

DISTRICT OF SAANICH  
MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING  
HELD AT G.R. PEARKES RECREATION CENTRE FIELDHOUSE  
3100 TILlicum ROAD  
**SATURDAY, OCTOBER 28, 2017 AT 10:02 A.M.**

Present:           **Chair:**       Mayor Atwell  
                  **Council:**   Councillors Brice, Brownoff, Harper, Haynes, Murdock, Plant, Sanders and Wergeland  
                  **Staff:**       Paul Thorkelsson, Chief Administrative Officer; Angila Bains, Manager, Legislative Services; Jon Poole, Administrative Assistant Planning; Adam Flint, Planning Graphic Technician; Debra Hopkins, Senior Committee Clerk; Sarah Litzenberger, Committee Clerk Assistant; and Lynn Merry, Senior Committee Clerk  
                  **Guest:**       Michael Coulthard, Diamond Head Consulting

2860-25  
EDPA

**INDEPENDENT REVIEW OF THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA (EDPA) REPORT FROM DIAMOND HEAD CONSULTING LTD.**

Council to receive public input further to the Independent Review of the Environmental Development Permit Area (EDPA) Report from Diamond Head Consulting Ltd. dated June 21, 2017.

C. Davidson, West Saanich Road

- Rewriting the EDPA bylaw and the change from a map to a description is supportable; the Streamside Development Permit Area should be included in future work contemplated.
- Environmental issues could be added to the mandate of the Board of Variance.

M. Ward, Excelsior Road

- Rescinding the bylaw is supportable; it may be appropriate to consider an internal code of practice for municipal lands.
- Without the EDPA bylaw, most residents will protect their properties.

D. MacSkill, Gordon Head Road

- The EDPA has made development difficult and could affect the sale of properties; it is appropriate to rescind the EDPA bylaw.
- Typically property owners will not degrade their properties.

P. Foreman, Parker Avenue

- The EDPA bylaw should be rescinded and rebuilt in a different form; it is appropriate to have environmental bylaws but the bylaw in its current form is ineffective.
- The bylaw is based on incorrect mapping.

B. Insley, Cordova Bay Road

- The EDPA bylaw should be rescinded and replaced; residents should be encouraged to plant more trees and plants.

L. Adam, Mountain Road

- The EDPA has taken time away from other municipal business; the EDPA bylaw should be rescinded.

## A. Dakin, Cordova Bay Road

- There are concerns with the existing EDPA therefore it may be appropriate to rescind the bylaw; the recommendations in the Diamond Head report can be built upon and implemented.

## L. Husted, Cyril Owen Place on behalf of Saanich Action For Environment (SAFE)

- SAFE encourages the use of the recommendations in the Diamond Head Report to improve the EDPA; Saanich's long term commitment in protecting the environment is appreciated.
- There is broad community consensus to protect environmental areas during development.

## T. Bersheid, Cyril Owen Place

- The EDPA bylaw is a good piece of legislation but some revisions are needed; other municipalities have similar bylaws.
- The bylaw should not be rescinded.
- Councillor Harper may benefit from changes to the EDPA and therefore is in conflict of interest and should recuse herself from voting on the matter.

## N. James, West Saanich Road

- The EDPA bylaw should be rescinded; a new bylaw must be clear and ground truthing needs to take place.

## J. Stark, Cedarglen Road

- It is important to protect the environment; the application of the bylaw has been flawed.
- The bylaw should be rescinded and a new bylaw should encourage residents to be stewards of the environment on their properties.

## S. Haynes, Parker Avenue

- The EDPA bylaw should be rescinded; property owners are the best stewards of their own properties.
- More education in terms of environmental stewardship should be available for residents.

## M. Insley, Cordova Bay Road

- The EDPA bylaw should be rescinded; the implementation of the bylaw is a concern.

## C. Forester, Sea View Road

- The EDPA has affected property values; the bylaw should be rescinded.
- All residents of Saanich should be encouraged to become stewards of the environment; more information should be provided to residents on how to protect the environment.

## C. Forester, Sea View Road

- The bylaw should be rescinded and if it is necessary to have a bylaw in the future, that it be fair and reasonable to all residents of Saanich.

## G. Tripp, Cordova Bay Road

- A lot of time and effort has been invested in the EDPA; the bylaw should be rescinded.

M. Pereira, Gordon Head Road

- The EDPA has been poorly implemented; it needs to be rebuilt from the ground up for all of Saanich.

L. McKay, Sea View Road

- Property owners are stewards of their own properties; the bylaw should be rescinded.

R. Taylor, Sea View Road

- The EDPA bylaw should be rescinded; it is flawed and implementation has been problematic.
- The bylaw has negatively affected property values.

G. Morrison, McAnally Road

- The bylaw should be rescinded; ground truthing was not done and the bylaw is based on science.
- A new bylaw should include an educational component and incentives for property owners; Saanich parks should be considered in a new bylaw.

J. Barrard, Treetop Heights

- The EDPA bylaw should be rescinded and property owners given the opportunity to provide input into a new bylaw.
- Incentives for residents to maintain their properties should be considered.

W. Pugh, Prospect Lake Road

- Implementation of the recommendations in the Diamond Head Report is supportable; rescinding the EDPA bylaw will leave Saanich's natural environment unprotected.

E. Dalhi, Mount Baker View Road

- The EDPA bylaw has negatively affected property values.

D. Barry, Sea View Road

- The bylaw should be rescinded; the implementation of the bylaw has been flawed.

K. Insley, Cordova Bay Road

- The bylaw should be rescinded; it could be rebuilt using the recommendations in the Diamond Head report.

A. Bull, Wilkinson Road, on behalf of the Saanich Citizens for a Responsible EDPA Society (SCRES)

- SCRES supports the development of a biodiversity strategy, removal of the EDPA Atlas and the automatic requirement for buffers.
- The current bylaw should be rescinded; Saanich should provide a vision for what it is trying to achieve in terms of biodiversity, restore sensitive ecosystems in its parks, create a landowner stewardship program, define development and create implementation guidelines.

M. Vincent, Sea View Road

- The EDPA bylaw should be rescinded and replaced; the existing bylaw is not working.

## N. Leask, Spring Road

- The current bylaw should be rescinded and a new bylaw rewritten that protects the environment, applies to all property owners, promotes land stewardship and encourages those who choose to protect the environment.
- A new bylaw needs to be written in a manner that is clearly understood.

## H. Charania, on behalf of North Quadra Community Association

- Retention of the current EDPA bylaw is supportable but changes could be made to its administration; it needs to be more clear and effective.
- Many jurisdictions within British Columbia have similar bylaws.
- Even though the EDPA Atlas could be seen as inaccurate and outdated, it could be used as a reference base to refine properties; it is appropriate to implement the recommendations in the Diamond Head report with some enhancements.

## B. Winters, Treetop Heights

- The bylaw should be rescinded and rewritten; the Atlas contains mapping errors.

## J. Combes, Tracksell Avenue

- The EDPA bylaw should be rescinded; the definition and application of environmentally sensitive areas are a concern.

## J. Clifford, Austin Avenue

- It may be appropriate to look at EDPA bylaws that are working in other municipalities.

## A. Kyfuik, Cordova Bay Road

- The EDPA bylaw is well meaning to protect the environment and has been successfully implemented in other municipalities; there is a need to rescind the bylaw; it has negatively affected property values.
- A new bylaw could be considered after the recommendations in the Governance Review have been implemented.

## P Ciceri, Turdor Avenue

- The EDPA bylaw should be rescinded; a new bylaw should be created that is fairly applied, is non-discriminatory and non-punitive.

## B. Morrison, Woodhall Avenue

- The EDPA bylaw should be rescinded and public trust rebuilt.

## C. Blazkos, Goward Avenue

- Under privacy legislation, aerial photographs of properties should not have been used for EDPA mapping; the bylaw should be rescinded.

## E. Lyons, Portage Road

- The bylaw should be rescinded and replaced; the recommendations in the Governance Review report could be integrated into the creation of a new bylaw.

## M. Winstanley, Glendenning Road

- The EDPA bylaw should be rescinded; stewardship incentives for home owners should be considered.

M. Mitchel, Kentwood Terrace

- The EDPA bylaw should be rescinded; options for a voluntary stewardship program for all of Saanich should be explored.
- Imposed restoration is a concern.

K. Cuddihy, Tudor Avenue

- He questions if EDPA bylaws in other municipalities have been successful in protecting biodiversity; the bylaw as written and implemented takes away ownership from the stewards of the land.

B. Trottier, Merriman Drive

- Rescinding the bylaw may mean that sensitive ecosystems are destroyed; it may be more appropriate to modify the bylaw
- Shoreline protection and protection of Garry Oak ecosystems must be included in the EDPA bylaw.

D. Doore, Mayfair Drive

- The bylaw should be rescinded and rewritten; it has been poorly implemented.
- A new bylaw should be fair to everyone; sensitive ecosystems are considered during the development application process.

N. Chambers, Blenkinsop Road

- Incentives, assistance for ecological restoration and protection of Garry Oak ecosystems are supportable.

P. Haddon, James Heights

- It is appropriate to maintain the current bylaw and improve on it; there is currently an appeal process available and some owners have applied for and had their properties removed from the EDPA Atlas.
- The current bylaw protects in circumstances where there is subdivision and rezoning applications; the bylaw is similar to those in other municipalities.

Y. Zanata, High Street

- The protection of sensitive ecosystems is supportable but the current EDPA bylaw is ineffective, poorly written, improperly implemented and unfair.
- The bylaw should be rescinded and rebuilt or all properties should be included in the EDPA.

S. Cameron, Lockhaven Drive

- The EDPA bylaw should be rescinded and rewritten.

M. Meagher, Jones Terrace

- There is increasing medical evidence that living within vegetation is good for your health; residents should be compensated for maintaining properties that are in the EDPA.

**MOVED by Councillor Plant and Seconded by Councillor Haynes: "That Council take a three minute recess."**

**CARRIED**

**COUNCIL DELIBERATIONS:**

Councillor Harper stated:

- She has consulted legal counsel who advised that she does not have a conflict of interest in the matter; the law requires that she remain open to persuasion and she is.

In response to questions from Council, Mr. Coulthard stated:

- The Terms of Reference for the report were to amend the bylaw; Diamond Head was never told they could not recommend rescindment.
- The bylaw is a legal entity; stewardship falls outside that entity.

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

- There were a number of bylaws in place before 2012 that were incorporated into the EDPA bylaw; if the EDPA portion of the OCP is rescinded, housekeeping amendments would be required to the OCP in order to return back to the policy framework that existing pre-EDPA.
- The EDPA provides additional protections of environmental aspects during development; some of that will be lost if the bylaw is rescinded.
- There would no longer be a development permit required for environmental protection.

**Motion:**

**MOVED by Councillor Harper and Seconded by Councillor Wergeland: "That it be recommended that Official Community Plan Bylaw, 2008, Amendment Bylaw, 2012, No. 9164 be rescinded in its entirety, and that the motion to rescind and the consequential housekeeping amendments in the Official Community Plan be prepared for Council's consideration as soon as practicable."**

Councillor Harper stated:

- Environmental protection is important however, if the recommendations in the Diamond Head report are made, Council is fundamentally left with a bylaw that is lacking its skeleton.
- How it would be implemented would be puzzling, complicated and would not address the many issues that have been raised in terms of the trust issues, effectiveness, efficiencies and protection of the environment.
- It is prudent to create a new bylaw that works for everyone; rescinding the bylaw will not result in "clear-cutting" Saanich.
- The temporary exemption for single family properties has not resulted in a significant change in people's behaviour.
- There needs to be a new bylaw that rebuilds the trust between members of the public and Saanich.
- The Diamond Head report does not go far enough; it may become one component of a new bylaw and vision going forward.

Councillor Wergeland stated:

- At the time the EDPA bylaw was being considered for adoption, he was not fully aware of its implications and interpretation.
- There is more work required to this current EDPA bylaw than fine-tuning or small in house amendments; there are some serious problems with it.

- Council can not build on a weak foundation that is the current EDPA bylaw.

Councillor Haynes stated:

- The current EDPA bylaw has caused disruption in the community, economic hardship and uncertainty for residents.
- Community trust needs to be rebuilt on both sides of this issue; the application of the bylaw has missed its purpose which was to protect the environment during subdivision and rezoning to restoration.
- A biodiversity strategy should be considered with input from scientists and residents; Council should maintain an arms-length approach on the creation of the strategy and it should be done by an independent third party.
- The Diamond Head report recommendations can be used to give a better approach to environmental stewardship for the future.

Councillor Brice stated:

- Council needs to ensure biodiversity has a chance to be nurtured into the future and connected with other communities on southern Vancouver Island.
- There is a need to ensure that the protections established prior to 2012 are in place before the bylaw is rescinded.

Councillor Murdock stated:

- A number of the recommendations in the Diamond Head report can be implemented and improve the current EDPA bylaw.
- Although the lessons learned can be used in the creation of a new bylaw, Council would be putting the community through more of the same and cause divisiveness in the community.
- Rescinding the bylaw would be reversing environmental protection in Saanich.

Councillor Plant stated:

- The current EDPA bylaw is not working however it cannot remain in its current form; the EDPA needs to be rebuilt however it is reckless to go back and instead it should be built upon.
- The current EDPA bylaw should remain in place until there is a new one with the amendment to add all single family properties to the temporary exception as a way forward.
- A new EDPA bylaw could also include a conservation strategy and a vision for the environment in Saanich.

Councillor Brownoff stated:

- The recommendations from the Diamond Head report would help the bylaw move forward; rescinding the EDPA bylaw is rolling back environmental protection in Saanich particularly when developing properties in future.
- She understands the frustration of single family homeowners regarding the wording of the EDPA bylaw however, rescinding it does not make the process easier as it took a number of years initially.

Councillor Sanders stated:

- There are many supportable recommendations in the Diamond Head report.
- EDPA bylaws in other municipalities across the Province are working well.
- Rescinding the bylaw is stepping back to 2012 in protecting the natural environment in Saanich.
- The province gave municipalities the authority to adopt EDPA bylaws to achieve

biodiversity, connectivity and protection of garry oak meadows; the implementation in Saanich was not faulty, it was based on science and included a public engagement process.

- The Diamond Head report gave Council recommendations to be progressive and a leader in environmental protection.

Mayor Atwell stated:

- Given the history of this bylaw and the unintended consequences, the bylaw should be rescinded.
- A new EDPA bylaw should address and identify the environmental problems in this community and build a better community with it.

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

- Council could request staff look at a process for reviewing the recommendations in the Diamond Head report.
- When the EDPA portion of the OCP bylaw is brought back to Council to rescind, staff will also provide the bylaws needed to be put in place to return to the 2012 level of environmental protection.

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

**MOVED by Councillor Harper and Seconded by Councillor Wergeland: “That it be recommended that the next steps in the process be considered in early 2018 by a subcommittee of Council that will report back to Council no later than April 2018.**

Councillor Harper stated:

- The mandate of the subcommittee could be to consider next steps including the stakeholders who should be included in consultation.

Councillor Haynes stated:

- There needs to be a discussion on the priority of building biodiversity for climate mitigation to have a better resilience for the future.
- Whenever there is a development, Council still has the ability to implement an Environment and Social Review process.

Councillor Brownoff stated:

- This should be referred to a strategic planning session for Council's.

**MOVED by Councillor Brownoff and Seconded by Councillor Sanders: “That the item be referred to Strategic Planning discussions.”**

**The Motion to Refer was DEFEATED  
With Mayor Atwell and Councillors Brice, Harper, Haynes, Murdock, Plant  
and Wergeland OPPOSED**

Councillor Sanders stated:

- It may be appropriate to have the Environment and Natural Areas Advisory Committee make recommendation for the next steps in the process.

Councillor Plant stated:

- There needs to be a broader approach to this issue than just a re-building of the current EDPA bylaw.

Councillor Murdock stated:

- It may be helpful to allow Council to reflect on the information, consider next steps and give staff direction at a future Council meeting.

Councillor Brice stated:

- The Diamond Head report could form a basis of the process.

**The Main Motion was then Put and DEFEATED  
with Councillors Brice, Brownoff, Haynes, Murdock, Plant, Sanders, and  
Wergeland OPPOSED**

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

- A biodiversity strategy may be an appropriate first step in the process; a strategy will be a significant amount of work for staff to undertake.

**MOVED by Councillor Plant and Seconded by Councillor Haynes: "That it be recommended that Council direct staff to bring Council a report as soon as possible on the potential of developing a Saanich program which includes the topics of Climate Adaptation, a Biodiversity Conservation Strategy, and Stewardship Program to serve as a policy framework for other Saanich environmental policies and programs and a new Environmental Development Permit Area be considered part of this program; and the Diamond Head report recommendations be considered as a component of this report.**

Councillor Plant stated:

- The report would take time but would set a foundation of what Saanich is trying to achieve within a larger context.

Councillor Haynes stated:

- It is important that an evaluation mechanism is included so that success can be measured.

Councillor Brice stated:

- Council will have to determine priorities particularly for the EDPA component.

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

- Developing a program could represent multiple years of work.
- A report could outline processes and financial implications and a general policy direction with an outline of projects that could address the broader topic.

Councillor Haynes stated:

- The report will identify short and long term priorities to achieve the stewardship that Saanich wants.

Councillor Plant stated:

- The report will identify a series of projects recognizing that the implementation of it may take many years.

Mayor Atwell stated:

- He has no objection in bringing back a report from staff however, before that can happen, there needs to be trust rebuilt in the community and social license.
- Time needs to be taken to better address how Council has arrived at this point, and what the process is moving forward in the short term before setting long term objectives.

**The Motion was then Put and CARRIED  
With Mayor Atwell and Councillor Harper and Wergeland OPPOSED**

Adjournment      On a motion from Councillor Plant, the meeting adjourned at 1:48 p.m.

.....  
CHAIR

I hereby certify these Minutes are accurate

.....  
MUNICIPAL CLERK