

DISTRICT OF SAANICH
MINUTES OF THE COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
MONDAY, DECEMBER 10, 2012 AT 7:30 PM

Present: **Chair:** Mayor Leonard
 Council: Councillors Brice, Brownoff, Derman, Gerrard, Murdock, Sanders, Wade
 and Wergeland
 Staff: Paul Murray, Chief Administrative Officer; Sharon Hvozanski, Director of
 Planning; Valla Tinney, Director of Finance; Donna Dupas, Legislative
 Manager; and Andrea Park, Senior Committee Clerk

Minutes

ADOPTION OF MINUTES

**MOVED by Councillor Brownoff and Seconded by Councillor Gerrard:
“That Council adopt the minutes of the December 3, 2012 Council and
Committee of the Whole meetings.”**

CARRIED

BYLAWS

1110-30
Sanitary Sewer
Bylaw

SANITARY SEWER BYLAW AMENDMENT – 2013 SEWER UTILITY RATES
Three Readings of the “Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2012,
No. 9207”. To establish the 2013 sewer utility rates.

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:
“That Bylaw No. 9207 be introduced and read.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:
“That Bylaw No. 9207 be read a second time.”**

CARRIED

**MOVED by Councillor Derman and Seconded by Councillor Wergeland:
“That Bylaw No. 9207 be now passed.”**

CARRIED

1110-30
Water Utility Billing
Bylaw

WATER UTILITY BYLAW AMENDMENT – 2013 WATER UTILITY RATES
Three Readings of the “Water Utility Bylaw, 2000, Amendment Bylaw, 2012,
No. 9208.” To establish the 2013 water utility rates.

**MOVED by Councillor Brice and Seconded by Councillor Gerrard: “That
Bylaw No. 9208 be introduced and read.”**

CARRIED

**MOVED by Councillor Brice and Seconded by Councillor Gerrard: “That
Bylaw No. 9208 be read a second time.”**

CARRIED

**MOVED by Councillor Brice and Seconded by Councillor Gerrard: “That
Bylaw No. 9208 be now passed.”**

CARRIED

RECOMMENDATIONS FROM COMMITTEES2560-35

Climate Change

FORUM ON CLIMATE CHANGE

Recommendation from the October 23, 2012 Environmental Advisory Committee recommending Council support climate change mitigation and adaptation by directing staff to develop community engagement via social media and a large-scale community forum in 2013.

MOVED by Councillor Sanders and Seconded by Councillor Brownoff: "That Council support climate change mitigation and adaptation by directing staff to develop community engagement via social media and a large-scale community forum in 2013."

Councillor Sanders stated:

- The Environmental Advisory Committee selected climate change as their most important issue for consideration.
- There is a sense that the public has lost interest and that it should be reintroduced in a meaningful way to the community.
- To develop public awareness of climate change and to let the community know of the progress Saanich has made in this regard, the use of social media and the idea of reaching a larger audience at a public forum has been recommended.

Councillor Brice stated:

- It is appropriate to engage not just Saanich residents but the regional community in such a forum; the recent joint Council meeting held with the City of Victoria on this subject has confirmed the benefits of this approach.

Councillor Derman stated:

- Climate change presents the largest problem facing mankind today; leadership is required to make people aware and ready to respond.
- It would be appropriate to involve other municipalities and the Saanich Community Association Network in the proposed forum.

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

- Partnerships will be sought to cover the expenses of the forum; funding from the BC Climate Action Secretariat will be considered.

Councillor Brownoff stated:

- The CRD Climate Action Program and the University of Victoria Sustainability office may be useful resources.
- It is important to engage the business community and make them aware of the ways they might contribute to initiatives.

The Motion was then Put and CARRIED.

2860-30

Roderick Street

760 AND 764 RODERICK STREET – DEVELOPMENT PERMIT – WARNER JAMES ARCHITECTS

Memo from the Legislative Manager dated December 6, 2012 advising that the applicant has completed all outstanding items and the Development Permit may now be approved and issued.

MOVED by Councillor Gerrard and Seconded by Councillor Sanders: "That Council approve and issue Development Permit DPR00512 on Lot A, Section 7, Victoria District, Plan 26842 (760 Roderick Street) and on Lot 12, Block 1, Section 7, Victoria District, Plan 882 (764 Roderick Street)."

CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 7:40 pm.

The Director of Finance left the meeting.

The Meeting reconvened at 9:31 pm.

RECOMMENDATIONS

From the Committee of the Whole Meeting held December 10, 2012

2320-20
Gordon Head
Local Area Plan
Xref: 2870-30
Mount Douglas
Cross Road

PROPOSED AMENDMENTS TO THE GORDON HEAD LOCAL AREA PLAN TO CLARIFY THAT REMOVAL OF 1516 MOUNT DOUGLAS CROSS ROAD FROM THE AGRICULTURAL LAND RESERVE IS NOT SUPPORTED

MOVED by Councillor Brownoff and Seconded by Councillor Derman: "That Council reconsider its July 23, 2012 decision not to forward to the Agricultural Land Commission, the application to exclude Lot 1, Section 54, Victoria District, Plan 5369 (1516 Mount Douglas Cross Road) from the Agricultural Land Reserve; and That Council forward to the Agricultural Land Commission without comment, the last application to exclude from the Agricultural Land Reserve, Lot 1, Section 54, Victoria District, Plan 5369 (1516 Mount Douglas Cross Road)."

CARRIED

Councillor Murdock OPPOSED

In Camera Motion **MOVED by Councillor Brownoff and Seconded by Councillor Wergeland: "That the following meeting be closed to the public as the subject matters being considered relate to discussions with municipal officers and employees respecting objectives, measures and progress reports for the purposes of preparing the annual report, and, the receipt of legal advice that is subject to solicitor-client privilege pursuant to sections 18(i) and (l) of Council Procedure Bylaw, 2007, No. 8840."**

CARRIED

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 9:35 pm.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
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, DECEMBER 10, 2012 AT 7:41 PM

Present:

Chair: Councillor Paul Gerrard

Council: Mayor Leonard and Councillors Brownoff, Derman, Gerrard, Murdock, Sanders, Wade and Wergeland

Staff: Paul Murray, Chief Administrative Officer; Carrie MacPhee, Director of Legislative Services (9:10 pm); Sharon Hvozdzanski, Director of Planning; Donna Dupas, Legislative Manager; Andrea Park, Senior Committee Clerk

2320-20
 Gordon Head Local
 Area Plan

PROPOSED AMENDMENTS TO THE GORDON HEAD LOCAL AREA PLAN TO CLARIFY THAT REMOVAL OF 1516 MOUNT DOUGLAS CROSS ROAD FROM THE AGRICULTURAL LAND RESERVE IS NOT SUPPORTED

Report of the Director of Planning dated August 23, 2012 recommending Council amend the Gordon Head Local Area Plan to remove 1516 Mount Douglas Cross Road from Map 5.1 – Subdivision Potential; remove Section 5, paragraph 5, page 13; and replace Policy 5.2 with “Do not support applications to remove parcels shown on Map 5.3 from the Agricultural Land Reserve”.

PUBLIC INPUT:

Mr. L. J. Alexander, Cox Taylor, Barristers and Solicitors, 26 Bastion Square, stated:

- He represents the owners of the property at 1516 Mount Douglas Cross Road; they are looking for Council to provide some certainty as to whether they may be able to pursue residential development of this property or use it for an agricultural purpose.
- He has provided Council with several extracts from the Official Community Plan which support his client's view that the OCP does not support keeping this property in the Agricultural Land Reserve (ALR).
- The foundation for rural and urban Saanich is the Urban Containment Boundary and the OCP states that it is to be adhered to.
- It may be that Council's decision of July 23, 2012 not to refer his clients application to the Agricultural Land Commission (ALC) was not legal; because this property is not zoned for agriculture and an OCP amendment is not necessary, Council may have been required to forward the ALR exclusion application.
- The Albergs are now prepared to go ahead with the agricultural option; no buildings would be required, there would be no Council approval required, the entirety of the site could be used in accordance with the Right to Farm Act and some trees would be removed.

Mr. Rob Galey, Galey Farms, 4150 Blenkinsop Road, stated:

- The agricultural uses proposed are inappropriate for this property.
- Protecting this land within the ALR will not help farmers; the site is undesirable for farming and he supports its removal from the Agricultural Land Reserve.

Mr. Ray Galey, owner, Galey Farms, 4150 Blenkinsop Road, stated:

- He can recall when over 80% of the Island was farmland.
- He cares about preserving farmland but believes it is too late for this property.
- He supports the Albergs in their application to exclude the land from the ALR.

Mr. D. Alberg, part owner, 1516 Mount Douglas Cross Road, stated:

- He raises cattle and would have made use of the property in question, if it had any potential for agriculture.
- His late mother had a few cattle on the property at one time but it did not work out; the cattle were noisy and the poor soil could not support the animals.
- They postponed any application to remove the land from the ALR during their mothers lifetime; in 2009, they began the subdivision process.
- They have since submitted three different subdivision proposals, all of which have been rejected by Council; it appears the only option left is agriculture.
- Since the land has been assessed as having poor agricultural capability, a poultry operation was initially contemplated but now a cattle feed lot is being considered.
- It will not blend in with the neighbourhood but appears to be the only option.

Ms. J. Barbour, and, on behalf of Mr. D. McLellan, 1510 Mount Douglas Cross Road, stated:

- They are neighbours of the property in question.
- Saanich has allowed other subdivisions to be built in the area, some on prime farm land; this property cannot sustain agriculture or cattle and she supports the proposal to remove it from the ALR.

Mr. D. Gunn, President, Gordon Head Residents Association, stated:

- The Association supports the preservation of agricultural land and understands that the ALR is intended to preserve productive farmland.
- The proposed amendment to the Gordon Head Local Area Plan (GHLAP) has not had sufficient community consultation and should be tabled until a fair and open process can occur.
- It would be appropriate for Council to give further consideration to the neighbours, the agricultural capability of the site, and the sensitive Garry oak meadow and its ecosystem.
- There is room for a compromise between development and preservation of the landscape.

Ms. N. Chambers, 4317 Blenkinsop Road, stated:

- She supports keeping the land in the ALR and referred Council to the United Nations Declaration on Food Security as the basis for her position.
- This property helps support biodiversity in the Blenkinsop Valley and the Garry oak ecosystem supports pollinators; soils can be amended and cattle could be supported.
- There are new farmers who would be willing to farm this land.

Mr. S. Fletcher, 1519 Mount Douglas Cross Road, stated;

- He endorses the concept of the ALR; however, this site is rocky and inappropriate for agriculture.
- He would like to see the property developed while preserving the Garry oaks and offering a community garden.

Mr. F. Stephenson, 1504 Lynnfield Place, stated:

- He enjoys living in this transition area between rural and urban lands.
- He supports the Alberg proposal to remove the land from the ALR and develop the site for residential use.
- The property has limited agricultural potential and is an unsuitable site for a chicken or beef operation.
- Industrial agriculture and residential uses do not work well together.

Dr. J. Stone, 4112 Cedar Hill Road, stated:

- He supports removal of the property from the ALR; it is an island surrounded by upscale homes.
- Farming the land would have a deleterious effect on neighbouring properties.
- Saanich should treat all owners fairly and determine how to reconcile these competing interests; perhaps the land could be purchased for a park.

Mr. T. Lea, 1513 Cedarglen Road, stated:

- His career as an ecologist, biologist and agrologist, involved mapping sensitive ecosystems throughout the province and the Garry oak woodland on the Alberg property is part of that inventory.
- Detailed ecological assessment by a professional biologist is recommended prior to land use decisions being made.
- The OCP supports the retention of native ecosystems and maintenance of the urban forest; if the property were removed from the ALR and developed for residential use, much of the sensitive areas could be protected.
- He therefore supports removal from the ALR with an assessment by an ecologist in order to protect the ecosystem if a housing development is allowed.

Mr. M. Taulu, 4120 Mercer Place, stated:

- His property is adjacent to the Alberg land.
- He supports removal from the ALR; an agricultural use on the property would negatively impact his enjoyment of his property.

Mr. A. White, 1526 Cedarglen Road, stated:

- The applicant might consider a middle ground; the property could remain in the ALR but be sold at fair market value, while ensuring greenspace is preserved and a more reasonable agricultural use allowed.

Mr. S. Rados, 4108 Mercer Place, stated:

- He supports removal of the land from the ALR; it is not suitable for farming.
- He also has a property for development in the area and would prefer that any future residential development, if allowed, be limited to no less than RS -12 zoning.

Mr. T. Watson, 4012 Malton Avenue, stated:

- As a member of The Land Conservancy, he would suggest another alternative for this property that would allow up to seven residential lots and have the sensitive ecosystem at the rear preserved through a charitable donation.

Ms. L. Popham, 6170 Old West Saanich Road, stated:

- She is the Member of the Legislative Assembly for the Saanich South riding and the agriculture critic for BC; she is an advocate for preservation of agricultural land and food production.
- Saanich decided long ago that this was not suitable land for agriculture; farming is very active and not appropriate near residential uses; the conflict that would result between an agricultural operation and the adjacent residential homes, would be severe.
- She supports removal of this property from the ALR.

Mr. H. Wolfe, 4169 Kincaid Avenue, stated:

- Food security is becoming a major issue.
- Leadership from Council is required in order to establish a vision and a framework for making good decisions regarding agricultural lands.
- Consider looking first at what lands must be preserved for agriculture and consider allowing land with no value for farming to be removed.

Mr. R. Ducharme, 4112 Mercer Place, stated:

- He anticipated that this property would be removed from the ALR when he bought his neighbouring home.
- The site is rocky with very little soil cover; it makes sense to remove it from the ALR.

Mrs. J. Stark, 1515 Cedarglen Road, stated:

- Preservation of sensitive ecosystems is important; she would urge Council to protect the Garry oak woodland at the north end of the Alberg property.
- The uncertainty about the future of this property is adversely affecting all of its neighbours.
- She supports removal from ALR.

Mrs. P. Kang, 4116 Mercer Place, stated:

- She understands that the land is not suitable for farming and supports its removal from ALR.

Mrs. E. Moser, 1517 Mount Douglas Cross Road, stated:

- She lives across from the site and supports its removal from the ALR.
- She is opposed to any industrial farming operation with its noise, odour and health impacts.

Mr. G. Stark, 1515 Cedarglen Road, stated:

- He supports removal of this property from the ALR; the Gordon Head Local Area Plan supports this.
- Environmentally sensitive areas are contained within the site.
- Development consistent with neighbouring residential properties while preserving sensitive areas would be preferable.

Mr. T. Pilkington, 1516 Cedarglen Road, stated:

- When he purchased his home, he was advised that the Alberg property would likely be removed from the ALR and developed.
- Farming does not belong here; an industrial farm operation on the site would have a detrimental effect on his family.

Mr. M. Vukobrat, 4117 Mercer Place, stated:

- He has previously submitted a petition of 233 names opposed to intensive agriculture on this site.
- The property is unsuitable for retention in the ALR; it is surrounded by single family homes, has not been used for agriculture for many years and, if removed, would not result in any loss of food production.
- The neighbourhood will be most seriously impacted if the property is left in the ALR; an agricultural operation would destroy the sensitive ecosystem on the site and this is inconsistent with the Saanich OCP and urban forest strategy
- He does not support the proposed amendment to the Gordon Head Local Area Plan.
- It would be unfair to the Albergs not to allow them an opportunity to develop the land responsibly, while preserving the Garry oak ecosystem.

Mr. B. Loucks, 4160 Glendenning Road, stated:

- He supports retaining the land in the ALR as there is a need to bank land for future food production; remediation of the soil is possible.
- He is opposed to the farming proposals put forward so far by the owners.
- The Right to Farm Act is intended to preserve farms faced with urban sprawl.
- If Council were to table this report, there would be time to explore other alternatives and perhaps create a legacy from the Alberg family as other Saanich residents have done.

Mr. N. Oddy, 1530 Mount Douglas Cross Road, stated:

- He supports removal of the land from the ALR.
- A cattle feedlot would create the problem of runoff; increased heavy trucking would mean the infrastructure must be improved .

COUNCIL DELIBERATIONS:

Mayor Leonard stated:

- He respects the decision made by Council in July regarding amending the GHLAP but was concerned about fairness; the properties surrounding 1516 Mount Douglas Cross Road have been developed and it appears the Albergs are being penalized because the rules have changed.

- The surrounding neighbours have stated that it would be unfair to them to keep this land in the ALR.
- He would prefer that Council take a neutral position on any application at this time; therefore he would recommend that Council reconsider its previous decision not to send the application for exclusion from the ALR to the Agricultural Land Commission (ALC) and that Council then forward it without comment to the Commission for their expert consideration.
- Should the ALC recommend removal from the ALR, it would then be appropriate to look further at the options for this property.

Motion:

MOVED by Mayor Leonard and Seconded by Councillor Derman: “That it be recommended that Council reconsider its July 23, 2012 decision to not forward to the Agricultural Land Commission, the application to exclude Lot 1, Section 54, Victoria District, Plan 5369 (1516 Mount Douglas Cross Road) from the Agricultural Land Reserve; and That it be recommended that Council forward to the Agricultural Land Commission without comment, the last application to exclude from the Agricultural Land Reserve, Lot 1, Section 54, Victoria District, Plan 5369 (1516 Mount Douglas Cross Road).”

Councillor Wade stated:

- It is appropriate to honour the commitment to the community made previously in the Gordon Head Local Area Plan.
- The Right to Farm Act does not allow Council to take part in determining what may be farmed.
- There appear to be conflicts in the OCP around farming and environmentally sensitive areas.
- Referring the application for exclusion from the ALR to the ALC, allows for an opportunity to consider the value of the meadow.

Councillor Derman stated:

- This is not desirable farm land; the Garry oak meadow, however, is in our sensitive ecosystem inventory and the urban forest must be protected to assist with climate change.
- Fairness to the owners of the property and fairness to the neighbouring residents must also be considered.
- Council’s authority is superseded by the Right to Farm Act.

The Director of Legislative Services entered the meeting at 9:10 pm.

Councillor Brice stated:

- It has been challenging to consider removing this property from the ALR due to her strong commitment to preserve farmland; however, it is not necessarily the case that productive farmland would in fact be preserved by retaining this property in the ALR.
- She would prefer to refer this question to the Agricultural Land Commission for a decision.
- The site is orphaned and surrounded by single family homes; intensive agriculture could set in motion decades of conflict.
- Retention of the Garry oak ecosystem on the site would mitigate against loss of the ALR land.

Councillor Sanders stated:

- She had expected to see the Alberg property subdivided at some point in accordance with the policies in the Gordon Head Local Area Plan.
- Much valuable agricultural land has already been lost; agricultural land and sensitive ecosystems are equally under threat.
- She supports referral to the ALC.

Councillor Wergeland stated:

- When the Agricultural Land Reserve was created, it was done quickly without necessarily excluding the unproductive land.
- This is unproductive farmland surrounded by residential development.
- He supports referral to the ALC for an expert opinion on the question of removal.
- A careful and sensitive development could occur which might preserve sensitive ecological areas.

Councillor Brownoff stated:

- She strongly supports the ALR.
- The OCP supports small scale agriculture if balanced with the needs of its neighbours.
- If the ALC were to approve removal of this property from the ALR, then an equal amount of land should be added back, for no net loss of agricultural land.
- The ALC has the expertise to consider such exclusions.
- The Garry oak meadow could be secured during any development approval process.

Councillor Murdock stated:

- This is not a good location for industrial agriculture.
- The Albergs are in an untenable position due to Council's previous decisions which have created uncertainty.
- The report on amending the GHLAP was intended to clarify our policy.
- Sending the application to the ALC without a recommendation from Council is a failing.
- He agrees that no net loss of farmland should result from the removal of this property from the ALR.
- It is possible that a small farm, with some development, and preserving the Garry oak meadow would be a solution.
- He does not support referral to the ALC.

Councillor Gerrard stated:

- This is an orphaned piece of ALR land surrounded by residential properties.
- Fairness is required for both the Albergs and their neighbours.
- He supports referral of the application to the Agricultural Land Commission.

**The Motion was then Put and CARRIED
Councillor Murdock OPPOSED**

Adjournment On a motion from Councillor Brownoff, the meeting adjourned at 9:35 pm.

.....
CHAIR

I hereby certify these Minutes are accurate

.....
MUNICIPAL CLERK