

DISTRICT OF SAANICH
MINUTES OF THE SPECIAL COUNCIL MEETING
HELD IN THE GARTH HOMER SOCIETY AUDITORIUM
813 DARWIN AVENUE
SATURDAY, MAY 13, 2017 AT 10:00 AM

Present: Chair: Mayor Atwell
Councillors: Brice, Brownoff, Haynes, Murdock, Plant, Sanders and Wergeland
Staff: Paul Thorkelsson, Chief Administrative Officer; Donna Dupas,
Legislative Manager; Sharon Froud, Deputy Legislative Manager
(12:22 p.m.) and Penny Masse, Senior Committee Clerk

PUBLIC HEARING

1110-30
Official Community
Plan Bylaw

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017,
NO. 9421”

**PROPOSED AMENDMENTS TO THE ENVIRONMENTAL DEVELOPMENT
PERMIT AREA ATLAS**

To amend Schedule 3 of Appendix “N” (Development Permit Areas Justification
and Guidelines), being the Environmental Development Permit Area Atlas, for the
removal of the Environmentally Sensitive Areas and associated buffers, as
follows:

- a) Replacing Plate 13 for the removal of the Terrestrial Herbaceous
Environmentally Sensitive Areas at 2785, 2801, 2811, 2821, 2825 & 2831
Tudor Avenue and 2766 & 2810 Sea View Road.
- b) The partial removal of the Marine Backshore Environmentally Sensitive
Area at 2893 Sea View Road.
- c) Replacing Plate 20 for the removal of the Woodland Environmentally
Sensitive Areas at 4015 & 4033 Braefoot Road and 4004, 4010, 4024 &
4032 Malton Avenue.
- d) Replacing Plate 28 for the removal of the Woodland Environmentally
Sensitive Areas at 1515 & 1517 Cedarglen Road; 4141, 4157, 4181 &
4185 Glendenning Road; and 4173 Lynnfield Crescent.
- e) Replacing Plate 41 for the removal of the Terrestrial Herbaceous
Environmentally Sensitive Areas at 4727, 4731, 4735, 4739 & 4740
Treetop Heights and 4755 & 4769 Cordova Bay Road.

The Clerk introduced the following:

- Notice of Public Hearing.

For item a):

- Report from the Director of Planning dated February 15, 2016, the
assessment reports from the Registered Biologist, and the Sensitive
Ecosystem Inventory Assessment;
- Excerpt from the Committee of the Whole meeting held March 6, 2017;
- Additional submissions from the Registered Biologist; and
- 30 letters from owners, applicants and/or residents.

For item b):

- Reports from the Director of Planning dated March 13 and February 15,
2017 and October 27, 2016; and the assessment report from the
Registered Biologist;

- Excerpts from the Committee of the Whole meetings held March 27, 2017 and November 14, 2016;
- Additional submissions from the Registered Biologist; and
- 13 letters from owners, applicants and/or residents.

For item c):

- Report from the Director of Planning dated February 15, 2017; the assessment reports from the Registered Biologist; and the Plant Transplantation Guidelines dated June 29, 2010;
- Excerpt from the Committee of the Whole meeting held April 5, 2017;
- Additional submissions from the Registered Biologist; and
- 4 letters from owners, applicants and/or residents.

For item d):

- Report from the Director of Planning dated February 15, 2017; and the assessment report from the Registered Biologist;
- Excerpt from the Committee of the Whole meeting held March 13 2017;
- Additional submissions from the Registered Biologist; and
- 5 letters from owners, applicants and/or residents.

For item e):

- Report from the Director of Planning dated February 15, 2017, the assessment report from the Registered Biologist, and the Sensitive Ecosystem Inventory Assessment;
- Excerpt from the Committee of the Whole meeting held March 27, 2017;
- Additional submissions from the Registered Biologist; and
- 9 letters from owners, applicants and/or residents.

The Clerk stated that Council is also in receipt of eleven additional submissions in regard to the proposed bylaw received after Public Hearing agenda distribution.

APPLICANTS / OWNERS / REPRESENTATIVES:

a) For the removal of the Terrestrial Herbaceous Environmentally Sensitive Areas.

K. Cuddihy, Tudor Avenue, stated:

- It is unfortunate that not all Council members chose to attend the subject properties; it is apparent that no Environmentally Sensitive Areas (ESA's) exist on any of the properties.
- Aerial photographs should not be used to identify ESA properties.
- Existing grasses are exotic, bushes are non-native and invasive plants are abundant.
- All EDPA removal processes and requirements have been fulfilled; the properties should therefore be removed.

J. Evans, Tudor Avenue, stated:

- All affected property owner's work hard to properly maintain their yards.

T. Lea, Cedarglen Road, Registered Professional Biologist, stated:

- All of the subject properties do not meet the standards of an ESA as identified in the EDPA guidelines provided by Saanich; of the 29 properties only six contain or require a buffer and no properties contain an ESA.
- The subject properties are predominately populated with orchard grass, broom, lawn, and invasive shrub and grass species.

b) Partial removal of the Marine Backshore Environmentally Sensitive Area:

T. Luchies, Representative for the owners of 2893 Sea View Road, stated:

- This is a single family dwelling with a yard that includes grasses, English garden and rock work; the owners request a partial removal from the EDPA.
- Council put forward a process for which property owners could apply to have their properties removed from the EDPA, the owners of 2893 Sea View Road have followed all requirements and two Registered Biologists have advised that a partial removal is appropriate.
- The owners are diligent stewards of their property and will continue to be.

T. Lea, Cedarglen Road, Registered Professional Biologist, stated:

- 2893 Sea View Road contains invasive and ornamental species, lawn, rock work, pathways and no natural vegetation.
- There are no rare species and most of the property does not meet the description of a Marine Backshore ESA.
- Area A should not be removed from the EDPA and there is no need for a buffer on this property.

c) Removal of the Woodland Environmentally Sensitive Areas:

A. Lanni, Malton Avenue, stated:

- Their property includes manicured gardens and a Garry oak tree grove maintained at their own cost.
- No ESA's exist on their property as evidenced in the report from the Registered Biologist.

C. Pommelet, Malton Avenue, stated:

- The work undertaken by Mr. Lea is appreciated by all affected property owners.
- Her property contains grass and dandelions; it should be removed from the EDPA as no ESA's exist.

H. Reuten, Malton Avenue, stated:

- Part of their property, including their home and deck, is within a buffer zone; however, no ESA's exist on their property and it should be removed from the EDPA.

A. Bull, Representative for the owners of 4015 Braefoot Road, stated:

- The Registered Biologist has assessed her property and no ESA's exist, it should be removed from the EDPA.

T. Lea, Cedarglen Road, Registered Professional Biologist, stated:

- None of these properties meet the standards of a Woodland ESA; the properties contain lawn, garden, oak trees, ornamental gardens, farm use and invasive species.
- One property contains Foothill Sedge which is protected by covenant.

d) Removal of the Woodland Environmentally Sensitive Areas:

G. Stark, Cedarglen Road, stated:

- They have owned their property for 13 years and have made considerable efforts to remove invasive species and plant native species.
- Saanich staff agree that the woodland mapping should be removed from their property.
- When a government body imposes restrictions upon the use and enjoyment of a property the approach should be cautious and thoughtful.
- Several of the subject properties should not have been included in the EDPA from the onset and the initial mapping should have been more accurate.

J. Stark, Cedarglen Road, stated:

- She is an avid gardener and is familiar with the invasive species that grow in the area; no ESA's exist on their property, as agreed to by Saanich staff, therefore it should be removed from the EDPA.

R. Boyd, Lynnfield Crescent, stated:

- Council members who attended his property in person are appreciated.
- The evidence-based, scientific review of his property has established that no ESA's exist, it should therefore be removed from the EDPA.

T. Pilkington, Cedarglen Road, stated:

- No ESA's exist on his property, he would like it removed from the EDPA and the associated mapping corrected.

M. Winstanley, Glendenning Road, stated:

- His property should be removed from the EDPA.

B. Johnson, Glendenning Road, stated:

- Invasive species have been on the property for decades; he would like the property removed from the EDPA.

T. Lea, Cedarglen Road, Registered Professional Biologist, stated:

- None of these properties meet the standards of a Woodland ESA and contain lawn, garden, broom, blackberry, ivy, invasive species, Camus, orchard grass and oak trees.

e) Removal of the Terrestrial Herbaceous Environmentally Sensitive Areas:

B. Winters, Treetop Heights, stated:

- Council is requested to uphold the decision made on March 17, 2017 to remove her property from the EDPA.

- It is clear that her property was incorrectly captured in the inadequate aerial mapping used to establish EDPA boundaries.
- No part of her property meets the criteria that define ESA's and she has fulfilled all property removal requirements.

D. Thom, Cordova Bay Road, stated:

- Council members who attended her property are appreciated.
- She has followed all required protocol for removing her property from the EDPA; Council is requested to support this amendment.

I. Mullholland, Treetop Heights, stated:

- The EDPA has decreased the value of their property; they would like it removed from the EDPA and the associated mapping corrected.

C. Day, Treetop Heights, stated:

- Their property has been properly surveyed and no ESA's exist, it should therefore be removed from the EDPA.

J. Dunster, Representative for the Owner of 4739 Treetop Heights, stated:

- The concept of the EDPA is supportable; however, the data being used is inaccurate and is technically invalid.
- No ESA's exist on the property and it should therefore be removed from the EDPA.

T. Lea, Cedarglen Road, Registered Professional Biologist, stated:

- Most property owners remain committed to removing invasive species; however, the properties contain invasive grasses, mosses, broom, blackberry, garden and orchard grasses, no ESA's exist.
- There are better and more collaborative ways to manage properties within the EDPA.

In response to questions from Council, the Legislative Manager stated:

- The purpose of this Public Hearing is to consider Official Community Plan Bylaw Amendment No. 9421; therefore, the scope of input should be focused on Bylaw No. 9421.

PUBLIC INPUT:

P. Foreman, Parker Avenue, stated:

- The removal of the subject properties from the EDPA is supported.

I. Morrison, McAnally Road, stated:

- The removal of the subject properties from the EDPA is supported.

S. Niemann, Banff Place, stated:

- The removal of the subject properties from the EDPA is supported.

M. Vincent, Sea View Road, stated:

- The removal of the subject properties from the EDPA is supported.

E. Clark, McAnally Road, stated:

- The removal of the subject properties from the EDPA is supported.

K. Harper, Bonair Place, stated:

- She is in support of the removal of all subject properties from the EDPA, specifically the Tudor Avenue and Sea View Road properties as the land has been unearthed so many times over the years so as to ensure that no original species could have survived.
- She looks forward to the removal of the subject properties from the EDPA.

R. Taylor, Sea View Road, stated:

- The removal of the subject properties from the EDPA is supported.

C. Ludgate, Vantreight Drive, stated:

- The removal of the subject properties from the EDPA is supported.
- The costs to the taxpayer related to removing properties from the EDPA are troubling.

E. Lyons, Portage Road, stated:

- The removal of the subject properties from the EDPA is supported.

S. Purcell, Gordon Head Road, stated:

- The removal of the subject properties from the EDPA is supported.

C. Vincent, Sea View Road, stated:

- The removal of the subject properties from the EDPA is supported.

L. Mackay, Sea View Road, stated:

- The removal of the subject properties from the EDPA is supported.

Y. Zanatta, High Street, stated:

- The removal of the subject properties from the EDPA is supported.

S. Haynes, Parker Avenue, stated:

- The removal of the subject properties from the EDPA is supported.

I. Morrison, Parker Avenue, stated:

- The removal of the subject properties from the EDPA is supported.

D. Sheldon, Lockeaven, stated:

- The removal of the subject properties from the EDPA is supported.

T. Bijold, Rainbow Road, stated:

- The removal of the subject properties from the EDPA is supported.

C. Forster, Sea View Road, stated:

- The removal of the subject properties from the EDPA is supported.
- Many residents in the 10 Mile Point area are environmental stewards who spend time and money preserving trees and removing invasive species.

G. Alberg, Brookleigh Road, stated:

- He is speaking in support of all property owners applying for removal from the EDPA.
- The EDPA bylaw should be rescinded and a new bylaw created.

- L. Clark, Cliffwood Place, stated:
- The removal of the subject properties from the EDPA is supported.
- D. Haven, Sea View Road, stated:
- The removal of the subject properties from the EDPA is supported.
- C. Insley, Cordova Bay Road, stated:
- The removal of the subject properties from the EDPA is supported.
- W. Ormond, Sea View Road, stated:
- The removal of the subject properties from the EDPA is supported.
- N. Leask, Spring Road, stated:
- The removal of the subject properties from the EDPA is supported.
 - Council should listen to the scientific reports and learn to trust that the citizens of Saanich will treat their properties appropriately and sensitively.
- M. Insley, Cordova Bay Road, stated:
- The removal of the subject properties from the EDPA is supported.
- C. Forster, Sea View Road, stated:
- The removal of the subject properties from the EDPA is supported.
 - Area residents are diligent in preserving the quality of their neighbourhood.
- P. McGuire, Admirals Road, stated:
- The removal of the subject properties from the EDPA is supported.
- C. Blakesley, Burnside Road West, stated:
- The removal of the subject properties from the EDPA is supported.
- M. Pereira, Gordon Head Road, stated:
- The removal of the subject properties from the EDPA is supported.
- G. Adams, Shore Way, stated:
- The removal of the subject properties from the EDPA is supported.
 - The current EDPA is scientifically inaccurate and includes incorrect mapping.
- L. Husted, Cyril Owen Place, stated:
- While many people may appropriately care for their properties today, the EDPA was created to establish restrictions on development in the future.
 - Standards of assessment should be based on ecosystems at risk versus sensitive ecosystems.
 - A rare plant exists at 2766 Sea View Road and should be protected.
 - A subdivision application may occur at 2785 and 2801 Tudor Avenue, additional consideration should be given on whether or not the EDPA should apply to these properties.
 - Foothill Sedge exists on one of the properties on Braefoot Road.
 - The Treetop Heights properties contain vernal pools and moss sites; a rare plant assessment should be undertaken on these properties.

A. Deryha, Rowland Avenue, stated:

- The removal of the subject properties from the EDPA is supported.
- There is a concern about the amount of tax dollars that have been spent during this flawed process.

C. Maxwell, Tudor Avenue, stated:

- A boundary adjustment is being undertaken on her property, not a subdivision as suggested by a previous speaker.

E. Smith, Bonaire Place, stated:

- The removal of the subject properties from the EDPA is supported.
- Saanich environmental processes need to be revisited and mapping errors need to be corrected.

E. Zanatta, High Street, stated:

- The removal of the subject properties from the EDPA is supported.

C. Thompson, 4380 Prospect Lake Road, stated:

- The overarching intent of the EDPA bylaw is to eliminate or reduce damage caused by human activities.
- We need to dispel the misconceptions that degraded areas have no ecological value and are not restorable.
- The Tree Bylaw would not sufficiently protect trees in the building envelope or service corridor if a development proposal occurred on these properties.

D. Fife, 901 Kentwood Lane, stated:

- The removal of the subject properties from the EDPA is supported.

J. Atchison, No Address Given, stated:

- The removal of the subject properties from the EDPA is supported.

K. Whitcroft, Inverness Road, stated:

- It is encouraging to hear people are adding native species to and maintaining their land.
- Restoration is achievable with effort and diligence.
- The entire planet is a sensitive ecosystem; we need to be more responsible.
- The EDPA is in place for future generations.

J. Fife, Kentwood Lane stated:

- The removal of the subject properties from the EDPA is supported.

In response to questions from the Council, the Registered Biologist stated:

- The location of the moss, identified by a previous speaker as a rare plant at 2766 Sea View Road, is located at 2770 Sea View Road, which is not one of the properties considered in the proposed bylaw and which also does not contain any ESA's.

After calling three times, the Mayor closed Public Input on Bylaw No. 9421.

1110-30
Official Community
Plan Bylaw

COUNCIL DELIBERATIONS:

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2017, NO. 9421”
Second and Third Readings

MOTION:

MOVED by Councillor Brice and Seconded by Councillor Haynes: “That Bylaw No. 9421 be read a second time.”

Councillor Brice stated:

- Public input during this on-going process is appreciated and crucial.
- No new information has been introduced since she supported the removal of these properties from the EDPA at previous Council meetings and all properties have been examined thoroughly.
- The EDPA bylaw was created with the recognition that most residents want our environment protected, there was not an expectation that the bylaw would cause discomfort to any members of the public.
- All applicants have followed removal process requirements and a Qualified Environmental Professional has provided opinion on the existence of ESA’s, it is therefore appropriate to move the bylaw forward.

Councillor Haynes stated:

- In 2012 he supported the implementation of the EDPA based on his understanding of the bylaw at that time; however, while attending each property affected by this bylaw it was apparent that mapping errors exist, the bylaw is therefore supportable.
- Saanich residents care about their environment, hopefully we can look forward to a more resilient future by exploring the reintroduction of some of these plants into our environment
- He appreciates the efforts of staff, Council and the public during this process.

Councillor Murdock stated:

- He appreciates the on-going public input and he has heard helpful information; however, his opinion has not changed in any significant way since the Committee of the Whole meeting related to this issue.
- Correcting EDPA mapping would sufficiently address some concerns; however, property removal does not allow us to achieve the objectives as set out in the EDPA.
- While the implementation of the EDPA may have had some challenges, the ideologies and principles still apply.

Councillor Wergeland stated:

- While the removal process is onerous, the mapping errors will be more easily corrected.
- If the EDPA was more closely analyzed at the onset it may have resulted in less division and anguish.
- The bylaw is supportable and he looks forward to moving ahead with the process.

Councillor Plant stated:

- His support of the bylaw is based on removing the 29 subject properties and is in no way a judgement on the EDPA.

Councillor Brownoff stated:

- She appreciates public input to date.
- Making a decision on this bylaw is made more challenging due to the properties being grouped together; the removal of some properties are supportable, but not as a cluster.
- Council has conceded that EDPA mapping needs to be corrected, this can be achieved by working with staff as opposed to removal from the EDPA.
- The EDPA is in place based on OCP policy; the intention is to protect the natural environment while managing growth and land use.
- She looks forward to the report from the independent consultant and moving the process forward.

Councillor Sanders stated:

- She is appreciative of the continued and dedicated input from residents.
- While removal of some of the subject properties may be supportable, removing all 29 properties as a group is not.
- Modifications and amendments were expected when the EDPA was introduced in 2012 and mapping was created with a broad brush.
- It should be recognized that restoration is an achievable opportunity.

Mayor Atwell stated:

- Saanich residents, Council and staff have a shared and passionate goal of protecting the natural beauty of our region. Preservation and restoration are important factors; however, if restoration is the ultimate goal, the EDPA is not the tool to achieve it.
- While the process has been onerous, the subject property owners have met all prescribed removal requirements and the bylaw is supportable.
- The misstep of not piloting the EDPA early in the process and receiving the required social license has wasted time and escalated costs.
- Once the independent report is received we can move forward by focusing on the facts and setting some goals for improving the EDPA.

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

The Legislative Manager advised Council of minor amendments to Bylaw No. 9421 that are necessary to ensure consistency with the map amendments. The amendments are to add “partial” in relation to the removal of 2893 Sea View Road, and add “and associated buffers” in relation to the removal of the Woodland Environmentally Sensitive Areas in Section 1) b) and c) of the bylaw.

MOVED by Councillor Haynes and Seconded by Councillor Brice: “That Official Community Plan Bylaw, 2008, Amendment Bylaw, 2017, No. 9421 be amended by:

- **replacing subsection a) (ii) of Section 1 with the following: ‘For the partial removal of the Marine Backshore Unit at 2893 Sea View Road from the Environmental Development Permit Area’; and**
- **adding 1) b) and 1) c) the words “and associated buffers“.**

**CARRIED
with Councillors Brownoff and Sanders OPPOSED**

MOVED by Councillor Brice and Seconded by Councillor Haynes: "That Bylaw No. 9421 be given third reading as amended."

**CARRIED
with Councillors Brownoff, Murdock and Sanders OPPOSED**

MOVED by Councillor Haynes and Seconded by Councillor Murdock: "That the meeting recess for 20 minutes."

CARRIED

The meeting recessed at 12:12 p.m.

Ms. Masse left the meeting at 12:24 p.m.

The meeting reconvened at 12:47 p.m.

1110-30
Official Community
Plan Bylaw

"OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017, NO. 9422"

PROPOSED TEMPORARY EXEMPTION OF SINGLE FAMILY DWELLING (RS) ZONED PROPERTIES FROM THE ENVIRONMENTAL DEVELOPMENT PERMIT AREA

To amend the Official Community Plan, 2008, Appendix "N" (Development Permit Areas Justification and Guidelines) by:

- a) Adding an additional exemption into the Exemptions section on Page 1 of the Appendix "N" (Development Permit Areas Justification and Guidelines) as follows:
 - "i) (i) Notwithstanding the provisions of this bylaw, that a development permit is not required under the Environmental Development Permit Area for development carried out on a parcel of land in a Single Family Dwelling (RS) zone in the Saanich Zoning Bylaw 2003 except a subdivision.
 - (ii) This exemption shall not apply to any parcel which is capable of subdivision into two or more lots under the Zoning Bylaw 2003 or shown in the Official Community Plan as having potential to be rezoned to a zone permitting subdivision to urban lots."
- b) Adding the following guideline into Development Permit Areas 1 to 26 as follows:

"Wherever possible, preserve areas (including buffers) that contain plants and animal habitat which are designated as red listed (endangered) or blue listed (vulnerable) by the Conservation Data Centre (Ministry of Environment)."
- c) Adding the following guideline into Development Permit Areas 1, 2, 4, 7, 8, 9, 13, 14, 18, 21, and 23 as follows:

"Generally, the riparian zone should remain free of development and restoration of the riparian zone undertaken as part of the new development, if the vegetation is not intact and healthy (diversity of native shrubs, and trees)."

The Clerk introduced the following:

- Reports from the Director of Planning dated April 27 and April 18, 2017;
- Excerpts from the Committee of the Whole meetings held May 1 and April 24, 2017; and
- 15 letters from owners, applicants and/or residents.

The Clerk stated that Council is also in receipt of five additional submissions in regard to the proposed bylaw received after Public Hearing agenda distribution.

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

- The intent of the independent consultant is to deliver the final report by the end of June 2017
- Council will decide whether or not to direct staff to act upon the recommendations that will form part of the consultant report.

PUBLIC INPUT:

M. Vincent, Sea View Road, stated:

- His property is affected by the EDPA although no ESA's exist.
- They would like to be good stewards of the environment, but they do not want to feel policed.
- He should not have to wait for a report to be finalized prior to the temporary exemption being enacted.

S. Niemann, Banff Place, stated:

- Speaking on behalf of himself, his wife and his parents.
- The temporary exemption of RS zoned properties from the EDPA is supported.

J. Ball, Cordova Bay Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- Most properties included in the EDPA do not belong there; it should be recrafted and implemented more effectively.
- Science does not support the EDPA and community consultation was not sufficient.

I. Morrison, McAnally Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- It is important to have an EDPA; however, the current bylaw was poorly conceived and implemented, it should be overhauled.
- Environmental preservation would be more effective if Saanich emphasized collaboration and provided education and incentives.
- Her property is within the EDPA although no ESA's exist.

P. Hadden, James Heights, stated:

- The temporary exemption of RS zoned properties from the EDPA is not supported; the purpose and community benefit has not be well defined nor documented.

- Community consultation was extensive prior to the approval of the EDPA in 2012.
- An improved EDPA bylaw with a rational examination of the concerns should be undertaken once the consultant report is analyzed and approved. Additional community consultation should occur.

E. Lyons, Portage Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported; she would be supportive of a more inclusive and broad exemption criteria.

J. Stark, Cedarglen Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- It is clear the EDPA bylaw is flawed and needs to be recrafted.

K. Cuddihy, Tudor Avenue, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- Council decision should not be based solely on the timing of the independent consultant report; the process ahead will be lengthy, the focus should be on a more accurate EDPA and more efficient implementation.
- Mapping corrections are not as easily undertaken as suggested.

P. Foreman, Parker Avenue, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- The EDPA prohibits his ability to properly maintain and improve the lawn and embankment areas of his property.
- The current EDPA is discriminatory, arbitrary, invasive, and is not based on sound environmental science or ground truth.
- Landscaping should be permitted without a bureaucratic process.
- This small step would be a good improvement; the new EDPA should apply to all properties.

A. Bull, Wilkinson Road, stated:

- She is the president of Saanich Citizens for Responsible EDPA.
- The temporary exemption of RS zoned properties from the EDPA is supportable.
- Of the 2200 properties in the EDPA, 815 do not contain or meet the standards of an ESA.

C. Ludgate, Vantreight Drive, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.

I. Mullholland, Treetop Heights, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.

N. Chambers, Bethune Avenue, stated:

- She is a Restoration Ecologist and she has an academic council of five scientists endorsing her work at the University of Victoria.
- Property rights, or indigenous rights, need to be balanced with the rights of future generations.
- Considerations need to be sensitive in this time of rising sea levels and climate change.
- Upholding biodiversity for the whole of Saanich is a legacy and honour, but it cannot be done at the expense of future generations.
- Restoration is achievable on these lands.

S. Haddon, James Heights, stated:

- The temporary exemption of RS zoned properties from the EDPA is not supported.
- She moved here for the natural beauty on her land and the environmental stewardship that exists in Saanich; she is saddened by the process of implementing this bylaw, it has been divisive and has caused angst.
- She is hopeful the consultant report will recommend a way that the community can come together and make the improvements that need to be made to the bylaw so the broader public can aid in environmental leadership.

N. Leesk, Spring Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- The EDPA should apply to all Saanich properties.
- Hopeful that council and the ENA can foster a less divisive atmosphere in order to enhance stewardship in protecting and restoring areas regardless of whether or not they are in the atlas.
- We must move forward in building a better environment for all future generations.

M. Insley, Cordova Bay Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- His property is one of the properties affected by the bylaw.
- Protecting the environment is important to him and his family, the EDPA is crucial to effective stewardship and the current bylaw is not sufficient.

R. Taylor, Sea View Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- The process ahead will be lengthy, it is inappropriate to keep residents unsure of the future of their property for an extended length of time.

K. Harper, Bonair Place, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- This process has been divisive for the community, this bylaw shows a positive first step by council to solving the situation.

E. Zanatta, High Street, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.

G. Hayward, Hollyridge Place, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- The exemption should be permanent, mapping errors are not as easily corrected as suggested.
- Restoration is not always attainable.

C. Blakesley, Burnside Road West, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported and should be extended to all properties within the EDPA.

K. Whitworth, Viewmont Avenue, stated:

- The temporary exemption of RS zoned properties from the EDPA is not supported as it is counter-intuitive to long-range planning and it does not live up to the high standard of legislative policies that Saanich is known for.

A. Deryha, Rowland Avenue, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- The EDPA is supported in principle; however, it needs to be recrafted.

M. Pereira, Gordon Head Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.

C. Insley, Cordova Bay Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported and should be permanent.

R. Merritt, Cordova Bay Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported as it shows equity towards all home owners in Saanich.
- The consultant report should not only focus on the scientific factors but also the social and economic implications.

C. Forrester, Sea View Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- The EDPA process should start again and be implemented correctly.

R. Boyd, Lynnfield Crescent, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- This process has been stressful for affected property owners and the road ahead is a long one.

G. Alberg, Brookleigh Road, stated:

- The EDPA bylaw is flawed and needs to be recrafted in a timely fashion.

L. Husted, Cyril Owen Place, stated:

- The process to date has included feedback from the public consultation process and an economic impact report, neither of which suggested suspension of the bylaw.
- We should not presume that the independent consultant will find that the Saanich EDPA bylaw is notably different from other municipalities.
- The temporary exemption of RS zoned properties from the EDPA is not supported as environmental impacts could be incurred.
- The money spent to date on this process could have been spent on real restoration and environmental stewardship.

Y. Zanatta, High Street, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- The EDPA is essentially unfair; all of Saanich should be included to provide equal stewardship opportunities for all.

G. Adams, Shore Way, stated:

- No ESA's exist on his property and the mapping is incorrect.
- The temporary exemption of RS zoned properties from the EDPA is supported.

C. Vincent, Sea View Road, stated:

- The concept of an EDPA is laudable; however, the Saanich EDPA is flawed; therefore, the temporary exemption of RS zoned properties from the EDPA is supported.

P. McGuire, Admirals Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.

K. Whitcroft, Inverness Road, stated:

- When the EDPA bylaw was introduced community consultation occurred, although many people, including affected property owners, did not take an interest.
- A tax incentive would raise the value of affected properties and could result in more acceptance.
- Mapping needs to be corrected within acceptable timelines.
- The temporary exemption of RS zoned properties from the EDPA is not supportable until the consultant report can be analyzed and acted upon.

C. Forrester, Sea View Road, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.
- Saanich should have an EDPA bylaw; however, the plan is flawed, the mapping should be corrected and the bylaw should be in effect for all of Saanich.
- All Saanich parks should be free of invasive species and local native species should be planted.

D. Fife, Kentwood Lane, stated:

- The temporary exemption of RS zoned properties from the EDPA is supported.

C. Thompson, Prospect Lake Road, stated:

- She relayed a statement from B. Penn noting concern about the loss of natural beauty, water quality and native wild flowers and emphasizing the hope that Council does not approve the proposed bylaw.
- Conservation is an important public / private partnership.
- The EDPA bylaw needs to be revisited and improved.

After calling three times, the Mayor closed the Public Input on Bylaw No. 9422.

COUNCIL DELIBERATIONS:

1110-30

Official Community
Plan Bylaw

“OFFICIAL COMMUNITY PLAN BYLAW, 2008, AMENDMENT BYLAW, 2017,
NO. 9422”
Second and Third Readings

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

- The Tree Bylaw allows for approvals for tree removal through the permit process.
- There is no legislative ability to temporarily amend a bylaw; however, the intent and direction of Council is clear and the bylaw would remain in place until such time that Council directs a change.
- The removal of Section a) i) Subsection (ii) of Bylaw No. 9422 does somewhat deviate from the intent of the original motion from Council; the bylaw was drafted with legal advice in order to implement the direction of Council.
- Options for Council include not moving forward with any readings to Bylaw No. 9422 until the uncertainty is clarified or moving forward with an amendment by striking Subsection (ii) from section a) i) of Bylaw No. 9422.

MOVED by Councillor Brice and Seconded by Councillor Haynes: “That Bylaw No. 9422 be read a second time.”

Motion:

Councillor Brice stated:

- The vast majority of input indicates that residents want an accurate, effective and fair EDPA.
- Although the consultant report can be expected by the end of June, further steps will include extensive public consultation, feedback and fulsome discussion.
- The process, as it continues, will need to be entered into with generosity, fairness and receptive honesty.
- This amendment bylaw is supportable as it allows the process to continue without the current level of anxiety or timeframe pressures associated with a bylaw that is considered flawed by many people.

Councillor Murdock stated:

- All input has been appreciated and is consistent with what Council has heard since the onset of the EDPA process.
- Concerns concentrate on perceived errors in mapping and the misidentification of properties that do not belong in the EDPA, as well as how arduous the process is to make any changes to the EDPA; all of these concerns can be corrected within the current context of the EDPA.

- He is hopeful that consensus is achievable once the consultant report is received as it will include a suite of initiatives that aim to improve the EDPA; however, the process ahead is a long one that will include extensive public engagement.
- This bylaw is not supportable as it undermines the original intention of the EDPA.
- There is a need for improvements to the EDPA to address the concerns cited by residents; however, he would rather make those changes and improvements versus disregarding the intent of the EDPA altogether.

Councillor Wergeland stated:

- The proposed bylaw is not logical; a compromise would have been to rescind the EDPA bylaw and start again versus building on an imperfect bylaw.
- The road ahead is a long one; the mapping corrections alone will take a considerable amount of time.
- The consultant report is important; however it is just the beginning of how Council, staff and residents want to see the EDPA evolve and improve.

Councillor Sanders stated:

- The exemption is not supportable; she is not prepared to disregard the EDPA bylaw while undertaking possibly years of analysis with no protection in place for the environment.
- While the next generation may be more effective at protecting our environment, it is our responsibility to leave them something to protect.
- The mapping was an effective yet broad tool, modifications and improvements were expected and anticipated.
- The Pulling Together program sees hundreds of volunteers working in our parks, she is grateful to all of them and for the program.

Councillor Plant stated:

- While the bylaw is supportable there is a long road ahead in the process, public engagement will be paramount as per the Terms of Reference.
- Approval of a temporary exclusion of single family dwelling zoned properties will not result in people attempting to remove environmentally sensitive areas; it is counter-intuitive to how people respect nature.
- Whether due to a lack of education or flawed implementation, the bylaw is not working; however, the community needs this bylaw in place to ensure that anyone who applies for a subdivision will have to be sensitive to the lands.

Councillor Brownoff stated:

- An extensive public process will ensue once the consultant report is received in June. All associated and partner bylaws and documents will also be scrutinized and discussed.
- It is important to recognize that just because it is cited as a temporary exemption does not mean it will be temporary; the consultation process could take an extended amount of time and there could be unintended future impacts to single family dwelling zoned properties.
- We should wait for the consultant report and continue the process as intended.

Councillor Haynes stated:

- Removing the EDPA will not remove all protection capabilities; the Tree protection Bylaw will still be enforced.

- The point of the EDPA is an attempt to achieve ecological resilience, we do not know what plant growth patterns will be 10 years from now and we need to identify and achieve restoration imperatives.
- One of the original intents of the EDPA was to protect the environment during subdivision, this bylaw follows the same intention and ensures anyone within a RS zone that wishes to subdivide will need to adhere to the EDPA.
- The perception that this bylaw disregards the EDPA is factually incorrect.
- Although it is arduous to extract properties from the EDPA and correct mapping errors, protecting the environment is imperative and it is our responsibility to do a better job of that.

Mayor Atwell stated:

- Not concerned about sensitive ecosystems being erroneously removed; his experience to date is that far more energy is being spent on the removal of invasive species than on removing rare species or sensitive ecosystems.
- Precautionary principals usually elicit divided opinion, which is what is occurring here.
- More analysis into restoration and protection is needed as is a better approach to policies regarding invasive species; the volunteers are greatly appreciated, there has to be a way to better handle the issue.
- The consultant report will not be a cure-all, it will instead be a detailed scan of the current state of the EDPA. It could take an extended time to get to a point where the EDPA and development requirements are compatible.
- Over time many of these properties have been enhanced according to convention and practice, when ground-truthing occurred for the few properties that do have sensitive ecosystems they did not reveal what was expected to be discovered according to the scientific standards identified by the registered biologists.
- The best way forward is supporting this bylaw, with an emphasis on 'temporary', in order to provide the relief to tax payers and to rebuild the trust with our residents.
- There is a long road ahead and we need to exercise extreme care; we need to let history inform our decisions going forward.
- The effort, energy and cost associated with restoration requires education, understanding and best practices, all of which can be developed with the temporary exemption in place.

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

MOVED by Councillor Haynes and Seconded by Councillor Plant: "That the Official Community Plan Bylaw, 2008, Amendment Bylaw, 2017, No. 9422 be amended to delete subsection (ii) of section 1. a) i), that being: '(ii) This exemption shall not apply to any parcel which is capable of subdivision into two or more lots under the Zoning Bylaw or shown in the Official Community Plan as having potential to be rezoned to a zone permitting subdivision to urban lots?'"

Councillor Haynes stated:

- The original intent of the EDPA bylaw was to bundle the applicable property protections together but to specifically address the subject of subdivision when harm can occur to the environment.

- The number of RS zoned properties that can be subdivided is not known to Council, this introduces a level of uncertainty which was not the intent of the motion he seconded nor the intent of Council at that time.

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

- The temporary exemption would not apply to Single Family Dwelling zoned properties unless a subdivision is proposed or if a rezoning application for the intent of subdivision is submitted
- It is important for council to recognize that subdivision applications are not under the jurisdiction of Council, those decisions are made at the Subdivision Officer level and would not therefore come before council for consideration; however, staff would interpret this bylaw if a property owner applied to rezone with the intent to subdivide. The interpretation would surmise that the rezoning would be required to come before council and staff would further interpret that the EDPA would still apply because the intent is to undertake a subdivision.

**The Amendment to the Motion was then Put and CARRIED
With Councillors Brownoff and Sanders OPPOSED**

**MOVED by Councillor Wergeland and Seconded by Councillor Haynes:
“That Bylaw No. 9422 be given third reading as amended.”**

**CARRIED
with Councillors Brownoff, Sanders and Murdock OPPOSED**

Adjournment On a motion from Councillor Haynes, the meeting adjourned at 3:12 pm.

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CHAIR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK