

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

Minutes of the **SPECIAL PUBLIC WORKS & TRANSPORTATION COMMITTEE**  
Meeting  
Monday, June 14, 2010, 6:00 p.m.  
Central Saanich Municipal Council Chamber

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**PRESENT:** Councillor Terry Siklenka, Chair  
Mayor Mar  
Councillors Bryson, Garrison, Kubek, Mason (6:03 p.m.), and Olsen (6:03 p.m.)  
Gary C. Nason, Administrator  
Susan Brown, Municipal Clerk  
Hope V. Burns, Director of Planning & Building Services  
Nirmal Bhattacharya, Municipal Engineer

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The Municipal Clerk noted the following addition to the Agenda materials:

**Under Item 1 Proposed Amendments to the District's Soil Removal and Deposit Bylaw**

New Item (b) Correspondence from CJ (Kip) Wilson, June 10, 2010

**APPROVAL OF THE AGENDA:**

439.10 MOVED AND SECONDED  
*That the Agenda for the Special Public Works & Transportation Committee Meeting held on June 14, 2010, be approved as amended by the Late Items Agenda.*  
CARRIED UNANIMOUSLY

**1. Proposed Amendments to the District's Soil Removal and Deposit Bylaw**

- a) Staff Memorandum dated April 26, 2010 entitled "Proposed Amendments to the District's Soil Removal and Deposit Bylaw" (previously received at the April 26, 2010 Committee Meeting);
- b) Communications material (PowerPoint slides) summarizing the proposed Bylaw amendments; and,
- c) A copy of the proposed amended Bylaw, showing the proposed amendments as underlined tracked changes
- d) Correspondence pertaining to this matter from K Fox, dated May 31, 2010
- e) Correspondence pertaining to this matter from CJ (Kip) Wilson, dated June 10, 2010 (Late Item)

The Administrator provided an overview of this matter, outlining the previous process followed and actions taken by Council and Staff, which culminated in this Special Committee meeting to provide stakeholders and interested citizens with the opportunity to provide further input to Council on this matter, prior to consideration of a proposed Amendment Bylaw at a future Council meeting.

**Councillors Mason and Olsen entered the meeting at 6:03 p.m.**

The Administrator referenced the various materials included with the agenda and advised that this information had been mailed, together with a notice of this meeting, to 50 stakeholder agencies, jurisdictions and agricultural / farming landowners in the local community, and noted that notice of this meeting had also been advertised in the local newspaper and on the District's website. He advised that the following correspondence had been received in response to this notification:

- K Fox, dated May 31, 2010
- CJ (Kip) Wilson, dated June 10.

The Administrator then reviewed his recommendation.

The Committee Chair invited members of the gallery wishing to address Council on this matter to come forward.

**D Ireland**, Ireland Farms, Resident, Saanichton, advised that he has made numerous soil deposits on his lands through the years, but that he has never had to fight so hard to accomplish deposits as in recent dealings with the Agricultural Land Commission (ALC). He commented that he hoped the new system would help agriculture, not hurt it, and provided an example where currently, a deposit made to the North of his property has restricted natural drainage, resulting in the flooding of his field and significantly reduced hay growth. He expressed the hope that a professional agrologist could comment on such a situation under the new system, and that farmers would have more say in the issuance of permits. He commented on the problems caused by the diversion of Graham Creek.

Mr. Ireland then addressed the permit exemptions for ALR lands, and noted that the District should take a closer look at the terms used for the types of materials needed to replenish eroded land. He also opined that the District should look at bonafide farmers in order to put realistic indices in place, and provided the example that it was unreasonable to limit the exemption to 40 cubic metres, when he required 7000 truckloads for his field. He noted that, whereas his deposit job should have taken one year to complete, it had taken six years under the current ALC system. He stated that the neighbourhood consultation should have been limited to the rationale for why the deposit was required and excluded complaints by residential neighbours against adjacent farming uses in general.

Mr. Ireland then provided the opinion that the District should be more definitive regarding what constitutes conditioners, and expand the scope, as there are many materials in use. He stated that, provided the deposit generates a farm income (and not just tippage fees), it should be acceptable. He cautioned that the requirement for an agrologist's or hydrologist's report or such other detailed plan should not apply to simple deposit activities – that a farmer should not have to pay thousands of dollars to raise his field one foot. He noted that this has not been a requirement in the past, so it should be set somewhere in the middle.

In response to a question from a Committee member, the Administrator advised that Staff had consulted the ALC concerning these requirements, and were advised that they are necessary ones, but that they should be in keeping with the scale of the application. He noted that the bylaw language permitted flexibility, and facilitated as quick a turn around time as possible. He noted that the information required by the proposed regulations is the type that is typical to these types of applications, such as the amount of soil, its type, the route, a contour plan and other commentary. He stated that the Peninsula Agricultural Commission wanted a requirement for an opinion from a consulting agrologist, but that such an opinion may not be needed in every case – that Staff would consult with the ALC in advance in setting the requirements. He noted that for larger projects, particularly in the Integrated Stormwater Management Plan (ISMP) areas, the District would require some detail on impact. He further stated that the ALC is on board in terms of the potential for larger deposits to impact those areas defined by the ISMP, and the need for a higher level of analysis, while remaining as flexible as possible.

In response to further questions concerning the deposit of soil to the North of Mr. Ireland's land, the Municipal Engineer noted that permits are currently issued by the ALC, and that Mr. Ireland talked directly to the ALC on this matter.

Mr. Ireland commented further on the drainage problems resulting from the deposit to the North of his property.

The Engineer noted that the Bylaw Enforcement Officer had also advised the ALC of Mr. Ireland's concerns.

The Administrator, in response to a concern expressed by a Committee member, noted that Council had asked Staff to check with the ALC concerning compliance in relation to the Ross soil deposit, which could also be done in this case, and clarified that the District does not issue the permits nor have jurisdictional authority, and is not always consulted by the ALC. He advised that, if the bylaw amendments are adopted, such an application would come to the District first.

Mr. Ireland commented that the property to the North has about 20,000 metres of deposit, and that the owner should have to provide drainage. He noted that the ALC stated that Central Saanich should be addressing the drainage system issues arising from such deposits, and gave the opinion that there needs to be a third party to

monitor such matters.

The Administrator advised that Staff could relay these concerns to the ALC, ask them to confirm exactly what has been approved for the property in question, and request enforcement where non-compliance with the permit.

In response to a question from a Committee member as to why he is opposed to the requirement for an agrologist, given the situation to the North of his property, Mr. Ireland stated that there should be sufficient flexibility such that straightforward or small projects do not require an agrologist (for example, 100 cubic metres of deposit). In response to a further question, Mr. Ireland stated that the exemption level should be reasonable.

**T Michell**, Michell Farms, Resident, Saanichton, queried whether such requirements as an agrologist's report would apply to an application concerning an outright farm use.

Through the Chair, the Municipal Engineer responded that Staff would review the application, and the applicable requirements would depend on the complexity of and quantity in relation to the application. He noted that a non-farm use application would be referred back to the ALC.

The Administrator clarified the use of the term "outright exemption".

Mr. Michell queried whether a few thousand metres of sand stockpiled on farmland for use when and as needed, is considered "fill".

The Municipal Engineer responded that anytime the sand was brought on to the property, it would be considered "fill" requiring a soil deposit permit, and if issued, the permit would remain valid for a one year period. Also, he noted that sand would be considered soil, and that anytime the soil was removed from the property, it would trigger a permit requirement. He further noted that stockpiled compost would be exempt.

**D Bickford**, Resident, Saanichton, questioned whether top soil that is mixed with manure is considered "soil", and a Committee member responded in the affirmative. Mr. Bickford then raised the issue of owners who had been producing and selling top soil for 40 years without the need for a permit from the District, and questioned whether such an owner could obtain one permit to cover ongoing activities.

Through the Chair, the Administrator replied that the regulations were not retroactive, such that previous permits could be changed, but that any new activity would fall under the new system, whether or not it involved the type of activity in practice for years.

Mr. Bickford commented that he was concerned with the new regulations shutting such operations down, as he had been mixing soil and manure and selling the resulting top soil for 40 years.

The Administrator commented that the proposed bylaw amendments apply to all land in the ALR and the activities of agricultural land owners. He noted that Staff will be dealing with the applicants on a one on one basis, when setting the permit requirements.

The Municipal Engineer noted that section 5(c) provides an exemption for landscaping, and that there are other exemptions. He requested concerned individuals to come to Staff with their specific concerns. The Administrator also encouraged interested parties to come and speak with Staff. He pointed out that this would be a new regulatory scheme, in relation to which Staff were working closely with the ALC, which has the expertise to answer questions that arise. He noted that Staff would bring forward specific concerns for review and response.

The Administrator summarized the upcoming process, advising that the minutes of this meeting would come forward to a future Council meeting (not the June 21<sup>st</sup> meeting) at the same time as the proposed Amendment Bylaw, at which time Council could consider any changes to the bylaw and readings.

In response to questions concerning the referral of the proposed Bylaw amendments

to the ALC, the Administrator confirmed that the proposed Bylaw would be forwarded to the ALC after third reading, as the ALC had already reviewed the draft amendments and provided comments which were incorporated into the amendments presented tonight.

**J Hannam**, Resident, Brentwood Bay, asked who would take precedence if the ALC and the District disagreed as to matters pertaining to an application. He noted that some people had contacted the ALC and been told to address drainage issues through berms and pumps. He further queried whether the bringing in of clay would be acceptable.

At the request of the Chair, the Administrator replied that if the activity involves the importation of soil onto the property, particularly onto a property in an ISMP watershed area, then Staff would be looking for information on the impact of that deposit on that area.

440.10            **MOVED AND SECONDED**  
*That it be recommended to Council:*

*That the oral and written submissions presented at the Special Public Works and Transportation Committee Meeting held on June 14, 2010, with respect to the proposed amendments to the District's Soil Removal and Deposit Bylaw be received and considered, and consideration of any readings to be given to the proposed Bylaw amendments be referred to a future Council Meeting.*

**CARRIED UNANIMOUSLY**

A member of Committee commented on the need to look at commercial uses on farmland and queried as to what constituted a permitted use on agricultural land. The Director of Planning and Building Services stated that, where at issue, clarification would be sought from the ALC in relation to whether a specific use is an agricultural one or a commercial one.

**ADJOURNMENT:**

*On motion, the Public Works & Transportation Committee Meeting held on June 14, 2010, adjourned at 7:00 p.m.*

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Councillor Terry Siklenka, Chair

Recorded By:    Susan Brown  
                          Municipal Clerk