

Councillor Wade stated:

- She supports the motion which will allow for another discussion about this project.
- Plans for the second dwelling and slope stability are required.

Councillor Brice stated:

- A review of the meeting record shows that the information provided by the applicant was lacking.
- The applicant has now requested reconsideration and has committed to providing detailed information regarding the development; there is merit to discussing the application at a future Committee of the Whole meeting.

Councillor Gerrard stated:

- He will support this motion; the applicant did not provide enough information at the previous meeting regarding specifics of the development.
- Full architectural drawings are necessary, as well as a site plan showing the location of the second dwelling and which trees will be removed.

Councillor Sanders stated:

- She does not support the motion; this is not the best location for development.
- She has concerns about the driveway, the slope and bank stabilization.

Councillor Brownoff stated:

- There has been a change to the application; the dwelling will be retained.
- She has a concern whether this is an appropriate appeal if the application has been changed.

In response to a question from Council, the Legislative Manager stated that the appeal procedure would be for reconsideration of the application that was rejected by Council. If the applicant wishes to change the application, it would be considered a new application, not an appeal of the original decision.

In response to a question from Council, the Director of Planning stated that reconsideration would be for the same application; the applicant has said that he is retaining the house therefore it would be considered a new application.

Councillor Derman stated:

- A new application can be brought forward at any time.

Mayor Leonard stated:

- This motion brings forward the existing application for reconsideration.

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

BYLAWS

2870-30
Mount Douglas
Cross Road

1550 MOUNT DOUGLAS CROSS ROAD – REZONING TO RS-10
Final Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2012, No. 9192” and approval of Development Variance Permit DVP00310. Rezoning from RS-18 to RS-10 for proposed two lot residential subdivision.

MOVED by Councillor Derman and Seconded by Councillor Wergeland:
“That Bylaw No. 9192 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Wergeland:
“That Council approve and issue Development Variance Permit DVP00310 on Lot B, Section 55, Victoria District, Plan 48141 (1550 Mount Douglas Cross Road).

CARRIED

1110-30
 Business Licence
 Bylaw

BUSINESS LICENCE BYLAW – HOUSEKEEPING AMENDMENT

Final Reading of the “Business Licence Bylaw, 2002, Amendment Bylaw, 2012, No. 9197.” To include a number of housekeeping amendments.

MOVED by Councillor Sanders and Seconded by Councillor Brownoff:
“That Bylaw No. 9197 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

1110-30
 Animals Bylaw

ANIMALS BYLAW – AMENDMENT TO REQUIRE BUILDING PERMITS FOR KENNELS

Final Reading of the “Animals Bylaw, 2004, Amendment Bylaw, 2012, No. 9201.” To include an amendment to require building permits for kennels.

MOVED by Councillor Wade and Seconded by Councillor Gerrard: “That Bylaw No. 9201 be adopted by Council and the Seal of the Corporation be attached thereto.”

CARRIED

6840-20
 Carey Road

SANITARY SEWER BYLAW AMENDMENT – INCLUSION OF 4146 CAREY ROAD IN THE SEWER SERVICE AREA

Three Readings of the “Sanitary Sewer Bylaw, 2006, Amendment Bylaw, 2012, No. 9205.” To include 4146 Carey Road in the Sewer Service Area.

MOVED by Councillor Wergeland and Seconded by Councillor Gerrard:
“That Bylaw No. 9205 be introduced and read.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gerrard:
“That Bylaw No. 9205 be read a second time.”

CARRIED

MOVED by Councillor Derman and Seconded by Councillor Gerrard:
“That Bylaw No. 9205 be now passed.”

CARRIED

2870-30
Hastings Street

1256 HASTINGS STREET – REZONING TO RD-1

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2012, No. 9202.”
Rezoning from RS-6 to RD-1 for a proposed two family dwelling.

**MOVED by Councillor Wergeland and Seconded by Councillor Sanders:
“That Bylaw No. 9202 be introduced and read.”**

CARRIED

2870-30
Wilkinson Road

3954 WILKINSON ROAD – REZONING TO RS-10

First Reading of the “Zoning Bylaw, 2003, Amendment Bylaw, 2012, No. 9203.”
Rezoning from A-1 to RS-10.

**MOVED by Councillor Sanders and Seconded by Councillor Gerrard:
“That Bylaw No. 9203 be introduced and read.”**

CARRIED

RECOMMENDATIONS FROM COMMITTEES

2110-40
Genetically
Modified Seed
Crops

GENETICALLY MODIFIED (GMO) SEED CROPS

Recommendation from the October 18, 2012 Healthy Saanich Advisory Committee recommending Council not support the use of genetically modified seed crops within the District of Saanich, and that Council write to the federal Minister of Agriculture, the Canadian Food Inspection Agency, and local MPs in support of the mandatory labelling of genetically modified foods.

Councillor Murdock stated:

- The Healthy Saanich Advisory Committee spent a great deal of time, energy and effort responding to this issue.
- After review, the Committee decided to refer the issue to the Peninsula Agricultural Commission (PAC); PAC is composed of agricultural experts and those involved in the agricultural industry.
- PAC made recommendations which are precautionary since the implications of genetically modified seed crops are unknown.
- The Committee wanted to ensure that they had the opportunity to hear from the community that would be impacted by decisions; a meeting was held on October 10, 2012 to hear from industry experts.
- Feedback was in favour of a ban and recommended Council write to the Canadian Food Industry Agency for proper labelling of genetically modified products.
- The federal government should be encouraged to ensure consumers are making informed choices about the foods they are purchasing by providing proper labelling; not enough is known about the health risks of genetically modified seed crops.

MOVED by Councillor Murdock and Seconded by Mayor Leonard: “That Council not support the use of genetically modified seed crops within the District of Saanich, and that Council write to the federal Minister of Agriculture, the Canadian Food Inspection Agency, and local MPs in support of mandatory labelling of genetically modified foods.”

Councillor Wade stated:

- PAC strongly supports the recommendation from the Healthy Saanich Advisory Committee.
- The Committee consulted with the community, further public consultation may not be necessary.

Mayor Leonard stated:

- Healthy Saanich Advisory Committee spent over a year on this issue; Council should rely on committees to do the homework and make recommendations.
- He supports the motion.

Councillor Gerrard stated:

- He supports the motion; experts should be used for guidance and direction.
- Using genetically modified seed crops could cause potential problems for organic farmers; countries in Europe and South America have banned the use of genetically modified seed crops.
- The PAC recommendation was based on a precautionary principle and suggested more research is necessary; Healthy Saanich Advisory Committee's recommendation was to not support the use of genetically modified seed crops.

Councillor Brownoff stated:

- She supports the motion; other municipalities have passed resolutions on this issue.
- There is an impact on organic farming; it is important to protect this new business entity.
- Labelling should be done in consultation with the federal government and industry.

Councillor Sanders stated:

- She supports this motion; the issue of enforcement will have to be addressed.
- There may be an impact on organic crops; labelling is important so that consumers know what they are buying.
- She supports MPs researching this issue.

Councillor Derman stated:

- He supports the motion; fundamentally this is a precautionary principle.
- It is unknown if genetically modified seed crops are dangerous to human health; research that has been done by industry may be biased.
- Labelling gives consumers a choice.

Councillor Wergeland stated:

- He appreciates the work the Healthy Saanich Advisory Committee and Councillor Murdock have done to bring this item forward.

The Motion was then Put and CARRIED

Adjournment

On a motion from Councillor Derman, the meeting adjourned at 8:00 pm.

The Meeting reconvened at 9:41 pm.

BYLAW

1110-30
Deposit of Fill

REVISED DEPOSIT OF FILL BYLAW

Three Readings of the "Deposit of Fill Bylaw, 2012, No. 9204."

MOVED by Councillor Wade and Seconded by Councillor Derman: "That Bylaw No. 9204 be introduced and read."

CARRIED

MOVED by Councillor Wade and Seconded by Councillor Derman: "That Bylaw No. 9204 be read a second time."

CARRIED

MOVED by Councillor Wade and Seconded by Councillor Derman: "That Bylaw No. 9204 be now passed."

CARRIED

In Camera Motion

MOVED by Councillor Wade and Seconded by Councillor Derman: "That the following meeting be closed to the public as the subject matters being considered relate to the proposed acquisition or disposition of land and/or improvements, discussion with municipal officers and employees respecting District objectives, measures and progress reports and personal information about identifiable individuals being considered for appointment."

CARRIED

Adjournment

On a motion from Councillor Wade, the meeting adjourned at 9:43 pm.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK

THE FOLLOWING WAS REPORTED FROM THE "IN CAMERA" COUNCIL MEETING HELD ON SEPTEMBER 10, 2012.

2710-40
McKenzie Avenue

1700 MCKENZIE AVENUE (A PORTION) – PROPOSED ACQUISITION

"That Council approve the acquisition of a portion of Lot 46, Block 2, Section 57, Victoria District, Plan 901-A (1700 McKenzie Avenue) subject to the terms negotiated."

Mr. J. Taylor, 309 Glen Nevis Road stated:

- Everyone has a right to develop their property; neighbours need to be protected against the inconveniences of the process of filling.
- There needs to be records kept indicating where the soil is coming from; filling has become an industry.
- He has a concern about the lack of setbacks; there needs to be a buffer between properties.

Mr. M. Sage, 5815 West Saanich Road stated:

- This amended bylaw lacks protection for neighbours from fill being dumped near property lines and wells.
- Although signs are posted for fill sites there is no opportunity for community discussion.
- Enforcement of bylaw infractions is based on complaints from neighbours; a legal opinion should be sought for Section 8(e) to make it enforceable.

Mr. B. Yashuk, 4079 Tuxedo Drive, on behalf of the owner at 5841 West Saanich Road stated:

- This proposed bylaw does not protect residents near the fill site; there is no consideration for neighbouring wells.
- Signs are posted to advise neighbours of fill operations; the municipality should send emails or letters to neighbours that include contact numbers for questions.

Mr. D. Crew, 5960 & 5924 Old West Saanich Road stated:

- Alternative wording for Section 8(e) should be considered instead of removing the paragraph; the intent and spirit are worth saving.
- The new cap on the volume of fill is still too high; monitoring and enforcement is critical.
- The bylaw should be rewritten; now is the time to get it right.

Mr. H. Charania, 757 Genevieve Road stated:

- He is encouraged by the recommendation of the Director of Engineering.
- Section 8(e) should not be removed; he questioned whether there is an expiry date on a Deposit of Fill permit.

A resident stated:

- She questions whether the allowable volume of fill can be concentrated in one spot rather than spread throughout a property.

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

- The fee structure was reviewed and is in alignment with other municipalities.
- Contaminated fill is controlled and tracked by the Province; a manifest must be in the truck advising that it is transporting contaminated fill.
- Fill can be concentrated in one spot within a property; it does not have to be spread out on the property to meet the requirements of the bylaw.
- Neighbours should be aware that they can contact the municipality with questions regarding fill; it would be valuable to use a standard sign for fill sites which would include municipal contact numbers for questions.

- The expiry of a Deposit of Fill permit is twelve months from date of issuance; this is consistent with other municipalities.
- Legal counsel can review the issues of incorporating Section 8(e) of the current Deposit of Fill Bylaw, and of public consultation.
- Records of well locations are not available; fill does not typically affect subsurface water.
- The bylaw includes provisions for protection of trees and setbacks from creeks and lakes.
- Plans and survey information from a qualified professional must be provided by the applicant before a Deposit of Fill permit is approved.
- Owners can be fined if they do not have a permit.
- Subject to the limitations of the bylaw, 15% is the maximum fill area permitted.
- Soil for landscaping is fill; 40 cubic metres or less does not require a permit.

MOTION:

MOTION by Councillor Wade and Seconded by Mayor Leonard: "That Council give Deposit of Fill Bylaw, 2012, No. 9204 three readings and forward to the Province for approval."

Councillor Wade stated:

- She supports the motion; this is a good starting point.
- The issues of wells and subsurface waters in relation to the location of deposit of fill should be raised with the Provincial Government.
- She understands the desire to have a connection between the purpose and functionality of the fill; regulating the amount and quality of the fill is achievable.

Councillor Derman stated:

- He supports the motion; this is a step forward but there is a need for further steps.
- Legal review should take place in regards to wording for Section 8(e); it is important to protect the environment, agricultural capabilities and the neighbours' properties.
- There is a need to be proactive in monitoring the bylaw.

Councillor Brownoff stated:

- She supports the motion; it is a starting point.
- More clarity is needed in regard to the issues identified.

In response to a question from Council, the Director of Engineering stated the Province could take between four and six months to approve the new Deposit of Fill Bylaw; some amendments do not have to be sent to the Province.

Councillor Gerrard stated:

- He supports the motion; a legal review should be sought for the "void for vagueness" paragraph.
- There is concern about depositing fill close to neighbours' wells; the comfort and consideration of neighbours should be taken into consideration.

Councillor Sanders stated:

- This is a good start to address the issues, including neighbours' input,

setbacks and the proximity of wells to the deposit of fill site.

Councillor Murdock stated:

- He is grateful to staff and residents for the work that went into amending this bylaw; he is not convinced that all issues will be able to be addressed in the bylaw.
- It is a reasonable question to find out what the purpose of fill is on a neighbouring property.

Councillor Wergeland stated:

- This is a starting point; staff and the community can look for ways to improve the bylaw.
- There is concern about controlling where fill comes from and where it is going.
- A balance for the community and those depositing fill is needed.

Mayor Leonard stated:

- He appreciates the hard work that staff put into this bylaw; it is important that bylaws can stand up to legal challenges.
- The theme of the disappointment expressed with the bylaw, is that it fails to address concerns of adjacent property owners and residents.
- Deposit of Fill has become commercialized and is impacting neighbouring residents and properties; other municipalities must be having the same problems.
- Possible future amendments to our bylaw, and submission to the Union of British Columbia Municipalities (UBCM) to review provincial law may be necessary.

The Motion was then Put and CARRIED

MOTION:

MOVED by Councillor Brownoff and Seconded by Councillor Gerrard: "That Council direct staff to review the potential impacts of deposit of fill on neighbouring properties and wells, and report back on options to address such impacts including further bylaw amendments and possible recommendation to the UBCM for changes to provincial legislation."

CARRIED

Adjournment On a motion from Councillor Derman, the meeting adjourned at 9:40 pm.

.....
CHAIR

I hereby certify these Minutes are accurate

.....
MUNICIPAL CLERK