning Commission + Council Correspondence and Administrative Fairness re 7103 Brentwood Drive – Rezoning and Development Permit

Hello Emilie,

Thank you for your reply.

I want to be clear that I understand what you are saying. Can you (and the Mayor) confirm that the Mayor and Council had access to correspondence from neighbours, going back to April 2022, in their agenda packages for the regular Council meeting on July 25th? **Yes – the revised agenda was available to Mayor and Council in the revised agenda package. There were 5 pieces of correspondence going back to April 2022. I have spoken with the Mayor this morning, and the item will likely be brought up again during the meeting on August 8th to highlight to Council the correspondence from the public.**

I find it odd that no Councillor or the Mayor spoke to or referenced the considerable community input when this item was spoken to at the meeting. The rooftop decks, an item of contention, are referenced in the neighbour letters, and this issue was discussed at the meeting. Yet there was no reference to the neighbours concerns, and neither was the community input raised by the planner Andrea Pickard.

I would also appreciate an update on when the public current development applications webpage was updated to indicate that this item was on the agenda for July 25th. I see from the video that the proponent, Mike Barbon, was aware of the meeting. How unfortunate that property owners and neighbours were not present, nor our input spoken to at the meeting. I accessed this public page on Thursday, July 21st and the Council date for first reading was not updated next to this item re 7103 Brentwood Drive. **I have confirmed that the “Current Development Application” webpage for this application was updated on Friday, July 22nd, when the original agenda was published. A subsequent update was done to add the date of the Advisory Planning Commission meeting in August, as per Council direction.**

My concerns re administrative fairness have not been assuaged, unfortunately.

I look forward to your reply,

Kathryn Kimberley

On Tue, Aug 2, 2022 at 9:27 AM Emilie Gorman <Emilie.Gorman@csaanich.ca> wrote:

Good morning,

Once again, I wanted to thank you for the research you did into the correspondence item, as well as your patience while I got back to the office.

I have spoken with staff and can confirm that correspondence related to 7103 Brentwood Drive was included in the July 25, 2022 agenda – item 12.2.1 under “[Revised Agenda](#)”. This occurs when items are added after the initial publishing, but before the meeting.

You were quite correct in your referencing of the correspondence policy, in that letters should have been and were included alongside first reading of the item.

If you have any additional questions, please let me know.

Regards,

Emilie

From: Kate Kimberley [REDACTED]
Sent: Friday, July 29, 2022 1:30 PM
To: Emilie Gorman <Emilie.Gorman@csaanich.ca>
Cc: Municipal Hall <Municipal.Hall@csaanich.ca>; Jarret Matanowitsch <Jarret.Matanowitsch@csaanich.ca>; Mayor Ryan Windsor <Ryan.Windsor@csaanich.ca>; Troy Ziegler <Troy.Ziegler@csaanich.ca>
Subject: Re: Question re Advisory Planning Commission + Council Correspondence and Administrative Fairness re 7103 Brentwood Drive – Rezoning and Development Permit

Thanks for getting back to me, Emilie. I appreciate you reaching out and look forward to hearing from you next week.

Enjoy your holiday,

Kate

On Fri, Jul 29, 2022 at 1:10 PM Emilie Gorman <Emilie.Gorman@csaanich.ca> wrote:

Good afternoon Kate,

Thank you for the email. I am not in the office this week, and would like to give you a proper answer once I have access to the files from your question.

I appreciate your research and references of our policy in your inquiries.

I will look into this on Tuesday and get back to you with a more fulsome answer.

Regards,

Emilie Gorman

Director of Corporate Services

On Jul 29, 2022, at 12:17 PM, Kate Kimberley <k8kimberley@gmail.com> wrote:

Hello,

I've reviewed the Central Saanich website and was unable to find the current Membership and 2022 Meeting schedule for the Advisory Planning Commission. I found the bylaw (2048) to establish the commission but no other info. **Can you please point me in the right direction to find this information or send it along via reply email?** Thank you.

Second, I have a question regarding Council Correspondence. According to [POLICY NO. 16.ADM](#), Section 11 reads:

"11. Correspondence relating to a pending development application, a public hearing, or a matter that is awaiting a staff report for Council's consideration, will be held until that item is brought forward on a Meeting Agenda. At that time, the correspondence will be attached as background to the corresponding agenda item."

At the July 25 regular Council meeting, the original agenda package for item 12.2.1. 7103 Brentwood Drive – Rezoning and Development Permit did not include correspondence that has been sent to Mayor and Council and the Planning Department with regard to the proposed development. It was apparent that the Planner's report did not integrate the existence of community correspondence either.

A ["revised" agenda](#) package has now been uploaded with an updated item for 12.2.1. 7103 Brentwood Drive – Rezoning and Development Permit which includes the correspondence in Section 6 and it indicates "LATE" . To be clear, CS mail stamps indicate that impacted neighbours have been submitting correspondence on this file since as early as April 2022. Letter writers have yet to receive acknowledgement of their correspondence. Given its lack of inclusion on the meeting agenda, it appears to be inconsistent with [POLICY NO. 16.ADM](#), which raises a concern for me about administrative fairness. Did Council members have access to the correspondence prior to first reading of the draft bylaw 2122 for 7103 Brentwood Drive? Is all correspondence for this matter being properly managed as per the outlined purpose of [POLICY NO. 16.ADM](#)?

Further, I have questions about whether there was timely updating of the listing for 7103 Brentwood Drive – Rezoning and Development Permit on the [Current](#) Development and Subdivision Applications page so that neighbours could have proper notice and attend the July 25, either remotely or in-person. I understand and appreciate that this was First Reading, but it is entirely appropriate for the community to be advised of this matter being added to the regular Council meeting with proper notice. What is the Planning department policy for publishing council and/or committee dates in order to give sufficient advance notice to the public? Perhaps a week? Five business days? Was there appropriate notice given for this item? The general consensus amongst neighbours is 'no'.

It is important that all parties experience administrative fairness. For impacted neighbours and the community, this means having confidence in a review process that is transparent, fair and balanced.

At present, many neighbours are feeling differently, and we will be redoubling our efforts to ensure that the Mayor, council members, planning department and others are aware of our concerns and input about the application from the developer for 7103 Brentwood Drive – Rezoning and Development Permit.

I look forward to a response to my question above about the Advisory Planning Commission and also welcome responses regarding the management of incoming correspondence on the file (the expectations for which are outlined in [POLICY NO. 16.ADM](#).) and the policy regarding advance public notice on the [Current Development and Subdivision Applications page](#) in order to provide opportunities for public engagement.

Many thanks,

Kathryn Kimberley

Brentwood Bay, BC

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