



AGENDA

For the Special Committee of the Whole
Meeting to be Held at
G.R. Pearkes Recreation Centre Fieldhouse,
3100 Tillicum Road
SATURDAY, OCTOBER 28, 2017, 10:00 A.M.

A. PUBLIC INPUT

1. **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.

Please note that this meeting will not be webcast as it is being held outside of the Council Chambers.

There will be a recess for lunch between 1:00 p.m. – 2:00 p.m.

* * * Adjournment * * *



Mayor
Councillors
Administrator

Council
Administrator
Media

Memo

To: Council
From: Paul Thorkelsson, CAO
Date: October 25, 2017
Subject: EDPA – Questions Raised and Possible Next Steps

The purpose of this memo is to share information with Council arising from questions raised by individual members, and to facilitate Council's upcoming deliberation on the existing EDPA Bylaw. Content includes:

- The impacts to Council's policy framework if the current EDPA Bylaw is rescinded;
- Staff's thoughts on the Diamond Head Report; and
- Potential options and their implications for moving forward.

Potential Impacts to Council's Policy Framework

If Council chooses to rescind the EDPA Bylaw in its entirety, housekeeping amendments would be required to the OCP (Development Permit Guidelines), in order to return back to the policy framework that existed between 1999 – 2012. The current EDPA Bylaw was adopted in 2012.

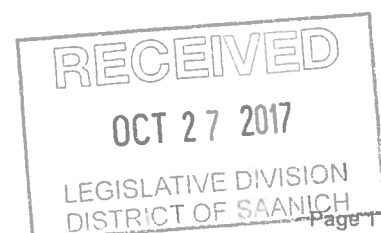
In terms of Council's Policy Framework, when the EDPA Bylaw was developed, for the purpose of clarity and consistency, many policies were moved from the OCP (Development Permit Guidelines) to the EDPA Bylaw. If Council does not undertake housekeeping amendments to the OCP, there would be less protection for the environment than existed pre 1999. For example, protection of rare plants would not be in place during a multifamily development.

In terms of the Fill Bylaw, the Streamside DP, and the Tree Bylaw, when the EDPA Bylaw was adopted in 2012, references were included in these documents to the EDPA. Housekeeping amendments would be required to remove any references to the EDPA.

Should Council choose to rescind the current EDPA Bylaw in its entirety, "housekeeping" amendments could be prepared for Council's consideration in short order.

Diamond Head Report

Overall, staff believe that 12 of the 15 recommendations from the Diamond Head report would be immediate, effective and positive changes for Saanich's EDPA. Staff believe that the remaining three Diamond Head report recommendations required further examination.



Recommendations for Broader Environmental Policy Context

1. Develop a **Biodiversity Conservation Strategy** to provide science-based guidance for the protection, restoration and connection of Environmentally Significant Areas. Timeframe: Long

Pros: Staff are in complete agreement that a Biodiversity Conservation Strategy would provide context and guidance for existing and proposed policy, bylaw, outreach, programming, etc. The idea of having such an overarching document has been discussed at the Environmental Advisory Committee over the years stemming back to the Healthy Saanich initiative. A Biodiversity Conservation Strategy would answer the #1 concern of the participants in the EDPA Check-in Process.

Cons: Developing a Biodiversity Conservation Strategy will take time and resources. This could be perceived as being needed before the EDPA or other existing or proposed protection and restoration mechanisms should be used or improved. One way to avoid losing protection for the environment in the interim would be to create a simple framework to illustrate the current and proposed approach.

Ideas: There are funding grants that could be accessed to develop the Biodiversity Conservation Strategy as well as using citizen science to increase knowledge and participation in the development of the strategy.

If Council wishes, Staff could provide a draft outline of a Biodiversity Conservation Strategy in terms of process, costs, potential grants, scope, etc. for Council review.

Recommendation: Implement the Diamond Head Recommendation.

14. Investigate programs that would enable the creation of a **conservation fund** and/or provide allowances for **reductions in property taxes** to promote protection of environmentally significant areas **protected by a covenant**. Timeframe: Medium

Pros: Incentives for landowners was identified as a key solution during the EDPA Check-in Process. A municipal conservation fund could help provide real resources to landowners for the purchase of native plant material, removal and disposal of invasive species, enhancements, and access to biological expertise. A fund would go a long way to healing the public perception of the EDPA as a burden and help to build a rapport and direct communication between Saanich and individual landowners. At one time, staff were able to provide these services but resources have dwindled to the point that regrettably the service could not be continued.

(Note: Reducing property taxes for the protection of ecosystems (other than riparian) is currently not something the municipality can pursue under existing Provincial legislation. Council has requested that the Provincial Government explore allowing this flexibility to local governments.)

Cons: A conservation fund would take Municipal time/resources to administer.

If discussions with the Province were successful, change at the Provincial level may not be quick enough for some landowners and/or result in a financial benefit less than landowners are anticipating.

Ideas: There may be grants that could be leveraged from matching municipal funds. Resources (municipal and external grants) could be allocated to delivering programs and services for landowners who have natural state covenants, EDPA, or SDPA on their properties.

Recommendation: Implement the Diamond Head recommendation.

15. Develop an **EDPA development approval checklist**. This should define roles and expectations for all stages of development from initial project planning and environmental assessment through to construction and post-construction monitoring. Timeframe: Short

Pros: A guide for landowners going through the application process does exist. However, it does not cover the construction and post-construction phase. Additional changes for clarity and ease of use may also be of value. This is an improvement that could be easily made.

Cons: Strict definitions and processes make it difficult to graduate expectations for small projects to big projects. Some discretion and communication needs to be able to occur to ensure the correct level of detail and resources are allocated. The risk is that some property owners may pay more than what is really needed, in order to achieve the goal of protecting valuable aspects of the natural environment.

Ideas: An improved checklist could be drafted for Council's consideration and piloted on a few applications to ensure it is workable for different types/scales of development.

Recommendation: Implement the Diamond Head recommendation.

Recommendations for EDPA Updates

5. **Remove reference to existing EDPA Atlas** map and replace it with text-based description for flagging properties that may contain ESAs. Timeframe: short

Pros: Reduce municipal resources spent on maintaining the Atlas. Such an action may reduce landowner concerns as an outcome of no longer seeing their property on a map or having to worry about inaccuracies. Some ESAs that have not been captured in existing inventories may be newly protected as individual property owners hire biologists to determine if there are ESAs on their properties. Council would not be faced with the potentially unpopular decision to include property owners with new ESAs into the EDPA Atlas.

Cons: Without the EDPA Atlas, any advanced knowledge afforded by this document would be lost, and it would appear that all landowners in Saanich would potentially need to hire a biologist to determine if their property meets the text-based description in order to proceed with plans. While general in nature the EDPA Atlas does provide some level of detail about

what environmental aspect is being considered for enhanced protection and its general location on the lot.

Not all development needs a building permit. Some of the most damaging activities are landscaping, “clean up”, patios, etc. Without the Atlas, such development activity may take place without a property owner being aware that an ESA exists which could have irreversible impacts on sensitive ecosystems.

Without the EDPA Atlas, residents may turn to the ESA Atlas which is much more comprehensive and inclusive. This may cause additional concern for residents.

Ideas: Focus efforts to improve the accuracy of the EDPA Atlas. The EDPA Atlas should be improved with new data now and more accurate data over time rather than discarded. This is already in progress and is consistent with how the Streamside Atlas is maintained. Ground-truthing can continue to occur with permission to enter private property or through the application process.

Most residents use Saanich’s public GIS mapping to locate ESAs in the EDPA rather than the actual EDPA Atlas. Many things can be done to change how the EDPA is represented on GIS to increase comprehension and closer resemble the EDPA Atlas. For example, showing buffers as a colour-coded line would be in-keeping with the Streamside Atlas, would decrease the visual impact, would be closer to the scale of the original inventory, and would increase the understanding that the buffer is not an ESA.

If Council believes that EDPA Atlas should be abandoned in favour of a text-based approach, Staff recommend that the existing Environmentally Significant Areas (ESA) Atlas would be a useful reference for land owners and developers as part of a text-based. The atlas information is valuable to residents in reducing the consultant work that might be necessary and required under a solely text-based approach.

Recommendation: Further explore the Diamond Head Recommendation.

6. Remove references to set buffer distances from the bylaw for sensitive ecosystem, isolated wetlands and watercourses, and the marine backshore. Only require buffers based on **QEP** recommendations for individual development permit applications.
Timeframe: Short

Pros: This would reduce the amount of EDPA on properties and may alleviate some concerns of property owners. Hiring a QEP would allow for a property-specific buffer width.

Cons: Based on the Diamond Head report, it appears that without pre-determined buffers, all applicants in Saanich would potentially need to hire a QEP, increasing the cost of development.

A property owner with only buffer on their property would not need to hire a QEP when developing if the ESA is on the neighbouring property which may cause impacts to the ESA. Without the buffer, there would be no ‘flag’ to the property owner that they may need to develop cautiously.

The objective of the buffer is to protect the ESA from adjacent development. Developing in the buffer triggers the need for a permit. This results in a way potential restoration of the ESA and mitigation of impacts. Without the buffer, there would be no enhancement of the ESA. This is a particularly important issue, as one of the three objectives of the EDPA is to restore—most of this would be lost without the buffers to trigger requirements.

As part of the original EDPA public process, the marine backshore was changed from a variable width and buffer to a standardized 15m width and 15m buffer as a result of public feedback. Removing the 15m buffer from the marine backshore could make some EDPA areas tiny and ineffectual on larger, steep properties.

Adjacent property owners may end up with different buffer widths from different QEPs.

Ideas: Revisit having a variable marine backshore width which would allow for a smaller buffer width on all marine backshore properties.

Most residents use Saanich’s public GIS mapping to locate ESAs in the EDPA rather than the actual EDPA Atlas. Many things can be done to change how the EDPA is represented as mentioned above in recommendation #5.

Change the EDPA Guidelines to allow for QEPs to apply criteria to potentially vary the width of the buffer. This would only work if clear criteria were created and the role of municipal biological oversight was also made clear in order to provide a consistent approach and dialogue.

Refer to the buffer as the ‘assessment area’ as used in the Riparian Areas Regulation and some EDPAs in other municipalities. Assessment Area is a better term for an area that can be sensitively developed and would increase the understanding of what it means to be next to the ESA. Staff recommend further consideration and analysis is necessary before this recommendation is implemented.

Recommendation: Further explore the Diamond Head recommendation.

2. Update the EDPA objectives to more directly link the OCP policies and clarify the intent of the bylaw. Timeframe: short

Pros: Staff agree that the intent of the bylaw and the context of OCP policies would be a positive improvement.

Cons: None seen.

Ideas: The Biodiversity Conservation Strategy would also help to inform the updates. If Council wishes, updates could be made immediately to the objectives and justification section of the EDPA, with potential further updates after the completion of the Biodiversity Conservation Strategy.

Recommendation: Implement the Diamond Head Recommendation.

<p>3. Amend the EDPA Justification to include specific language defining an ESA and condition thresholds for their protection. Timeframe: medium</p>
<p>Pros: This would hopefully increase clarity and provide for a more consistent approach by QEPs.</p>
<p>Cons: Areas that are valuable despite their current condition may be lost. Despite their condition, ESAs have other important values such as; linkages and corridors, social benefits, and green infrastructure.</p> <p>All ecosystems in Saanich are impacted by human use, invasive species, climate change, or development. It may be 'too easy' to discount an ESA based on its current condition due to the urban context of Saanich. This would result in a slow decline in the quality and quantity of ESAs in Saanich.</p>
<p>Ideas: Further define when and where ESAs may be of value, beyond its existing condition.</p> <p>Extend the timeframe expectation. Undertake updates after the completion of the Biodiversity Conservation Strategy when the various values are more fully understood.</p>
<p>Recommendation: Implement and expand on the Diamond Head recommendation</p>

<p>12. Remove the District exemption from the EDPA. The District will be required to apply for a Development Permit for non-exempt activities within an ESA. Timeframe: short.</p>
<p>Pros: Makes people feel that there is a 'level the playing field' between public and private land management and approvals.</p>
<p>Cons: This recommendation appears to not take into account that the municipality is not exempt from the EDPA when it comes to construction of buildings, playing fields, landscaping, etc.</p> <p>This recommendation appears to not take into consideration that the exemption is for public infrastructure which is typically highly constrained and developed for the community/public good, such as sewer pipes. Not all municipal infrastructure can be built to the guidelines, for example a gravity-fed sewer line needed to service several homes may need to traverse an ESA. As such to create a 'level the playing field' between public and private land management and approvals, the guidelines would need to change to potentially allow everyone to put pipes, roads, etc. in ESAs which are neither unavoidable nor for the public good.</p> <p>The recommendation has the face-value appearance of levelling the playing field but potentially creates more opportunity for environmental damage.</p>
<p>Ideas: Value and understanding could be gained by making the Environmental Protocol process undertaken by Saanich more transparent and available for public review. This may help to reduce/alleviate the impression that the playing field is uneven.</p>

Saanich could have a webpage where all internal Environmental Protocol referrals are logged, explained and staff contact information is provided so residents can call if they have questions or concerns. Tightening up wording of the exemption for municipal projects would also be of value and add clarity.

Staff recommend further consideration and analysis is necessary before this recommendation is implemented.

Recommendation: Further explore the Diamond Head recommendation.

4. Amend the EDPA Guidelines to include **conditions for encroachments** on ESAs in consideration for smaller, more restricted lots typically found within the single-family zones. Timeframe: short

Pros: An increase in flexibility would be well-received by landowners. This may be particularly useful in the Marine Backshore.

Cons: “death by 1000 cuts”—limits would need to be set so successive owners or years do not add up to major impacts.

Ideas: Would need to decide if these would be exemptions (no permit needed) or guidelines (regulated under permit conditions).

Feedback to staff from many applicants is that they would like relaxations to be considered in exchange for restoration. If Council wishes, meaningful mechanisms for encroachment that balance landowners’ enjoyment and use of property with ESA integrity could be explored. Additional relaxation is likely most achievable in the Marine Backshore.

Recommendation: Implement the Diamond Head recommendation.

5. Provide a clear **definition for restoration**, enhancement and habitat creation, what their goals are within the EDPA Bylaw. Timeframe: short

Pros: This would increase clarity overall and would have a positive effect on understanding and therefore buy-in.

Cons: None seen.

Ideas: The proposed Biodiversity Conservation Strategy would be critical in developing these definitions for the context of Saanich and the EDPA.

It would be best to wait for the outcomes of the Biodiversity Conservation Strategy before completing this specific task.

Recommendation: Implement the Diamond Head recommendation, except lengthen the timeframe expectation.

<p>6. Develop a standard that guides the level of restoration that is required based on the condition of the ESA and the size and scale of the proposed development. Timeframe: short</p>
<p>Pros: Clearer goalposts would lead to a more consistent and accepted approach, and greater comfort levels for landowners, Council and staff.</p>
<p>Cons: None seen.</p>
<p>Ideas: Could explore a linkage with the proposed Conservation Fund. Could also use existing models of a sliding scale approach for development and requirements.</p>
<p>Recommendation: Implement the Diamond Head recommendation.</p>

<p>9. Permit flexibility in setbacks by permitting some minor encroachment when unavoidable provided there is compensation elsewhere on the property. The percentage of encroachment permitted and ratio of compensation should be based on an assessment of the ESA condition. Timeframe: short.</p>
<p>Note: Staff have interpreted the above noted recommendation as outlined below. Verification of this assumption from Diamond Head is required:</p> <p>“Permit minor reduction in ESA boundaries to allow for development to encroach when on highly constrained properties, while compensating for lost ESA area elsewhere based on the condition of the ESA”.</p>
<p>Pros: This is an interesting idea and very similar to current EDPA Exemption 15. The Diamond Head proposal would be less flexible than the current exemption and require greater compensation, but without a covenant. It could really make a difference to a property owner when there are constraints such as a large ESA, slope, large Zoning Bylaw setbacks, protected trees, streams, Right-of-Ways, irregularly shaped lots, etc.</p>
<p>Cons: Without clearly define parameters, consistent decisions regarding when an encroachment is justified and unavoidable would be difficult to make. In some cases, there may not be the space for a compensatory area if a property is truly highly constrained. In addition, how would the newly compensated area be protected once the development is finished, needs to be clarified.</p>
<p>Ideas: The solution should offer flexibility when constraints are real and allow for a win-win result for the ESA and the property owner.</p> <p>If a property is truly constrained, work with the property owner or their QEP to negotiate a win-win situation, by building on existing Guideline 1 of the EDPA. Negotiation is one of the flexible features of DPAs in general.</p>

Staff recommend further consideration and analysis is necessary before this recommendation is implemented.

Recommendation: Further explore the Diamond Head recommendation.

10. Provide a standard **template for QEP reporting** for DP applications. Timeframe: short.

Pros: Standards and templates could result in improved consistency between professionals and reporting.

Cons: Experience has shown that templates for QEPs can be taken too literal and reduce professional discretion.

Does not address the significant problem with exemption #14 and with appealing to Council for removal.

Ideas: When it comes to DP applications, there has been little issue with QEP reporting (only one case). However, there could be a template provided that does not interfere with professional discretion.

Recommendation: Implement the Diamond Head recommendation.

11. Define classes for habitat condition that will guide QEPs to define and categorize ESAs and required restoration efforts. Timeframe: short

Pros: Standards and templates may result in improved consistency between professionals and reporting.

Cons: This is very similar to recommendation 3 of the Diamond Head report. As previously noted, the sole focus on condition does not consider other factors that could be identified through the Biodiversity Conservation Strategy.

Ideas: Could use the existing ESA Mapping Initiative template (developed by an external QEP) that considers condition, landscape context, and restoration potential as an interim measure. Restoration goals could easily be added to this template.

Recommendation: Implement and expand the Diamond Head recommendation by classifying more than the condition and lengthen the timeframe expectation. (It would be best to wait for the outcomes of the Biodiversity Conservation Strategy).

13. Encourage development incentives and flexibility (i.e. Increased **height, density, clustering**, etc.) when planning development projects within the EDPA in exchange for protection or restoration of ESAs. Timeframe: medium.

Pros: This would be appropriate and useful for larger developments such as multifamily, commercial, or subdivision.
Cons: May not be popular with adjacent neighbours at the time of the development unless a community amenity was provided for/perceived.
Ideas: Inclusion of a policy on this issue in the OCP, and potentially in the general regulations of the Zoning Bylaw, would be appropriate.
Recommendation: Implement the Diamond Head recommendation.

The event on Saturday is an opportunity for Council to hear from the community on the recommendations of the consultant’s study, get clarifications from the consultant where necessary (and required) and consider direction to staff on the specific recommendations of the work.

Those directions on implementing one or all, or a subset thereof, of the recommendations sets the stage of consideration of Council of a policy direction for moving forward. The following outlines some options that are provided for your consideration.

Potential Options and their Implications for Moving Forward

The following options and implications are obviously not an exhaustive list. This information is provided solely to help facilitate Council’s discussion on how it wishes to proceed forward in regard to the EDPA Bylaw. In that vein, no staff recommendation has been provided.

Option 1 – Direct that the EDPA Bylaw be rescinded in its entirety.

This option is based on the position that the original (includes RS Zoned properties) and amended (excludes RS Zoned properties, with the exception of properties being rezoned or subdivided) versions of the EDPA Bylaw are significantly “off the mark” in terms of its content and approach. If Council were to choose Option 1 some of the implications that would need to be addressed include:

- As noted on page one of this memo, “housekeeping” amendments would be required to bylaws such as; the OCP (Development Permit Guidelines), the Fill Bylaw, the Streamside DP, and the Tree Bylaw, to return Saanich to the pre-EDPA Council policy framework.
- Without the above-noted housekeeping amendments, some Council policies would include inappropriate references to the EDPA. In addition, there would be a return to gaps in environmental protection that existed prior to the adoption of the EDPA Bylaw.
- Council would need to provide direction on whether it wishes to undertake any further work on creating a new and improved EDPA, or whether it is satisfied simply retuning to the pre-EPDA policy framework.

Option 2 - Direct that additional work be undertaken to improve the amended version of the EDPA Bylaw. (The amended version of the Bylaw excludes all RS Zoned properties, unless development in the form of Rezoning/Subdivision is proposed.)

This option is based on the position that the amended version of the Bylaw is an appropriate starting point from which to commence work on improving the EDPA. This option assumes that RS Zoned properties would not be subject to regulations (permanently) in a new and improved EDPA Bylaw, unless development in the form of a Rezoning or Subdivision was proposed. That being said, this Option would propose the inclusion of RS Zoned properties in any future non-regulatory incentive programs.

If Council were to choose Option 2 some of the implications that would need to be addressed include:

- Council would need to determine, the general approach and scope for future work to improve the amended EDPA Bylaw - assumedly this would be based on the Diamond Head report recommendations, but Council could defined another approach and scope?
- Council would need to determine who would undertake this work.
- Council would need to determine how the work would be funded and where this work would fit within the existing list of Council initiatives. In terms of general costs the largest expense would likely be associated with the development of the Biodiversity Strategy and/or improving mapping accuracy.
- Council would need to determine the level of public engagement.

Option 3 – Direct that additional work be undertaken to improve the original version of the EDPA Bylaw.

This option is based on the position that the original version of the Bylaw is an appropriate starting point from which to commence work on improving the EDPA. This option assumes that RS Zoned properties would be subject to regulations in a new and improved EDPA Bylaw, regardless of whether a Rezoning or Subdivision was proposed. This option also assumes the potential for non-regulatory incentive programs.

If Council were to choose Option 3 some of the implications that would need to be addressed include:

- Council would need to determine, the general approach and scope for future work to improve the amended EDPA Bylaw - would it be based on the Diamond Head report or a yet to be defined approach and scope?
- Council would need to determine who would undertake this work.
- Council would need to determine how the work would be funded and where this work would fit within the existing list of Council initiatives. In terms of general costs the largest expense would likely be associated with the development of the Biodiversity Strategy and/or improving mapping accuracy.
- Council would need to determine the level of public engagement.

Option 4 - Direct that additional work be undertaken to implement the recommendations of the Diamond Head report.

This option is based on the position that the independent assessment of the EDPA is an appropriate path to significantly amend the Bylaw. Diamond Head considered, but did not

recommend, excluding any zones from the EDPA. Rather, greater flexibility was recommended, in particular recommendation #4. Therefore, this option assumes that all zones, including RS Zoned properties, would again be subject to regulations in a new and improved EDPA Bylaw.

If Council were to choose Option 2 some of the implications that would need to be addressed include:

- Council would need to determine who would undertake this work.
- Council would need to determine how the work would be funded and where this work would fit within the existing list of Council initiatives. In terms of general costs the largest expense would likely be associated with the development of the Biodiversity Strategy and/or improving subsequent mapping accuracy.
- Council would need to determine the level of public engagement.

With Council establishing a policy direction under one or other of the options provided (or another approach, as this is not an exhaustive list) staff can develop the process(es) necessary to implement the approach including full understanding of financial and resource implications, broader policy implications (and necessary associated changes) and the approach to consultation for Council's consideration.

Those decisions, at the detail level, are for Council to consider following an opportunity to consider the appropriate policy approach. That is Saturday's event is likely not the time for discussion and debate of the details, but more appropriately the opportunity for Council to draw the review process to a close and establish the broader policy direction to staff.

If you have any questions regarding this memo, please do not hesitate to contact me.

Part I

Additional Correspondence Received

Clerksec - EDPA's Rehabilitation

From: Art [REDACTED]
To: <clerksec@saanich.ca>
Date: 10/23/2017 4:29 PM
Subject: EDPA's Rehabilitation
CC: <council@saanich.ca>

POST TO: <u>Ben</u>	POSTED
COPY TO: <u>SH</u>	
INFORMATION	<input checked="" type="checkbox"/>
REPLY-TO-WRITER	<input type="checkbox"/>
COPY RESPONSE TO LEGISLATIVE DIVISION REPORT	<input type="checkbox"/>
FOR	
ACKNOWLEDGED:	<u>BTM</u>

RECEIVED

OCT 24 2017

LEGISLATIVE DIVISION
DISTRICT OF SAANICH

Hello: Please include these suggestions in the EDPA's Rehabilitation:

Saanich should not be forcing property owners to make retroactive restoration of private property unless it can be proven in Court that the landowner willfully damaged the ecosensitive environment.

A universal online CRD computer software program must be created as a guide to identify and establish if there rare species or a sensitive habitats. Share the resource material.

Saanich must not apply severe environmental restrictions on the EDPA residents and expect the taxpayers to cover municipal enforcement.

Subdivision applicants, using the program as their guide must submit a close-up digital video of their property. This would save staff time and taxpayer money as they could see the flora and fauna ground cover.

If a dispute arises between property owner and staff, a visit by an on-call, qualified local Biologists must occur - at no cost to the property owner.

The computer program must use the newest GIS mapping verification. As the climate changes and shoreline shifts, the latest information is essential.

Subdivision plans must include ground soft-soil and flood plain assessment;

identify the nearest underground fault lines; waterfront properties to identify high tide sea-level rise and tsunami risks.

The administration office should be in the western community to reduce gas emissions and traffic congestion.

If a dispute should arise, a property owners biologist's decision will be in favour the

applicant, not the municipality.

The Goal and Objectives of the EDPA:

Fare, honest, empathetic, open transparency while reducing municipal costs that ensures the protection of the environment.

Each municipality must do its part by removing invasive species and protecting their parks without self imposed exemptions.

In conclusion, this should remove the subjective nature of habitat restoration. It will prevent divisions between Council, staff and residents.

New computer technology should be applied to protect the existing environment without fear of job loss in the Environmental Planning Department.

Thank you. Art Bickerton

2860-25 Diamond

Clerksec - For The Consideration of Saanich Council

POST TO	Gen	POSTED	
COPY TO	SH		OCT 19 2017
INFORMATION	<input checked="" type="checkbox"/>		
REPLY TO WRITER	<input type="checkbox"/>		
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>		
REPORT	<input type="checkbox"/>		
FOR			
ACKNOWLEDGED			BIM ✓

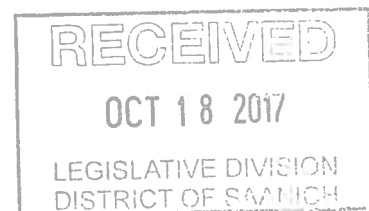
From: Jonathan Sector [REDACTED]
To: <mayor@saanich.ca>, <Susan.Brice@saanich.ca>, <Dean.Murdock@saanich.ca>, ...
Date: 10/17/2017 11:59 AM
Subject: For The Consideration of Saanich Council
CC: Chief Administrative Officer <paul.thorkelsson@saanich.ca>, Director of ...
Attachments: DCH2106 Review July ,2017 per JPSector.pdf

Mayor & Councillors:

Noting that there have been no changes to the Diamond Head Report since its submission to Saanich as a draft on June 21,2017, the attached commentary of July 16,2017 on the Diamond Head Consulting Report, *District of Saanich Environmental Development Permit Area Independent Review* is herewith re-submitted for your ready refrence in relation to your renewal of discussions of this issue on October 28,2017. .

Jonathan Sector, R.P. Bio.

=====
Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
Systems Ecologist / Natural Resource Planner
SECTER ENVIRONMENTAL RESOURCE CONSULTING
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=====





JONATHAN P. SECTER, R.P.BIO

REVIEW COMMENTS ON THE DOCUMENT

District of Saanich
Environmental Development Permit Area Independent Review
Diamond Head Consulting (DCH) June 21, 2017

Review Prepared: July 16, 2017

Overall Comments

The subject report provides some thoughtful and useful considerations for the alteration, refinement and improvement of the substance and focus of the prevailing Saanich EDPA by-law. However, a number of clarifications, elaborations and cautionary alerts are warranted per the commentary offered below.

The advancement and implementation of many of the recommendations put forward including, but not limited to numbers 3, 7, 8, 10, 11 and 15 will require clear scientific thinking. This will necessitate reaching out to a selected group of appropriately qualified scientists experienced with the practicalities of land use management who are given direction by Council to come up with something that is evidence-based, feasible, achievable, measureable and fair.

Specific Comments

S4. Saanich's Environmental Development Permit Area

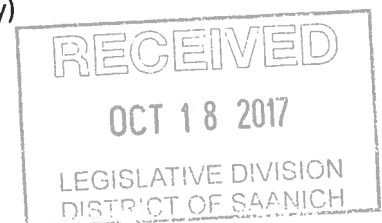
While Section 4 (Page 10) and Section 6.2 (Page 14) present the objectives of the Saanich EDPA as

- *Protect areas of highest biodiversity within Saanich.*
- *Mitigate damage during development.*
- *Restore degraded ecosystems,*

it is noted that the objectives of the Saanich EDPA per the prevailing By-law are in fact as follows:

- *Protect the areas of highest biodiversity within Saanich;*
- *Require mitigation (of potential and incurred damage) during (proposed) development; and*
- *Require restoration to damaged or degraded ecosystems (which occurs as a result of and) during development (to be undertaken).*

(parenthetical inserts above are for the purpose of necessary clarity)



S6. EDPA Recommendations

Re: 6.1 EDPA Guiding Policy

R1. Develop a Biodiversity Conservation Strategy to provide science-based guidance for the protection, restoration and connection of Environmentally Significant Areas.

Comment: Yes!! This is sorely needed in order to appropriately place and re-frame the EDPA within a soundly based policy framework and to derive focused strategic pathways along which to attain the EDPA objectives

Re 6.2 EDPA Objectives and Justification

R2. Update the EDPA objectives to more directly link the OCP policies and clarify the intent of the bylaw.

&

R3 Amend the EDPA justification to include specific language defining an Environmentally Significant Area and condition thresholds for their protection.

Comments:

A. While it is seemingly logical and appropriate to recommend that *“The EDPA objectives should be updated to include the environmental objectives from the OCP”*, the key phrase in this is that the noted items *“could be added to the Justification section of the EDPA”*, and not that they **should** be added to it. It is noted that at least two of the listed items, notably,

- Preserve “micro-ecosystems” as part of proposed development applications
- Incorporate climate change, its potential impacts, and mitigation measures when reviewing new development applications’

are fraught with complications when viewed as considerations within EDPA adjudicative process.

Eg., how is the term “micro-ecosystems” to be defined and specified and evaluated here? And what climate change criteria are to be realistically applied to specific properties in Saanich?

Of the 7 noted policies listed in the OCP, these 2 items are far more appropriately accounted for within the recommended Biodiversity Strategy, rather than within the EDPA *per se*. Moreover, all 7 merit examination within the noted Biodiversity Strategy with respect to an array of potential delivery strategies afforded for each, of which the EDPA is but one.

B. *The definitions for ESAs should be updated to provide more detailed descriptions...and corrected to conform with scientifically accepted terminology. If adopted, the process of developing a Biodiversity Conservation Strategy would provide the opportunity to develop scientifically based definitions that are supported through the Strategy’s engagement process. The needed refinements and corrections to the present definitions are required immediately and need not await the development of a Bio-diversity Strategy.*

Re 6.3 Applying the EDPA by Land Use

R4. Amend the EDPA Guidelines to include conditions for encroachments on Environmentally Significant Areas in consideration for smaller, more restricted lots typically found within the single-family zones

Comments:

While the suggestion of specified encroachment conditions and the 3 suggested guidelines offered are thoughtful considerations, this needs to be immediately preceded and accompanied by the derivation of appropriate soundly based criteria as to what defines and constitutes an “environmental sensitive area”. The applicability of encroachment conditions on any given site will depend on the nature and extent the sensitivity criteria present.

Re 6.4 EDPA Mapping

R5. Remove reference to existing EDPA Atlas map and replace it with text-based descriptions for flagging properties that may contain Environmentally Sensitive Areas.

Comments:

Yes, but

- a) This not a matter of identifying properties that may contain “environmentally sensitive areas”. The need is to refine and focus the identification of areas within properties throughout Saanich that are truly **environmentally sensitive;**
- b) As such, this must be premised on the dropping of use by Saanich of the blanket term ‘Environmentally Sensitive Area” to mean the totality of any property that includes any of the presently adopted 7 arbitrarily defined eco-types namely coastal bluffs, herbaceous terrestrial areas, older forest, sparsely vegetated areas, wetlands, riparian areas, and woodlands.
- c) No criteria are offered in (associated with) the EDPA bylaw as to exactly what each of these entails, or as to what conditions within each constitute “sensitivity”. These it must be based on the above noted derivation of appropriate soundly based criteria as to what defines and constitutes an “environmental sensitive area”, and on the on site empirical confirmation by qualified RFPs.
- d) Furthermore, the text base descriptions derived can well be accompanied by new and updated mapping of the identified environmentally sensitive portions of both private and public lands in Saanich.

Re 6.5 ESA Buffers

R6. Remove references to set buffer distances from the bylaw for sensitive ecosystems, isolated wetlands and watercourses and the marine backshore. Only require buffers based on QEP recommendation for individual development permit applications.

Comments: A logical and worthy recommendation.

Re 6.6 ESA Restoration

R7. Provide a clear definition for restoration, enhancement and habitat creation, what their goals are within the EDPA Bylaw.

From Rationale: Restoration of disturbed areas should only be required for damage that occurs as a result of what is defined as development in the EDPA. Restoration should be required whether this damage occurs with or without a DP Permit

Comments:

- a. Yes, the issue here has long been the propriety of a requirement by Saanich staff for the current owner to provide restoration for historical damage to the property undergone years and decades prior to either current ownership and or currently proposed development, and on areas with no current environmental sensitivity and/or no potential for realistic natural recovery.
- b. As to restoration for damage occurring with or without a DP Permit, the question here is ‘what basis and/or capability does Saanich have for involvement on properties within the EDPA which are not under application for a DP’?

R8. Develop a standard that guides the level of restoration that is required based on the condition of the ESA and the size and scale of the proposed development.

Comments:

- a) In addition to the condition of the ESA and size of development, restoration expectations are dependent on both the type and extent of the ESA and the type of development
- b) The notion of “no net loss of ESA areas” is only valid under circumstances where the totality of lands listed as “ESAs” are in fact all acknowledged to be environmentally sensitive. At present, within the EDPA there are countless portions of manicured lawns, horticultural garden beds, gravel and paved driveways, physical structures

and areas wholly dominated by invasive species that are erroneously included as ESAs. Until that is acknowledged and corrected in accordance with numerous of the recommendations of the subject document, that is impossible to appropriately gauge and pointless to invoke.

R9. Permit flexibility in setbacks by permitting some minor encroachment when unavoidable provided there is compensation elsewhere on the property. The percentage of encroachment permitted and ratio of compensation should be based on an assessment of ESA condition.

Comments:

It is unclear as to whether this recommendation is intended to permit minor unavoidable encroachments into QEP confirmed ESAs or into QEP specified setbacks bounding those ESAs.

Re 6.7 Qualified Environmental Professional Reports

R10. Provide a standard template for QEP reporting for DP Applications.

Comments:

a) Provision should be made within such a template to i) enable the QEP to state why a given inclusion the template is not relevant or not applicable to the subject site, and ii) enable the QP to provide any additional inclusions to the report pertinent to the investigation at hand.

b) In order to retain needed flexibility, such a template should NOT be placed within the By-law *per se*, but rather derived for placement in the EDPA Guidelines.

R11. Define classes for habitat condition that will guide QEPs to define and categorise ESAs and required restoration efforts.

Comments:

At the end of the day, the sensitivity of an area of land which is has been arbitrarily deemed to be an “Environmentally Sensitive Area” by virtue of its location within a broad generalized classification system, will be a function of the findings of on-site empirical examination by an appropriately qualified QEP .

While the EDPA can bolster that by deriving and listing criteria for the ranking of condition classes and the potentials for restoration , care should be taken to NOT have that ingrained and constrained by its placement within the formal By-law *per se*.

Re 6.8 Leading by Example

R12. Remove the District Exemption from the EDPA. The District will be required to apply for a Development Permit for non-exempt activities within an ESA.

Comments:

a) “Removal of the District Exemption from the EDPA” is only one of several mechanisms for correction of the prevailing situation which exempts all Saanich works projects from environmental assessment and planning and the scrutiny thereof. If manifested solely in the context of the EDPA, dozens of projects each year will still be exempt from scrutiny. Needed here is a Saanich policy which requires all proposed Saanich works and projects to undertake and incorporate environmental impact assessment within their project planning - to include mitigation of potential project impacts, avoidance of ESAs, and restoration to damaged or degraded ecosystems (which occurs as a result of and during the project to be undertaken – all for review and sign off by appropriately qualified members of the Saanich Environment Department or by selected external QEPs .

b) As a prime construct of “leading by example”, missing here is a recommendation for Saanich to apply the protective measures intended by the EDPA to the care, management, stewardship and restoration of the public lands in Saanich, notably to Saanich Parks.

RE 6.9 Landowner and Development Incentives

R13. Encourage development incentives and flexibility when planning development projects within the EDPA in exchange for protection or restoration of ESAs.

Comments:

This is long overdue and in effect is a function of the imagination, experience and attitude of the involved staff. The range of possibilities and potentials in this regard will vary considerably depending on the location, the proposal and the site conditions. As such, while the EDPA Zoning by-law may need amendment to allow this in general, the range of possibilities for use thereunder should NOT be explicitly listed in the by-law in order NOT to constrain or confine those by the unwarranted imposition of rote administrative process

R 14. Investigate programs that would enable the creation of a conservation fund and/or provide allowances for reductions in property taxes to promote protection of environmentally significant areas protected by a covenant.

Comments:

Certainly the provision of a property tax break for the restriction of use of ESA lands on private properties AND on private land protected under a permanent covenant is long overdue. However, the political ramifications of levying a universal tax levy on all Saanich property owners to fund the suggested Conservation Fund and offset the noted tax break will certainly be subject to considerable heat and warrant considerable discussion. As such, a focused strategy for bringing this about by a variety of means is needed here.

Re 15. Develop an EDPA development approval checklist. This should define roles and expectations for all stages of development from initial project planning and environmental assessment through to construction and post-construction monitoring.

Comments:

This is one of many items that needs derivation on behalf of Saanich by selected external group of appropriately qualified scientists experienced with the practicalities of land use planning, assessment and management

JPS

Saanich, B.C.

2860-25 Diamond

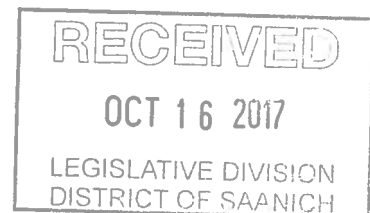
Clerksec - Letter for October 28th 2017 meeting

From: "Dr. Michael Ross" [REDACTED]
To: <clerksec@saanich.ca>
Date: 10/14/2017 4:19 PM
Subject: Letter for October 28th 2017 meeting
Attachments: Diamond Head Report Oct 28. letter.docx

POST TO	Gen	POSTED	17 2017
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REPORT	<input type="checkbox"/>		
FOR	_____		
ACKNOWLEDGED:	Bim ✓		

Please have the following attachment read at the meeting of October 28, 2017 regarding the Diamond Head Report of the EDPA.

Regards,
Michael A. Ross

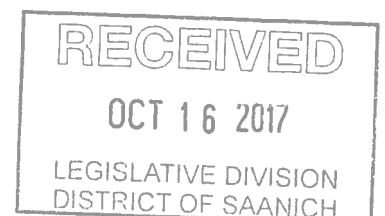


Can Saanich Afford the EDPA Bylaw?

The Diamond Head Report covered most aspects of the Environmental Development Permit Area (EDPA) bylaw but certain important issues were omitted. Having lived in Saanich for 50 years, half a century, I have never encountered such a divisive bylaw, or other issue, which has generated such extensive distrust, angst, anger, outrage, fear and hatred directed against staff and councillors.

1. The current form of the EDPA is a jumble of botanical hopes and development oversight. The two should have been better separated. The former now seems to represent reckless environmentalism on wispy evidence, trumping the generally accepted and legitimate expectations of 2,200 households. The shabby drawing of the mapping lines exposes hurried incompetence. No boots on the ground evidence was gathered just self-serving guesswork.
2. The Diamond Head report cost \$50,000.00 for the taxpayer, but interestingly it does not clarify who should pay for the implementation of the bylaw, property value impairment, restrictive owner's use and running costs. The true costs of the project, necessary in any scientific experiment, were never assessed nor shared with those afflicted nor the voters of Saanich, all of whom are financially exposed to varying degrees. The Rollo report page 29 "Municipal staff rarely perceive or concede negative economic effects". The same appears true of Council. Failure to disclose the financial implications of a new bylaw to the voters represents irresponsibility at all levels of municipal administration.
3. As this is a communal issue such costs and restrictions should be shared by the entire community, not 4% of homesteads. The expense of this punitive bylaw, born by the few, is morally unacceptable.
4. All scientific experiments require a set duration of time to establish a result. None was declared. We have lived on our property for 45 years clearing invasive species as recently documented by an accredited biologist. The experiment of chance regrowth of native species has been done on our property and many similar large formal gardens on 10 Mile Point, and other areas for over 100 years and the results are in, there are no surviving endangered species. It is time to stop and transfer the dream to Chatham, Discovery and Jemmy Jones Islands and appropriate portions of Saanich public parks.
5. Conclusion: In addition to the Diamond Head Report's concerns, the present form of the EDPA is ill conceived with two disjointed components: one based on flimsy science and the other treating long developed properties exactly the same as undeveloped properties. Try this on the grassed areas of the Vancouver waterfront. The issues are identical. The bylaw is brutally coercive, fundamentally unjust and has become a catastrophe for the respect of our municipality. Council appears to have been swamped by a single interest clique at their cost and the cost of the communality of Saanich.

Michael A. Ross
McAnally Road
Saanich,



2860-25 Diamond

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ACKNOWLEDGED			

Clerksec - Re: Saanich Interference Regarding Rollo/Diamond Head Environmental Reports

From: Sherri Andrews
To: Art; andrew.weaver.mla@leg.bc.ca; premier@gov.bc.ca
Date: 10/13/2017 12:50 PM
Subject: Re: Saanich Interference Regarding Rollo/Diamond Head Environmental Reports
CC: Clerksec; Colin Plant; Dean Murdock; Fred Haynes; Judy Brownoff; Le...

Good afternoon Mr. Bickerton,

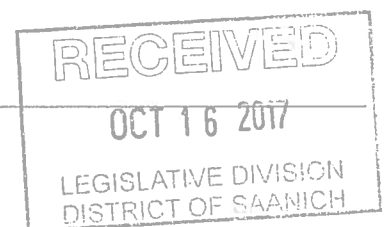
I would like to acknowledge receipt of your email addressed to Premier Horgan and the Hon. A. Weaver. Please note that I have taken the liberty of forwarding your email to all Council members with a copy to the District's CAO, Paul Thoklesson.

I trust this is acceptable.

best regards,

Sherri Andrews
 Administrative Assistant to the Mayor
 District of Saanich
 770 Vernon Avenue
 Victoria, British Columbia V8X 2W7
 250-475-5510
www.saanich.ca

>>> Art <[REDACTED]> 10/13/2017 12:31 PM >>>



Subject: Saanich Rollo/Diamond Head Reports

Hello Premier Horgan and Honorable (MLA) Dr. Weaver:

I would like the provincial government to investigate the interference and bias in the review of the Saanich EDPA bylaw. A provincial government full investigation is necessary to protect EDPA Saanich property owner's rights. Waterfront property and owners and others in close proximity to Parks, have been unfairly targeted. A problem was created by the Saanich administration by limiting the terms of reference of the Rollo/Diamond Head by dictating their environmental objectives. Lack of flexibility, empathy and compromise have resulted in a broken trust process with Saanich administration. I hope an investigation will bring fair judgement and conclusion to the Saanich EDPA bylaw review.

Considerations:

The BC government will lose out on higher Property Transfer Tax due to EDPA land being more difficult to sell, as there are unknown future costs, consequences and land restrictions. Also, the Canadian Revenue Agency Estate Taxes will be reduced as some property values decline and inheritances could be reduced. This is very stressful to seniors who have to make estate decisions.

It should be noted that the CRD is also adding to the local tax burden by hiring environmental personnel at municipal pay scales that are proven to be much higher than the private sector. Further, there is no appearance of reducing municipal spending. Details of public contracts are only available to in-camera participants and the taxpayers remain uninformed. As EDPA land is "protected" there is even less land available for affordable housing options.

Deer cause more destruction to native species, costs to the health system, ICBC claims, disease transmission and harm to farmer's crops. Money should be spent on culls and not EDPA bylaws. Municipal tax money should be invested in removing wildfire forest litter in rural Saanich, preventing the dumping of toxic and hazardous materials in rural zones, removal of invasive species like poisonous mushrooms and loss to our local economy with limited support to local farmers and their need for seasonal housing options. The EDPA bylaw will not help green house gas emissions or climate change, but it will add to the taxpayer burden.

I am not against environmental protection but I request a suspension of the EDPA bylaw until there is a full inquiry into the interference with the Rollo and Diamond Head reports. There must be full accountability and transparency to demonstrate good governance within Saanich administration.

Saanich is not exhibiting leadership toward their parks and municipal land by exempting themselves from the bylaw. The Environmental department is limiting the terms of reference by omitting details that are important to the decisions of Council.

The Council and EDPA taxpayers deserve unbiased disclosure of the process, open transparency and fairness.

Thank you. Art Bickerton

 West Burnside Road

2860-25 Diamond Report

Clerksec - letter to Mayor and Council regarding the EDPA

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REPORT	<input type="checkbox"/>		
FOR			
ACKNOWLEDGED			

From: "Brian Wilkes" <[REDACTED]>
To: <mayor@saanich.ca>, <susan.brice@saanich.ca>, <fred.haynes@saanich.ca>, ...
Date: 10/04/2017 12:59
Subject: letter to Mayor and Council regarding the EDPA
Attachments: To Saanich Council re Diamond Head Report - Wilkes.pdf

Dear Mr. Mayor and Council,

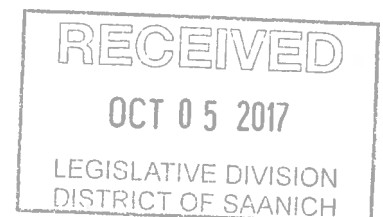
Please find attached my letter to you with some comments on the EDPA in light of the Diamond Head Report recommendations.

Thank you for the opportunity to make comments.

Brian

Brian Wilkes, MES, R.P.Bio.

[REDACTED] Broadway St,
Victoria, BC. [REDACTED]
[REDACTED]



Brian Wilkes *MES, R.P.Bio.*

██████████ Broadway Street,
Victoria, BC, ██████████ CANADA

October 4, 2017

Mayor and Council,
District of Saanich,
770 Vernon Ave,
Victoria, BC V8X 2W7

Dear Mayor and Council,

Regarding: Comments on the EDPA in light of the Diamond Head Report

Now that the by-election is past and Council will soon be complete, and since Council has been asked to consider changes to aspects of the EDPA Atlas, and will also hold a public engagement regarding comments on the Diamond Head Report, I am taking this opportunity to share some key observations with you. There are many points to raise regarding the Diamond Head Report, but I will restrict my comments to two main areas.

Protecting Biodiversity

First, I support the Report's recommendation that Saanich develop a broader biodiversity strategy, one that integrates biodiversity protection goals across departments like Planning and Parks, and uses better tools than the EDPA to protect sensitive habitats. In fact, I do not feel the EDPA is the right tool to do this at all. This is because it is only applicable during development. Absent an application to develop on a parcel, biodiversity protection of the sort contemplated by the EDPA is not triggered. The EDPA may be part of a larger strategy, but only a part. If we value biodiversity, we should not restrict its protection to parcels proposed for development. There is outstanding native biodiversity in parks in Saanich, for example perhaps the best examples of Garry oak ecosystems, yet without a coordinated effort my sense is that these are struggling against the forces of invasive species.

I question exactly how effective "protecting" biodiversity is on small parcels of land, such as the sort that surrounds residences, and where EDPA restrictions have been applied. By effective, I mean have the restrictions we have seen over these small parcels actually resulted in the long-term perpetuation of sensitive habitats? There may not have been enough time pass and good monitoring to fully answer this question, but we can intuit the answer based on observing what happens as small parcels become overwhelmed with broom, Himalayan blackberry, ivy or spurge laurel. We can also turn to the science of island biogeography for some insight, as follows.

Small habitat fragments do not hold as many species as larger parcels. This is understandable. When small fragments are isolated, as for example, a small group of native trees and vegetation in a subdivision of houses and lawns, then what happens to the species in that fragment is interesting. It starts losing species, while others colonize, until a new equilibrium is established between species loss and gain on that parcel. This phenomenon applies to plants, animals, birds and insect fauna. The result is a dynamic mix of original and newcomer species, but with an overall total biodiversity that is lower than the original, before the fragment was created. This is a process that is well known in biology, fully documented in many parts of the world, and in fact is used in the design of large parks.

Here in Saanich, we generally would lose native species on small parcels of land and typically they would be replaced by the hardier invasive ones. The implication for land use is that native biodiversity is rather difficult if not impossible to retain in urban settings with highly fragmented habitats, divided into small parcels. That's why it pays to focus your effort and resources on protecting biodiversity in larger parcels such as the parks, like Swan Lake, Christmas Hill and Mount Douglas. But the EDPA focuses on the yards of homeowners, and restricts their development options, despite the futility of trying to retain native biodiversity on small parcels. So I suggest that the application of the EDPA on that basis will result in the loss of native biodiversity over time anyway, simply due to species-area phenomena I describe above.

An approach that tends to modify the result of species loss in small fragments seems to be establishing connecting corridors of similar habitat to permit native species to flow between areas. This has not been fully elaborated or experimented with in Saanich, so we do not know what kind of corridor works, but this idea could be better developed as part of the establishment of a broader biodiversity strategy as proposed by Diamond Head.

Leadership from Council Needed

Second, it is instructive that, in summary, Diamond Head examined 9 other BC municipalities with EDPA bylaws, some of which have full-time environmental staff, yet Saanich is the only place where it has blown up in your faces. By that I mean it was the subject of several lengthy town hall meetings packed with very angry citizens, once the bylaw started to be applied. Why is Saanich the only one? Some could suggest the staff was overzealous in the application of the bylaw, but in my opinion the real underlying reason is a lack of leadership on your part. Council failed to make its intentions clear on how it wanted the bylaw to be implemented. In the absence of that clarity, it was implemented by staff in a way that incurred a public outcry. It's that simple.

What do I mean by not making your intentions clear? Was it the intention of council that the EDPA be the subject of those heated public meetings? Probably not. The bylaw has been applied in way that restricts development, requires "restoration" that may be ineffective, affects the rights of property owners and tax payers, and has been seen by the

public as unfair. Is that your intention? If so, please make that clear. If that is not your intention, then you need to be clear how you want the bylaw applied.

Last March, I witnessed the spectacle of council being asked to decide which biologist report they liked, in order to determine if properties should be removed from an ESA. This is ridiculous. Council should never be put in this position. But you have not made it clear that when staff disagree with outside consultants' reports, they should work this out at the staff level before any recommendations come to Council.

We live within an urban containment boundary, and there is a trend toward infill when looking at new development. Infill makes a lot of sense in terms of building community, shortening trip length and reducing greenhouse gas emissions. The EDPA may be working against infill when it prevents development for the sake of protecting native biodiversity on small fragments of habitat, biodiversity that is likely not savable in the long term anyway, for reasons stated above. Again, make clear your intentions for how you want the bylaw applied.

As I stated in my opening, there are many comments I could make about the Diamond Head Report. Generally, I support the direction it takes; to fix it rather than start over. It contains many suggestions on the technical aspects of the bylaw that are helpful (improve the mapping, etc). But fixing the bylaw is not just technical; it requires clarity of intention and leadership from council. This is a point that Diamond Head does not make.

Sincerely,

A grey rectangular box redacting the signature of the sender.

Brian Wilkes, MES, R.P.Bio.

2860-25 Diamond
Report

Mayor and Council
District of Saanich
770 Vernon Ave
Victoria, BC
V8X 2W7

POST TO	General	POSTED	SEP 18 2017
COPY TO	JH		
INFORMATION	<input checked="" type="checkbox"/>		
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August 10, 2017

We, the undersigned, are writing this letter after reading the report presented by Diamond Head Consulting Ltd on the Environmental Development Permit Area (EDPA) Independent Review at the District's Council Meeting on July 24th. We acknowledge the effort that the District has put into crafting a by-law that all residents may approve of. We agree with some of the consultant's recommendations and disagree with others, specifically those which represent, in our opinion, unnecessary costs to the District and jeopardize environmental protection.

Section 6.1. Guiding Policy

The analysis of 10 municipalities in BC shows that eight of them, including Saanich, use the Official Community Plan (OCP) as guiding policy for the EDPA. Developing a Biodiversity Conservation Strategy would appear to be a costly recommendation, and is not necessary for the application of the by-law, as has been shown in other municipalities. Nevertheless, developing a Biodiversity Conservation Strategy would help to envision and structure how OCP policies, covenants, parks, right of ways, beaches, SDPA, EDPA, etc. will work together to protect native ecosystems in the landscape. In the event the recommendation to develop a Biodiversity Conservation Strategy is pursued, EDPA provisions should remain in place while the Biodiversity Conservation Strategy is being defined.

Section 6.2. EDPA objectives and justification

We support the recommendations on the EDPA objectives being expanded following policies from the OCP, as suggested by survey results (Table 2, report's page 16).

Section 6.3. Applying the EDPA

The recommendation to amend the EDPA Guidelines to include conditions of encroachment of Environmentally Significant Areas (ESAs) in consideration of smaller lots is a common practice already being applied by the District of Saanich on development permit applications. **However, the decision by Saanich Council last May 18th must be reversed, in order to have the EDPA apply again to single family residences.** The present situation of single family residence EDPA exception really "paves" the way for widespread property development.

Section 6.4. EDPA mapping

We support the retention of existing EDPA mapping, as a lot of effort went into this mapping. The map boundaries are used as an approximation, only to flag EDPA potential zones - they are not "set in stone". The main point of the mapping is flagging and not the definition of boundaries. Switching to use of descriptive text and no mapping would be a major amount of extra work and would delay land protection. Eight out of the ten municipalities examined use mapped EDPA sites without ground truthing. The elimination of mapping will cost the taxpayers money every time they consider an improvement on their property. How is the average person to know if they have a Garry oak meadow before they start putting in a patio without any mapping to guide them?

Section 6.5. ESA buffers

We do not support the removal of ESA buffers and turning the decision re: buffers over to Qualified Environmental Professionals (QEP's) places far too much power on the hands of QEP's. This recommendation would create a situation where a few owner paid QEP's could be providing all advice on development / no development for properties in Saanich.

Section 6.6. ESA restoration

We support the recommendations to develop a standard that guides the level of restoration required, and some flexibility in setbacks as per Recommendations 7,8 and 9 of the report.

Section 6.7. Qualified Environmental Professional reports

We support the development of an environmental assessment standard template for QEP reporting, which would make it easier for the QEP's to conduct the assessments and for staff to review them. However, all municipalities examined have the capacity to require changes or reject a QEP report. We support the authority of municipal staff to make the final decision, allowing for consistency and professional application of municipal policy and practice.

Section 6.8. Leading by example

We do fully support that the District should not be exempt from having to apply for a Development Permit if work is planned on an ESA and from following EDPA guidelines. The District should uphold and exceed development standards that they ask private owners to meet.

Sections 6.9. Land owner and development incentives

We support development incentives for property owners, the creation of a conservation fund and allowances for reduction of property taxes, to promote protection of ESAs protected by covenants.

Section 6.10. Implementation of the EDPA

We support the report's recommendation to create an EDPA approval checklist.

NAME	ADDRESS	SIGNATURE
Thomas G. Manson	[redacted], Gordon Head Rd. Victoria BC	[redacted]
Isabel Leal	[redacted] Neil St Victoria, BC	[redacted]
Michael Chase	[redacted] Neil St Victoria, BC	[redacted]
Samantha Flynn	[redacted] Harland Ave, Victoria BC	[redacted]
J. Sures	[redacted] Lake Ave. Silverton, B.C	[redacted]
Pilar Rodriguez	[redacted] Gordon Head Rd	[redacted]

Part II

Report

**Environmental
Development Permit
Area Independent
Review**

**Diamond Head
Consulting Ltd.**

District of Saanich Environmental Development Permit Area Independent Review

June 21, 2017

Submitted to:

District of Saanich
770 Vernon Ave.
Victoria, BC
V8X 2W7

Submitted by:



3551 Commercial Street
Vancouver, BC
V5N 4E8





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Acknowledgements

Diamond Head Consulting would like to thank everyone who was engaged during the course of this review. They include, but are not limited to:

- Cadboro Bay Residents Association
- Camosun Community Association
- Gordon Head Residents' Association
- Gorge Tillicum Association
- North Quadra Community Association
- Portage Inlet Sanctuary Colquitz Estuary Society
- Royal Oak Community Association
- Saanich Advocates for the Environment
- Saanich Citizens for a Responsible EDPA
- Saanich Community Association Network
- Victoria Residential Builders Association
- Saanich Environment & Natural Areas Advisory Committee
- District of Saanich Council (2017)
- District of Saanich departments of Administration, Parks and Recreation, Planning, Legislative Services, and Engineering
- GP Rollo & Associates
- BC Assessment Authority
- Brian Wilkes
- Cori L. Barraclough
- Deborah Curran
- Garry Oak Ecosystems Recovery Team
- James Miskelly
- Jann Kirkby
- Jeremy Gye
- Jo-Anne Stacey
- Jonathan Secter
- Lehna Malmkvist
- Matt Fairbairn
- Moraia Grau
- Patrick Lucey
- Paul de Greeff
- Sara Stallard
- Ted Lea
- City of Campbell River Community
- City of Kelowna
- City of Langford
- City of Nanaimo
- City of Surrey
- Cowichan Valley Regional District
- District of North Vancouver
- District of West Vancouver
- Regional District of Central Okanagan
- **All Saanich residents who participated in the open house, survey and submitted comments in writing**

Executive Summary

Diamond Head Consulting (DHC) conducted a third-party, independent review of the Environmental Development Permit Area (EDPA) Bylaw. In this review, we provide recommendations to Council to improve the EDPA Bylaw and support private land stewardship of Environmentally Significant Areas in Saanich. The review also follows an extensive engagement process conducted by the District of Saanich with its citizens.

Our stakeholder engagement generally confirmed the high level of interest, knowledge and passion Saanich residents have towards environmental protection in their municipality. However, we also found that there was confusion and misunderstandings about the EDPA bylaw and its implementation.

The report provides a brief summary of the role of Environmental Development Permit Areas in British Columbia and its history in the District of Saanich. It is followed by a description of the review process and engagement, and our detailed recommendations to improve and clarify the EDPA.

The report recommendations are summarized below for the readers’ convenience. The first table focuses on recommendations that do not directly amend the EDPA, but are important to support implementation of the bylaw. The second set of recommendations focuses on improvements and clarifications to the EDPA bylaw itself.

Rec #	Recommendation for Broader Environmental Policy Context	Timeframe
1	Develop a Biodiversity Conservation Strategy to provide science-based guidance for the protection, restoration and connection of Environmentally Significant Areas. <i>See Section 6.1 EDPA Guiding Policy</i>	Long
14	Investigate programs that would enable the creation of a conservation fund and/or provide allowances for reductions in property taxes to promote protection of environmentally significant areas protected by a covenant. <i>See Section 6.9 Landowner and Development Incentives</i>	Medium
15	Develop an EDPA development approval checklist. This should define roles and expectations for all stages of development from initial project planning and environmental assessment through to construction and post-construction monitoring. <i>See Section 6.10 Implementation of the EDPA</i>	Short

1.1 EDPA Amendments

The recommendations to improve and clarify the EDPA are presented below following the bylaw’s structure.

Many stakeholders highlighted the importance of the implementation of the EDPA to be included in this review. A number of the recommendations listed below, by making the EDPA more detailed and explicit, can ensure a better shared understanding of its intent and purpose.

Rec #	Recommendation for EDPA Updates	Timeframe
AREA		
5	Remove reference to existing EDPA Atlas map and replace it with text-based descriptions for flagging properties that may contain Environmentally Sensitive Areas. <i>See Section 6.4 EDPA Mapping</i>	Short
6	Remove references to set buffer distances from the bylaw for sensitive ecosystems, isolated wetlands and watercourses and the marine backshore. Only require buffers based on QEP recommendation for individual development permit applications. <i>See Section 6.5 ESA Buffers</i>	Short
JUSTIFICATION		
2	Update the EDPA objectives to more directly link the OCP policies and clarify the intent of the bylaw. <i>See Section 6.2 EDPA Objectives and Justification</i>	Short
3	Amend the EDPA justification to include specific language defining an Environmentally Significant Area and condition thresholds for their protection. <i>See Section 6.2 EDPA Objectives and Justification</i>	Medium
EXEMPTIONS		
12	Remove the District Exemption from the EDPA. The District will be required to apply for a Development Permit for non-exempt activities within an ESA. <i>See Section 6.8 Leading by Example</i>	Short
GUIDELINES		
4	Amend the EDPA Guidelines to include conditions for encroachments on Environmentally Significant Areas in consideration for smaller, more restricted lots typically found within the single-family zones. <i>See Section 6.3 Applying the EDPA by Land Use</i>	Short
7	Provide a clear definition for restoration, enhancement and habitat creation, what their goals are within the EDPA Bylaw. <i>See Section 6.6 ESA Restoration</i>	Short

Rec #	Recommendation for EDPA Updates	Timeframe
8	<p>Develop a standard that guides the level of restoration that is required based on the condition of the ESA and the size and scale of the proposed development.</p> <p><i>See Section 6.6 ESA Restoration</i></p>	Short
9	<p>Permit flexibility in setbacks by permitting some minor encroachment when unavoidable provided there is compensation elsewhere on the property. The percentage of encroachment permitted and ratio of compensation should be based on an assessment of ESA condition.</p> <p><i>See Section 6.6 ESA Restoration</i></p>	Short
10	<p>Provide a standard template for QEP reporting for DP Applications.</p> <p><i>See Section 6.7 Qualified Environmental Professional Reports</i></p>	Short
11	<p>Define classes for habitat condition that will guide QEPs to define and categorise ESAs and required restoration efforts.</p> <p><i>See Section 6.7 Qualified Environmental Professional Reports</i></p>	Short
13	<p>Encourage development incentives and flexibility when planning development projects within the EDPA in exchange for protection or restoration of ESAs.</p> <p><i>See Section 6.9 Landowner and Development Incentives</i></p>	Medium

2 Introduction – EDPA Independent Review

Diamond Head Consulting (DHC) was hired as a third-party consultant by the District of Saanich to conduct an independent review of the Environmental Development Permit Area (EDPA) Bylaw. The EDPA Bylaw was enacted in March 2012; however, a six-month-long public check-in process conducted in 2015 showed that many residents did not support the bylaw in its current form, and that there were perceived issues concerning its implementation, impacts on property rights and property values. The decision to hire a third-party consultant for this review was made in March 2016, when Council supported a staff recommendation to contract additional resources to undertake a thoughtful review of the ideas and options for revising the EDPA Bylaw.

The purpose of the review is to provide recommendations to Council to improve the EDPA Bylaw and support private land stewardship of Environmentally Significant Areas in Saanich. The recommendations in this report were made based on:

- Engagement with Saanich stakeholders and the public;
- Research of comparable local governments and their approaches to natural areas protection;
- Review of relevant local documents guiding natural area protection and the EDPA; and,
- Review of best practices and options for natural areas protection, including private land stewardship.

The report provides a brief summary of the role of Environmental Development Permit Areas in British Columbia and its history in the District of Saanich, followed by a description of the review process and detailed recommendations to improve and clarify the EDPA.

2.1 A Note from the Authors

The results of Diamond Head Consulting's engagement are summarized throughout the report as they relate to recommendations to improve or clarify the EDPA and support land stewardship in Saanich. However, a number of observations and comments made during the review are beyond the scope of this report. Nonetheless, we wanted to acknowledge some elements we perceive as key for the District of Saanich to move forward with the EDPA and the protection of Environmentally Significant Areas.

Since February of 2017, staff at Diamond Head Consulting (DHC) have met with and reviewed submissions from multiple stakeholders, technical experts, Saanich Council and staff, and hundreds of citizens. We received valuable information, feedback, and opinions on EDPAs from within the District and from other communities and technical experts. It should be noted that, in concurrently to this review, Council reviewed a number of applications to remove the mapping from specific properties, and has more removed a number of them from the EDPA map, and

suspended the EDPA from applying to the Single-Family Dwelling zone, with exceptions for rezoning and subdivision applications.

This engagement process revealed that there are differing and opposing opinions regarding what the EDPA is intended to protect, how it should be implemented and what areas it should apply to. Our stakeholder meetings generally demonstrated the high level of interest, knowledge and passion that some people have regarding the EDPA and environmental issues in Saanich. However, we also found that there was confusion across the range of opinions about what the EDPA protects, how it regulates development and what activities may or may not constitute development, and when restoration is required under the current bylaw. For example, we often heard that the mapped EDPA boundaries represent a complete restriction on future development. The concept of flexibility to negotiate development design with staff through the development permit process was not understood or trusted by some stakeholders. These findings emphasize the importance of clarifying and improving the current EDPA Bylaw and the need to rebuild trust between the District and the public in implementing the EDPA.

We also found some common ground through the engagement process. It was clear from many people's statements that Saanich citizens generally value the natural environment and support its protection. Saanich has a long history of both regulating environmental protection and voluntary environmental stewardship in the community. Many citizens maintain gardens and promote natural landscaping on their property. The public has generally accepted and supported some environmental regulation on private land, including the tree bylaw and watercourse DPA. However, the EDPA Bylaw has faced significant public opposition despite the fact that similar EDPAs are implemented in many other BC municipalities without incident.

Throughout our review of the ideas and options for revising the EDPA Bylaw, we have made efforts to address the main sources of concern identified during the engagement process. That being the case, we also acknowledge that some stakeholders have raised the broader question of whether or not the EDPA should be repealed. Given that our scope was to revise the EDPA Bylaw, consideration of this question was outside our scope. In addition, the question of whether or not the damage or removal of 'Environmentally Significant Areas' during development should be regulated on private property cannot be resolved solely on the basis of facts and expertise provided by subject matter experts; regulating environmental protection is a question of community values that is best answered through the broader political, planning and engagement process of the Official Community Plan and high-level strategic work.

It has become evident to our team through engagement that the District, public, developers and environmental professionals will need to make efforts to rebuild trust in the EDPA Bylaw and process to move forward with the protection of ESAs on private property, and that this need will not be resolved solely by implementing the recommendations of this review. A number of people highlighted their reluctance to engage on the topic of the EDPA, given the current type of acrimonious social discourse taking place, and the detrimental effect it is having amongst community members. This will be limiting to the ability for the District to engage with its community members.

We have also heard some critical commentary concerning the independence of this review from District staff. However, District staff have not directed our recommendations and we have

prioritized engaging all stakeholders fairly and equitably, without bias. We offer our professional recommendations with the expectation that they will inform Council's decisions to improve the EDPA bylaw with the hope that they will improve the acceptability of the bylaw among Council, stakeholders, and the public.

3 The Role of Environmental Development Permit Areas

Development Permit Areas (DPAs) are development regulations that apply to certain areas specified in the Official Community Plan. DPAs have specific objectives and guidelines to shape development at the parcel scale in coordination with the Zoning Bylaw. The Local Government Act (LGA) authorizes local governments to designate DPAs for different purposes. Environmental DPAs are designated for the protection of the natural environment, its ecosystems, and biological diversity. Examples of the values that may be protected include forests, wetlands, watercourses, grasslands, wildlife corridors, green infrastructure, marine backshores, species at risk, or habitat features (e.g., wildlife trees, nests, dens, hibernacula) important to wildlife.

EDPAs enable local governments to regulate development on private land, recognizing that those areas may have environmental values that benefit society as a whole. Protection of the natural environment can help reduce infrastructure costs, improve health, and provide other services for the public good (e.g. flood mitigation, clean air and water). People generally accept that some land use regulations are necessary, even though they affect their private property rights. For example, zoning bylaws are accepted to regulate land use, the size and location of buildings and the type of activities permitted. Tree bylaws are used to help preserve significant trees and help protect the urban forest.

For properties in an EDPA, a development permit is required to subdivide; construct, add to, or alter a building; or to alter land (e.g., change the grade). When a development permit is issued, it will include requirements, conditions or standards for the type and extent of development activities that can occur on a site, as well as conditions for the sequence and timing of construction. Not all activities require a development permit; the local government can make exemptions by specifying conditions under which a development permit is not required, like routine yard maintenance or removal of invasive plants or hazard trees.

EDPAs are used by many local governments and are generally considered to be a valuable tool to help protect environmentally significant areas at the time of development. EDPAs also add time and costs to the development process for both developers and local governments and so require clear objectives that justify the designation. EDPAs are one of several tools that local governments can use to protect the environment and best support private land stewardship when used with complementary tools including other bylaws, voluntary conservation covenants, public education and stewardship programs.

4 Saanich’s Environmental Development Permit Area

The Saanich Official Community Plan states that Saanich and its residents are considered to be leaders in the region in preserving and protecting the natural environment. Saanich has had EDPAs in place for more than 20 years. Saanich first implemented EDPA guidelines to protect environmental features in parts of the community in 1994. In 2006, Saanich introduced the Streamside DPA to protect watercourses and riparian areas from new development and restore fish and wildlife habitat.

At the time of developing a Strategic Plan for the District in 2010, there were complaints about development impacts on the environment. In particular, trees not protected under the tree bylaw were being cut and some areas considered high value plant communities were being lost through development. These concerns were being raised late in the development process, leaving Council with few options to mitigate environmental impacts. In addition, invasive plant species were aggressively invading many natural areas and public awareness of that issue had been increasing. The District found that they were limited in their ability to address these public concerns. Saanich adopted a Strategic Plan (2010-2014) that directed staff, under the Sustainable Environment Initiatives C4 (Protect and enhance air, water and land quality) to:

b. Establish an Environmentally Significant Areas Development Permit Area to protect and enhance sensitive ecosystems, species at risk, and the marine shoreline. Increasing development pressure adds to the need to protect natural ecosystems and the habitat of rare plants and animals at a level similar to the existing protection for riparian areas. Development Permit guidelines will focus on best management practices for protecting habitat adjacent to development.

Consistent with its past environmental leadership and the policy priorities outlined in the OCP and in the 2010 Strategic Plan, Saanich consolidated and expanded the District-wide EDPA coverage into the current guidelines and map that were adopted by Council in the “Official Community Plan Bylaw, 2008, Amendment Bylaw, 2012, No. 9164”.

The 2012 EDPA guidelines consolidated and built on numerous existing DPAs to protect and restore rare ecosystems and vital habitat contained in Environmentally Significant Areas (ESAs) across Saanich. The EDPA complemented and enhanced protections provided by existing DPAs and bylaws that already covered features like Streamside Protection and Enhancement Areas (SPEAs), floodplains and trees in Saanich. The objectives of the EDPA are to:

- Protect areas of highest biodiversity within Saanich.
- Mitigate damage during development.
- Restore degraded ecosystems.

The Saanich EDPA includes five types of Environmentally Significant Areas:

1. Sensitive Ecosystems
2. Red and blue listed animals, plants and ecological communities
3. Wildlife Trees
4. Isolated wetlands and watercourses
5. Marine Backshore

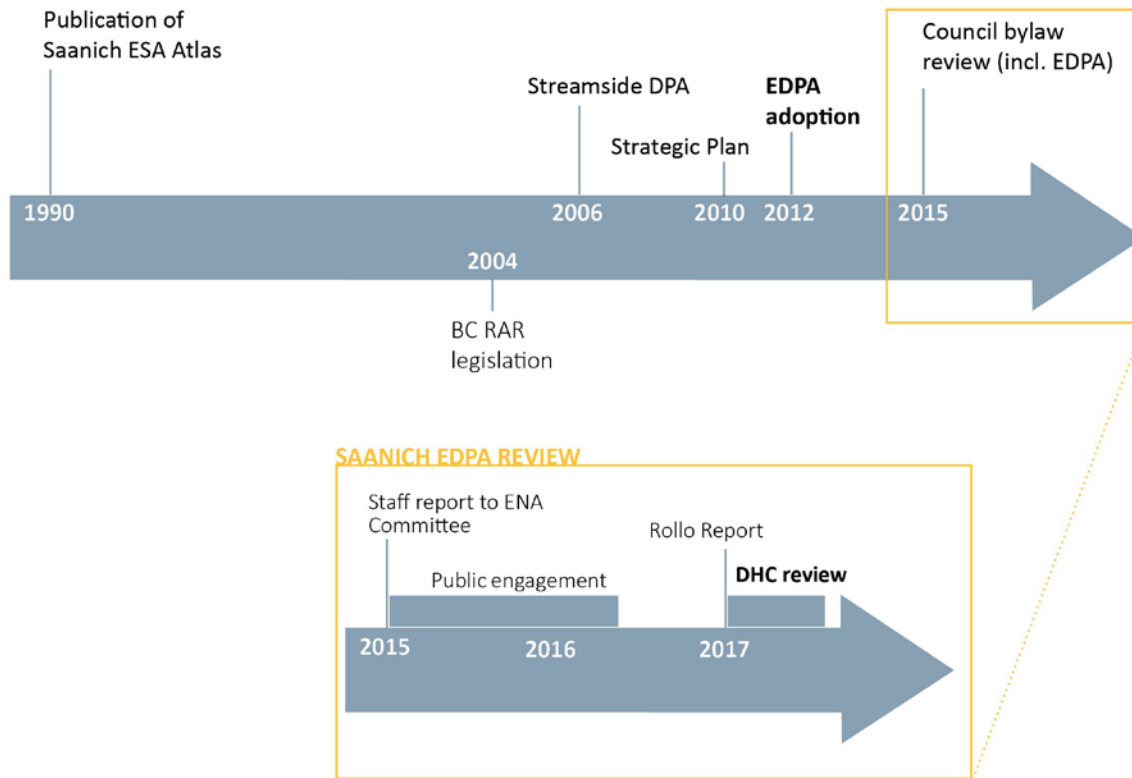


Figure 1 – History of the EDPA in Saanich

Since the EDPA was adopted in 2012, approximately 8 EDPA permit applications have been processed each year. The majority of requests from property owners to undertake some form of development in the EDPA were handled by staff through the exemption process built into the EDPA Bylaw.

In 2015, as part of the standard housekeeping/review process for Saanich bylaws, staff recommended amendments to the EDPA Guidelines to provide greater clarity of language and to ensure staff were meeting Council’s intent/objectives with the EDPA. Staff prepared a report on amendment options for the Environmental and Natural Areas Advisory Committee (ENA). Some residents raised concerns about the EDPA, and the ENA recommended a public process be initiated, after which Council supported a public process for feedback on the EDPA.

The public process consisted of two open houses and two Town Hall meetings held between June 2015 and February 2016. Feedback was collected from 550 people who attended two Open Houses, individual consultation with 250 landowners, the 300 feedback forms received and 100 speakers at the two Town Hall meetings. Feedback indicated that there is support in the community for protecting the natural environment using the EDPA, but that the Bylaw requires some improvement.

Following on from the public engagement process, staff presented Council with a report outlining three process options for moving forward:

- Option 1: Repeal the entire EDPA Bylaw; or,
- Option 2: Revise the existing EDPA Bylaw; or,
- Option 3: Maintain the existing EDPA Bylaw.

Council supported Option 2, which included a recommendation that additional resources be contracted to undertake a thoughtful review of the ideas and options for revising the EDPA Bylaw. Through a competitive process, Diamond Head was selected to undertake a third-party review of the EDPA. A third party economic impact assessment was also undertaken by GP Rollo & Associates as further data to inform the review process.

5 The EDPA Review Process

A background review of key information related to the District of Saanich’s Environmental Development Permit Area was completed as part of this review. Information included District documents, municipal policies and existing industry and government best practices for land development and environmental protection. Staff reports and minutes for relevant Council hearings and meetings, and documented public feedback on the EDPA and submissions from individuals or organizations pertaining to the EDPA, were also examined.

To acknowledge the high level of interest and participation of citizens in the EDPA review, the engagement program was reframed early on in the process. Although the Request for Proposal specified an “inform” engagement level, following the project startup meeting and workplan inclusive of stakeholder interviews and an Open House to obtain feedback, it is suggested that the level of engagement would be better described as “consult” the public and “involve” stakeholders. Details of the engagement are laid out in the EDPA Review Engagement Strategy (Appendix A).

The engagement conducted as part of the review was completed in two phases. In the first phase of engagement, interviews were conducted with key stakeholders to identify the main issues with the current EDPA, as well as objectives for its improvement. The observations and information provided by stakeholders in this phase of engagement helped inform the themes that were presented in the second phase of engagement and in this report. We met with six stakeholder groups, interviewed twenty professionals and representatives of neighbourhood associations over the phone and received more than 150 written submissions.

During the second phase of engagement, stakeholders and the public were asked to provide feedback on a range of options for improving the EDPA Bylaw through a survey offered at an open house and online. The options presented were focused on those themes that were identified as being the most contentious in the first phase of engagement. The survey was launched at the open house and was available on the web and on paper at the municipal hall for two weeks (Appendix C and D). A total of 356 surveys were submitted. Of respondents, 65% identified that they live within the EDPA. Because respondents self-selected to complete the

survey and attend the open house event, the results do not reflect a random sample of the Saanich population. The feedback received was taken as qualitative rather than as a statistically valid sample of the Saanich population’s opinions on the questions asked.



Figure 2 – Picture of the Public Open House Held on May 25th, 2017

Feedback from the survey and open house, stakeholder interviews, and submissions from Saanich residents have been considered in framing the recommendations and are referenced throughout the following sections.

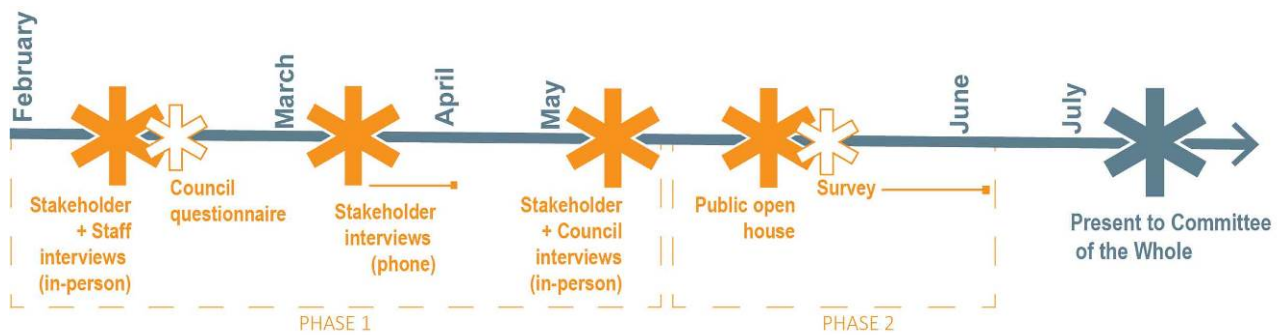


Figure 3 – EDPA Review Engagement Timeline

6 EDPA Recommendations

The background review and engagement process identified a number of recurring themes touching on guiding policy, environmental values, implementation of the bylaw, mapping, setbacks and buffers, restoration, incentives, and civic leadership. The following sections and recommendations are organized according to those key themes. Relevant content from the background review, stakeholder engagement, municipal comparison and review of relevant local documents and best practices is provided to help frame and support these recommendations. While the community remains polarized in their opinion of the EDPA, we have made an effort to build on the common ground that does exist when framing recommendations for improving the bylaw.

This review is intended to provide recommendations that will be considered by council to amend (and improve) the existing EDPA. Full implementation of some recommendations will require additional detail beyond the scope of this review, including additional stakeholder engagement. Each recommendation has been linked to the relevant EDPA section for amendment. Some recommendations are relatively straight forward to implement, while others require additional consultation and research. Each has been categorised based on the estimated timeframe for implementation: short (<1 year), medium (1-3 years) and long (>3 years).

6.1 EDPA Guiding Policy

At a very high level, a local government’s environmental policy is outlined in its Official Community Plan (OCP). On the ground, environmental protection and enhancement is implemented by tools such as zoning bylaws, Development Permit Areas and stewardship programs. The EDPA is enabled by the OCP, which provides the high-level policy and objectives, but does not provide detailed environmental policy guidance. Developing an intermediate guiding policy, such as a Biodiversity Conservation Strategy (BCS) would provide more detailed understanding of environmental values in the District and how they should be managed through bylaws (including the EDPA), education and stewardship initiatives.

What we saw in best practices and other local governments

Biodiversity conservation and green infrastructure strategies have received significant support in other jurisdictions¹ and are encouraged to better support land use decisions and implementation of EDPAs². This type of strategy is addressed in the Saanich OCP, which supports linking environmentally sensitive areas and green spaces, where appropriate, using “greenways”, and designing them to maintain biodiversity and reduce wildlife conflicts. One of the foundations of a biodiversity strategy is often a **Green Infrastructure Network (GIN)** which is defined as an interconnected network of natural areas and other open spaces that conserves natural ecosystem values and functions, sustains clean air and water, and provides an array of benefits to people and wildlife¹. A Biodiversity Conservation Strategy can also be used to provide a clear definition of Saanich ecosystems, and define what environmental values Saanich is intent on protecting.

Two out of the nine municipalities reviewed had developed guiding environmental strategies. The City of Surrey adopted its Biodiversity Conservation Strategy in 2014, and it has been considered instrumental for subsequent development of its Sensitive Ecosystems DPA. This policy creates a framework for future development and conservation by defining a GIN. The GIN was developed using a science-based approach to identify local and regional habitat connectivity opportunities. The GIN now forms the map basis for triggering Surrey’s EDPA and provides the vision, goals and measurable objectives for what the local government is trying to achieve over the long term through its restoration, park acquisition, and sustainable development. Development of this strategy took just over two years and required extensive consultation with stakeholders. This comprehensive consultation process facilitated the subsequent development of the EDPA.

¹ Benedict, M. and McMahon E. 2006. *Green Infrastructure – Linking Landscapes and Communities*. Washington, DC: Island Press.

² Curran, D., et al. 2016. *Green Bylaws Toolkit for Conserving Sensitive Ecosystems and Green Infrastructure*. University of Victoria Environmental Law Centre.

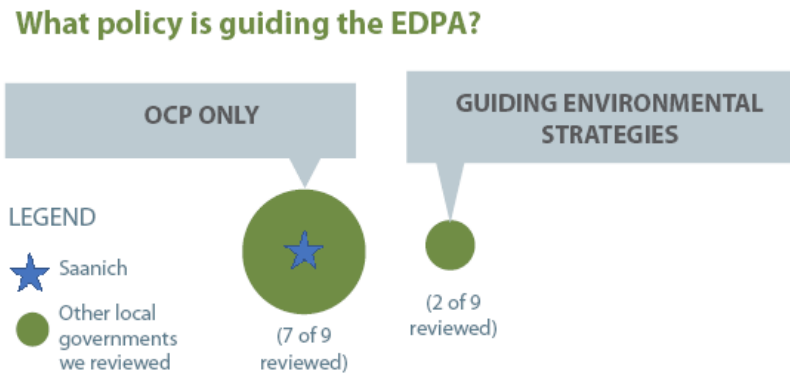


Figure 4. Guiding policy in the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders seem to agree that clearer justification, goals and measurable objectives are needed for environmental protection, restoration and connectivity in Saanich.

Stakeholders seem to disagree about whether or not the Environmental DPA can effectively protect biological diversity in Saanich in its current form, and whether it is being implemented as intended by the Saanich OCP. A number of professionals also highlighted the importance of providing a stronger scientific basis for identifying ESAs and justifying their protection through environmental policy in Saanich.

What we found from the survey

When asked if Saanich should develop a guiding policy called a “Biodiversity Conservation Strategy” (BCS), the majority of respondents were supportive. Some respondents commented that they wanted the strategy developed by a third-party QEP consultant, and that the BCS should apply to all of Saanich, not just the areas contained within the EDPA. Some respondents requested more information to understand what this strategy would do, and how it would guide the EDPA.

Table 1 – Survey results on guiding policy

Answer Options	# of Respondents	% Response
A. Maintain status quo: Rely on the Official Community Plan only to describe the special contributions or objectives that justify the DPA designation	38	15%
B. Develop a Biodiversity Conservation Strategy: Develop a science-based Biodiversity Conservation Strategy, in collaboration with the community, that provides a basis for policy decisions to protect Environmentally Significant Areas in Saanich.	219	85%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
1	Develop a Biodiversity Conservation Strategy to provide science-based guidance for the protection, restoration and connection of Environmentally Significant Areas.	N/A	Long

Rationale

The justification for and implementation of the EDPA could be clarified through the development of a Biodiversity Conservation Strategy. The strategy would provide the vision, goals and objectives for environmental protection in Saanich, all of which were highlighted as important by the community throughout this review. While it is beyond the scope of our work to recommend the values that Saanich should and should not be protecting, the development of a Biodiversity Conservation Strategy would be an opportunity to facilitate productive community engagement about what environmental values are priorities for protection, restoration and connection. These decisions can be reflected in the mapping of environmentally significant areas and corridors to create a green infrastructure network (GIN). ESAs that are not part of the GIN would be mapped as well and ranked based on their value.

The strategy would provide a stronger scientific basis for environmental policy decisions in Saanich and a clearer understanding of what the EDPA is intended to achieve. It would define what are considered ESAs and how they can be protected through the District’s policy as well as stewardship initiatives. Development of this policy would require a comprehensive stakeholder engagement process which would help residents to better understand the EDPA’s role during development, and provide input on what environmental values should be protected.

Implementation

Development of a mid-level guiding policy such as a Biodiversity Conservation Strategy requires substantial effort. It would require that the District engage a team of consultants to work with Council, staff, stakeholders, and the public, and provide a science-based assessment of ESAs, green infrastructure and connectivity. Defining and mapping ESAs would require scientific analysis and extensive ground-truthing by qualified professionals. The strategy would provide a framework to illustrate how the EDPA works along with other policy and stewardship activities to protect ESAs in the District.

6.2 EDPA Objectives and Justification

The Official Community Plan (OCP) provides the guiding policy for environmental protection in the District of Saanich. One of the key elements of this community supported plan is protecting, restoring, and maintaining the ecological integrity of the natural environment, including the land, air, water, ecosystems and biodiversity. The OCP outlines specific policies that support this goal, including the management of Environmentally Significant Areas and support for environmental stewardship.

The EDPA is designated through the OCP and its objectives and justification are embedded within that policy. In the District of Saanich, there are presently three stated objectives of the EDPA:

- Protect the areas of highest biodiversity within Saanich;
- Require mitigation during development;
- Require restoration to damaged or degraded ecosystems during development.

The justification outlined in the EDPA describes five types of sensitive environmental values and their importance for protection;

- 1) sensitive ecosystems;
- 2) rare and endangered plant and animal species, and ecological communities;
- 3) wildlife trees;
- 4) isolated wetlands and watercourses; and,
- 5) marine backshore.

Definitions are provided for each along with reasoning for their protection.

What we saw in best practices and other local governments

Based on our review, local governments adopt a broad range of objectives and justifications within their EDPAs. Many local governments use ESAs to help meet other objectives related to health and wellness, risk management, sustainable development and climate adaptation. The objectives and justifications included in EDPAs typically reflect the policies outlined within each local government’s higher-level plans. These include Official Community Plans as well as some mid-level guiding policy such as a Biodiversity Conservation Strategy.

What we heard from stakeholders

During the engagement process, stakeholders seem to agree that Environmentally Significant Areas should be clearly defined and protected. However, there was disagreement about what should be considered Environmentally Significant, and what objectives the EDPA aims to achieve. Specifically, some stakeholders were unclear on the interpretation of objectives to “protect the areas of highest biodiversity within Saanich” and “require restoration to damaged or degraded ecosystems during development.”

There was agreement from most stakeholders that the EDPA and its implementation would benefit from better definitions of ESAs and the objectives for their protection.

What we found from the survey

The public survey asked respondents to indicate whether or not the EDPA objectives should be expanded to include more environmental policy direction from the current OCP and, if so, which ones. The majority of survey respondents were in favour of expanding the EDPA objectives.

Table 2 – Survey results on Objectives of the EDPA

Answer Options	# of Respondents	% Response
A. Maintain status quo: Retain the current EDPA objectives.	44	21%
B. Expand the EDPA objectives to address one or more of the following policies from the OCP (check all that you would support)	168	79%
<input type="checkbox"/> Protect and restore habitats that support native species of plants and animals and address threats to biodiversity such as invasive species	108	67%
<input type="checkbox"/> Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems	107	66%
<input type="checkbox"/> Protect and enhance marine, intertidal, backshore, wetland, and riparian habitats	113	69%
<input type="checkbox"/> Encourage the retention or planting of native vegetation in the coastal riparian zone.	118	73%
<input type="checkbox"/> Link environmentally sensitive areas and greenspaces	85	53%
<input type="checkbox"/> Preserve “micro-ecosystems” as part of proposed development applications	74	46%
<input type="checkbox"/> Incorporate climate change, its potential impacts, and mitigation measures when reviewing new development applications	96	59%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
2	Update the EDPA objectives to more directly link the OCP policies and clarify the intent of the bylaw.	Justification	Short
3	Amend the EDPA justification to include specific language defining an Environmentally Significant Area and condition thresholds for their protection.	Justification	Medium

Rationale

Whereas the Streamside DPA must implement a standard for watercourse protection that meets or beats the Provincial Riparian Areas Regulation (RAR), the Province does not require the District to protect the values defined in the EDPA. While there seems to be general agreement that Saanich residents appreciate the natural environment of Saanich, there is some difference of opinion regarding what should be protected by the EDPA. Presently the EDPA objective to protect the areas of “highest biodiversity within Saanich” can be interpreted in various ways and is not clearly understood. The justification for protecting values as Environmentally Significant Areas provides limited context to interpret what is significant. In the short-term, the OCP is the community supported policy that provides high level direction for the EDPA. The objectives for environmental protection within the OCP should guide the justification of the EDPA. In the long-term, objectives and definitions of ESAs are best identified through the development of a

Biodiversity Conservation Strategy that provides stronger scientific basis and community support.

Implementation

The OCP provides community-supported objectives for environmental protection. The EDPA objectives should be updated to include the environmental objectives from the OCP. The following objectives from the OCP were presented at the open house, and could be added to the Justification section of the EDPA:

- Protect Environmentally Significant Areas including:
 - habitats that support native species of plants and animals
 - rare and endangered species habitat and ecosystems, particularly those associated with Garry oak ecosystems
 - backshore, wetland, and riparian habitats
 - native vegetation in the coastal riparian zone
- Link environmentally sensitive areas and green spaces
- Address threats to biodiversity such as invasive species
- Preserve “micro-ecosystems” as part of proposed development applications
- Incorporate climate change, its potential impacts, and mitigation measures when reviewing new development applications
- Require mitigation during development
- Require restoration to damaged or degraded ecosystems during development

The definitions for ESAs should be updated to provide more detailed descriptions. If adopted, the process of developing a Biodiversity Conservation Strategy would provide the opportunity to develop scientifically based definitions that are supported through the Strategy’s engagement process.

6.3 Applying the EDPA by Land Use

Local governments may choose to tailor where their EDPA applies, for example, to reflect land use development patterns or the location of specific values. Others take a conservative approach and apply their EDPA to an entire area to ensure potential environmental values are always considered during development. In Saanich, the EDPA applies to development on private land wherever ESAs are mapped (unless exempt such as farm-related uses within the Agricultural Land Reserve).

What we saw in best practices and other local governments

Most local governments we reviewed apply their EDPAs similarly across land uses except agriculture land, pasture, or timber harvesting on crown land where relevant; however, there may be some restrictions or additional requirements. For example, non-farm uses on ALR land (houses, etc.) often still requires a development permit (or farm plans may be required in lieu of

a QEP report). Some local governments have guidelines that provide more direction on how to deal with development on lots that are substantially covered by an Environmentally Significant Area.

The City of Campbell River was the only municipality we reviewed that varied permit requirements by land use. Within Campbell River’s urban containment boundary, the EDPA only applies to the mapped ESAs, whereas outside the urban containment boundary, all development must obtain a general environmental development permit unless an exemption applies.

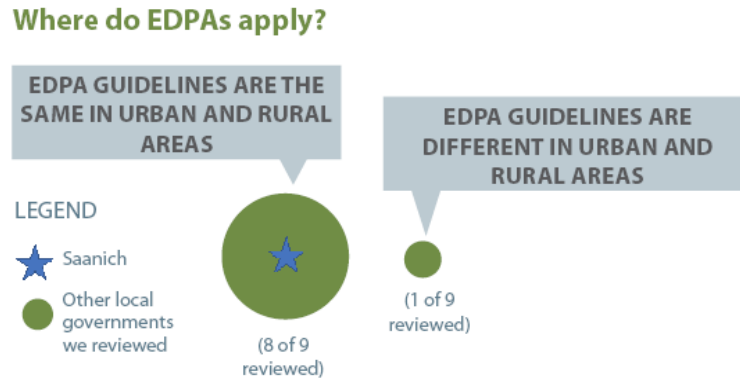


Figure 5. EDPA guidelines in urban and rural areas in the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders generally agree that Environmentally Significant Areas should be protected from development. However, people seem to disagree where the EDPA should apply (e.g., whether the EDPA should apply in certain areas such as single family residential or rural zonings, or if it should apply to all of Saanich). Most stakeholders thought the EDPA should apply to District owned lands, and some felt that agricultural activities should be exempt.

What we found from the survey

About half of the respondents favoured the removal of certain zones from the EDPA. The majority of respondents felt that single family homes should be exempt from the bylaw, but were split on whether this exemption should only apply to renovating existing single-family homes, or if it should also extend to building new ones, rezoning, or subdivision. Others explicitly stated that single family homes and rural areas should not be exempt from the EDPA.

A few respondents felt that none of the options captured what they believe is the best path forward. Some felt that the EDPA should apply to all of Saanich, some felt that application of the EDPA should be determined on a case-by-case basis, and others felt that all private land should be exempt.

Table 3 – Survey results on where the EDPA should apply

Answer Options	# of Respondents	% Response
A. Maintain status quo: Apply existing EDPA guidelines across all zones except Agricultural Land Reserve	35	12%
B. Develop guidelines for specific zonings: Develop guidelines that are specific to certain zones (e.g. single-family dwelling or rural zone types) that differentiate the permit requirements and create more flexibility for small-scale development and rural land use activities.	91	31%
C. Exempt specific zonings: Exempt specific zoning (e.g., single family dwelling zones) from the EDPA.	167	57%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
4	Amend the EDPA Guidelines to include conditions for encroachments on Environmentally Significant Areas in consideration for smaller, more restricted lots typically found within the single-family zones	Guidelines	Short

Rationale

Presently, the EDPA guidelines apply anywhere an EDPA is mapped, unless a relevant exemption applies. However, larger lots often have greater options for building siting or clustering to protect ESAs than smaller, single-family residential lots. Greater flexibility can be added to the process by defining how encroachment may occur in constrained lots such as many of those found in Saanich’s single-family residential zones.

Implementation

Amend existing EDPA to include guidelines that specify how, and under which circumstances, encroachment in Environmentally Significant Areas may occur in constrained lots. Suggested wording for the guidelines:

- Development should, wherever possible, be directed to lands outside of the Environmentally Significant Areas. In cases where there are no appropriate alternatives, the onus will be on the applicant to demonstrate that encroachment is necessary due to circumstances such as topography, hazards or the entire parcel being located within the sensitive area.
- Where a parcel of land is entirely or significantly within a sensitive ecosystem, the development should be sited to maximize the separation between the proposed development and the most sensitive area. In such cases, mitigation and restoration measures may be required to minimize the impact of the encroachment
- Roads and driveways should be located as far as possible from the edge of an Environmentally Significant Area

6.4 EDPA Mapping

Local governments usually reference some form of mapping to identify the Environmentally Significant Areas protected in the EDPA. Maps are based on existing provincial and local inventories. Due to the high costs of ground surveys and restrictions to access private property, inventory mapping is often based on air photo interpretation. Accuracy can be variable and, when done at a wide scale, may not translate well to an individual property. EDPA mapping is often infrequently updated, and usually only when development occurs or during OCP reviews. In addition, land condition is constantly being altered by urban development and natural changes such as invasion of non-native species, pest and disease outbreaks, wildfire, flooding, etc.

As a result of mapping inaccuracies and a changing environment, most local governments use their mapping as a generalized ‘flagging tool’ to identify locations where ESAs are likely to be found. This mapping is intended to identify properties that may require further investigation. When a property is flagged, staff will determine whether a development permit and a more detailed report by a Qualified Environmental Professional (QEP) are required to verify the location and condition of the ESA. The QEP report then provides a more precise EDPA boundary to be considered during the development application process.

In Saanich, the Provincial SEI mapping, the Conservation Data Centre, and other inventories were used to help identify potential ESAs. This information was refined with some ground-truthing and input by committees and the public. The District maintains this mapped information in an atlas. Updates to the EDPA mapping occurs when amendments are approved by council; this may be triggered when a QEP report indicates that current mapping is inaccurate or if new information is brought to staff’s attention.

What we saw in best practices and other local governments

Most local governments with EDPAs maintain a map of the sensitive areas that the EDPA is intended to protect. These maps are used to flag properties that may have features of interest. However, the method that relates the mapping to the properties requiring a DP application varies. Some examples include:

- Langford has blanket mapping for larger lots (typically greater than 5 acres) that have the potential to have ESAs which should be protected during development.
- Surrey applies a Sensitive Ecosystems DP to all properties within 50m of its Green Infrastructure Network areas.
- West Vancouver’s EDPA covers the entire municipality, with all lots requiring a DP

The Cowichan Valley Regional District does not consistently map EDPAs. While they have maps for Cowichan Bay, they use a text based description to describe the location of EDPAs in South Cowichan. This has provided staff with experience using both strategies, with general agreement that a non-mapped approach is easier to implement.

Are EDPAs mapped?

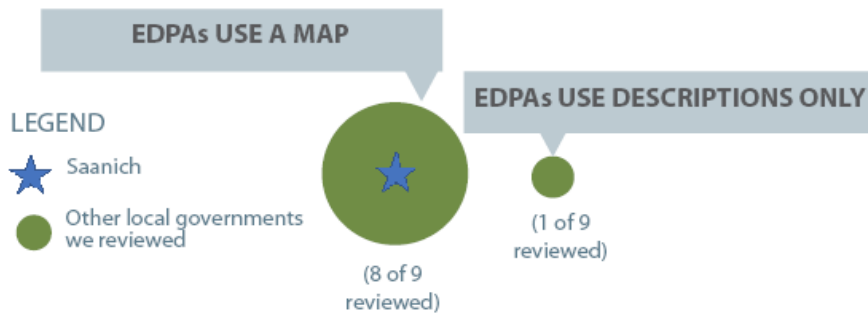


Figure 6. The use of EDPA maps among the local governments reviewed (see Appendix B for a full list of the local governments).

What is the base mapping used for terrestrial ecosystems, and is it ground-truthed?



Figure 7. The use of ground-truthing maps in the local governments reviewed (see Appendix B for a full list of the local governments).

How is mapping used for development applications?

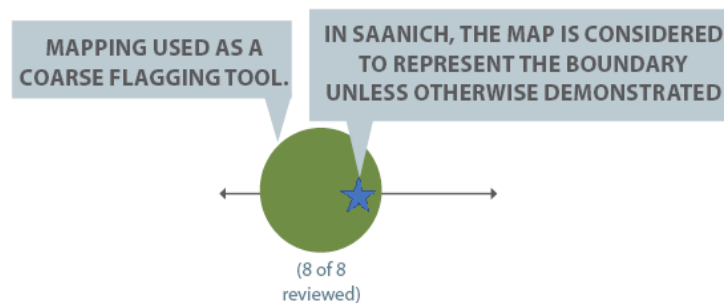


Figure 8. How EDPA maps are used among the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders generally seem to agree that current mapping is inaccurate at the individual property scale. This was the most common complaint heard throughout the engagement process. Many residents were particularly concerned about line work that extended through areas that are clearly disturbed. We also heard many complaints that there are ESAs that were not included in the current mapping.

People seem to disagree about what the mapping is intended for, and whether or not the mapping represents a hard line beyond which usage of a person’s property is restricted. There was also some confusion regarding the conditions and constraints that the line work represented. Many stakeholders are under the impression that the line work was fixed, and that all areas within them would have to be restored to a natural state through the DP application process.

What we found from the survey

The majority of survey respondents felt that the map was not useful in its current form, and should be removed from the EDPA and replaced with text based descriptions of the ESAs. Some indicated they would prefer a fourth option, which was to ground-truth the current mapping by QEPs at cost to the District of Saanich.

Table 4 – Survey results on how to map ESAs

Answer Options	# of Respondents	% Response
A. Maintain status quo: Retain the EDPA mapping and continue to update it as boundaries are refined.	43	17%
B. Generalize the mapping: Generalize existing mapping and show it at a coarser scale to emphasize its application as a flagging tool.	42	17%
C. Remove EDPA map from the OCP and Define Environmentally Significant Areas with text: Remove the EDPA map entirely and rely on descriptive text in the EDPA to define when a property would be flagged for likely containing an Environmentally Significant Area.	165	66%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
5	Remove reference to existing EDPA Atlas map and replace it with text-based descriptions for flagging properties that may contain Environmentally Sensitive Areas.	Area	Short

Rationale

Mapping is an important tool to help make land use decisions and prevent unwanted impacts through development; however, understanding what the mapping is intended to do and its

limitations is important for it to be effective. The accuracy of the current EDPA mapping and misunderstanding of its intent has caused significant concern with landowners.

It is very difficult to create and maintain mapping that is accurate. The state of the land is constantly changing as a result of development and infrastructure projects, as well as natural processes. Many people suggested that the District ground-truth the EPDA map; however, this would be a costly task and would require frequent updates to remain up-to-date. Ground-truthing is best done on a site by site basis as part of the development permit application process.

ESA line work is meant to flag a property that has potential to include an ESA. It has been used as a tool to help inform staff when they are guiding development permit applications. Removing the current EDPA mapping and using text-based definitions for ESAs is a fair and consistent that would apply for both public and private land across the whole of Saanich.

All development permit applications require that planning staff work collaboratively with the applicant and QEP to determine if an ESA exists and how it will be protected. Based on text descriptions of ESAs, staff would still be required to review applications and use all existing resources to best determine if ESA may exist. These resources would include the most up to date Provincial and Municipal mapping, air photos, studies from institutions and local stewardship groups. If developed, a Biodiversity Conservation Strategy would add to these resources by providing scientifically based spatial information. This process is done at the initial stages of a development application. It would not identify ESA locations exactly but would flag projects that require further investigation by a QEP. Properties would not be assessed for ESAs until a development application is made.

Removing the mapping from the EDPA would also negate the need to update maps through OCP amendments, as well as the use of temporary covenants to manage development as a stop gap measure while inaccurate mapping is being updated.

Implementation

Remove Schedule 3 to Appendix N of the OCP Bylaw, 2008, No. 8940 and mention of it from all text in the EDPA. Develop detailed text based descriptions of the ESAs and distance to properties that should be flagged during a development permit application.

6.5 ESA Buffers

Buffers are areas defined around a known feature to protect the core feature from the “edge effect”. For example, DPAs to protect the Agricultural Land Reserve often require a buffer to intercept pollutants from adjacent land uses. Using buffers to protect defined features is common practice for local governments. Local government policies either define their extent (e.g., zoning setbacks), or provide guidance for the QEP to recommend them (e.g., tree protection zone in a Tree Bylaw).

Provincial legislation guides the definition of setbacks for watercourse riparian areas. Best Management Practices exist to guide buffers around eagle and heron nests. However, it is often

up to the local government or a Qualified Environmental Professional (QEP) to determine and rationalize effective setbacks and buffers and to provide guidelines for their implementation.

In the Saanich Environmental DPA, buffers apply to sensitive ecosystems (10 m), isolated wetlands/watercourses (10 m) and the marine backshore (15 m). Buffers are intended to provide additional protection around an ESA and help prevent adverse effects of activities, or encroachment from, adjacent land. The buffer is part of the EDPA.

What we saw in best practices and other local governments

All the local governments we reviewed use setbacks to protect ESAs. Some apply additional buffers, or allow QEPs the discretion to add buffers based on the values being protected. Buffers and setbacks can be implemented in different ways. West Vancouver protects its marine backshore through its zoning bylaw; a variance would be required to change the setback. The City of Surrey permits flexing of its setbacks, also through its zoning bylaw. The setback distance can be reduced by a certain distance (up to five metres in most situations) provided there is equivalent compensation elsewhere on the property to offset the reduction (i.e., no net loss). In Campbell River for example there is a minimum 30 m setback from the high-water mark in its Shoreline DPA, but that can be reduced if the QEP demonstrates a lesser setback is appropriate. Langford does not designate buffers, but allows QEPs to designate them in non-disturbance areas to set back buildings and certain uses. Nanaimo also allows QEPs to designate the buffer width, but it is usually 15 metres around an ESA. The Regional District of Central Okanagan requires that ESAs be ranked based on their condition (i.e., health); lower value ESAs may be retained as a buffer for higher value ESAs.

There are best practices available to help determine buffers for certain values, but their application can differ based on the situation. For example, the provincial guidelines³ specify buffers for raptor nests, but the standard is different depending on the ability of a certain bird to co-exist with humans, the time of year, and whether the nest is located in urban, rural or undeveloped areas. As a result, the buffer may be as little as 1.5 tree lengths or as wide as 500 metres.

There is some guidance in best practices for application of marine backshore setbacks, but this can vary depending on the situation. The *Greenhores for Coastal Development*⁴ guide recommends that permanent structures be setback a minimum of 15 metres horizontal distance from the natural boundary, and more if the bluff is subject to coastal erosion. The Department of Fisheries and Oceans recommends the use of buffers to separate development from the coast, mitigate damage from coastal hazards and to protect marine ecosystems.

³ Demarchi, M. et al. 2013. Guidelines for Raptor Conservation during Urban and Rural Land Development. BC Ministry of Environment.

⁴ Green Shores Technical Working Group. 2016. Green Shores for Coastal Development: Credits and Ratings Guide. Stewardship Centre for BC.

Are marine backshore buffers used in other EDPAs?

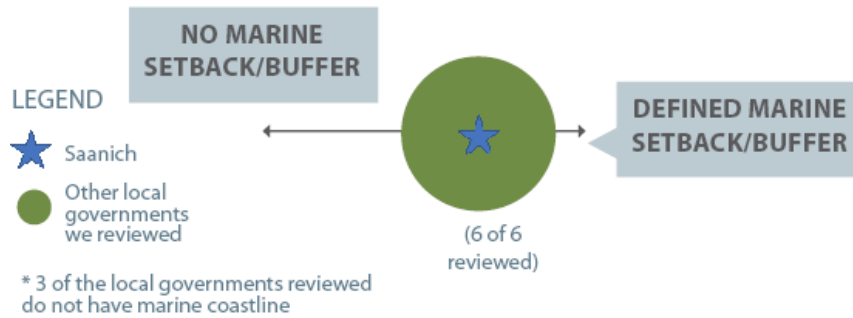


Figure 9. The use of marine backshore buffers among the local governments reviewed (see Appendix B for a full list of the local governments).

How are buffers or setbacks determined?

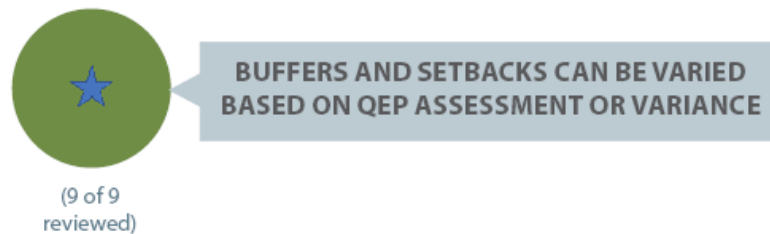


Figure 10. How final buffers or setbacks are determined among the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders generally seem to agree that the marine backshore buffer is too large for some small residential lots. People seem to disagree about the use of and justification for buffers around sensitive ecosystems and along the marine backshore.

What we found from the survey

The majority of survey respondents were in favour of eliminating defined buffers but providing guidelines for QEPs to recommend appropriate buffers and/or setbacks on a case by case basis. Some who selected this option are concerned that District Staff will not trust QEP opinion. Some respondents suggested that buffers weren't necessary in addition to setbacks, and should be eliminated. However, there were other respondents that felt that current setbacks and buffers were not stringent enough, and should be increased. Comments also indicate that some people are confused as to why a buffer is needed on top of the setback, and what the difference is between the two.

Table 5 – Survey Results on how buffers and/or setbacks should be applied

Answer Options	# of Respondents	% Response
A. Maintain status quo: Retain the current EDPA buffers defined for Sensitive Ecosystems, Isolated Wetlands and Watercourses, and Marine Backshore.	37	14%
B. Retain defined buffers but update guidelines for QEP to recommend modifications. Retain the buffers in the mapping but allow the QEP to recommend the appropriate buffer and/ or setback distance on a site-by site basis.	49	18%
C. Eliminate defined buffers but update guidelines for QEP to recommend appropriate buffers and/ or setbacks. Eliminate the buffers from the mapping but update the guidelines to reflect that the QEP should recommend appropriate buffers and/ or setback on a site-by-site basis.	186	68%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
6	Remove references to set buffer distances from the bylaw for sensitive ecosystems, isolated wetlands and watercourses and the marine backshore. Only require buffers based on QEP recommendation for individual development permit applications.	Area	Short

Rationale

Buffers are intended to provide additional protection to ESAs by regulating the types of activity directly next to them. However, specifying an exact width for buffers can be challenging due to the diversity and condition of habitat, and the type and intensity of developments.

Marine backshore for example provide habitat for terrestrial species and protect sensitive foreshore and intertidal habitats. The ecology in these areas can be highly variable, from rock bluffs to beach ecosystems. Many waterfront lots are small and somewhat constrained, and waterfront views are highly valued, so encroachment is common into these areas with structures, retaining wall, docks and landscaping. Finding a suitable compromise between environmental protection and sustainable development in these areas is not easy

Buffers for protecting ESAs should be defined by a QEP based on an assessment of the ESA value and the risk associated with the development. In some cases, a buffer may not necessarily be required. Regardless, a rationale should be provided based on best practices and current science. For example, the riparian area bordering isolated wetlands and watercourses would likely be included as a buffer to protect the ESA; however, defining a minimum or maximum buffer distance should be based on the ground assessment and not be pre-determined.

Implementation

Amend EDPA (and mapping if it is not removed) to remove all buffers to sensitive ecosystems, isolated wetlands and watercourses and the marine backshore. Add text to the EDPA to provide QEPs with discretion to recommend and justify buffers based on ESA values. Provide QEP guidelines in the EDPA to follow Greenshores for Coastal Development guide for development planning along marine backshore properties. Post-development monitoring should be encouraged to ensure that buffers are retained and continue to function as they were intended.

6.6 ESA Restoration

Natural areas are often destroyed or degraded due to human use and development. Historically, timber harvesting, agriculture, cultural burning and other land management have significantly altered the landscape and natural processes. Urban development (housing, roads, and other infrastructure) also causes significant changes. The introduction of non-native plants and animals also degrades natural areas. Local governments can require restoration in development permits under certain circumstances. This often includes activities such as invasive species removal, planting of native species and restoration of watercourses.

The extent of restoration required by local governments often varies with the size of the proposed development and condition of the ESA. Restoration can be required to correct damage that occurred prior to the development permit application, and/or damage that occurred as a result of development. However, restoration is often difficult to define as its objective implies that a state of naturalness must be achieved. Some plant communities are so diverse and complicated that achieving this objective can be very difficult.

What we saw in best practices and other local governments

The local governments we surveyed were split on their approaches to restoration. Some, such as the City of Nanaimo, require restoration regardless of when the damage occurred. Surrey has a vision for an extensive green infrastructure network, and is looking to restore all natural areas within it. Due to the size of the project, Surrey prefers to have this land conveyed so that it can manage restoration itself. West Vancouver and CVRD require restoration for damage caused directly by the development, with the expectation that it will be restored to pre-development conditions. The RDCO bases its restoration requirements off of an assessment of condition; restoration is not required for low value ESAs. Langford bases its restoration requirements based on a QEP assessment. In most cases where restoration is required there is an expectation that the amount is kept in line with the size of the project, so that there is no undue hardship.

When could restoration be required?



Figure 11. When restoration could be required among the local governments reviewed (see Appendix B for a full list of the local governments).

How is the level of restoration determined?

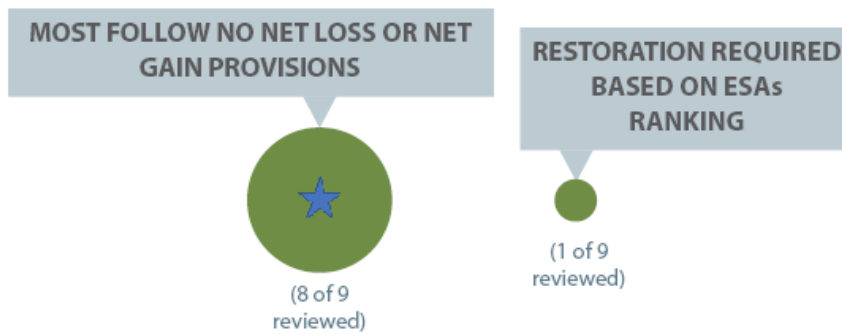


Figure 12. The level of restoration required among the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders generally seem to agree that restoration should not always be required as a condition of development, and that there can be a high cost to the landowners when it is required. Many felt a definition of restoration would be useful to clarify the effort required as well as maintenance.

People seem to disagree about the extent of restoration that should be required and whether it should be required for degradation caused prior to development. People seemed to disagree on the costs associated with restoration, and who should be responsible for them. Some felt it should be the responsibility of the landowner, while others felt the District of Saanich should cover portions of the costs. There was also disagreement on the use of the terms protect, enhance, restore, and which of the three terms is most appropriate for a Development Permit.

A number of stakeholders who are active in voluntary restoration on their properties were concerned that in doing so they would be creating an ESA and may restrict future development potential. Many stated that they had stopped restoring their property due to this concern.

What we found from the survey

The majority of respondents felt that restoration requirements should be based on the scale of development. However, many would be in favour of a combination of B and C, with restoration requirements based on the scale of development and defined condition classes that would guide expectations for the effort required. Some felt that while restoration is a worthwhile goal, it should only be enforced on public property and encouraged on private land through education, subsidized native species, and tax incentives.

Table 6 – Survey Results on the extent of restoration required

Answer Options	# of Respondents	% Response
A. Maintain status quo: Restoration is determined collaboratively by the QEP, staff, landowners and other stakeholders based on a review of the development.	59	25%
B Restoration requirements are based on defined condition classes: The restoration requirement for each site is determined based on the QEP assessment and pre-defined condition classes.	56	23%
C. Restoration requirements are based on scale of development: The restoration requirement for each site is determined based on the scale of development.	125	52%

The majority of respondents were not in favour of requiring restoration for developments that take place on already disturbed sites. Most agreed that it was fair to require onsite restoration when development infringes on existing ESAs. However, some commented that restoration could be justified for pre-existing or development related damages, if the District of Saanich provided incentives to do so.

Table 7 – Survey Results on the extent of restoration required

Answer Options	# of Respondents	% Response
A. Maintain status quo: Restoration can be required for pre-existing or development related damage.	63	26%
B. Require onsite restoration only when development infringes on the EDPA: Restoration is only required when development impacts an ESA or buffer zone.	179	74%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
7	Provide a clear definition for restoration, enhancement and habitat creation, what their goals are within the EDPA Bylaw.	Guidelines/ Definitions	Short

Rationale

Ecological restoration is the act of returning a degraded natural area to a condition that approximates its original state. This goal is controversial, as natural areas are often in a dynamic state and can change over time. There is also some debate regarding what role humans have historically played to shape these ecosystems making it difficult to define an original state. A clear definition of restoration should be included in the bylaw. This definition should reference the term habitat enhancement which intends to improve the state of a natural area, as well as the term habitat creation which means establishing something that was never there to begin with. In some cases, restoration back to an original natural state may not be possible or feasible based on the existing state of the ESA. Invasive species for example can be very difficult to eradicate from a plant community. The QEP should be able to reference this definition to justify their recommendations when development impacts an ESA.

Restoration of disturbed areas should only be required for damage that occurs as a result of what is defined as development in the EDPA. Restoration should be required whether this damage occurs with or without a DP Permit.

Implementation

Include a definition for restoration, enhancement and habitat creation in the EDPA bylaw. Use the standards for definitions and guidelines for implementation within the Ministry of Environment – Environmental Mitigation Policy and Procedures documents⁵ and Ecological Restoration Guidelines for British Columbia⁶.

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
8	Develop a standard that guides the level of restoration that is required based on the condition of the ESA and the size and scale of the proposed development.	Guidelines	Short

Rationale

During an assessment of a property for a development permit application, the QEP should provide a rating of ESA condition (low, moderate, high, very high). These categories should be defined within detailed QEP guidelines that are associated with the EDPA. These categories will

⁵ BC Ministry of Environment, n.d. *Environmental Mitigation Policy for British Columbia*. www.env.gov.bc.ca/emop/

⁶ Forest Renewal BC. *Ecological Restoration Guidelines for British Columbia*. www.env.gov.bc.ca/fia/documents/restorationguidelines.pdf

provide an expectation for the restoration potential of the site. The expectation for restoration would then be based on its condition. For example, if an ESA is in a condition category of high, the goal of restoration would then be to restore it fully. If an ESA is in moderate condition, expectation would include appropriate enhancement works targeting the elements most degrading to the ESA. ESAs assessed to be in low condition may not be required to be restored. The Regional District of Central Okanagan provides an example of guidance for restoration based on condition.

Specific restoration activities should also be justified based on the size and scale of development. Landowners who are undertaking minor developments should not be required to take on onerous or costly restoration projects. The goal should be to provide scale appropriate gains where opportunities exist. Alternatively, large-scale development projects provide good opportunities to restore ESAs and improve habitat connectivity, with the goal of achieving moderate to large gains.

Implementation

Amend the EDPA to include a table that provides restoration expectations based on the condition of the ESA and the size of development. Condition class should be defined within the EDPA guidelines and based on QEP’s assessments. The overall goal should be a no net loss of ESA area. When damage is caused either wilfully or through non-approved activities, restoration should be required at a 2:1 ratio. Post-development monitoring will be required to ensure natural areas are restored.

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
9	Permit flexibility in setbacks by permitting some minor encroachment when unavoidable provided there is compensation elsewhere on the property. The percentage of encroachment permitted and ratio of compensation should be based on an assessment of ESA condition.	Guidelines	Short

Rationale

Ground-truthing by a QEP will identify if ESAs exist and their exact location. In some cases, the lot dimensions and ESA location could restrict development on the site. A standard should be developed that allows staff to work with landowners to permit some encroachment when it is unavoidable due to lot constraints, while requiring compensation elsewhere. The amount of encroachment and compensation should be based on the condition of the ESA, as assessed by a QEP. Setbacks can be set in zoning regulations and/or DPA guidelines, but must be consistent with the OCP. The table below is an example of an encroachment/compensation scale that could be implemented:

ESA Condition	% Allowable Encroachment	Compensation Ratio
Very High	0	n/a
High	10	3:1

ESA Condition	% Allowable Encroachment	Compensation Ratio
Moderate	20	2:1
Low	30	1:1

Implementation

Amend the EDPA to include specific guidelines for establishment of setbacks and limits for allowable encroachment and compensation ratios. Update zoning bylaw to permit flexible setbacks, if required. Post-development monitoring will be required to ensure compensation areas are retained/restored as intended.

6.7 Qualified Environmental Professional Reports

When a development application is received by a local government, they can require development approval information at cost to the developer⁷. Sometimes a report completed by a Qualified Environmental Professional (QEP) may be needed to verify the EDPA boundary and provide recommendations to mitigate impact to the ESA. The QEP recommendations accepted by the local government then become conditions of the development permit.

Some local governments have very specific requirements or standards for reporting, while others leave much to the discretion of the QEP. In either case, QEP reports are submitted to local government staff for review to judge whether or not a permit application meets the approval requirements. If staff find that the report is not adequate, they often work with the applicant and QEP to resolve concerns, request a peer review or, if issues are not otherwise resolved, staff can reject the application. Applicants are entitled to have the local government reconsider the decision of an officer or employee without charge.

What we saw in best practices and other local governments

About half of the local governments we reviewed always require QEP reports. For example, in Nanaimo, a QEP report is always required to identify ESAs and determine appropriate buffers. About half of the local governments we reviewed require QEP reports for properties in the EDPA at staff discretion. For example, in Campbell River, small sites with no value may not require a QEP report.

Most of the local governments we reviewed have no official reporting criteria; however, a few of the local governments we reviewed did have official guidelines for QEP assessments. For example, the Regional District of Central Okanagan provides Terms of Reference for reports, with QEPs having some flexibility in their assessment methods. They do have to provide a rationale to support the determination of biological value, however.

⁷ Curran, D., et al. 2016. *Green Bylaws Toolkit for Conserving Sensitive Ecosystems and Green Infrastructure*. University of Victoria Environmental Law Centre. <http://www.greenbylaws.ca>

All local governments, including Saanich, can require changes to or reject QEP reports. Many highlight their preference to have in-house expertise to review the QEP reports.

Are QEP reports *always* required?



Figure 13. When QEP reports are required among the local governments reviewed (see Appendix B for a full list of the local governments).

Are there specific reporting criteria?

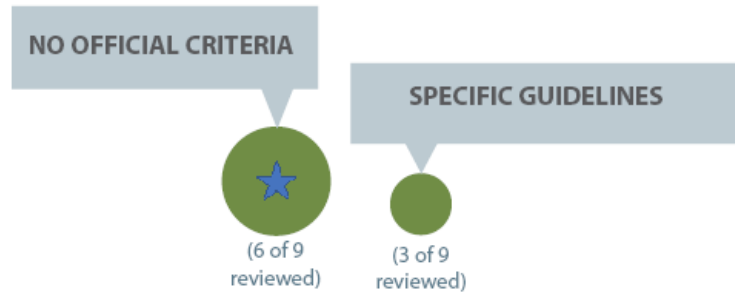


Figure 14. QEP report criteria among the local governments reviewed (see Appendix B for a full list of the local governments).

Are QEP reports automatically accepted?

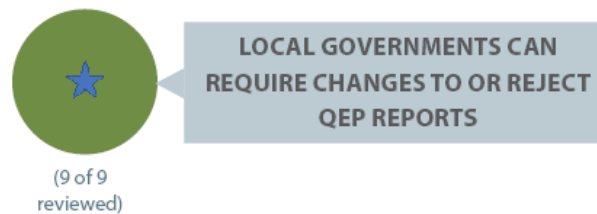


Figure 15. The acceptance of QEP reports among the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders generally seem to agree that field verification by a QEP can show that a development is outside the ESA and therefore exempt (exemption 14). People seem to disagree about the standard for QEPs to use when assessing the condition of an ESA and its boundaries, and the application/interpretation of the provincial SEI methodology for identifying ESAs in Saanich. Some people expressed the opinion that District staff should not have the authority to reject QEP reports, while others felt that QEPs should have some oversight through staff. Finally, some people felt that the cost of QEP reports should be covered by the District of Saanich when they are required.

What we found from the survey

The vast majority of respondents were in favour of developing QEP assessment standards. However, many respondents added the caveat that these standards should be determined independently of staff, in consultation with QEPs.

Table 8 – Survey Results on assessment standards for QEPs

Answer Options	# of Respondents	% Response
A. Maintain status quo: Rely on the guidelines in the EDPA (draft assessment guidelines exist for Sensitive Ecosystems but have not been finalized or adopted).	33	14%
B. Require onsite restoration only when development infringes on the EDPA: Develop assessment standards for QEPs to define the assessment method for Environmentally Significant Areas and boundaries.	206	86%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
10	Provide a standard template for QEP reporting for DP Applications.	Guidelines	Short

Rationale

Having a clear and defined reporting standard makes it easier for QEPs to conduct their assessment, for staff to check and review, and for the landowner to understand. Information can be readily updated if required and easily verified through an independent review. The province has developed reporting standards (Preliminary Site Survey and Detailed Site Bio-inventory) in *Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*⁸. These standards are used by some other local governments (CVRD) and are a good starting point; however, additional information including an assessment

⁸ Polster, D., Cullington J., et al., 2014. *Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*. Ministry of the Environment. <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/>

of habitat condition and restoration potential should also be included (see recommendation 11 for details). Standards for mitigation and restoration of the development should follow Provincial standard “Procedures for Mitigating Impacts on Environmental Values”⁹. The QEP report templates from the Strategic Wildfire Prevention Initiative¹⁰ and the Riparian Areas Regulation¹¹ also provide good examples.

The standard reporting structure will help facilitate the EDPA implementation as it removes some of the ambiguity and discretion that can come with non-standard reporting processes. It will simplify communications between Staff and QEPs by creating a shared understanding of the required information. It will also ensure that, whenever a peer-review by another QEP is produced, the two reports are easily comparable.

Implementation

Update the EDPA guidelines to refer to Terms of Reference providing a standard QEP report template that must be filled out as part of the development process. The template should have sections headings and written expectations of what is required from the QEP. These sections should provide provincial standards and BMPs to follow including the “Develop with Care 2014” guidelines and “Procedures for Mitigating Impacts on Environmental Values.” QEPs should follow the mitigation process and template for mitigation plan when discussing development in and around ESAs.

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
11	Define classes for habitat condition that will guide QEPs to define and categorise ESAs and required restoration efforts.	Guidelines	Short

Rationale

Urban natural areas are commonly degraded for a variety of reasons. Land clearing and development, pollution, noise, establishment of invasive plants, and other disturbances can affect habitat condition. Pristine habitat does not typically exist in urban areas; however, that does not mean that these areas do not have value. As such, the provincial Sensitive Ecosystem Inventory (SEI) is a useful flagging tool, but should not be relied upon as the primary assessment tool for the condition of ESAs on the ground. The SEI was intended as an inventory tool to map semi-natural and natural areas, particularly those facing development pressure. It was not

⁹ BC Ministry of Environment, 2014. *Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) – Version 1.0.*

www.env.gov.bc.ca/emop/docs/EM_Procedures_May27_2014.pdf

¹⁰ Union of BC Municipalities, 2017. *2017 SWPI Program.*

www.ubcm.ca/EN/main/funding/lgps/strategic-wildfire-prevention/2017-swpi-program.html

¹¹ Government of British Columbia, n.d. *Riparian Areas Regulations.*

www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/riparian-areas-regulation

intended to provide management direction. Sensitive ecosystems were identified using older air photos with some ground-truthing. The resulting mapped areas were typically large (>0.5 hectares) and had no relationship to lot boundaries. Simply put, the SEI is based primarily on occurrence and does not provide an assessment of value, although it does improve the understanding of restoration potential and disturbance history of a site.

The QEP should consult other sources of information such as the Conservation Data Centre and areas identified as ecologically sensitive by local governments when assessing ESAs. A condition ranking of ESAs should be developed by the District of Saanich and included in the QEP reporting standards. Categories would provide a ranking of habitat condition (Low, Moderate, High, Very High) than can be used to direct protection and restoration. The Regional District of Central Okanagan uses a similar scale for assessment, although the QEP is responsible for defining the assessment methods.

Implementation

Amend the EDPA guidelines to include a table that defines ESA condition classes. These would rate ESAs from low to high and be linked to expectations for restoration and compensation if impacted.

6.8 Leading by Example

Local governments can lead by example by meeting or exceeding the development standards that they ask private landowners to follow, demonstrating environmental stewardship on public land and by supporting landowner stewardship on private land. Local governments frequently undertake development activities on public land. Capital projects are opportunities to demonstrate environmental best practices. In some cases, local governments require their own projects go through an EDPA process. Other local governments exempt themselves, but may have other equivalent standards in place.

Public land often safeguards the largest and most valuable Environmentally Significant Areas (ESAs). Local governments can demonstrate good stewardship through programs such as treatment of invasive species, native plant restoration, tree planting and stream restoration.

Public programs that support landowner stewardship on private land also demonstrate leadership and increase capacity within the community to protect environmental values.

What we saw in best practices and other local governments

About half of the local governments we reviewed require themselves to get a development permit. For example, in Kelowna all departments are required to get a DP unless the type of work is specifically exempted. About half of the local governments we reviewed exempt themselves from Development Permits for capital projects, though most follow their own, inhouse procedures to protect the environment. In Campbell River, while the City is not required to get a DP, they expect their departments to follow the same environmental standards as those applying for a DP.

Do other municipalities require themselves to get a Development Permit (DP) for capital projects?

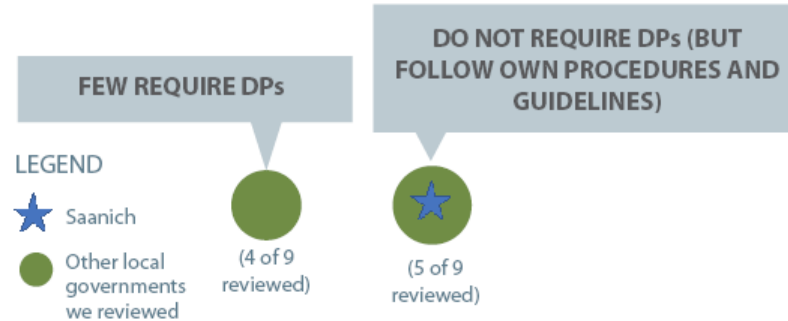


Figure 16. The use of development permits for municipal capital projects among the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders generally seem to agree that the District of Saanich could do more to lead by example when it comes to working in and around Environmentally Significant Areas; and to encourage environmental stewardship. Many felt that requiring restoration on private land was difficult for many residents to accept when nearby parkland was not receiving similar standards of care. Many respondents called for better management and preservation of existing ESAs on public land, and more restoration of degraded public areas. They felt Saanich should lead on removal of invasive species and the planting of native species in park land.

People seem to disagree about whether or not the District follows a process equivalent to the EDPA for public works projects.

What we found from the survey

The majority of respondents were in favour of removing the District Exemption from EDPA. Many comments suggest that survey respondents do not trust that public land in Saanich is currently being held to the same standards as private land.

Table 9 – Survey Results on capital projects in and around ESAs

Answer Options	# of Respondents	% Response
A. Maintain status quo: The District of Saanich is exempt from the EDPA.	15	6%
B. Maintain District Exemption from the EDPA but Require an Equivalent Internal Policy: Update the EDPA to refer to a District policy that outlines procedures to be followed when undertaking municipal works and services, such as an “Environmental Management Strategy” for Municipal Operations.	62	23%

Answer Options	# of Respondents	% Response
C. Remove District Exemption from the EDPA: Remove Exemption 2 so that the District must apply for a development permit for municipal works and services within the EDPA.	190	71%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
12	Remove the District Exemption from the EDPA. The District will be required to apply for a Development Permit for non-exempt activities within an ESA.	Exemptions	Short

Rationale

Leading by example can improve community support for the EDPA and other initiatives aimed at protecting the environment. The District can show that it values ESAs and is following the same rules, standards, and best practices as private land owners. Although the application process may add some time and cost to municipal led projects, it will ensure that important values are being considered and managed appropriately. Active engagement in the development approval process from both sides may also provide opportunities for self-assessment, which may lead to improvements and stream-lining of process that may benefit all applicants.

Implementation

Remove Exemption 2 (Construction, maintenance or operation of municipal works and services undertaken or authorized by the District of Saanich or the Capital Region District). Add text to confirm that the District is required to apply for a Development Permit for non-exempt activities within an ESA. If this significantly increases the staff time required for processing applications, additional support staff may be required.

6.9 Landowner and Development Incentives

Providing incentives for environmental protection during development creates opportunities for cooperation with landowners through the EDPA process. Zoning Bylaws can allow clustering or include conditions for amenity density bonuses, which allow a development to exceed the allowable Floor Area Ratio in exchange for amenities needed by the community. Density bonuses are voluntary and involve an exchange between the local government and land developers. For example, if a land developer is subdividing a large parcel, they could cluster their development on a portion of the property to avoid a sensitive ecosystem. They receive this density bonus in return for placing a conservation covenant on the remaining property, creating parkland, or restoring degraded ecosystems. Other forms of flexibility can also be built into the Zoning Bylaw, such as provisions for varying setbacks. Providing this flexibility is one of the primary ways that impacts to property value can be offset.

What we saw in best practices and other local governments

All local governments we reviewed will consider development variances or bonus options such as density or height in exchange for the protection of ESAs. In Kelowna, the City will work with developers to relax zoning, increase density and provide bonuses where possible. In Campbell River, development clusters are encouraged and density increases may be permitted. Some local governments, such as Surrey, also permit flex provisions for their setbacks. Flexing allows for a reduction in an ESA setback provided there is an equivalent increase elsewhere on the property, resulting in no-net loss. The amount of flex permitted depends on the value, but typically is a maximum of five metres.

Do local governments have the option to provide development variances ?



Figure 17. The availability of the use of development variances among the local governments reviewed (see Appendix B for a full list of the local governments).

What we heard from stakeholders

Through the engagement process we heard that stakeholders generally seem to agree that it would be beneficial to have more flexibility to provide incentives for environmental protection during development. However, this process is complicated and many stakeholders found it difficult to understand. Also, there have not been many examples of this type of negotiation to demonstrate its effectiveness. People seem to disagree about how much flexibility exists for landowners in the current EDPA process.

What we found from the survey

The majority of respondents agreed that landowner incentives need to be improved, but disagreed on what this would entail. There was a roughly 50/50 split on selecting B or C. This suggests that most respondents feel that clustering and density bonuses should be encouraged, but disagree on whether this should be done through updating the EDPA or integrating the EDPA into the zoning bylaw. Additional landowner incentives were suggested, including free native plants, tax credits, stewardship opportunities, educational campaigns, and that staff should work with landowners to help offset the costs of restoration. While some were wary of the use of the term “density”, others were excited by the opportunity this could provide for housing affordability.

Table 10 – Survey Results on incentives to protect ESAs

Answer Options	# of Respondents	% Response
A. Maintain status quo: Maintain the status quo whereby density could be transferred in exchange for parkland. This has occurred infrequently in the past.	22	10%
B. Update the EDPA to encourage clustering development and options for applying density bonuses in the EDPA process: Encourage clustering development in the EDPA guidelines and increase options for density bonuses in exchange for restoration of historically degraded ESAs, conservation covenants or creating parkland.	95	42%
C. Integrate the EDPA into the zoning bylaw to define setbacks (and provisions for varying them), and conditions for density bonuses: Remove part or all of the EDPA from the OCP and place it in the Zoning Bylaw, which will define setbacks from ESAs, provisions for varying them and set out the conditions for density bonuses.	110	48%

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
13	Encourage development incentives and flexibility when planning development projects within the EDPA in exchange for protection or restoration of ESAs.	Guidelines	Med

Rationale

Increasing flexibility in development options while also improving environmental stewardship will provide landowners with greater incentive to support the EDPA. This is particularly true on smaller, constrained lots where there are fewer opportunities to protect areas. Permitting increased height, density, and other incentives (e.g., clustering) can potentially meet the goals of the developer and the EDPA.

Implementation

Amend EDPA guidelines to encourage the protection of ESAs by allowing variances in density and setbacks. Amend zoning bylaw to identify opportunities to permit this development flexibility in all zones covered under the EDPA.

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
14	Investigate programs that would enable the creation of a conservation fund and/or provide allowances for reductions in property taxes to promote protection of environmentally significant areas protected by a covenant.	N/A	Med

Rationale

Restoration efforts and long-term stewardship can be encouraged by providing land owners with property tax reductions. The Islands Trust, for example, has a Natural Area Tax Exemption Program under which a tax exemption is applied to a proportion of the assessed value of the property that is covered by a conservation covenant¹². It should be noted that this specific tax exemption program is allowed for properties in the Island Trust Area under the *Island Trust Act* and not under the *Local Government Act*¹³. This tax exemption could provide a strong incentive for voluntary restoration and maintenance. QEP standards would also need to be developed to verify the condition class that is required to qualify for the tax reduction.

The District could also consider the creation of a Conservation Fund to provide budget dedicated towards protection and restoration of Environmentally Significant Areas¹⁴. Levying a tax on all properties in the District of Saanich for that purpose could provide opportunities to equalize the impacts of protecting ESAs and support stewardship on both private and public land.

Implementation

Investigate the possibility of developing a conservation fund, and/or a stand-alone policy to permit property tax breaks for ESAs on private land protected under a permanent covenant.

6.10 Implementation of the EDPA

Local governments communicate their development process in different ways. For example, the City of Nanaimo has a development permit process guide that outlines the different steps, emphasizes when staff should be contacted during the process, and provides an idea of expected timeline for approval. The District of Maple Ridge has a Natural Features Development Permit Checklist to assist developers during the application process; it provides very detailed information and notification requirements.

While having a vision supported by clear objectives is important, having a clear, transparent process to implement is essential to meeting environmental protection and development goals. Understanding the different steps in a development process requires communication and engagement throughout. This can help ensure that the right information is collected, issues are identified early, and that there is sufficient time and flexibility to identify solutions that can achieve that balance between conservation and development.

While there have not been many development applications within the EDPA to demonstrate the intended process, many of the stakeholder concerns regarding the EDPA were associated with

¹² West Coast Environmental Law, 2005. *Greening your Title – A Guide to Best Practices for Conservation Covenants, Second Edition*. www.wcel.org/resources/publication/greening-your-title-guide-best-practices-conservation-covenant-2nd-edition-0

¹³ Curran, D., et al. 2016. *Green Bylaws Toolkit for Conserving Sensitive Ecosystems and Green Infrastructure*. University of Victoria Environmental Law Centre. www.greenbylaws.ca

¹⁴ Curran, D., et al. 2016. *Green Bylaws Toolkit for Conserving Sensitive Ecosystems and Green Infrastructure*. University of Victoria Environmental Law Centre. www.greenbylaws.ca

its implementation. Improved education of the intent of the EDPA and how it is meant to be used during development may address some of the concerns by stakeholders.

Recommendations for amending the EDPA

#	Recommendation	EDPA Section	Timeframe
15	Develop an EDPA development approval checklist. This should define roles and expectations for all stages of development from initial project planning and environmental assessment through to construction and post-construction monitoring.	N/A	Short

Rationale

A clearly defined process for development approval can improve communication between the District, land owners, and land developers. This can lead to increased efficiency and help alleviate current concerns regarding transparency in the process regarding what development is and is not being approved, and why. Many local governments we spoke to emphasized the need to communicate early on in a development process to ensure the requirements for environmental protection are full understood before getting too far ahead. This provides more certainty for developers, helps educate the public who may not be entirely aware of the process, and provides an opportunity to address project concerns early in the planning process.

Implementation

Develop EDPA development approval checklist. Reference this within the EDPA, but provide it as a separate document that can be updated without requiring an OCP amendment.

7 Appendix A – Engagement Strategy

District of Saanich EDPA Review Engagement Strategy

February 15, 2017

Submitted to:

**District of Saanich
770 Vernon Avenue
Victoria, BC, V8X 2W7**

Submitted by:



**3551 Commercial Street
Vancouver, BC
V5N 4E8**

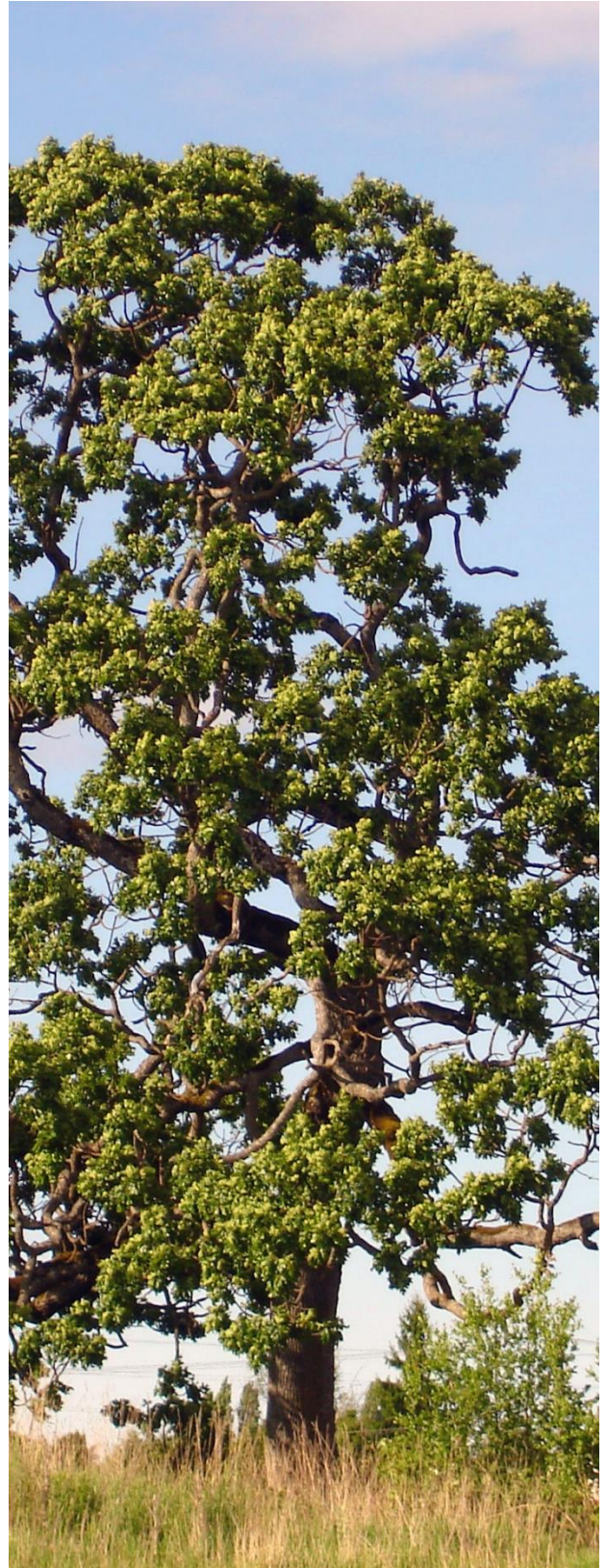




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1 Background to the EDPA Review

1.1 Vision and Challenges for Protecting Natural Heritage

The Official Community Plan (OCP) (*Bylaw 8940, 2008*) presents the community supported vision for Saanich as a sustainable community where a healthy natural environment is paramount to ensure social well-being and economic vibrancy for current and future generations. Saanich has a rich natural heritage including marine shorelines, numerous freshwater lakes and watercourses, Garry Oak ecosystems, and abundant flora and fauna. Many of these natural features have been altered due to development and land use, and are considered sensitive or at risk.

The OCP highlights a number of key challenges facing the natural environment now and in the future. These include the need to continuously restore and protect the natural environment, to minimize the impacts of the built environment, and to manage the effects of climate change to ensure a similar or better quality of life for future generations. To address these challenges, part of the OCP's natural environment policy focus is to:

- Continue to protect and restore habitats that support native species of plants, animals and address threats to biodiversity such as invasive species.
- Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems.
- Preserve “micro-ecosystems” as part of proposed development applications, where possible.
- Encourage the use of native species and climate change resistant plants for landscaping on both public and private lands and continue to promote the principles of Naturescape.

1.2 Implementation of Environmental Development Permit Areas in Saanich

Under the “Local Government Act”, the District is authorized to designate Development Permit Areas (DPA) to protect the natural environment, its ecosystems, and biological diversity. Development Permit Area (Design) Guidelines focus on new development within specified areas of the community. Where the DPA applies, a property owner must obtain a development permit or exemption before subdividing land or constructing, adding to, or altering a building or land. The DPA guidelines reflect the policies of the OCP and assist Council and staff in evaluating development proposals and in communicating and negotiating environmental protection with landowners throughout the development process.

Saanich and its residents are recognized as leaders in the region in preserving and protecting the natural environment. In 2006, Saanich introduced the Streamside DPA to protect watercourses and riparian areas from new development and restore fish and wildlife habitat. Saanich has actually had wide ranging Environmental Development Permit Area (EDPA) guidelines to protect environmental features in different parts of the community since 1994. Consistent with its past environmental leadership and the policy priorities outlined in the OCP, Saanich consolidated and expanded the District-wide EDPA coverage into the current guidelines and atlas that were adopted by Council in the “Official Community Plan Bylaw, 2008, Amendment Bylaw, 2012, No. 9164”.

The 2012 EDPA guidelines consolidated and built on numerous existing DPAs to protect and restore rare ecosystems and vital habitat contained in Environmentally Significant Areas (ESAs) across Saanich. The EDPA complemented and enhanced protections provided by existing DPAs and bylaws that already covered features like Streamside Protection and Enhancement Areas (SPEAs), floodplains and trees in Saanich. The features currently included in the EDPA are Bald Eagle and Great Blue Heron nests, sensitive ecosystems, isolated wetlands and watercourses, marine backshore and the habitat of rare and endangered plants, animals and ecosystems. The objectives of the EDPA are to:

1. Protect biodiversity.
2. Mitigate damage during development.
3. Restore degraded ecosystems.

1.3 Review of the Environmental Development Permit Area

Since the EDPA was adopted in 2012, approximately 8 EDPA permit applications have been processed each year. The majority of requests from property owners to undertake some form of work/development in the EDPA were handled by staff through the exemption process built into the original EDPA Bylaw. In 2015, as part of the standard housekeeping/review process for Saanich bylaws, staff recommended amendments to the EDPA Guidelines in 2015 to provide greater clarity of language used in the guidelines and to ensure staff were meeting Council's intent/objectives with the EDPA. Staff prepared a report on amendment options for the Environmental and Natural Areas Advisory Committee (ENA) feedback. Some residents raised concerns about the EDPA and the ENA recommended a public process be initiated, after which Council supported a public process for feedback on the EDPA. The public process consisted of two open houses and two Town Hall meetings held between June 2015 and February 2016. Feedback was collected from 550 people who attended two Open Houses, individual consultation with 250 landowners, the 300 feedback forms received and 100 speakers at two Town Hall meetings. Feedback indicated that there is support in the community for protecting the natural environment using the EDPA, but that improvement in the Bylaw is required.

Following on from the public engagement process, staff presented Council with a report outlining three process options for moving forward:

- Option 1: Repeal the entire EDPA Bylaw; or,
- Option 2: Revise the existing EDPA Bylaw; or,
- Option 3: Maintain the existing EDPA Bylaw.

Council supported Option 2, which included a recommendation that additional resources be contracted to undertake a thoughtful review of the ideas and options for revising the EDPA Bylaw. Through a competitive process, Diamond Head Consulting Ltd. (DHC) was selected to undertake a third-party review of the EDPA. The consultants will review District policy relevant to the EDPA and assess options relative to best practices applied throughout the region. A third party economic impact assessment was also undertaken by GP Rollo & Associates as further data to inform the review. Ongoing engagement and communication with stakeholders and the public is required to inform the review process and provide input on suitable options for amending the EDPA Bylaw.

2 Engagement goals and objectives

There are three primary goals of the communications and engagement strategy:

1. Consult Public - To obtain public feedback on analysis and alternatives.
2. Involve Stakeholders and Staff – To work directly with stakeholders and staff throughout the process to ensure that their concerns and aspirations are consistently understood and considered.
3. Collaborate with Council – To partner with Council in the development of alternatives and the identification of the preferred solution.

These goals are supported by measurable objectives, which will be monitored to provide feedback on the engagement process.

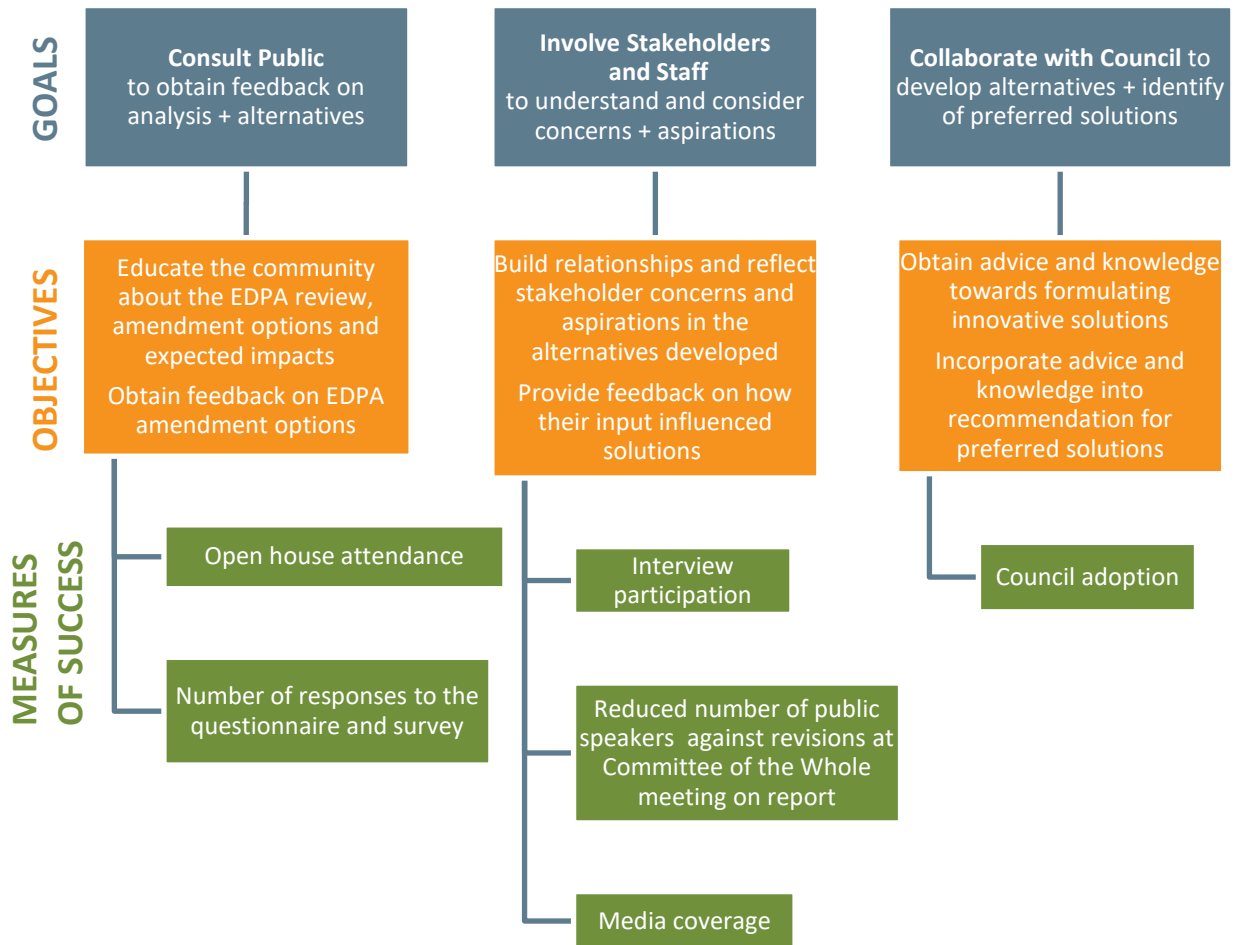


Figure 1. Engagement goals, objectives and measures of success

3 Key Stakeholders

Several key stakeholder groups have been identified for initial contact but the list is not exhaustive and additional stakeholders may be identified for consultation through the process:

- Public - homeowners
- External stakeholders
 - SAFE – Saanich Action for the Environment
 - SCRES – Saanich Citizens for a Responsible EDPA
 - SCAN – Saanich Community Association Network
 - Other Neighbourhood Associations
 - Local media/bloggers
 - BC Assessment Authority
 - MOE
 - GOERT
 - Local consultants
- Decision-maker
 - District Council
- Internal stakeholders
 - Environment and Natural Areas Advisory Committee
 - District Planning
 - District Administration
 - District Legislative Services
 - District Parks and Recreation
 - District Engineering

4 Engagement/communication timeline

Engagement for the EDPA bylaw review will take place from February to June, 2017 (specific dates may be subject to change).

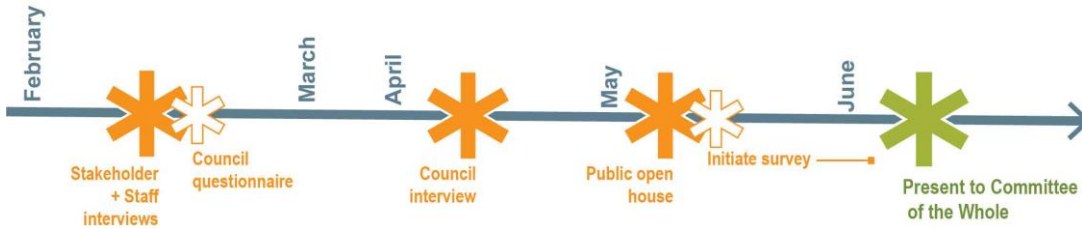


Figure 2. Engagement timeline

5 Engagement approach

The engagement proposed for this project will be building on the significant engagement conducted since 2015 by the District of Saanich. All of stakeholder groups that have been identified in Section 3 will be contacted for interviews by phone or in-person, and the broader public will provide feedback at the open house and through the feedback survey.

Engagement	STAKEHOLDERS CONSULTED			
	Public	External Stakeholders	Staff	Council
Interviews	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Questionnaire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open House	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Feedback Survey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

EDPA review process

Figure 3. Stakeholder groups consulted at each step of the engagement process



5.1 Stakeholder, Council and Staff Interviews

Purpose: The objective of the interviews is to understand the concerns and aspirations of stakeholders, Council and staff to **inform the objectives** for the EDPA revisions and develop a **preliminary list of alternatives**. Stakeholders and staff will first be interviewed, followed by Council. A questionnaire will be distributed to Council ahead of their interview, as described below.

5.1.1 Stakeholder + Staff interview

Date: February 16th (day and evening) and ongoing by phone

Stakeholders to interview (phone or individual meeting): SCRES, SAFE, SCAN, other Neighbourhood Associations, consultants who submitted correspondence to Council and Staff, GOERT, MOE, BC Assessment Authority

Staff for interview (groups): CAO (Paul Thorkelsson), Planning (Sharon Hvozdanski, Adriane Pollard, Jarret Matanowitsch,), Legislative Services (Richard Butler), Parks and Recreation (Suzanne Samborski), and Engineering (Harley Machielse)

Stakeholder and staff interviews would broadly focus on identifying:

- Which parts of the EDPA policy and process are not supported or are sources of confusion
- Which parts of the EDPA are supported
- What environmental, social, cultural and/or economic objectives the EDPA should be achieving:
 - o Environmental (e.g., protection of specific values, restoration of specific values etc.)
 - o Social (e.g., public acceptance, public awareness etc.)
 - o Cultural (e.g., environmental leadership, fairness, private property rights etc.)
 - o Economic (e.g., impact on property values, costs to homeowners, costs to District, provision of ecosystem services etc.)
- Options for amending the Bylaw that the review should consider

5.1.2 **Council Questionnaire**

Purpose: The objective of the Council questionnaire is to understand the concerns and aspirations of Council members to **inform the objectives** for the EDPA revisions develop a **preliminary list of alternatives** and **inform the interview materials** developed for Council. The questionnaire will provide a better understanding of individual concerns of councillors ahead of the interview.

Date: February 16th – February 28th

Format: online

The questionnaire will provide an early opportunity for councillors to provide individual input ahead of the interview with council. Specifically, the questionnaire will include a short introductory statement and contain questions such as the ones provided in the example below:

In general, DPA guidelines for protecting the natural environment are intended as a tool for staff and Council to communicate, negotiate and ultimately require, through the development permit process, environmental protections on private lands with features worthy of protection or restoration. The Saanich EDPA and associated atlas presently defines these features as Bald Eagle and Great Blue Heron nests, sensitive ecosystems, isolated wetlands and watercourses, marine backshore and rare and endangered plants/animals/ecosystems.

- What are your main concerns about the current EDPA policy and process?
- Are there parts of the current EDPA policy and process that are confusing?
- What is working well about the current EDPA policy and process?
- What environmental, social, cultural and/or economic objectives do you think an EDPA should be trying to achieve in Saanich?
 - o Environmental (e.g., protection of specific values, restoration of specific values etc.)
 - o Social (e.g., public acceptance, public awareness etc.)
 - o Cultural (e.g., environmental leadership, fairness, private property rights etc.)
 - o Economic (e.g., impact on property values, provision of ecosystem services etc.)
- In order to decide between different alternatives for amending the Saanich EDPA, what would be the key information you would want to know to make your decision?

5.1.3 **Council interview**

Date: April 3rd (tentative)

Building on material collected with the questionnaire the previous month, the interview with Council will explore alternatives for amending the EDPA:

- Presentation of findings from background review and interviews
- Discussion and consensus on EDPA objectives
- Presentation and discussion of alternatives and expected impacts
- Ranking of alternatives relative to how well they meet the defined EDPA objectives

5.2 **Public Open House**

The open house will be an opportunity for people to learn about the EDPA and proposed amendments, and to provide feedback on either a draft that has been released, and/or on a presentation and boards presented in the open house.

Date: May 1st (tentative)

Venue: TBD

The open house will open with a 15-minute presentation on the EDPA and proposed amendments, followed by two hours for participants to consult information boards setup in the room and provide feedback on the options presented on participatory boards.

In preparation for the open house on May 1st, the content for information boards will be submitted to Saanich for review. It will likely include approximately (but no more than) twelve boards.

The following list suggests *examples* of what the boards may cover but content will be refined following interviews:

1. What is a DPA?
2. What is the Saanich EDPA?
3. Do other jurisdictions have EDPAs?
4. Why is the District trying to protect things on private land?
5. What happens if the EDPA covers my back yard?
6. Does the EDPA impact the assessed value of my property?
7. What is proposed for revision in the EDPA?
 - a. Multiple boards re: alternatives (participatory)

5.3 **Feedback survey**

Date: May 1st (tentative)

A survey soliciting feedback on the proposed options for the EDPA amendments (survey questions and format to be developed). It will subsequently be hosted on the District's website and be available in paper copies at the Municipal Hall.

5.4 **Presentation to Committee of the Whole**

Present the final report to Council and respond to questions.

8 Appendix B – Municipality Comparison Summary

1. Guiding Policy – What policy is guiding the EDPA?

OCP Only	Guiding Environmental Policy
<i>District of Saanich</i>	City of Surrey
District of North Vancouver	Regional District of Central Okanagan
City of Langford	
District of West Vancouver	
City of Campbell River	
City of Nanaimo	
Cowichan Valley Regional District	
City of Kelowna	

2. Defining Objectives for Protection

3. Applying the EDPA – Are EDPA Guidelines different in rural and urban areas?

Apply EDPA Guidelines to All Areas	EDPA Guidelines are Different in Urban & Rural
<i>District of Saanich</i>	City of Campbell River
District of North Vancouver	
City of Kelowna	
District of West Vancouver	
City of Nanaimo	
City of Langford	
Regional District of Central Okanagan	
City of Surrey	
Cowichan Valley Regional District	

4. Mapping – Are EDPAs mapped?

Yes	No, word description only
<p><i>District of Saanich</i> District of North Vancouver City of Kelowna District of West Vancouver City of Nanaimo City of Langford Regional District of Central Okanagan City of Surrey City of Campbell River</p>	<p>Cowichan Valley Regional District</p>

4. Mapping – What is the base mapping used for terrestrial ecosystems, and is it ground-truthed?

Existing mapping and inventory data, no additional ground-truthing	Partial ground-truthing
<p>City of Surrey District of North Vancouver City of Kelowna District of West Vancouver City of Nanaimo City of Langford Regional District of Central Okanagan City of Campbell River</p>	<p><i>District of Saanich</i></p>

4. Mapping – How is mapping used for development applications?

Flag lots with potential ESAs; boundaries may not be altered	Map defines development boundaries; unalterable
<p><i>District of Saanich*</i></p> <p>District of North Vancouver</p> <p>City of Kelowna</p> <p>District of West Vancouver</p> <p>City of Nanaimo</p> <p>City of Langford</p> <p>Regional District of Central Okanagan</p> <p>City of Campbell River</p> <p>City of Surrey</p>	

* The District of Saanich considers the map to represent the boundary, unless otherwise demonstrated by a QEP

5. Setbacks and Buffers – Are marine backshore buffers used in other EDPAs?

Defined marine setback/buffer	No marine setback/buffer
<p><i>District of Saanich</i></p> <p>District of North Vancouver</p> <p>District of West Vancouver</p> <p>City of Nanaimo</p> <p>Cowichan Valley Regional District</p> <p>City of Campbell River</p> <p>City of Surrey</p>	

Note: 3 of the 9 municipalities compared do not have a marine shoreline

5. Setbacks and Buffers – How are buffers or setbacks determined?

Local government identifies setbacks/buffers, can be varied based on QEP assessment	Setbacks/buffers can not be varied
<p><i>District of Saanich</i></p> <p>District of North Vancouver</p> <p>City of Kelowna</p> <p>District of West Vancouver</p> <p>City of Nanaimo</p> <p>City of Langford</p> <p>Regional District of Central Okanagan</p> <p>Cowichan Valley Regional District</p> <p>City of Campbell River</p> <p>City of Surrey</p>	

6. Restoration – When could restoration be required?

Restoration when damage is caused by development	Restoration regardless of when damage occurred
<p>District of West Vancouver</p> <p>Cowichan Valley Regional District</p> <p>City of Kelowna</p> <p>District of North Vancouver</p> <p>Regional District of Central Okanagan</p> <p>City of Langford</p>	<p>City of Surrey</p> <p>City of Nanaimo</p> <p>City of Campbell River</p> <p><i>District of Saanich</i></p>

6. Restoration – How is the level of restoration determined?

Follow no net loss or net gain provisions	Restoration based on ranking of ESAs
<p><i>District of Saanich</i> District of North Vancouver City of Kelowna District of West Vancouver City of Nanaimo City of Langford Cowichan Valley Regional District City of Campbell River City of Surrey</p>	<p>Regional District of Central Okanagan</p>

7. QEP Reports – Are QEP reports always required?

QEP reports required	QEP reports at staff discretion
<p>City of Nanaimo District of West Vancouver Cowichan Valley Regional District City of Surrey</p>	<p><i>District of Saanich</i> City of Campbell River Regional District of Central Okanagan City of Langford District of North Vancouver City of Kelowna</p>

7. QEP Reports – Are there specific reporting criteria?

No official criteria	Specific guidelines
<p><i>District of Saanich</i> District of North Vancouver City of Kelowna District of West Vancouver City of Surrey City of Langford City of Campbell River</p>	<p>Regional District of Central Okanagan Cowichan Valley Regional District City of Nanaimo</p>

7. QEP Reports – Are QEP reports automatically accepted?

No, local governments can require changes to or reject QEP reports	Yes
<p><i>District of Saanich</i></p> <p>District of North Vancouver</p> <p>City of Kelowna</p> <p>District of West Vancouver</p> <p>City of Nanaimo</p> <p>City of Langford</p> <p>Regional District of Central Okanagan</p> <p>Cowichan Valley Regional District</p> <p>City of Campbell River</p> <p>City of Surrey</p>	

8. Leading by Example – Do other municipalities require themselves to get a Development Permit (DP) for capital projects?

Do not require a DP (but follow own procedures and guidelines)	Requires a DP
<p><i>District of Saanich</i></p> <p>City of Campbell River</p> <p>Regional District of Central Okanagan</p> <p>City of Langford</p> <p>City of Surrey</p> <p>City of Nanaimo</p>	<p>City of Kelowna</p> <p>District of North Vancouver</p> <p>Cowichan Valley Regional District</p> <p>District of West Vancouver</p>

9. Landowner Incentives – Do local governments have the option to provide development variances?

Yes, they consider development variances or bonus options such as density or height	No
<p><i>District of Saanich</i></p> <p>District of North Vancouver</p> <p>City of Kelowna</p> <p>District of West Vancouver</p> <p>City of Nanaimo</p> <p>City of Langford</p> <p>Regional District of Central Okanagan</p> <p>Cowichan Valley Regional District</p> <p>City of Campbell River</p> <p>City of Surrey</p>	

9 Appendix C – Open House Boards



WHAT ARE DEVELOPMENT PERMIT AREAS?

Development Permit Areas (DPAs) are development regulations that apply to certain areas specified in the Official Community Plan. The Local Government Act authorizes local governments to designate DPAs for 10 different purposes.

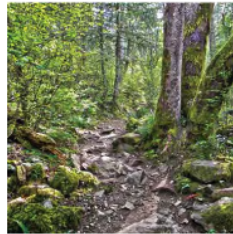
HOW DO DPAs AFFECT ME?

Where a DPA applies, the local government can issue a development permit that includes requirements and conditions or sets standards for the type and extent of development activities that can occur on a site, as well as conditions for the sequence and timing of construction.

In a DPA, a development permit is required to subdivide; construct, add to, or alter a building; or to alter land (e.g., change the grade). The local government can make exemptions by specifying conditions under which a development permit is not required.

WHAT DO ENVIRONMENTAL DPAs PROTECT?

The terms used to describe environmental areas of concern vary. The Saanich EDPA protects “environmentally significant areas”. Terms used elsewhere include “environmentally sensitive areas”, “ecologically sensitive areas”, “sensitive terrestrial ecosystem”, and “sensitive ecosystems”. Examples of the values protected under these umbrella terms include forests, wetlands, watercourses, grasslands, green infrastructure areas, marine backshores, or habitat features (e.g. nests, dens, hibernacula) important to wildlife.



WHY ENVIRONMENTAL DPAs?

Environmental DPAs are designated for the protection of the natural environment, its ecosystems, and biological diversity. EDPA's enable local governments to regulate development on private land, recognizing that there are environmental values on private land that benefit society as a whole. Protection of the natural environment can help reduce infrastructure costs, improve health, and provide other services for the public good (e.g. flood mitigation, clean air and water).

Environmental DPAs provide an opportunity to protect Environmentally Significant Areas (ESAs) at the time of development. Examples of other complementary tools that encourage ongoing protection of ESAs include streamside DPAs, education, stewardship programs, voluntary conservation covenants, and tree protection bylaws.

SAANICH'S ENVIRONMENTAL DPA


The objectives of the Saanich EDPA are to ‘protect the areas of highest biodiversity within Saanich’, ‘require mitigation during development’ and ‘require restoration to damaged or degraded ecosystems during development’.

The Saanich EDPA includes five types of ESAs:

- 1) Wildlife Trees
- 2) Sensitive Ecosystems
- 3) Isolated Wetlands and Watercourses
- 4) Marine Backshore
- 5) Habitat of Rare & Endangered Plants, Animals, & Ecosystems

Introduction






HOW TO SHARE YOUR OPINION

Please ensure you get a survey from one of our team members. The boards in the room will provide you with information, and present a range of options associated with each theme.

As you walk around the room, note this symbol



The symbol will refer you to specific questions in your survey.


HOW WILL YOUR FEEDBACK BE USED?

The feedback you provide in your survey will be used to inform our final report to Council. Our final report will contain recommendations on how to improve the EDPA, and will be based on Best Management Practices, our comparison of relevant municipalities, and feedback from the public and other stakeholders.


WHERE ARE YOU FROM?

We would like to understand where people attending the open house have come from.

Please place your sticker where you live.



We need your input!





OVERVIEW OF THE REVIEW PROCESS

Since January, Diamond Head Consulting has been undertaking an independent review of the District of Saanich's Environmental Development Permit Area (EDPA) Bylaw.

The purpose of our work is to provide recommendations to improve the Environmental Development Permit Area Bylaw and support land stewardship of Environmentally Significant Areas in Saanich.

WHAT HAVE WE BEEN DOING?

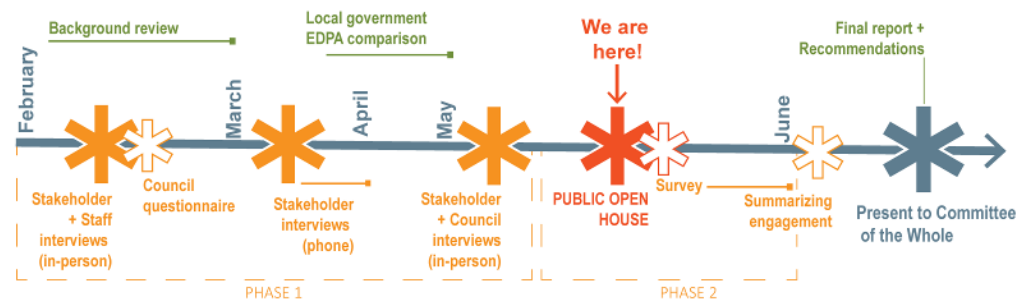
Diamond Head has been reviewing the documentation provided by the District of Saanich regarding its EDPA process, engaging with the public and stakeholders, speaking with other municipalities, and reviewing Best Management Practices reports.

This timeline illustrates where we are in the review process, and provides a cursory overview of the phases in the EDPA Review.



The following local governments were interviewed to provide a comparison of EDPA policy and implementation:

- District of North Vancouver
- City of Langford
- District of West Vancouver
- City of Campbell River
- City of Nanaimo
- City of Surrey
- City of Kelowna
- Regional District of Central Okanagan
- Cowichan Valley Regional District



During this part of the engagement, we spoke with and received written submissions from the following stakeholders.



- Council members
- Saanich Citizens for a Responsible EDPA Society (SCRES)
- Saanich Advocates for the Environment (SAFE)
- Environment and Natural Areas Advisory Committee



- Biologists who submitted correspondence to Council
- Environmental professionals
- Other relevant professionals
- Additional Neighbourhood Associations

The interviews were conducted to get a better understanding of the main issues with the current EDPA, and to identify objectives and preferred solutions for improving it.



The goal of this open house and survey is to get a sense of people's preferences on a number of options that could be considered to improve the EDPA.

The survey results, along with the outcomes of the first phase of engagement, will inform the discussion and final recommendations in our report.

EDPA Independent Review Process





WHAT POLICY GUIDES ENVIRONMENTAL DEVELOPMENT PERMIT AREAS (EDPA)?

A local government's environmental policy is broadly outlined in its Official Community Plan (OCP). On the ground, environmental protection and enhancement is implemented by tools such as Bylaws, Development Permit Areas and stewardship programs.

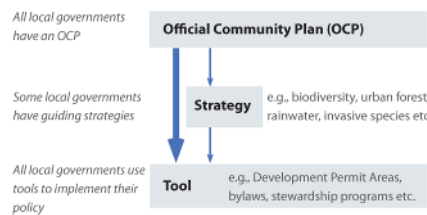
Some local governments develop strategies to provide a more comprehensive basis for environmental policy decisions. Strategies provide more direction for environmental protection and enhancement efforts on public and private land. For example, a 'Biodiversity Conservation Strategy' takes a science-based approach to manage environmental values by looking at local and regional habitat connectivity to create a framework for future development and conservation.

Strategies provide a vision, goals and measurable objectives for what the Local Government is trying to achieve over the long term and gives stronger support for specific land use decisions.

WHAT WE HEARD IN SAANICH

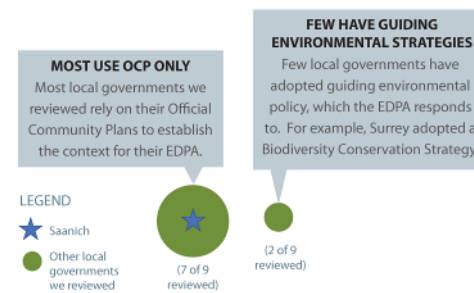
People seem to agree that clearer justification, goals and measurable objectives are needed for environmental protection, restoration and connectivity in Saanich.

People seem to disagree about whether or not the Environmental DPA is being implemented as intended by the Saanich OCP.



WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

What policy is guiding the EDPA?



OPTIONS FOR YOUR FEEDBACK

On guiding policy...

A. MAINTAIN STATUS QUO

Rely on the Official Community Plan only to describe the special contributions or objectives that justify the DPA designation.

B. DEVELOP A BIODIVERSITY CONSERVATION STRATEGY

Develop a science-based Biodiversity Conservation Strategy, in collaboration with the community, that provides a basis for policy decisions to protect Environmentally Significant Areas in Saanich.

WHICH OPTION WOULD YOU PREFER?
Please tell us by completing question 1 on your survey

1. Guiding Policy

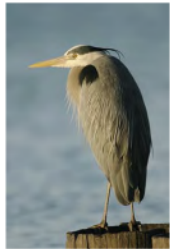




WHAT ARE THE OBJECTIVES OF ENVIRONMENTAL DPAs?

Local governments can use EDPAs to protect the natural environment, its ecosystems and biological diversity. The areas defined for protection and the EDPA objectives typically reflect the local context, including land use and types of natural areas as described in guiding policy.

The decision on what to protect within an EDPA is made through the democratic political process of developing the Official Community Plan. These decisions are usually informed by community values, science and expertise from Qualified Environmental Professionals, municipal staff, and other stakeholders.



In Saanich, areas protected in the EDPA are termed 'Environmentally Significant Areas' (ESAs) with objectives to:

- Protect the areas of highest biodiversity within Saanich
- Require mitigation during development
- Require restoration to damaged or degraded ecosystems during development

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?



Based on our review, local governments adopt a broad range of objectives within their EDPAs. These objectives typically reflect the policies outlined within each local government's Official Community Plan.

WHAT WE HEARD IN SAANICH

People seem to agree that Environmentally Significant Areas should be clearly defined and protected.

People seem to disagree about what is Environmentally Significant, and what objectives the EDPA aims to achieve.

OPTIONS FOR YOUR FEEDBACK

On the objectives for the EDPA...

A. MAINTAIN STATUS QUO

Retain the current EDPA objectives.

B. EXPAND THE EDPA OBJECTIVES TO ADDRESS ONE OR MORE OF THE FOLLOWING POLICIES FROM THE OCP

(Choose all that apply)

- Protect and restore habitats that support native species of plants and animals and address threats to biodiversity such as invasive species.
- Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems.
- Protect and enhance marine, intertidal, backshore, wetland and riparian habitats.
- Encourage the retention or planting of native vegetation in the coastal riparian zone.
- Link environmentally sensitive areas and greenspaces.
- Preserve "micro-ecosystems" as part of proposed development applications.
- Incorporate climate change, its potential impacts, and mitigation measures when reviewing new development applications.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 2 on your survey

2. Defining Objectives for Protection





WHEN AND WHERE DOES THE EDPA APPLY?

Environmental development permits are only required during development. Development is generally defined as construction on or subdivision of property, in addition to some activities resulting in land alteration. The local government can define what is meant by land alteration, and can allow exemptions for certain activities. For example, yard maintenance in existing landscaped areas and minor soil disturbances and plantings are often exempt.

Local governments may choose to tailor where their EDPA applies, for example, to reflect land use development patterns or the location of specific values. Others take a conservative approach and apply their EDPA to an entire area to ensure potential environmental values are always considered during development. In Saanich, the EDPA applies to development on private land wherever ESAs are mapped, except within the Agricultural Land Reserve or if an activity is exempt.

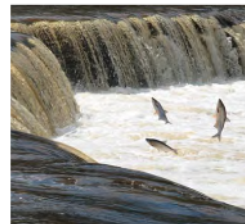
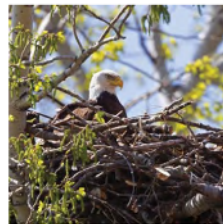
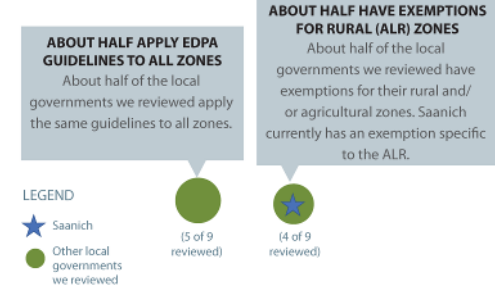
WHAT WE HEARD IN SAANICH

People seem to agree that Environmentally Significant Areas should be protected from development.

People seem to disagree about whether the EDPA should apply in certain areas such as single family residential or rural zonings.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Where do EDPAs apply?



OPTIONS FOR YOUR FEEDBACK

On where the EDPA should apply...

A. MAINTAIN STATUS QUO

Apply existing EDPA guidelines across all zones except Agricultural Land Reserve.

B. DEVELOP GUIDELINES FOR SPECIFIC ZONINGS

Develop guidelines that are specific to certain zones (e.g. single family dwelling or rural zone types) that differentiate the permit requirements and create more flexibility for small-scale development and rural land use activities.

C. EXEMPT SPECIFIC ZONINGS

Exempt specific zoning (e.g., single family dwelling zones) from the EDPA.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 3 on your survey

3. Applying the EDPA





WHAT IS ENVIRONMENTAL DPA MAPPING FOR?

Local governments often use mapping to identify the Environmentally Significant Areas (ESAs) protected in the EDPA. Usually, maps are based on existing inventories such as the Provincial Sensitive Ecosystem Inventory (SEI), the BC Conservation Data Centre (CDC), or other sources.

Due to the high costs of ground surveys, inventory mapping is primarily based on air photo interpretation with limited ground-truthing. Accuracy can be variable, particularly when looking at the scale of an individual property. EDPA mapping is often infrequently updated, and usually only when development occurs or during OCP reviews.

As a result, most local governments use their mapping as a generalized 'flagging tool' to identify locations where ESAs are likely to be found. When a property is flagged, staff will determine whether a development permit and a more detailed report by a Qualified Environmental Professional (QEP) are required to verify the EDPA boundary. The accepted QEP report then provides the precise EDPA boundary which will go on the property title. The OCP mapping boundary often remains unchanged.

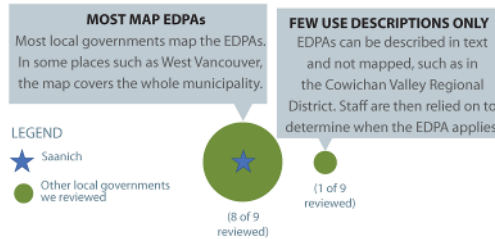
WHAT WE HEARD IN SAANICH

People seem to agree that current mapping is inaccurate at the individual property scale.

People seem to disagree about whether or not the mapping represents a hard line beyond which usage of a person's property is restricted, and whether it will have a substantial impact on property value.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Are EDPAs mapped?

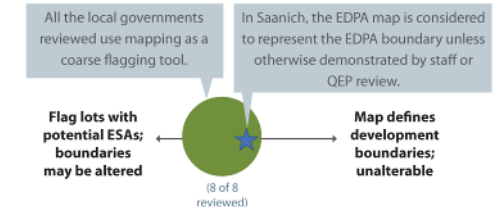


What is the base mapping used for terrestrial ecosystems, and is it ground-truthed?

All EDPAs we reviewed use similar base mapping to Saanich's, with no further ground-truthing to establish the EDPA boundary.



How is mapping used for development applications?



OPTIONS FOR YOUR FEEDBACK

On how the map should be...

A. MAINTAIN STATUS QUO

Retain the EDPA mapping and continue to update it as boundaries are refined.

B. GENERALIZE THE MAPPING

Generalize existing mapping and show it at a coarser scale to emphasize its application as a flagging tool.

C. REMOVE EDPA MAP FROM THE OCP AND DEFINE ENVIRONMENTALLY SIGNIFICANT AREAS WITH TEXT

Remove the EDPA map entirely and rely on descriptive text in the EDPA to define when a property would be flagged for likely containing an Environmentally Significant Area.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 4 on your survey

4. Mapping





WHAT ARE BUFFERS AND SETBACKS?

Setbacks and buffers* are used by local governments to restrict development in certain areas, or manage activities next to an area protected in the EDPA.

Provincial legislation guides the definition of setbacks for riparian areas. Best Management Practices exist to guide buffers around eagle and heron nests. However, it is often up to the local government or a Qualified Environmental Professional (QEP) to determine and rationalize effective setbacks and buffers.

Applying setbacks and buffers to protected defined features is common practice among local government policies. The policies either define their extent (e.g. zoning setbacks), or provide guidance for the QEP to recommend them (e.g. tree protection zone in a Tree Bylaw).

In the Saanich Environmental DPA, buffers apply to sensitive ecosystems (10 m), isolated wetlands/watercourses (10 m) and marine backshore (15 m).

WHAT WE HEARD IN SAANICH

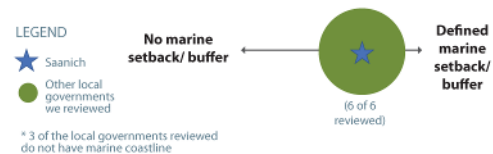
People seem to agree that the marine backshore buffer is too large for some small lots.

People seem to disagree about the use of and justification for buffers around sensitive ecosystems and along the marine backshore.

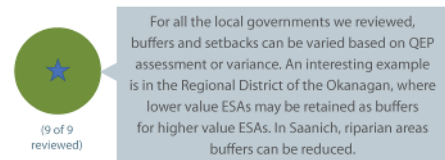
WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Are marine backshore buffers used in other EDPAs?

All the local governments we reviewed apply buffers and/or setbacks to protect their marine ESAs. In Campbell River, there is a minimum 30 m setback from high water mark. Saanich has a 15m marine buffer.*



How are buffers or setbacks determined?



***Buffers** are areas defined around a known feature (e.g. eagle nest) to protect the core feature from 'edge effect'. For example, DPAs to protect the Agricultural Land Reserve often require a 'soft' buffer to intercept pollutants from adjacent land uses.

Setbacks relate to the minimum distance a building or structure must be sited away from a known feature.

OPTIONS FOR YOUR FEEDBACK

On how buffers and/or setbacks should be applied...

A. MAINTAIN STATUS QUO

Retain the current EDPA buffers defined for Sensitive Ecosystems, Isolated Wetlands and Watercourses, and Marine Backshore.

B. RETAIN DEFINED BUFFERS BUT UPDATE GUIDELINES FOR QEP TO RECOMMEND MODIFICATIONS

Retain the buffers in the mapping but allow the QEP to recommend the appropriate buffer and/ or setback distance on a site-by site basis.

C. ELIMINATE DEFINED BUFFERS BUT UPDATE GUIDELINES FOR QEP TO RECOMMEND APPROPRIATE BUFFERS AND/ OR SETBACKS

Eliminate the buffers from the mapping but update the guidelines to reflect that the QEP should recommend appropriate buffers and/ or setback on a site-by-site basis.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 5 on your survey

5. Setbacks and Buffers





WHAT DOES RESTORATION INCLUDE IN ENVIRONMENTAL DPAs?

Natural areas in urban environments are often degraded due to human use and development, and other disturbances such as the introduction of non-native plants.

Local governments can require restoration in development permits under certain circumstances. Restoration can include activities such as invasive species removal, planting of native species and restoring altered hydrology.

The extent of restoration required by local governments often varies with the size of the proposed development or condition of the ESA. Restoration can be required to correct damage that occurred prior to the development permit application, and/or damage that occurred as a result of development.

WHAT WE HEARD IN SAANICH

People seem to agree that restoration should not always be required as a condition of development, and that there is a cost to the landowners when it is required.

People seem to disagree about the intent of the Environmental DPA in terms of the extent of restoration that should be required and whether it should be required for degradation caused prior to development.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

When could restoration be required?

RESTORATION WHEN DAMAGE IS CAUSED BY DEVELOPMENT

About half the local governments we reviewed require restoration only when the damage is caused by development. For example the Cowichan Valley Regional District expects ESAs to be restored to pre-development conditions.

RESTORATION REGARDLESS OF WHEN DAMAGE OCCURRED

About half the local governments we reviewed, such as Nanaimo, might require revegetation and restoration regardless of when damage occurred.

LEGEND

- ★ Saanich
- Other local governments we reviewed



How is the level of restoration determined?

MOST FOLLOW NO NET LOSS OR NET GAIN PROVISIONS

Most of the local governments we reviewed determine the level of restoration based on a no net loss (or, more rarely, a net gain) provision. For example, the District of North Vancouver typically required replacing trees using compensation ratios.

FEW REQUIRE RESTORATION BASED ON ESAs RANKING

The Regional District of Central Okanagan determines the level of restoration based on condition of the ESA; low quality ESAs are not considered candidates for restoration.



OPTIONS FOR YOUR FEEDBACK

On the extent of restoration required...

A. MAINTAIN STATUS QUO

Restoration is determined collaboratively by the QEP, staff, landowners and other stakeholders based on a review of the development.

B. RESTORATION REQUIREMENTS ARE BASED ON DEFINED CONDITION CLASSES

The restoration requirement for each site is determined based on the QEP assessment and pre-defined condition classes.

C. RESTORATION REQUIREMENTS ARE BASED ON SCALE OF DEVELOPMENT

The restoration requirement for each site is determined based on the scale of development.

On when restoration is required...

A. MAINTAIN STATUS QUO

Restoration can be required for pre-existing or development related damage.

B. REQUIRE ONSITE RESTORATION ONLY WHEN DEVELOPMENT INFRINGES ON THE EDPA

Restoration is only required when development impacts an ESA or buffer zone.

WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 6 on your survey

6. Restoration





WHAT IS THE ROLE OF QEP REPORTS?

When a development application is received by a local government, they can require development approval information. Sometimes a report completed by a Qualified Environmental Professional (QEP) may be needed to verify the EDPA boundary and provide recommendations to mitigate impact to the ESA. The QEP recommendations accepted by the local government then become conditions of the development permit.

Some local governments have very specific requirements or standards for reporting, while others leave much to the discretion of the QEP. In either case, QEP reports are submitted to local government staff for review. If staff find that the report is not adequate, they often work with the applicant and QEP to resolve the issues, request a peer review or, if issues are not otherwise resolved, can reject the application. Applicants are entitled to have the local government reconsider the decision of an officer or employee without charge.

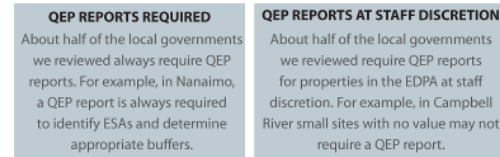
WHAT WE HEARD IN SAANICH

People seem to agree that field verification by a QEP can show that a development is outside the ESA and therefore exempt (exemption 14).

People seem to disagree about the standard for QEPs to use when assessing ESA boundaries and the application/ interpretation of the provincial SEI methodology for identifying ESAs in Saanich.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

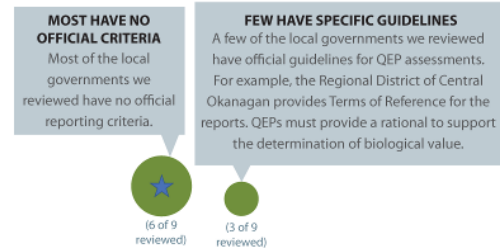
Are QEP reports *always* required?



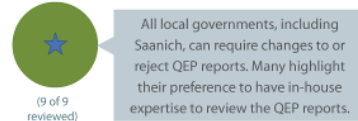
LEGEND



Are there specific reporting criteria?



Are QEP reports automatically accepted?



OPTIONS FOR YOUR FEEDBACK

On assessment standards for QEPs...

A. MAINTAIN STATUS QUO

Rely on the guidelines in the EDPA (draft assessment guidelines exist for Sensitive Ecosystems but have not been finalized or adopted).

B. DEVELOP QEP ASSESSMENT STANDARDS

Develop assessment standards for QEPs to define the assessment method for Environmentally Significant Areas and boundaries.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 7 on your survey

7. QEP Reports





WHAT DOES IT MEAN TO LEAD BY EXAMPLE?

Local governments can lead by example by meeting or exceeding the development standards that they ask private landowners to follow, demonstrating environmental stewardship on public land and by supporting landowner stewardship on private land.

Local governments frequently undertake development activities on public land. Capital projects are opportunities to demonstrate environmental best practices. In some cases, local governments require their own projects go through an EDPA process. Other local governments exempt themselves but may have other equivalent standards in place.

Public land often safeguards the largest and most valuable Environmentally Significant Areas (ESAs). Local governments can demonstrate good stewardship through programs such as treatment of invasive species, native plant restoration, tree planting and stream restoration.

Public programs that support landowner stewardship on private land also demonstrate leadership and increase capacity within the community to protect environmental values.

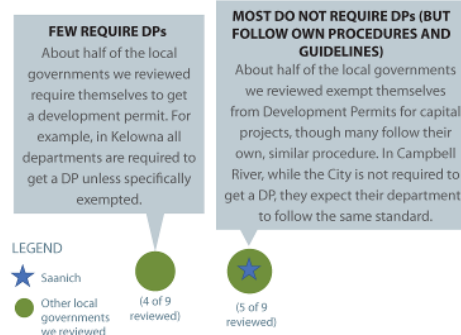
WHAT WE HEARD IN SAANICH

People seem to agree that the District of Saanich could do more to lead by example when it comes to working in and around Environmentally Significant Areas; and to encourage stewardship.

People seem to disagree about whether or not the District follows a process equivalent to the Environmental DPA for public works projects.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Do other municipalities require themselves to get a Development Permit (DP) for capital projects?



OPTIONS FOR YOUR FEEDBACK

On capital projects in and around ESAs...

A. MAINTAIN STATUS QUO

The District of Saanich is exempt from the EDPA.

B. MAINTAIN DISTRICT EXEMPTION FROM THE EDPA BUT REQUIRE AN EQUIVALENT INTERNAL POLICY

Update the EDPA to refer to a District policy that outlines procedures to be followed when undertaking municipal works and services, such as an "Environmental Management Strategy" for Municipal Operations.

C. REMOVE DISTRICT EXEMPTION FROM THE EDPA

Remove Exemption 2 so that the District must apply for a development permit for municipal works and services within the EDPA.

WHICH OPTION WOULD YOU PREFER?
Please tell us by completing question 8 on your survey

8. Leading by Example





WHAT INCENTIVES CAN BE INCORPORATED INTO ENVIRONMENTAL DPAs?

Providing incentives for environmental protection during development creates opportunities for cooperation with landowners through the EDPA process.

Zoning Bylaws can allow clustering or include conditions for amenity density bonuses, which allow a development to exceed the allowable Floor Area Ratio in exchange for amenities needed by the community. Density bonuses are voluntary and involve an exchange between the local government and land developers. For example, if a land developer is subdividing a large parcel, they could cluster their development on a portion of the property to avoid a sensitive ecosystem. They receive this density bonus in return for placing a conservation covenant on the remaining property, creating parkland, or restoring degraded ecosystems. Other forms of flexibility can also be built into the Zoning Bylaw, such as provisions for varying setbacks.

WHAT WE HEARD IN SAANICH

People seem to agree that it would be beneficial to have more flexibility to provide incentives for environmental protection during development.

People seem to disagree about how much flexibility exists for landowners in the current EDPA process.

WHAT ARE OTHER LOCAL GOVERNMENTS DOING?

Do local governments have the option to provide development variances?



LEGEND

- ★ Saanich
- Other local governments we reviewed

All local governments we reviewed will consider development variances or bonus options such as density or height in exchange for the protection of ESAs. In Kelowna, the City will work with developers to relax zoning, increase density and provide bonuses where possible. In Campbell River, development clusters are encouraged and density increases may be permitted. There are also flex provisions.



OPTIONS FOR YOUR FEEDBACK

On incentives to protect ESAs...

A. MAINTAIN STATUS QUO

Maintain the status quo whereby density could be transferred in exchange for parkland. This has occurred infrequently in the past.

B. UPDATE THE EDPA TO ENCOURAGE CLUSTERING DEVELOPMENT AND OPTIONS FOR APPLYING DENSITY BONUSES IN THE EDPA PROCESS

Encourage clustering development in the EDPA guidelines and increase options for density bonuses in exchange for restoration of historically degraded ESAs, conservation covenants or creating parkland.

C. INTEGRATE THE EDPA INTO THE ZONING BYLAW TO DEFINE SETBACKS (AND PROVISIONS FOR VARYING THEM), AND CONDITIONS FOR DENSITY BONUSES

Remove part or all of the EDPA from the OCP and place it in the Zoning Bylaw, which will define setbacks from ESAs, provisions for varying them and set out the conditions for density bonuses.



WHICH OPTION WOULD YOU PREFER?

Please tell us by completing question 9 on your survey

9. Landowner Incentives



10 Appendix D – Open House Survey

District of Saanich – Environmental Development Permit Area Review Feedback Survey

Welcome to Diamond Head Consulting’s third party review of the District of Saanich’s Environmental Development Permit Area (EDPA).

- i) What is your Postal Code? _____
- ii) Do you live within the EDPA? Yes No
- iii) Do you own property within the EDPA? Yes No

Instructions

Circle the option (A, B, or C) that best represents your preferences. Question numbers correspond to the board number they are referencing, which contain additional information (For Example: Question 1 refers to board 1 – Guiding Policy).

1. Guiding policy (Circle A or B)

- A. Maintain status quo
- B. Develop a biodiversity conservation strategy

Comments _____

2. Defining objectives for protection (Circle A or B)

- A. Maintain status quo
- B. Expand the EDPA objectives to address one or more of the following policies from the OCP (check all that you would support)
 - Protect and restore habitats that support native species of plants and animals and address threats to biodiversity such as invasive species
 - Protect and restore rare and endangered species habitat and ecosystems, particularly those associated with Garry Oak ecosystems
 - Protect and enhance marine, intertidal, backshore, wetland, and riparian habitats
 - Encourage the retention or planting of native vegetation in the coastal riparian zone.
 - Link environmentally sensitive areas and greenspaces
 - Preserve “micro-ecosystems” as part of proposed development applications
 - Incorporate climate change, its potential impacts, and mitigation measures when reviewing new development applications

Comments _____

3. Applying the EDPA (Circle A, B or C)

- A. Maintain status quo
- B. Develop guidelines for specific zonings
- C. Exempt specific zonings

Comments _____

List of Acronyms

EDPA – Environmental
Development
Permit Area
ESA – Environmentally
Significant Area
OCP – Official
Community Plan
QEP – Qualified
Environmental
Professional

4. Mapping (Circle A, B, or C)

- A. Maintain status quo
- B. Generalize the mapping
- C. Remove EDPA map from the OCP and define Environmentally Significant Areas (ESAs) with text

Comments _____

5. Setbacks and Buffers (Circle A, B, or C)

- A. Maintain status quo
- B. Retain defined buffers but update guidelines for QEP to recommend modifications
- C. Eliminate defined buffers but update guidelines for QEP to recommend appropriate buffers and/or setbacks

Comments _____

6.1 Restoration – Extent of Restoration (Circle A, B, or C)

- A. Maintain status quo
- B. Restoration requirements are based on defined condition classes
- C. Restoration requirements are based on the scale of development

Comments _____

6.2. Restoration – When restoration is required (Circle A or B)

- A. Maintain status quo
- B. Require onsite restoration only when development infringes on the EDPA

Comments _____

7. QEP Reports (Circle A or B)

- A. Maintain status quo
- B. Develop QEP assessment standards

Comments _____

8. Leading by example (Circle A, B, or C)

- A. Maintain status quo
- B. Maintain district exemption from the EDPA but require an equivalent internal policy
- C. Remove district exemption from the EDPA

Comments _____

9. Landowner incentives (Circle A, B, or C)

- A. Maintain status quo
- B. Update the EDPA to encourage clustering development and options for applying density bonuses in the EDPA process
- C. Integrate the EDPA into the zoning bylaw to define setbacks (and provisions for varying them), and conditions for density bonuses

Comments _____

Thank you for your time and opinion. The survey results, along with the outcomes of the first phase of engagement, will inform the discussion and final recommendations in our report.